

**SHANDON-SAN JUAN WATER DISTRICT  
SHANDON-SAN JUAN GROUNDWATER SUSTAINABILITY AGENCY**

**RESOLUTION 21-002  
RESOLUTION ANNOUNCING THE NOVEMBER 2021 DISTRICT ELECTION AND  
PROCEDURES RELATED HERETO**

**WHEREAS,** *Water Code* §34025 provides that the District is required to conduct its election on the first Tuesday after the first Monday in November in each odd-numbered year, which will be November 2, 2021; and

**WHEREAS,** *Water Code* §35100 provides that the District's elections are to be conducted in conformity with the *Uniform District Election Law – Elections Code* §10500 et seq.; and

**WHEREAS,** Directors Sinton, Director Miller and Director Peck currently occupy and hold three seats on the District's Board of Directors, and their terms are set to expire at noon on December 3, 2021; and

**WHEREAS,** an election is to be held on November 2, 2021 be with respect to Directors Sinton, Director Miller and Director Peck's Board seats, should said election become necessary;

**NOW, THEREFORE, BE IT RESOLVED** that the District shall utilize the following schedule and procedures for implementing and carrying out the November 2, 2021 election:

1. The District shall carry out this election to the fullest extent possible, and the District's Secretary shall serve as the Election Official.

2. On June 30, 2021, the District's Secretary shall cause to be delivered Notice to the County Elections Official setting forth the following: (1) the elective offices to be filled in the election, and (2) which offices are to be filled for the balance of an unexpired term (if any). The Notice shall also include a map or description of the boundaries of the District and/or Division for which the election is to be held. (*Elections Code* §10524). Furthermore, the Notice shall set forth whether the candidate is to pay for the publication of a statement of qualifications. (*Elections Code* §10509)

3. On no earlier than July 5, 2021 but no later than August 4, 2021, the District shall cause a Notice of Election to be published in a newspaper of general circulation published in the District or, if none exists, in a newspaper having general circulation within the District that is published in any affected County in the District. This Notice shall include the following: (1) the date of the election; (2) the name of each office for which candidates may file; (3) a list and description of qualifications required by the *Water Code* for each office; (4) a statement setting forth the location where Official Declarations of Candidacy Forms for eligible candidates may be obtained from the Elections Official (i.e., the District Secretary); (5) The office where completed Official Declaration of Candidacy Forms are required to be filed (i.e., with the District Secretary) and the final date and

time for submitting completed Official Declaration of Candidacy Forms; and (6) a statement that appointment to each elective office will be made pursuant to *Elections Code* §10515 in the event there are no nominees or an insufficient number of nominees for office and a petition for an election is not filed with the elections official within the time period set forth under *Elections Code* §10515. (See *Elections Code* §12112 et seq.; see also *Elections Code* §10515.) In addition to the foregoing, the District's Secretary, by means of a general press release, shall also list and describe the elective offices to be filled by the election and provide a telephone number that the voters may utilize to obtain information regarding filing for the elective offices. (See *Elections Code* §§12112-12113, 10515.) Copies of these publications should be maintained in the District office and a copy of each notice posted in a conspicuous place therein. (*Id.*)

4. The District shall ensure that Official Declaration of Candidacy Forms are available between July 12, 2021 and August 6, 2021, from the Elections Official (i.e., the District Secretary). (See *Elections Code* §10510(a).) Official Declaration of Candidacy Forms shall be filed by no later than 5 p.m. on August 6, 2021 (the "Filing Deadline"), the 88<sup>th</sup> day prior to the election. (See *Id.*; see also *Elections Code* §10516(a).) The Official Declaration of Candidacy Forms may be filed in the District's office during regular hours prior to the Filing Deadline, or filed by certified mail so long as the candidate ensures that it reaches the District's Secretary by no later than the Filing Deadline. (*Id.*) The candidate is not allowed to withdraw his or her Official Declaration of Candidacy after 5 p.m. on August 6, 2021, the 88<sup>th</sup> day prior to the election. (*Id.*) Notwithstanding the previous sentence, the following exception shall apply for each office in which there is an incumbent holding office at the time of the Filing Deadline whenever the incumbent does not file an Official Declaration of Candidacy Form by the Filing Deadline. In such cases, any person other than the incumbent shall have until 5 p.m. on August 11, 2021 to file an Official Declaration of Candidacy Form for the incumbent's elective office, and the deadline to withdraw an Official Declaration of Candidacy Form for that office shall also extend to 5 p.m. on August 11, 2021.

5. If by 5 p.m. on August 11, 2021, the 83<sup>rd</sup> day prior to the election, only one person, or no person, has filed a declaration of candidacy for any elective office to be filled at that election, and a petition signed by 10 percent of the voters, or 50 voters, whichever is smaller, requesting that the election be held has not been presented to the Board, no election shall be held. In such a situation, the District Secretary shall prepare and submit a certificate of these facts to the San Luis Obispo County Board of Supervisors, and request that those persons be appointed to serve as Directors. At its next regular meeting the San Luis Obispo County Board of Supervisors shall appoint those who have filed an Official Declaration of Candidacy Form with the District to the position of Director. In the event no person has filed a Nomination Petition, at its next regular meeting the San Luis Obispo County Board of Supervisors shall appoint any person or persons who would be qualified for the office on the date of the election. (*Elections Code* §10515)

6. In the event it is necessary to hold an election, the District shall enact another resolution setting forth the requirements and procedures for holding such an election. Should any activity be required to be performed prior to the date the District will meet and adopt such a resolution, the District is authorized to perform such steps and acts as are necessary to ensure compliance with California elections law. Should the District be required to conduct an election, the District intends to utilize an all-mailed ballot form of election.

7. The District's officers, employees and consultants are authorized and directed to do all things necessary and appropriate to carry out the foregoing.

**ALL THE FOREGOING**, being on motion of Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ was authorized by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**I HEREBY CERTIFY** that the foregoing is the resolution of said District as duly passed and adopted by said Board of Directors at a meeting thereof duly called and held on this 15<sup>th</sup> day of June, 2021.

WITNESS my hand and seal of said Board of Directors this \_\_\_\_ day of \_\_\_\_, 2021

\_\_\_\_\_  
Stephanie Bertoux  
Secretary/Treasurer of the Board of Directors  
Shandon-San Juan Water District