



RURAL NORTH VACAVILLE WATER DISTRICT

POLICY TITLE: Election of Directors and How to Fill a Vacancy
POLICY NUMBER: 1011
ADOPTED: 8-14-18
REVISIONS: 10-11-22

Regular Election of Directors

The Election procedure starts with the following letter from the Solano County Registrar of Voters:

1. RESOLUTION CALLING THE ELECTION

The Rural North Vacaville Water District is required to deliver to the Registrar of Voters, a resolution calling the election no later than 125 days prior to the election. The resolution shall contain the following information:

- The number of offices up for election, along with the date and purpose of the election.
- Candidate statement and number of words (200 words are recommended).
- Whether the candidate or the district will pay for publication of the voluntary candidates' statement to be included in the Voter Information Guide.

2. NOTICE OF GENERAL DISTRICT ELECTION (attached – see below)

- Elections Code 10509 states that the secretary shall deliver a notice to the county elections official. The notice shall bear the Clerk's signature and the district seal.

3. REIMBURSEMENT OF COST

- Elections Code 10520 states that each jurisdiction involved in an election shall reimburse the county for the actual cost. Your jurisdiction will be billed after the election for all costs incurred.
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Attachment:

SAMPLE
NOTICE OF GENERAL DISTRICT ELECTION FOR SPECIAL DISTRICTS
(Elections Code 10509, 10514, 10522)

Rural North Vacaville Water District
DISTRICT NAME

_____ DATE OF ELECTION

The purpose of said election is to elect # _____ board members for a FULL TERM to fill the offices presently held by the following directors whose terms expire _____;

Directors / Board Members qualify by District _____ Division _____ Area _____ At-large _____ and are elected by District _____ Division _____ Area _____ At-Large _____?

	OFFICE HOLDER NAME	OFFICE	TERM OF OFFICE
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____
4)	_____	_____	_____
(5)	_____	_____	_____

The following section applies only if Director/Board member(s) were appointed to fill a vacancy in an office, which is not normally scheduled to be voted on this year.

District will also elect _____ director(s) for a SHORT TERM ending _____.

NAME	AREA	DATE APPOINTED	DIRECTOR REPLACED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Candidates may obtain nomination papers from the Registrar of Voters or District (If papers are obtained at the district, then please provide the district name and address):

_____ **NAME AND ADDRESS**

Notice of Election to be published by in _____
(List Local Newspaper)

CANDIDATE'S STATEMENTS (Check the appropriate box below.)
 (1) District will pay for candidate's statements upon billing OR

(2) Candidates **will pay** estimated cost upon submitting statement

MAP OR BOUNDARY DESCRIPTION (REQUIRED) is enclosed herewith **NO** boundary changes

Last date of map change: _____ **SEE** boundary changes

(DISTRICT SEAL)

SIGNED (DISTRICT SECRETARY)

MAILING ADDRESS

AREA CODE / PHONE NUMBER

Sample Notice of Election from Solano County Registrar of Office which is posted in the local newspaper by the District and is posted on the RNVWD website:

May 10, 20__

Notice is hereby given to all qualified people that an Election will be held in the Rural North Vacaville Water District, in the County of Solano, State of California, on August 29, 2017 in the following jurisdictions:

Rural North Vacaville Water District - At Large – 4-year term – two Directors Rural North Vacaville Water District – At Large – (Short) 2-year term – one Director

All qualified people who wish to become a candidate may file nomination papers with the Registrar of Voters office located at 675 Texas Street, Suite 2600, in Fairfield, CA. The date you may file nomination papers begins _____, 20__ and ends _____, 20__ at 5:00 p.m. To qualify for office, you must be a registered voter, reside in the district and serve on a volunteer basis. Notice is further given that an appointment for these office(s) will be made in the event no candidate has filed or insufficient candidates have filed and a petition for an election is not filed within the time prescribed by law. For further information regarding filing for office, please contact the Registrar of Voters office at 707-784-6675. This election will be conducted as an all Mail-Ballot election – information for voters with disabilities will be posted on our website (www.solanocounty.com/elections) or by calling the Registrar of Voters office at 707-784-6675. All voters who reside in the district and who register by _____, 20__ will receive a ballot at their mailing address of record. Voters can vote in-person at the Registrar of Voters office starting -----, 20__ between the hours of 8:00am and 5:00pm.

Dated _____, 20__

HOW TO FILL A VACANCY

Pursuant to Government Code Section 1770 an office becomes vacant on the happening of any of the following events before the expiration of the term.

- The death of the incumbent
- Incumbent is adjudicated in a quo warrantor proceeding to be physically or mentally incapacitated due to disease, illness or accident.
- His or her resignation
- His or her removal from office
- His or her ceasing to be an inhabitant of the district for which local residence is required by law, of the district for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged
- His or her absence from the state without the permission required by law beyond the period allowed by law
- His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law
- His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgement is entered.
- His or her refusal to file his or her required oath within the time prescribed.
- The decision of a competent tribunal declaring void his or her election or appointment
- His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac inebriate or stimulate addict, but in that event the office shall not be deemed vacant until the order of commitment becomes final

Vacancy Notification - The district shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. Gov Code §1780 (a) and (b)

Action required by Governing Board – The remaining district board members have 60 days immediately subsequent to either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later to either fill the vacancy: a) by appointment or b) by calling a special election Gov Code §1780 (c).

Appointment – If the board decides to appoint someone to fill the vacancy, the board first must post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the appointment is made. Gov Code § 1780 (d) (1)

Sample letter posted on RNVWD website and two other locations; Fire Station on Cantelow Road and the Market by I5.

The RNVWD announces that a vacancy exists on the Board of Directors. The Board of Directors is seeking a qualified applicant to serve as an unpaid appointed Director until December 1, 20___. The Board of Directors will make the appointment at a meeting held at 7:00

p.m. on August 13, 20____, at 4135 Cantelow Road, Vacaville, CA 95688, or during a remote meeting at which meeting applicants must be present.

To be eligible for this position, the applicant must be a registered voter of the Water District. Written resumes and/or statements of qualifications should be submitted to, General Manager, P.O. Box 5097, Vacaville, CA 95696, no later than July 30, 2013. Applicants may contact the General Manager at (707) 447-8420 with questions.

The person appointed shall hold office until the next general district election that is schedules 130 or more days after the date the district board is notified of the vacancy and thereafter until the person elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is schedules 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor Gov Code §1780 (d) (2) (3)

The applicants resume and/or statement of qualifications will be collected and then distributed, if meeting the qualifications above, by the General Manager. The Directors will receive copies of the qualified applications before the meeting designated for appointment as part of the Agenda packet.

The Appointment(s) will be an action item on the Agenda of the meeting designated by the notification letter.

Nomination of Potential Board Members – See Rosenberg’s Rules of Order -The Basic Format for an Agenda Item Discussion

Within 72 hours following an appointment the Clerk of the Board shall notify the Registrar of Voters by adding the name to e-disclosure for their completion of an Incoming Form 700. The Clerk will also submit a updated Statement of Facts to the County of Solano and the State of California. All other entities requiring notification will be contacted, i.e. Insurance, CSDA, etc.

Calling an Election to fill Vacancies – In lieu of making an appointment the remaining members of the board may within 60 days of the date the district is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy Gov Code §1780 (e) (1)

The election shall be held on the next established election date that is 130 or more days after the date the district board calls the election. Gov Code §1780 (e) (2)

Failure to Act – If the vacancy is not filled by the district board by either making an appointment or calling a special election within 60 days of the date the district board is notified of the vacancy of the effective date of the vacancy, whichever is later, the following shall occur within the next 30 days; the city council of the city in which the district is wholly located, of if the district is not wholly located within a city, the Board of Supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy by appointment or may order the district to call an election to fill the vacancy. The election shall be held on the next established election date that is 130 or more days after the date the city council or Board of Supervisors calls the election. Gov Code §1780 (f) (1)

Lack of Quorum to Act within 60 days – If the number of remaining members of the district board falls below a quorum, at the request of the district secretary, or a remaining board member, the Board of Supervisors or the city council may waive the 60 day period during which time the district board is allowed to take action, but is unable to because there is no quorum, and move directly to the 30 day period where the city council or Board of Supervisors may take action.

The council or board may either appoint immediately to fill the vacancy or may call an election to fill the vacancy.

The election shall be held on the next established election date that is 130 or more days after the date the district board calls the election. Gov Code §1780 (g) (2)

The Board of Supervisors or the city council shall only fill enough vacancies to provide the board with a quorum Gov Code §1780 (h) (2)

If the City Council or Board of Supervisors Fails to Act – If within 90 days of the date of the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, and no action has been taken by any governing body to fill the vacancy by appointment or by calling for a special election, the district must call an election to fill the vacancy. Gov Code §1780 (g) (1)

The election shall be held on the next established election date that is 130 or more days after the date the district board calls the election. Gov Cod §1780 (g) (2)

A person appointed to fill a vacancy shall hold office only until the next general district election that is schedules 130 or more days after the date the county elections official is notified of the vacancy and thereafter until the person elected at that election to fill the vacancy has been qualified to fill the vacancy for the remainder of the unexpired term.

Election to Fill a Vacancy – A person elected at an election to fill the vacancy shall hold office for the remainder of the unexpired term. Gov Code §1780 (d) (2)

Term of office for Regular Election– A person elected at a regular election or appointed in-lieu of election takes office at noon on the first Friday in December following his or her election and shall serve for four years. Election Code §10554, 10507 and Gov Code §24200.