

**SYLVAN UNION SCHOOL DISTRICT  
RESOLUTION 2017/2018 - #9 – Page 1**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE SYLVAN UNION SCHOOL  
DISTRICT APPROVING THE RESCHEDULING OF BOARD MEMBER ELECTIONS  
FROM ODD TO EVEN YEAR ELECTIONS**

**WHEREAS**, the current date for election of members of the Governing Board of **Sylvan Union School District** (“District”) is every two (2) years of the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) (Education Code section 5000 and Elections Code section 1302 (a)); and

**WHEREAS**, statewide general elections are held in California only in June and November of even-numbered years (e.g., November 2016) (Elections Code section 1001); and

**WHEREAS**, the District is located within Stanislaus County; and

**WHEREAS**, generally voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years; and

**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

**WHEREAS**, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (e.g., “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 (4) statewide general elections; and

**WHEREAS**, a political subdivision may, however, hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide general election not later than the November 8, 2022, statewide general election; and

**WHEREAS**, the Act authorizes attorney’s fees to a prevailing plaintiff who has appropriately filed an action in superior court to enforce the Act’s prohibition; and

**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

**WHEREAS**, as a result of these facts, the Governing 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

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**WHEREAS**, Elections Code section 1302(b) establishes a procedure whereby the Governing Board may change the election date for its Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 1404.5); and

**WHEREAS**, As of January 2018 all seated Board members will have an extension of one (1) year added to their term resulting in a five (5) year term. The subsequent Board member elections (2020 and 2022) shall be for a term of four (4) years {refer to Appendix A}; and

**WHEREAS**, the result of such actions would be staggered Board elections in even numbered years, commencing with the next election for Trustee Areas 1 and 4 in November 2020 and the election for Trustee Areas 2, 3, and 5 in November 2022; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board hereby finds, determines, and /or declares as follows:

1. Each of the foregoing is true and correct.
2. The Governing Board 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 1001) pursuant to Elections Code section 1302(b).
3. The Superintendent will forward this resolution to the Stanislaus County 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 Superintendent will notify the Stanislaus 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 Stanislaus County Board of Supervisors as required by Elections Code 10404.5(e).
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 2020 and each subsequent Board member election will be held two (2) years thereafter in November on even years.

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**THE FOREGOING RESOLUTION** was introduced at a regular Board meeting of the **SYLVAN UNION SCHOOL DISTRICT** held on the 12th day of September 2017, by Board Member \_\_\_\_\_ who made the motion, which motion being duly seconded by Board Member \_\_\_\_\_ was, upon roll call vote, carried into Resolution and passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTENTIONS:**

I, DEBRA M. HENDRICKS, Secretary of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the **SYLVAN UNION SCHOOL DISTRICT** at a regular meeting of September 12, 2017, which Resolution is on file in office of said Board.

September 12, 2017  
**Date**

\_\_\_\_\_  
**Debra M. Hendricks, Secretary  
Board of Trustees**

**Appendix A**

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| <b>Trustee Area</b> | <b>Positions Held by<br/>Current Board<br/>Member</b> | <b>Elections<br/>Conducted</b> | <b>Current<br/>Election<br/>Year Cycle</b> | <b>Proposed Election<br/>Year Cycle</b> |
|---------------------|---|--------------------------------|--|---|
| 1                   | Jennifer Miyakawa                                     | 2015                           | 2019                                       | 2020                                    |
| 2                   | George Rawe   | 2017                           | 2021                                       | 2022                                    |
| 3                   | Terriann Zeek   | 2017                           | 2021                                       | 2022                                    |
| 4                   | David Collins   | 2015                           | 2019                                       | 2020                                    |
| 5                   | Cynthia Lindsey                                       | 2017                           | 2021                                       | 2022                                    |

**Under the proposed rescheduled election cycle, Governing Board member elections in 2015 and 2017 will be for a five (5) year term. Subsequent Board member elections in 2020 and 2022 will be for a four (4) year term.**