EDC COB <edc.cob@edcgov.us>

Fwd: EID Board Resolution on Elections

1 message

The BOSTHREE <bosthree@edcgov.us>   Thu, Apr 9, 2015 at 4:33 PM
To: EDC COB <edc.cob@edcgov.us>, Jim Mitrisin <jim.mitrisin@edcgov.us>

Kathy Witherow

Assistant to Supervisor Brian K. Veerkamp
District Three - El Dorado County
530.621.5652

---------- Forwarded message ----------
From: **Darwin Throne** <dthrone2000@gmail.com>
Date: Thu, Apr 9, 2015 at 3:12 PM
Subject: EID Board Resolution on Elections
To: Michael Ranalli <bosfour@edcgov.us>, Shiva Frenzen <bostwo@edcgov.us>, Brian Veerkamp
<bosthree@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, El Dorado County Board of Supervisors
<cob@edcgov.us>

It has come to my attention that the EID election resolution granting sitting directors an extra year in office
without an election is coming before the Board of Supervisors for approval on the consent calendar next
Tuesday.

This resolution is BAD government and reminds me of the actions taken by Banana Republic leaders such as
Hugo Chavez of Venezuela as they rewrite their constitutions to grant themselves extra terms of office.

I attended over 50% of the EID board meetings last year. There were many contentious issues that are going to
be exacerbated by the continued drought and future actions by the state Deparment of Water Resources and the
governor. For the board to take this action to deny voters the right to change leadership through the ballot in
2015 is unconscionable.

I hope that you will take this item off the consent calendar, put it on the agenda, and have a proper debate
between the board members with public input. I was at the meeting when this resolution was adopted by the EID
board. The public spoke against it by 14 against to 1 or 2 for. It is scandalous that this ruling should be allowed
to stand.

Thank you.

Darwin Throne

El Dorado Hills, CA 95762

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   If you receive this e-mail in error please contact the sender by return e-mail and delete the material from your system.
Thank you.

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This is an archive of a past election.
See http://www.smartvoter.org/ca/la/ for current information.

League of Women Voters of California Education Fund

SUPPORT SMART VOTER!

Los Angeles County, CA

March 3, 2015 Election

Charter Amendment 2
New Election Dates and Schedules for the Los Angeles Unified School District (LAUSD);
One-Time Adjustment to Align Terms With New Election Dates By 2020
City of Los Angeles

Charter Amendment - Majority Approval Required

👍Pass: 145,163 / **76.7%** Yes votes ...... 44,014 / **23.3%** No votes

See Also: **Index of all Measures**

Information shown below: Summary | Fiscal Impact | Impartial Analysis | Arguments |

Shall the City Charter be amended to: 1) change the City's primary and general election dates to June and November of even-numbered years beginning in 2020 so that City elections are held on the same dates as Federal and State elections; 2) provide that, in 2015 and 2017 only, candidates be elected for a term of 51A years to transition to the new election dates; 3) adjust vacancy election schedules and allow temporary appointments to fill vacant offices until an election is held; 4) enable initiative and referendum elections to be scheduled at either the next City or next State election; and 5) allow initiative proponents to withdraw their measure prior to scheduling an election?

Summary Prepared by
City Ballot Simplification Committee:

THE SITUATION: Currently, LAUSD and State elections are held in different years. The City Charter controls LAUSD candidate elections and requires these elections to be held in March and May of odd numbered years. State elections are held in June and November of even numbered years.

THE PROPOSAL: This measure would change the LAUSD's election dates to the same dates as State elections beginning in 2020. To shift to the new election dates, candidates elected in 2015 and 2017 would serve a term of 5/1 2 years. The measure would make other related changes to election calendars, as described above.

A YES VOTE MEANS: You want to change the LAUSD's election dates to the same dates as State elections beginning in 2020; approve a one-time change to candidate terms to align with these new dates; and approve other related election calendar changes.

A NO VOTE MEANS: You do not want to change the LAUSD's election dates to the same dates as State elections beginning in 2020; approve a one-time change to candidate terms to align with these new dates; and approve other related election calendar changes.

Fiscal Impact from Miguel A. Santana,
City Administrative Officer:

This measure will change municipal and LAUSD election dates so that they occur at the same time as federal and state elections, beginning in 2020. The measure will allow for the consolidation of the federal, state,

'Pros & Cons' from League of Women Voters of Los Angeles

Los Angeles City Charter Amendments 1 and 2 Charter Amendments pass with a majority vote

The Question:
Should the City Charter be amended to provide for new election dates for city elections and elections for members of the board of the Los Angeles Unified School District (LAUSD); should one-time adjustments be made to align the terms of elected officials with the new election dates; and should other election-related changes be made?

The Situation:
L.A. City elections are held in March and May of odd-numbered years, while California state elections are held in June and November of even-numbered years. Elections for members of the LAUSD board are held concurrently with L.A. City elections. LAUSD elections are separate from city elections because a number of schools in the LAUSD lie outside of the city; voters in those areas vote for members of the LAUSD board, but not on L.A. City issues.

city, and LAUSD elections. Consolidating elections may be dependent upon the successful implementation of LA County's Voting System Assessment Project. The total fiscal impact of this measure is unknown. The County's fees to conduct consolidated elections may depend upon the number of jurisdictions which elect to have the County conduct their elections on the same date. This measure provides for changes related to vacancies in elected offices, which may provide potential savings by decreasing the number of special elections required.

Impartial Analysis from Sharon M. Tso, Chief Legislative Analyst

The Los Angeles City Charter (Charter) establishes election dates for Los Angeles Unified School District (LAUSD) elections. The measure would amend the Charter relative to election dates for primary nominating and general municipal elections for the LAUSD Board of Education, by making permanent, and one-time adjustments, to election schedules, terms of office, and other related changes to align City election laws with the new election dates.

The proposed measure would make the following changes:

- New LAUSD Election Dates - the measure would change the primary nominating election to the first Tuesday, after the first Monday in June of even-numbered years. The general municipal election would be held on the first Tuesday, after the first Monday in November of even-numbered years. These election days are the same as State elections. Currently, the primary nominating election is held on the first Tuesday, after the first Monday in March, and the general municipal election is held on the third Tuesday in May, of odd-numbered years. Additionally, the start date of office for Board of Education Officials would change from the first day of July in odd-numbered years, to the second Monday of December in even-numbered years, to conform to the new election dates.
- Effective Date - this measure would take effect in the year 2020 for odd-numbered Board of Education districts, and in the year 2022 for even-numbered Board of Education districts.
- Transition to New Election Dates - in order to align the new start date of office, the measure provides that Board of Education Officials elected in 2015 and 2017 would run for a 5 ½ year term. This transition would be a one-time adjustment. All Board of Education offices would resume 4 year terms effective 2020 and 2022.
- Vacancy Elections - the measure would provide the Board of Education with the option of calling a special election to fill a vacancy and to make a temporary appointment to fill the vacant office. Additionally, it would adjust the date until which an appointee would serve, to reflect the new election dates.
- Recall Elections - the measure would require that a recall election be held between 88-125 days of Council action on a certified recall petition, consistent with State law.
- Redistricting Schedule - the measure would require that the redistricting process be completed six months earlier to be effective for the 2022 elections.
- Canvass Period - the measure would allow the City Clerk 28 days to canvass election returns, which would more closely align the Charter with State law.

The Charter requires that LAUSD and City elections be administered together. The accompanying ballot measure, Charter Amendment 1, would make similar changes to the Charter for City elections. Therefore,

L.A. City elected officials and members of the LAUSD board serve four-year terms.

Turnout for the L.A. City and LAUSD elections has been very low. Fewer than 25% of registered voters participated in the March and May 2013 elections.

The Proposal:
Starting in the year 2020, L.A. City and LAUSD elections would be held at the same time as California state elections, in June and November of even-numbered years. The City Council would have the option of having the elections consolidated by L.A. County on the same ballot as federal and state elections, or holding regular city elections on the new dates.

In order to align with the new election dates, the terms of candidates elected in 2015 and 2017 would be extended from four years to five-and-a half years for this one time only.

Other Changes:

- Initiatives and Referendums could be submitted to the voters at either the city/LAUSD election, the state election or a separate election, and initiative proponents could withdraw their measures prior to the election.
- Redistricting would be completed earlier, in order to be effective for the 2022 elections.
- Election schedules for interim vacancies would be adjusted to reflect the new election dates, and temporary appointments could be made to fill vacant seats.

Charter Amendment One would make these changes for the L.A. City elections.
Charter Amendment Two would make these change for the LAUSD elections.

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both measures contain a contingency clause which would make the effectiveness of each measure dependent upon the passage of the other.

Both measures would have to pass in order for the changes to take effect.

Financial Impact:
The total financial impact of these measures is unknown. At this time, it's not possible to determine whether the city will save money by not having to conduct its own elections. The county will charge the city a fee to conduct consolidated elections, the cost of which is unknown at this time. Consolidating these local elections with state elections may depend on the successful implementation of L.A. County's new voting system, which is expected to roll out in 2020. There are potential savings due to the "other changes" described above.

Supporters Say:

- Turnout at city and LAUSD elections has been too low. Consolidating with federal and state elections will vastly improve voter participation and eliminate "election fatigue."
- L.A. could potentially save millions of dollars that could better be spent on schools, parks, libraries and fixing our roads to reduce traffic.

Opponents Say:

- Consolidating with federal and state elections may not translate to increased engagement of voters; city and LAUSD elections would be buried at the bottom of a crowded ballot.
- Real election reform should focus on expanded civic education, better voting procedures, and scheduling elections on a weekend or weekday "voting holiday."

Signers of Arguments in Favor of Both Charter Amendments:

- Dr. Fernando Guerra, Chair, City of Los Angeles Municipal Elections Reform Commission

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Legally, "shall" means "may", not "must".
See Page 3 following:

CAL. ELEC. CODE § 10404

(a) This section applies only to special districts electing members of the governing body in November of odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other provision of law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of the Elections Code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

From: the FAA

What's the only word that means mandatory? Here's what law and policy say about "shall, will, may and must."

We call "must" and "must not" words of obligation. "Must" is the only word that imposes a legal obligation on your readers to tell them something is mandatory. Also, "must not" are the only words you can use to say something is prohibited. Who says so and why?

Nearly every jurisdiction has held that the word "shall" is confusing because it can also mean "may, will or must." Legal reference books like the *Federal Rules of Civil Procedure* no longer use the word "shall." Even the Supreme Court ruled that when the word "shall" appears in statutes, it means "may." ⚹

Bryan Garner, the legal writing scholar and editor of *Black's Law Dictionary* wrote that "In most legal instruments, *shall* violates the presumption of consistency...which is why *shall* is among the most heavily litigated words in the English language."

Those are some of the reasons why these documents compel us to use the word "must" when we mean "mandatory:"

- The Federal Register Document Drafting Handbook (Section 3) states "Use 'must' instead of 'shall' to impose a legal obligation on your reader."
- The Federal Plain Language Guidelines (page 25) (PDF) referred to in the Federal Plain Writing Act of 2010, compel the FAA and every federal department to "use 'must,' not 'shall'" to indicate requirements.
- FAA Plain Language Writing Order 1000.36, (page 4) (PDF) says avoid the word "shall" and use "must" to impose requirements, including contracts.

Until recently, law schools taught attorneys that "shall" means "must." That's why many attorneys and executives think "shall" means "must." It's not their fault. The *Federal Plain Writing Act* and the *Federal Plain Language Guidelines* only appeared in 2010. And the fact is, even though "must" has come to be the only clear, valid way to express "mandatory," most parts of the Code of Federal Regulations (CFRs) that govern federal departments still use the word "shall" for that purpose.

With time, laws evolve to reflect new knowledge and standards. During this transition, "must" remains the safe, enlightened choice not only because it imposes clarity on the concept of obligation, but also because it does not contradict any instance of "shall" in the CFRs." Right now, federal departments go through their documents to replace all the "shalls" with "must." It's a big hassle. If you look at page A-2, section q (PDF) of this link, it shows a sample of how a typical federal order describes this shift from "shall" to "must." Don't go through this tedious process. If you mean mandatory, write "must." If you mean prohibited, write "must not."

What should you say if someone tells you "shall is a perfectly good word?" Always *agree* with them because they're correct! But in your next breath, be sure to say "yes, shall is a perfectly good word, but it's *not* a perfectly good word of obligation."

Email thread attached at the request of Supv. Mikulaco

Jim Mitrisin <jim.mitrisin@edcgov.us>

Item 15-0406 EID Term extension

5 messages

Ronald Mikulaco <ron.mikulaco@edcgov.us>   Wed, Apr 8, 2015 at 2:12 PM
To: Brian Veerkamp <brian.veerkamp@edcgov.us>, Pamela Knorr <pamela.knorr@edcgov.us>, Jim Mitrisin
<jim.mitrisin@edcgov.us>, Robyn Drivon <robyn.drivon@edcgov.us>

In regards to this item, as the Vice Chair of the Board of Supervisors, I am formally requesting this item be a
department matter.
   Thank you. Supervisor District 1
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Ron Mikulaco
District One County Supervisor
El Dorado County
Office: 530-621-5396


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 Any retransmission, dissemination or other use of the information by persons other than the
intended recipient or entity is prohibited.
 If you receive this e-mail in error please contact the sender by return e-mail and delete the
material from your system.
Thank you.
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Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us>   Wed, Apr 8, 2015 at 2:32 PM
To: Ronald Mikulaco <ron.mikulaco@edcgov.us>
Cc: Brian Veerkamp <brian.veerkamp@edcgov.us>, Pamela Knorr <pamela.knorr@edcgov.us>, Robyn Drivon
<robyn.drivon@edcgov.us>

Thank you, this will be on Dept. Matters as requested.

Jim Mitrisin
Clerk of the Board of Supervisors
County of El Dorado
Ph. 530.621.5390 Main
Ph. 530.621.5592 Direct
Email jim.mitrisin@edcgov.us

[Quoted text hidden]

Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us>   Wed, Apr 8, 2015 at 3:07 PM
To: Ronald Mikulaco <ron.mikulaco@edcgov.us>
Cc: Brian Veerkamp <brian.veerkamp@edcgov.us>, Pamela Knorr <pamela.knorr@edcgov.us>, Robyn Drivon
<robyn.drivon@edcgov.us>

Upon conference with the Chair, Counsel and the CAO, this matter will in fact be placed on

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Consent.

Jim Mitrisin
Clerk of the Board of Supervisors
County of El Dorado
Ph. 530.621.5390 Main
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[Quoted text hidden]

Ronald Mikulaco <ron.mikulaco@edcgov.us>   Thu, Apr 9, 2015 at 9:23 AM
To: Jim Mitrisin <jim.mitrisin@edcgov.us>

Hello Jim,

Supervisor Mikulaco is requesting that his email below, asking to have EID elections item that was placed on consent be transferred to department matters be attached to agenda.

-Joni
[Quoted text hidden]
[Quoted text hidden]

Ronald Mikulaco <ron.mikulaco@edcgov.us>   Thu, Apr 9, 2015 at 10:14 AM
To: Jim Mitrisin <jim.mitrisin@edcgov.us>

Jim please attach this entire email string to the item for tuesday.

---------- Forwarded message ----------
From: **Ronald Mikulaco** <ron.mikulaco@edcgov.us>
Date: Wed, Apr 8, 2015 at 2:12 PM
Subject: Item 15-0406 EID Term extension
To: Brian Veerkamp <brian.veerkamp@edcgov.us>, Pamela Knorr <pamela.knorr@edcgov.us>, Jim Mitrisin <jim.mitrisin@edcgov.us>, Robyn Drivon <robyn.drivon@edcgov.us>

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