

SANTA YNEZ COMMUNITY SERVICES DISTRICT
MEMORANDUM

TO: Board of Directors
FROM: Loch Dreizler, General Manager
DATE: September 18, 2024
SUBJECT: Discuss and adopt resolution 24-09A regarding the Board vacancy due to the resignation of Director Van Pelt.

Proposed Motion / Recommendation

Discuss and adopt resolution 24-09A regarding the Board vacancy due to the resignation of Director Van Pelt.

Proposed Motion: Adopt the attached Resolution 24-09A

Alternative for Consideration: See Discussion Below

Policy Implications

With the resignation of Director Van Pelt, Government Code section 1780(c) requires the Board to either (1) appoint a board member to serve the remainder of the term until the next election or (2) call an election to fill the vacancy created by the resignation within 60 days of the event creating the vacancy. Also, Government Code section 1780(e)(2), Elections Code sections 1000, 10002, 10400, and Civil Code 3532.

Fiscal Implications

None

Discussion

District Board of Director Bradlee Van Pelt, elected in November 2020 to a term expiring in December 2024, resigned his position on the Board of Directors (“Board”) effective August 27, 2024, creating a vacancy on the Board.

The Board then has three options:

1. **Meet with Santa Ynez CSD Board to Discuss Options:** As referenced above, the Board can either appoint or call for an election within 60 days or take no action.
2. **Formal Action from the Board:** If we call for an election, we can adopt a Resolution within 60 days and consolidate it with the already scheduled November 2024 election.
3. **Within 60 Days:** Take action to appoint or call for election; otherwise, the County of Santa Barbara Board of Supervisors will have 30 days to do the same (total of 90 days).

Within 15 days of Acting, notify the Santa Barbara County Registrar of Voters of the Board’s action.

Attachment: Resolution 24-09A

RESOLUTION NO. 24-09A

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ COMMUNITY SERVICES DISTRICT ORDERING AN ELECTION TO FILL BOARD OF DIRECTOR VACANCY

WHEREAS, the Santa Ynez Community Services District (“District”) is a community services district organized and operating pursuant to California Government Code section 61000 *et seq.*;

WHEREAS, District Board of Director Bradlee Van Pelt, who was elected in November 2020 to a term expiring in December 2024, resigned his position on the Board of Directors (“Board”) effective August 27, 2024, thereby creating a vacancy on the Board;

WHEREAS, in light of the resignation of Director Van Pelt, Government Code section 1780(c) requires the Board to either (1) appoint a board member to serve the remainder of the term until the next election or (2) call an election to fill the vacancy created by the resignation within 60 days of the event creating the vacancy, which in this instance is October 26, 2024; and

WHEREAS, pursuant to Government Code section 1780(e)(2), when an election is called, it shall be held on the next established election date provided pursuant to Section 1000 *et seq.* of the Elections Code, but not less than 130 days after the order of the election; and

WHEREAS, the next established election date provided for by Elections Code section 1000 that is not less than 130 days after the adoption of this Resolution would be March 5, 2025, which is after the already scheduled November 5, 2024, general election established for the electorate to fill this four-year position;

WHEREAS, pursuant to Elections Code section 10002, the governing body of any district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the District relating to the conduct of an election and

WHEREAS, pursuant to Elections Code section 10400, whenever two or more elections of any public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Civil Code section 3532, the law neither does nor requires idle acts, which include any acts done without a particular purpose of effect;

WHEREAS, any election called to fill the vacancy, which would be held in or on March 5, 2025, would constitute an idle act, as the same seat will already be filled by an already scheduled election to be held on November 5, 2024; and

WHEREAS, any election to fill such vacancy should be consolidated with the general election scheduled for the same seat for November 5, 2024, pursuant to Government Code section 1780, Elections Code section 10400 *et seq.*, and Civil Code section 3532.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Ynez Community Services District as follows:

1. The above recitals are true and correct and incorporated herein as the Board's findings by this reference.
2. The Board hereby determines to call an election pursuant to Government Code section 1780, subdivisions (c) and (e), to fill the vacancy created by the resignation of Director Van Pelt.

3. So that there shall only be one election for the seat for the subsequent four-year term, the Board requests pursuant to Civil Code section 3532 and, as applicable, Elections Code section 10400, that the election called as referenced in Section 2 of this Resolution be consolidated with the general election already scheduled to be held on November 5, 2024, insofar as such general election is to be held relative to the director seat of the Santa Ynez Community Services District previously held by Director Van Pelt.
4. The Board hereby requests the Santa Barbara County Board of Supervisors to permit the County Registrar/County Clerk to provide all services necessary for the election.
5. Pursuant to Government Code section 1780(e), the Board hereby orders an election to be held with the following specifications:
 - a. The election shall be held on Tuesday, November 5, 2024, on the date of the already scheduled general election to fill such seat; and
 - b. The purpose of the election shall be to elect a Board member to serve the next four-year term for the seat previously held by Director Van Pelt.
6. The Board hereby (1) directs the General Manager, or his designee, to provide notice of this Resolution and the Board's calling of the election as set forth herein to the County Elections Official and any other appropriate entity; and (2) delegates to the General Manager, or designee, all authority necessary and proper to accomplish the purposes of this Resolution and to pay any reasonable and proportionate costs of such election as otherwise required by law.
7. This Resolution shall take effect immediately upon adoption by the Board.

PASSED AND ADOPTED this 18th day of September 2024 by the following vote of the Board of Directors of the Santa Ynez Community Services District:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Alicia Marin, Board Secretary

Frank Redfern, Board President