EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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M E M O

DATE: March 21, 2017

TO: Governing Boards of the Independent Special Districts

FROM: José C. Henríquez, Executive Officer

SUBJECT: Proposal for Establishing Quorums

Question on ballot:

For purposes of establishing quorums in future LAFCO special district representative elections, should the independent special districts in El Dorado County adopt a local policy that states, *"A quorum of ballots is based on 50% plus 1 of the total number of independent special districts that have participated in at least one of the last two elections. If a District that has not participated in one of the prior two elections does participate, its ballot would be counted as part of the quorum and its vote would be valid."*?

Discussion:

As you are aware, the method for selecting the two regular and alternate special district representatives to LAFCO is via an election per the Cortese-Knox-Hertzberg Act (CKH). Only independent special districts (ISDs) may vote to elect these representatives. CKH provides that the election can be conducted in person or via certified mailed ballots. Since having an in-person meeting would be difficult to coordinate, schedule and plan, the ISD elections in this county are held via certified ballots.

There are 47 ISDs in El Dorado County that are eligible to vote in these types of elections. To establish a quorum, the ballots from 24 ISDs are needed to close an election. The challenge LAFCO staff has encountered is that not all districts choose to participate. The participation rate has never exceeded 60% of the ISDs.

By way of illustration, in any given election approximately 12-15 ballots can be expected to be returned consistently and timely. These districts tend to be larger in size with regular monthly meetings. That leaves a deficit of approximately 9-12 ballots to establish a quorum. With the exception of one election in the past ten (10) years,

LAFCO staff has had to send multiple requests to the ISDs that had not yet voted to encourage them to return a ballot in order to get a quorum.

Because CKH says that the ballots must be distributed via certified mail, mailing them can be expense, even taking into account the 15 or so ISDs that have requested to receive their election materials electronically. The attachment to this memo has a tally of the voting pattern for all of the ISDs in the past 10 years. Please note that prior to 2011 there were 49 ISDs in El Dorado County. One district was dissolved in 2011 and a second was dissolved in 2014.

In San Luis Obispo County, the ISDs have adopted a local policy for themselves whereby the number needed to establish a quorum is adjusted based on the participation rate. In essence, the quorum is established based on the number of ISDs that participated in prior elections. The question before you is whether the ISDs in El Dorado County will adopt a similar rule.

By way of illustrating how this proposal would work, if this LAFCO had a similar rule already in place for this election, the quorum would be adjusted based on the following table:

Scenario	**Number of districts counted**	**Quorum needed**
Currently	47 ISDs	24
Voted in at least one of the last six elections	42 ISDs	21
Voted in at least one of the last four elections	39 ISDs	20
Voted in at least one of the last three elections	38 ISDs	20
Voted in at least one of the last two elections	32 ISDs	17

As you go farther down that chart, the quorum needed starts to become more achievable based on the number of districts that regularly cast timely ballots. The logic of the policy is similar to how a regular popular election is decided. The winner is the candidate that garners (at the very least) a majority of those who cast a ballot, not a majority of the absolute number of registered voters.

It should be emphasized that this proposal **does not** strip any district's vote away. This proposal will only impact how a quorum is established. **All ISDs will continue** to receive certified mailed (or electronic) ballots in every LAFCO special district representative election and are encouraged to participate. In addition, should a heretofore-non-voting ISD choose to vote, the vote **will still be counted** even if the district was not counted for purposes of determining the quorum.

Attachment: Quorum Matrix

Matrix of Past Election Participation

	AGENCY	2006 (ALT)	2007 (REG/ALT)	2009 (REG)	2011 (REG/ALT)	2012-13 (REG)	2015 (REG)	6 TOTAL ELECTIONS
1	Fallen Leaf Lake CSD	0	0	0	0	0	0	0
2	Hillwood CSD	0	0	0	0	0	0	0
3	Mortara Circle CSD	0	0	0	0	0	0	0
4	Nashville Trail CSD	0	0	0	0	0	0	0
5	Tahoe Paradise RID	0	0	0	0	0	0	0
6	Arroyo Vista CSD	0	1	0	0	0	0	1
7	Connie Lane CSD	1	0	0	0	0	0	1
8	Cosumnes River CSD	0	0	0	0	0	1	1
9	East China Hill CSD	0	0	0	0	0	1	1
10	Cameron Park Airport District	0	0	0	1	0	1	2
11	Garden Valley Ranch Estates CSD	1	1	0	0	0	0	2
12	Georgetown Divide Rec District	0	0	1	1	0	0	2
13	Grassy Run CSD	0	0	0	0	N/A	N/A	0
14	Knolls Property Owners CSD	1	0	0	1	0	0	2
15	Lake Valley FPD	0	0	1	0	0	1	2
16	Lakeview CSD	1	0	1	0	0	0	2
17	Happy Homestead Cemetery District	0	1	1	0	0	1	3
18	Hickok Road CSD	0	0	1	0	1	1	3
19	Kelsey Cemetery District	1	0	0	1	1	0	3
20	Latrobe FPD	1	0	0	0	1	N/A	0
21	Meeks Bay FPD	1	0	1	0	1	0	3
22	Pioneer FPD	1	0	1	1	0	0	3
23	Rolling Hills CSD	1	1	0	0	1	0	3
24	Tahoe RCD	1	1	0	0	0	1	3
25	Audubon Hills CSD	1	1	1	1	0	0	4
26	El Dorado County FPD	0	1	1	1	1	0	4
27	El Dorado Hills CSD	1	1	1	1	0	0	4
28	Garden Valley FPD	1	1	1	1	0	0	4
29	Golden West CSD	1	0	1	0	1	1	4
30	Holiday Lake CSD	1	1	0	1	0	1	4
31	Marble Mountain Homeowners CSD	1	1	1	0	1	0	4
32	Mosquito FPD	1	1	1	0	1	0	4
33	Rising Hill Road CSD	0	1	1	1	1	0	4
34	Showcase Ranches CSD	1	1	1	0	1	0	4
35	Sierra Oaks CSD	1	0	0	1	1	1	4
36	West El Largo CSD	0	1	1	1	0	1	4

Matrix of Past Election Participation

	AGENCY	2006 (ALT)	2007 (REG/ALT)	2009 (REG)	2011 (REG/ALT)	2012-13 (REG)	2015 (REG)	6 TOTAL ELECTIONS
37	Cameron Park CSD	1	1	0	1	1	1	5
38	El Dorado County RCD	1	1	0	1	1	1	5
39	El Dorado Irrigation District	0	1	1	1	1	1	5
40	Georgetown Divide PUD	0	1	1	1	1	1	5
41	South Tahoe PUD	1	1	1	0	1	1	5
42	Cameron Estates	1	1	1	1	1	1	6
43	Diamond Springs/El Dorado FPD	1	1	1	1	1	1	6
44	El Dorado Hills County Water	1	1	1	1	1	1	6
45	Georgetown FPD	1	1	1	1	1	1	6
46	Georgetown Divide RCD	1	1	1	1	1	1	6
47	Greenstone Country	1	1	1	1	1	1	6
48	Grizzly Flats	1	1	1	1	1	1	6
49	Rescue FPD	1	1	1	1	1	1	6
	TOTAL NON-VOTING AGENCIES	**19**	**21**	**21**	**24**	**23**	**23**	
	TOTAL OF AGENCIES VOTING	**30**	**28**	**28**	**25**	**25**	**24**	
	TOTAL NUMBER OF AGENCIES	49	49		49	48		
	DISCREPANCY	**0**	**0**	**0**	**0**	**0**	**0**	
	Participation rate	**61%**	**57%**	**57%**	**51%**	**52%**	**51%**	
	Non-participation rate	**39%**	**43%**	**43%**	**49%**	**48%**	**49%**	