

# County of Santa Cruz

## ELECTIONS DEPARTMENT

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RICHARD W. BEDAL, COUNTY CLERK  
GAIL L. PELLERIN, ELECTIONS MANAGER

November 1, 2001

AGENDA: November 6, 2001

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street, 5<sup>th</sup> Floor  
Santa Cruz, CA 95060

RE: Resolution Calling January 2002 Election for Depot Hill Geologic Hazard  
Abatement District

Dear Members of the Board:

The Depot Hill Geological Hazard Abatement District (GHAD) did not call its formation election pursuant to state law.

This district is comprised of 18 landowners and was formed by the City of Capitola in December 1997. Four of the five directors were appointed in January 1998 and the fifth director was appointed in May 1998.

Pursuant to Elections Code §10505, since the district was formed in an odd-numbered year, the district's first formation election should have been held in November 1999.

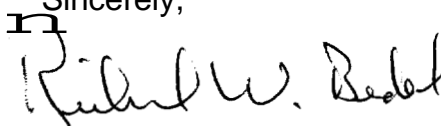
Elections Code §10004 states: "If the governing body of any special district fails to call or to take any other steps necessary to the holding of the regular district election at which any member or members of the governing body of the district are to be selected, the board of supervisors of the county in which the district is located, upon being notified of this fact by any voter in the district, may call a special election within the district for the selection of the governing board member or members involved. The election shall be held not later than 90 days after it is called by the board of supervisors, and shall be conducted in the same manner as the regular district election. The costs of the special election shall be borne by the district for which the election is held."

A voter has notified the Elections Department of the fact that the Depot Hill election had not been called. It is, therefore, the duty of the Board of Supervisors to call an election. The Santa Cruz County Elections Department along with the Depot Hill GHAD have determined that an election for the purpose of electing five (5) board members could be called for January 29, 2002.

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Because this is the first general district election held in this district, the directors that are elected to these positions will divide themselves into a group of three directors and a group of two directors. The terms of the group of 3 directors will be 4 years, and the terms for the group of 2 will be 2 years, in accordance with Elections Code §10505(c). Candidate filing for the five seats on the Depot Hill GHAD will be held from November 13 through December 7. If an incumbent does not file, the deadline will be extended to December 12. If there are an insufficient number of nominees, the candidates will be appointed by your Board in lieu of an election. If fewer than five people file for office, the Depot Hill GHAD may appoint someone to fill that vacancy. If an election needs to be held because there are six or more candidates, it will be conducted by mail with landowners.

Therefore, it is recommended that your Board adopt the attached resolution calling the Depot Hill Geological Hazard Abatement District special formation election of five directors for January 29, 2002.

Sincerely,  
  
Richard W. Bedal  
County Clerk

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

**RESOLUTION NO. \_\_\_\_\_**

On the motion of Supervisor  
Duly seconded by Supervisor  
The following Resolution is adopted:

**RESOLUTION ORDERING SPECIAL ELECTION OF THE  
DEPOT HILL GEOLOGICAL HAZARD ABATEMENT DISTRICT**

**WHEREAS**, If the governing body of any special district fails to call or to take any other steps necessary to the holding of the regular district election at which any member or members of the governing body of the district are to be selected, the board of supervisors of the county in which the district is located, upon being notified of this fact by any voter in the district, may call a special election within the district for the selection of the governing board member or members involved. The election shall be held not later than 90 days after it is called by the board of supervisors, and shall be conducted in the same manner as the regular district election. The costs of the special election shall be borne by the district for which the election is held. (Elections Code Section 10004); and

**WHEREAS**, a voter has notified the Santa Cruz County Elections Department that a formation election of the Depot Hill Geological Hazard Abatement District has not been called since the district was formed by the City of Capitola in December 1997; and

**WHEREAS**, a special formation election of the five directors on the Depot Hill Geological Hazard Abatement District may be held from 7 a.m. to 8 p.m. Tuesday, January 29, 2002; and

**WHEREAS**, the election of the landowners may be held by all-mail ballot pursuant to Elections Code §10502; and

**WHEREAS**, in conducting this election the county elections official may rely upon the list of qualified voters and other information supplied by the district and shall not be required to determine the qualified voters; (Elections Code §10502(b); and

**WHEREAS**, the directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as early equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years; (Elections Code §10505(c).

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Board of Supervisors of the County of Santa Cruz hereby orders an election of the five directors of the Depot Hill Geological Hazard Abatement District on January 29, 2002 from 7 a.m. to 8 p.m.; and

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**BE IT FURTHER RESOLVED AND ORDERED**, that the Board of Supervisors of the County of Santa Cruz hereby permit the county elections official to render specified services to the Depot Hill Geological Hazard District relating to the conduct of the January 29, 2002 election.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 2001, by the following vote:

**AYES:        SUPERVISORS**  
**NOES:       SUPERVISORS**  
**ABSENT:    SUPERVISORS**

\_\_\_\_\_  
Chairperson of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JANE M. SCOTT, Assistant County Counsel