

# Heber Public Utility District BOARD OF DIRECTORS

**MEETING DATE:** June 16, 2022

**FROM:** Laura Fischer, General Manager

**SUBJECT:** Adopt Resolutions - Number 2022-06 Calling and Giving Notice of Election; and Number 2022-07 Requesting to Consolidate a District Election with the Statewide General Election.

## **ISSUE:**

Shall the Heber Public Utility Board of Directors approve Resolution 2022-06 and Resolution 2022-07 giving notice of an election to be held on November 8, 2022, and calling for an election that would be conducted by the County, and requesting the consolidation of such an election for two seats on the HPUD Board?

## **CITY MANAGER RECOMMENDATION:**

Approve Resolution Numbers 2022-06 and 2022-07 calling for an election that would be conducted by the County and requesting the consolidation of such an election for two Board seats.

## **FISCAL IMPACT:**

Approximately \$2,000 is included in FY 2022-23 for HPUD's fair share of election costs.

## **DISCUSSION**

Upon the end of 2020, three seats on the Heber Public Utility District will become vacant. Mr. Kaine Garcia and Mr. Tony Sandoval have provided excellent service to the HPUD over the past five years, and their term is set to expire at the end of 2022. Mr. Delfino Matus was appointed to serve on the HPUD Board in March 2022 and his term also expires at the end of 2022.

In 2016, a new California law was approved that requires cities, counties, school districts and special districts that have a regular election date that is different from the statewide primary or general election (June and November of even-numbered years). Public agencies with "off schedule" regular elections must change their date to either the statewide primary or general election, if the agency's voter turnout for its current election date is at least 25 percent lower than its average turnout for the last four statewide general elections (Nov. 2014, 2012, 2010, 2008). Public Agencies covered by SB 415 must start complying by Jan. 1, 2018 or, at the very least adopt a plan by that time to change the regular election date by Nov. 8, 2022. HPUD met this requirement and adopted a Resolution to change our election years to even years.

**CONCLUSION**

An approval of Resolution 2022-06 and 2022-07 will allow the above described vacant seats to be placed on the November 8, 2022 ballot. The timeliness of the approval will enable the District to file the correct documents with the County of Imperial Clerk Recorder/Elections Department and to proceed with following the required guidelines and set deadlines effectively.

Respectfully Submitted,

Laura Fischer, General Manager

Attachments: Resolution 2022-06 and Resolution 2022-07

**RESOLUTION NO. 2022-06**

**OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT CALLING AND GIVING NOTICE OF THE HOLDING OF A DISTRICT ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO SPECIAL DISTRICTS**

**WHEREAS**, under the provisions of the laws relating to Special Districts in the State of California, a District Election shall be held on November 8, 2022, for the election of District officers; and

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to Special Districts there is called and ordered to be in the Heber Public Utility District Service Area, California, on Tuesday, November 8, 2022, a District Election for the purpose of electing Three (3) Directors for a term of office which ends November, 2022.

**SECTION 2.** That the ballot to be used at the election shall be in form and content as required by law.

**SECTION 3.** That the secretary to the Board of Directors is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

**SECTION 5.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding District Elections.

**SECTION 6.** That notice of the time and place of holding the election is given and the Secretary to the Board of Directors is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 7.** That the secretary to the Board of Directors shall certify to passage and adoption of the Resolution and enter it into the book of original Resolutions.

**PASSED, ADOPTED AND APPROVED** this 16<sup>th</sup> day of June, 2022, by the following vote:

Ayes:

Noes:

Absent:

Attest:

\_\_\_\_\_  
Moises Cardenas  
Secretary of the Board

\_\_\_\_\_  
Kaine Garcia  
President of the Board

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL )  
HEBER PUBLIC UTILITY )  
DISTRICT )

I, MOISES CARDENAS, Secretary of the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 16<sup>th</sup> of June 2022.

By \_\_\_\_\_  
Moises Cardenas, Secretary of the Board

**RESOLUTION NO. 2022-07**

**OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A DISTRICT ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE**

**WHEREAS**, Heber Public Utility District will hold an election on November 8, 2022, for the purpose of the election of Three (3) Directors for the Board of Directors for a term of office which ends November 2022; and

**WHEREAS**, it is desirable that the District Election be consolidated with the Statewide General Election to be held on the same date and that within the district the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Imperial canvass the returns of the District Election and that the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements §10403 of the Elections Code, the Board of Supervisors of the County of Imperial is hereby requested to consent and agree to the consolidation of a District Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of the election of Three (3) Directors for the Board of Directors for a term of office which ends November, 2022.

**SECTION 2.** That the County Elections Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**SECTION 3.** That the Board of Supervisors is requested to issue instruction to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 4.** That Heber Public Utility District recognized that additional costs will be incurred by the County by reason of the consolidation and agrees to reimburse the County for any such additional costs related to the District Election.

**SECTION 5.** That the Heber Public Utility District is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Imperial.

**SECTION 6.** That the secretary to the Board of Directors shall certify to passage and adoption of the Resolution and enter it into the book of original Resolutions.

**PASSED, ADOPTED AND APPROVED** this 16<sup>th</sup> day of June 2022, by the following vote:

Ayes:

Noes:

Absent:

Attest:

\_\_\_\_\_  
Moises Cardenas  
Secretary to the Clerk of the Board

\_\_\_\_\_  
Kaine Garcia  
President of the Board

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL )  
HEBER PUBLIC UTILITY )  
DISTRICT )

I, MOISES CARDENAS, Secretary to the Clerk of the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 16<sup>th</sup> of June 2022.

By \_\_\_\_\_  
Moises Cardenas, Secretary to Clerk of the Board

## **November 8, 2022 General Election Reference Calendar**

### **June 2022**

Suggested time for jurisdictions holding elections in November to pass a resolution that

1. Orders the election;
2. Requests the Imperial County Registrar of Voters to conduct the election, and
3. Consolidates the election with any other jurisdiction holding an election on the same day.

### **July 18 – August 12, 2022**

Between these dates, a candidate may obtain and file a Declaration of Candidacy. If the incumbent does not file, filing is extended for five (5) calendar days for anyone other than the incumbent.

### **August 12, 2022**

Last day to file resolution calling a measure with the Registrar of Voters. Statement of measure, impartial analysis and fiscal impact statements are due before 5:00 p.m.

### **August 23, 2022**

Deadline for filing arguments for or against local ballot measures.

### **September 9, 2022**

First day to mail ballots to military and overseas voters

### **October 9, 2022**

Vote-by-Mail ballots delivered to all registered voters. All ballot drop boxes open to accept vote-by-mail ballots.

### **November 8, 2022**

Election Day – Polls open at 7:00 a.m. and close at 8:00 p.m.



# REGISTRAR OF VOTERS

Linsey J. Dale

940 West Main Street, Suite 206, El Centro, CA 92243

(442) 265-1060 / [www.elections.imperialcounty.org](http://www.elections.imperialcounty.org)



## GENERAL ELECTION

November 8, 2022

## CALENDAR OF EVENTS

Important Dates for Candidates & Districts

Updated 5/19/2022

The materials contained in this calendar represent the research and opinions of the staff at the Imperial County Registrar of Voters. The contests of this calendar and any legal interpretations contained herein are not to be relied upon as being correct either factually or as legal opinion. Reliance on the contest without prior submission to and approval of your appropriate public counsel is at the reader's risk.

DATE	RESPONSIBLE PARTY	DESCRIPTION
June 27	Candidates / Registrar of Voters	<p><b>Petition In-Lieu of Filing Fee - All Candidates</b> EC §8061, 8105, 8106</p>
		<p>Forms may be obtained from the County Election Official beginning on this date. Petition forms may be obtained to secure signatures in-lieu of all or a portion of the filing fee. Signature submitted on the in-lieu petitions may also be applied to the signature requirements for offices on the nominating petition.</p>
July 11 - Aug. 10 E-120 to E-90	Registrar of Voters	<p><b>Publish Notice of Election</b> EC §12109, 12112, 12113</p>
		<p>Between these dates, the Registrar of Voters shall publish a notice of election in a newspaper of general circulation in the district. The notice shall contain the date of the general district election, name of the offices for which candidates may file, and the qualifications required by the principal act for each office. The notice shall state the location where official declarations of candidacy for eligible candidates desiring to file for any of the elective offices may be obtained, the office in which completed declarations of candidacy are required to be filed, and the date and time after which no declarations of candidacy may be accepted for filing. A copy of the notice shall be delivered to the district secretary and superintendent and shall be posted in the district office. Notice of central counting place may be combined with this notice.</p>



DATE	RESPONSIBLE PARTY	DESCRIPTION
July 18 - Aug. 12 E-113 to E-88	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Declaration of Candidacy and Nomination Papers</b> EC §8020, 10510, 13107</p>
		<p>Between these dates, a candidate may obtain and file a Declaration of Candidacy with the Registrar of Voters. The ballot designation worksheet must be filed at the same time as the Declaration of Candidacy. No candidate shall withdraw his or her Declaration of Candidacy after 5:00 p.m. on the 88th day prior to the election.</p>
July 18 - Aug. 12 E-113 to E-88	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Candidate Statement of Qualifications</b> EC §10540, 13307, 13309, 13311, 18351</p>
		<p>Between these dates, candidates may prepare a Statement of Qualifications, not to exceed 200 words, to be included in the Voter's Information Guide. Statement must be filed at the same time Declaration of Candidacy is filed. The statement will remain confidential until deadline for filing has passed.</p>
July 18 - Aug. 12 E-113 to E-88	Candidates / Registrar of Voters	<p align="center"><b>Statement of Economic Interest</b> GC §87200 et seq., 87300 et seq.</p>
		<p>A Statement of Economic Interests must be filed for all candidates with the Registrar of Voters by the close of nomination period.</p>
Aug. 13-Aug. 12 E-87 to E-78	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Public Exam of Candidate Statements</b> EC §13313</p>
		<p>During this 10-day period, the Registrar of Voters will make candidates' statements available for public examination.</p>
Feb. 21	Registrar of Voters	<p align="center"><b>Presidents' Day - County Offices Closed</b></p>
Aug. 12 E-88	Candidates / Registrar of Voters	<p align="center"><b>Last Day to File Declaration of Candidacy or Withdraw Candidacy</b> EC §10510</p>
		<p>Last day for candidates to file their Declaration of Candidacy and Candidate Statements with the Registrar of Voters no later than 5:00 p.m. (unless there is an extension on the nomination period). Last day to withdraw candidacy unless there is an extension.</p>
Aug. 15 E-85	Candidates / Registrar of Voters	<p align="center"><b>Last Day to Withdraw Candidate Statement</b> EC §13307</p>
		<p>Last day to withdraw candidate statement (next working day after close of nomination), unless there is an extension of the nomination period. Withdrawal of candidate statement must be in writing.</p>

DATE	RESPONSIBLE PARTY	DESCRIPTION
Aug. 17 E-83	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Extension of Nomination Papers</b> EC §8022, 8024, 10510, 10516</p>
		<p>If the incumbent does not file by 5:00 p.m. on the last day of the nomination period, any eligible person, other than the incumbent, shall have until 5:00 p.m. on August 17th to file a Declaration of Candidacy, candidate statement and Statement of Economic Interests. The nomination extension does not apply where there is no incumbent to be elected. If this section is applicable, a candidate may withdraw his or her Declaration of Candidacy up until 5:00 p.m. on Aug. 17th.</p>
Aug. 18 E-82	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Last Day to Withdraw Candidate Statement Extension</b> EC §8024, 10516, 13307</p>
		<p>In the event there is an extension of the nomination period, candidates may have until 5:00 p.m. on August 18th to withdraw their candidate statement. Withdrawal must be in writing.</p>
Aug. 18-Aug. 27 E-82 to E-73	Candidates / Registrar of Voters / District Secretary	<p align="center"><b>Public Examination of Candidate's Statements Extension Period</b> EC §13313</p>
		<p>During this 10-day period, the Registrar of Voters will make candidates' statements available for public examination.</p>
Aug. 18 E-82	Registrar of Voters	<p align="center"><b>Notice of Whether Election Will be Held</b> EC §10515</p>
		<p>If there are insufficient nominees for the offices to be filled, and a petition requesting the election be held has not been presented to the officer conducting the election, then the election shall not be held. The Registrar of Voters shall request the Board of Supervisors to appoint the qualified candidate(s) to such office. If there are no candidates, the Board shall appoint a qualified person to each office. Persons appointed shall qualify, and serve as if elected.</p>
Aug. 18 E-82	Secretary of State	<p align="center"><b>Drawing of Randomized Alphabet</b> EC §13112</p>
		<p>Beginning at 11:00 a.m., the Secretary of State will conduct a drawing of the alphabet for determining the order of candidate's names on the ballot.</p>
Sept. 5	Registrar of Voters	<p align="center"><b>Labor Day - County Offices Closed</b></p>

DATE	RESPONSIBLE PARTY	DESCRIPTION
Sept. 9 E-60	Registrar of Voters	<p align="center"><b>Military or Overseas Vote-by-Mail Ballot Applications</b> EC §300(b), 321, 3102, 3105</p>
		<p>First day the Registrar of Voters may process applications for military or overseas voter ballots. Any applications received by the Registrar of Voters prior to this day shall be kept and processed on or after this date. If the applicant is not a resident of the county to which he or she has applied, the Registrar of Voters receiving the application shall forward it immediately to the proper county. A request for a vote-by-mail ballot from a military or overseas voter will be deemed an affidavit of registration and an application for permanent voter-by-mail status.</p>
Sept. 12-Oct. 25 E-57 to E-14	Candidates / Registrar of Voters	<p align="center"><b>Nomination Period for Write-In Candidates</b> EC §8600, 8601 et seq.</p>
		<p>Nomination papers for write-in candidacy will be available beginning Sept. 12th and must be filed with the Registrar of Voters no later than 5:00 p.m. on Oct. 25th.</p>
Sept. 29 E-40	Candidates / Committees / Registrar of Voters	<p align="center"><b>Filing Period for First Pre-Election Campaign Disclosure Statement</b> GC §84200.5, 84200.8</p>
		<p>Filing period for 1st pre-election campaign statement covers transactions through September 24. Statements must be sent by personal delivery or first class mail.</p>
Sept. 29-Oct. 18 E-40 to E-21	Registrar of Voters	<p align="center"><b>Voter Information Guide Mailing</b> EC §9094, 13303, 13304</p>
		<p>Between these dates, the Registrar of Voters shall mail a Voter Information Guide and Sample Ballot with a polling place notice to each registered voter.</p>
Oct. 10 E-29	Voters	<p align="center"><b>Last Day to Register to Vote to Ensure Receipt of Sample Ballot by Mail</b> EC §9094, 13303</p>
		<p>This is the last day voters may register to vote in order to ensure the receipt of a sample ballot by mail. Voter registration cards received by this date will be added to the rolls and the voters will receive a Sample Ballot booklet prepared by the Registrar of Voters. Voters who submit cards after this date will not receive a County Voter Information Guide and Sample Ballot; however, they will receive notification of registration received and polling place location.</p>
Oct. 10 E-29	Registrar of Voters	<p align="center"><b>Vote-by-Mail Ballot Distribution</b> EC §3001, 3003</p>
		<p>First day to mail ballots to all vote-by-mail voters.</p>

DATE	RESPONSIBLE PARTY	DESCRIPTION
Oct. 27 E-12	Candidates / Committees / Registrar of Voters	<p align="center"><b>Filing Period for Second Pre-Election Campaign Disclosure Statement</b></p> <p align="center">GC §84200.5, 84200.8</p>
		<p>Filing period for 2nd pre-election campaign statement covers transactions through October 22. Statement must be sent by personal delivery or guaranteed overnight delivery.</p>
Oct. 24 E-15	Registrar of Voters	<p align="center"><b>15-Day Close of Voter Registration</b></p> <p align="center">EC §300(b), 321, 2102, 3102; U.S.C. §20501 et. seq.</p>
		<p>Last day to register to vote in the November 8th election. The Voter Registration form shall be mailed (postmarked by this date), received online by midnight, or delivered to the Registrar of Voters by this date and is effective upon receipt. The Voter Registration form may also be submitted by this date to the Secretary of State, Department of Motor Vehicles, or any National Voter Registration Act designated agency.</p> <p>Last day for military or overseas voters to register to vote. A request for a vote-by-mail ballot from a military or overseas voter, if postmarked on or before this date, will be deemed an affidavit of registration and an application for permanent voter-by-mail status. When a county elections official receives and approves a registration application from a military or overseas voter, the official must provide that voter with a vote-by-mail ballot for each subsequent election for federal office in the state unless the voter fails to vote in four consecutive statewide general elections.</p>
Oct. 25 E-14	Registrar of Voters	<p align="center"><b>Conditional Voter Registration</b></p> <p align="center">EC §2170</p>
		<p>Voters who missed the voter registration deadline can still register and vote up to and including Election Day at the Imperial County Registrar of Voters' Office located at 940 West Main Street, Suite 206, El Centro, CA</p>
Nov. 8 E-Day	Registrar of Voters	<p align="center"><b>Election Day</b></p> <p>Polls open at 7:00 a.m. and will close at 8:00 p.m. Vote-by-Mail ballots may be turned in before the polls close at any polling place in the jurisdiction.</p>
Nov 10 E+2	Registrar of Voters	<p align="center"><b>Canvass of Election</b></p> <p align="center">EC §15301</p>
		<p>The Registrar of Voters shall commence the official canvass no later than this date. This process shall be open for public view. The canvass shall be continued daily, Saturdays, Sundays and holidays excepted, for not less than six hours each day until completed.</p>

DATE	RESPONSIBLE PARTY	DESCRIPTION
Nov. 15 E+7	Registrar of Voters	<p align="center"><b>Vote-by-Mail Ballots Returned Via Post Office Deadline</b> EC §3017, 3020</p>
		<p>Vote-by-Mail ballots that are postmarked on or before Election Day or are date stamped by a bona fide private mail delivery company on or before Election Day, and received by the Registrar of Voters no later than 7 days after Election Day shall be considered received on time.</p> <p>If a ballot has no postmark, a postmark with no date, or an illegible postmark, the vote-by-mail identification envelope must be signed and dated by the voter pursuant to Section 3011 on or before Election Day in order to be considered received on time.</p>
Dec. 8 E+30	Registrar of Voters / Board of Supervisors	<p align="center"><b>Statement of Vote to Board of Supervisors - Certificates of Election Prepared</b> EC §15372, 15400-15401</p>
		<p>The Registrar of Voters shall present the Statement of Vote announcing the results of the election to the Board of Supervisors. The Board of Supervisors shall declare the nominees or winners for each office and the results of each measure under its jurisdiction. The Registrar of Voters shall prepare and deliver a Certificate of Election to each person elected.</p>
Jan 31, 2023	Candidates / Committees / Registrar of Voters	<p align="center"><b>Filing Period for Semi-Annual Campaign Disclosure Statement</b> GC §84200</p>
		<p>Filing period for semiannual campaign statement covers transactions through December 31. Statements must be sent by personal delivery or first class mail.</p>