

AGENDA
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

DATE: March 1, 2017
TIME: Regular Session -12:00 PM
PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. **Call to Order Regular Session at 12:00 P.M. and Roll Call**
2. **Pledge of Allegiance**
3. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

4. **New Business**
 - a. Consideration of approval of Resolution 2017-04, a resolution of the Board of Commissioners of the Humboldt Bay Harbor Recreation and Conservation District to reschedule election of governing board member.
5. **Adjournment**

Humboldt Bay Harbor District

BOARD OF COMMISSIONERS

March 1, 2017

TYPE OF ITEM: **ACTION**

ITEM: 4a. **Consider Approval of Resolution 2017-04 to Reschedule Election of Governing Board Members in Compliance with Senate Bill 415 to Consolidate with Statewide Election Dates**

PRESENTED BY: **Jack Crider, Executive Director**

TYPE OF ACTION: **Roll Call Vote**

Recommendation:

Staff recommends that the Board adopt Resolution 2017-04 consolidating the election for governing Board Members with Statewide General Elections and approving rescheduling of elections from odd to even numbered years commencing with the November, 2017 election.

Discussion:

On September 1, 2015, Governor Jerry Brown signed Senate Bill No. 415 (SB 415), **Attachment 1**, Voter Participation, into law adding sections 14050-14057 to the California Elections Code.

The public policy behind SB 415 was to address waning civic engagement in politics as illustrated by declining voter turnout in federal, state and municipal elections. A major contributing factor to low voter turnout, the timing of elections, could be addressed by synchronizing city/town elections with even-year state elections.

Humboldt Bay Harbor District (District) currently holds general elections in November of odd-numbered years for five (5) Members of the Board (staggered terms), with each member serving a term of four (4) years.

SB 415 prohibits a local government from holding an election other than on a statewide election date if holding an election on a nonconcurrent date (i.e. election date other than November of even numbered years), has previously resulted in significant decrease in voter turnout. A "significant decrease in voter turnout" is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that district for the previous four (4) statewide general elections.

It is not clear that voter turnout for the District has been so low previously in District elections that the District *must* comply with this Act now, but it is likely because the Act simply refers to **any** previous election with a voter turnout of

twenty-five percent (25%) less than average voter turnout within that district for the previous four statewide general elections.

Elections Code section 1303(b) allows a special district to require, by resolution, that its elections of board members be held on the same day as the statewide general election pursuant to Elections code section 10404.

Elections Code Section 10404(i) limits increases or decreases to terms of office to an extension *up to but not beyond* December 31 of the following year (essentially, twelve months). Pushing out the election from 2017 to 2018 and in turn, 2019 to 2020, would ensure compliance with the above stated new provisions of the Elections Code. In order to reschedule the 2017 election to 2018, the Humboldt County Board of Supervisors must receive a Resolution by the Board no later than March 10, 2017.

Another potential alternative under SB 415 is to conduct the Election in November 2017, but the Board must adopt a plan on or before January 1, 2018, for the future extension or reduction of all Board Member terms to get on an even number election cycle.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

Potential savings to the District over time due to consolidation with Statewide general election and reduction in ballot preparation costs.

One-time expense to the District for Humboldt County Elections office to mail notification of approval of change of the election date to voters/District constituents, if approved by the Humboldt County Board of Supervisors.

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Senate Bill 415
- Attachment 2 – Resolution 2017-04



Senate Bill No. 415

CHAPTER 235

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

[Approved by Governor September 1, 2015. Filed with Secretary of State September 1, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 415, Hueso. Voter participation.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to file an action in superior court to enforce this prohibition, and it would allow a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.7 (commencing with Section 14050) is added to Division 14 of the Elections Code, to read:

CHAPTER 1.7. VOTER PARTICIPATION

14050. This chapter shall be known and may be cited as the California Voter Participation Rights Act.

14051. As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited

to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) "Significant decrease in voter turnout" means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) "Voter turnout" means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

14052. (a) Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout.

(b) A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

14053. Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.

14054. In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

14055. A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.

14056. This chapter does not apply to special elections.

14057. This chapter shall become operative on January 1, 2018.

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION 2017-04

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT
TO RESCHEDULE ELECTION OF GOVERNING BOARD MEMBERS**

- A. WHEREAS**, the Humboldt Bay Harbor District ("District") is a Community Services District organized and operating entirely within the County of Humboldt pursuant to California Government Code section 61000 et seq; and
- B. WHEREAS**, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein "the Act")) to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, was approved by the California Governor and filed with the Secretary of State on September 1, 2015; and
- C. WHEREAS**, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (i.e. "off-cycle") if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly scheduled election in the political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous four statewide general elections; and
- D. WHEREAS**, the current date for election of members of the Board of Commissioners of the District is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g. November 2017 and 2019); and
- E. WHEREAS**, statewide general elections are held in California only in June and November of even-numbered years (e.g. next election June and November 2018) (Elections Code section 1001); and
- F. WHEREAS**, generally voter turnout is greater for statewide general elections than for local elections, including special district board member elections held in November of odd-numbered years; and
- G. WHEREAS**, the Board wishes to increase voter participation in elections for Board members; and
- H. WHEREAS**, the District may achieve a savings in the cost of its elections, if the District's elections are consolidated with the statewide general elections; and
- I. WHEREAS**, as a result of these facts, the Board desires to change the date of future board member elections to be consolidated with the California statewide general election in order to save public funds and provide greater voter input into school board elections; and
- J. WHEREAS**, the elections and terms of office for board members are determined pursuant to the Uniform District Elections Law (Elections Code section 10500 et seq.);

K. WHEREAS, the District is authorized by section 10404 of the Elections Code to adopt a resolution requiring that its Board-member elections be held on the same day as the statewide general elections; and

L. WHEREAS, if the change in election date is approved, it is requested that the new election date be moved from the first Tuesday after the first Monday in November 2017 to the first Tuesday after the first Monday in November 2018 with board members whose terms would have expired in 2017 being extended to 2018 and board members whose terms would have expired in 2019 being extended to 2020, as required by Elections Code section 10404(i).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Humboldt Bay Harbor District does hereby find, determine and/or declare, as follows:

1. Each of the foregoing is true and correct.

2. The Board of Commissioners declares its intent to adopt this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even-numbered years (Elections Code section 1001) pursuant to Elections Code section 10404(b).

3. The Board Secretary will forward this resolution to the Humboldt County Board of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a public meeting held within 60 days after submission and after the resolution has been posted in accordance with the law.

4. The Board Secretary will notify the Humboldt County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Humboldt County Board of Supervisors as required by Elections Code 10404(f).

5. If the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to the first Tuesday after the first Monday in November 2018 and each subsequent board member election will be held two years thereafter in November of even years.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Commissioners of the Humboldt Bay Harbor District on March 1, 2017 by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Marks
Board President

Attest:

Patrick Higgins, Board Secretary