



Agenda Date: 12/12/2006

Agenda Placement: 9B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: John Tuteur - Registrar of Voters
Elections

REPORT BY: Belle Altman, Staff Services Manager, 707-253-4295

SUBJECT: DECLARATION OF RESULTS OF NOVEMBER 7, 2006 ELECTION ON MEASURE I AND
ADOPTION OF A RESOLUTION ORDERING AND DECLARING THE FORMATION OF THE NAPA
COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

RECOMMENDATION

Assessor-Recorder-County Clerk as ex-officio Registrar of Voters and the Director of Conservation, Development and Planning request that the Board of Supervisors take the following actions:

1. Declare results of the election on Measure I, which is under the County's jurisdiction, as set forth in the Certified Statement of Vote (Official Canvass) for the November 7, 2006 general election pursuant to Elections Code sections 15300-15400 and Public Resources Code sections 5520 and 5521; and
2. Direct the Clerk of the Board to file Resolution No. 06-110 after entering the aye and no votes; and
3. Adopt Resolution ordering the formation of the Napa County Regional Park and Open Space District, declaring the election of the Board of Directors, and directing the Clerk of the Board to record this order with the office of the Napa County Recorder and to file a certified copy of the order with the Secretary of State, all pursuant to Public Resources Code section 5524.

EXECUTIVE SUMMARY

Election Code Section 15372 provides that the Elections Official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election. Election Code Section 15400 provides that the governing body shall declare the results of each election under its jurisdiction as to each measure voted at such election.

Public Resources Code sections 5520 and 5521 provide that if a majority of those who have voted on a parks measure vote in favor of the creation of a parks and open space district, the Board of Supervisors shall order and declare the district created and shall declare the persons receiving the highest number of votes for each ward to be duly elected as directors of the district.

The final results for the November 7, 2006 general election indicate that greater than a majority of the votes cast on

Measure I, creating and establishing the Napa County Regional Park and Open Space District, were in favor of the Measure. As part of the declaration of the results of Measure I, the Board should direct the Clerk of the Board to file Resolution No. 06-110 after entering the aye and no votes.

Additionally, Public Resources Code section 5524 requires the Board of Supervisors to cause a certified copy of the order declaring the district created and established, declaring the result of the election, and describing the boundaries of the district, to be recorded with the County Recorder and a certified copy to be filed in the office of the Secretary of State. The Board should therefore adopt the attached resolution which accomplishes these requirements.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is a ministerial action which is exempt from CEQA. (14 CCR 15268).

BACKGROUND AND DISCUSSION

Elections Code Section 15372 provides that the elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election. Elections Code Section 15400 provides that the governing body (Board of Supervisors) shall declare elected or nominated to each local office voted at its election under its jurisdiction the person (persons, in the case of nomination) having the highest number of votes for that office. The Board shall also declare the results of each election under its jurisdiction as to each measure voted at such election.

Public Resources Code sections 5520 and 5521 provide that if a majority of those who have voted on a parks measure vote in favor of the creation of a park district, the Board of Supervisors shall order and declare the district created and shall declare the persons receiving the highest number of votes for each ward to be duly elected as directors of the district. Section 5521 of the Public Resources Code further requires the Board of Supervisors to canvass the returns with respect to the persons voted for as directors, and declare those persons receiving the highest number of votes to be the directors of the District.

For the November 7, 2006 general election, the Board needs to declare that Measure I passed by the following vote:

Ayes: 22,323
Nays: 18,906

For the same election the Board needs to declare the following persons elected:

- | Napa County Regional Park and Open Space District, Director, Ward 1: Harold R. Kelly
- | Napa County Regional Park and Open Space District, Director, Ward 2: Tony Norris
- | Napa County Regional Park and Open Space District, Director, Ward 3: Guy Kay

- | Napa County Regional Park and Open Space District, Director, Ward 4: Dave Finigan
- | Napa County Regional Park and Open Space District, Director, Ward 5: Myrna Abramowicz

as set forth in the certification of election results. All other contests and propositions are to be declared either at the state level or by local municipalities or school districts. A copy of the Statement of Results has been delivered to the Clerk of the Board of Supervisors. As part of the declaration of the results of Measure I (Resolution No. 06-110), the Board should direct the Clerk of the Board to file Resolution No. 06-110 after entering the aye and no votes.

Additionally, Public Resources Code section 5524 requires the Board of Supervisors to cause a certified copy of the order declaring the district created and established, declaring the result of the election, and describing the boundaries of the district, to be recorded with the County Recorder and a certified copy to be filed in the office of the Secretary of State. Section 5524 further provides that the creation and establishment of the district is completed upon the performance of these requirements, and the persons elected as directors shall enter immediately upon their official duties after qualifying according to law. The attached resolution accomplishes these requirements, and the board is requested to adopt it.

SUPPORTING DOCUMENTS

- A . Resolution ordering the formation of the Parks and Open Space District
- B . Resolution No. 06-110

CEO Recommendation: Approve

Reviewed By: Andrew Carey