



## **RESOLUTION No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **RESOLUTION REQUESTING THE NEVADA COUNTY BOARD OF SUPERVISORS MAKE APPOINTMENTS IN LIEU OF THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022**

WHEREAS, Elections Code § 10515(a) provides that “if, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy”; and

WHEREAS, Section 10515(a) further provides that the Board of Supervisors shall make such appointments; and

WHEREAS, a certificate of the above facts has been submitted by the Nevada County Clerk-Recorder/Registrar of Voters to the Board of Supervisors; and

WHEREAS, the persons listed in Exhibit A attached hereto have filed a declaration of candidacy for director, either at large or by division, in the special districts listed for the November 8, 2022 general district election, but the number of persons who have filed a declaration of candidacy for said offices are equal to or less than the number of offices to be filled; and

WHEREAS, Elections Code § 10515(b) provides that “if no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held”; and

WHEREAS, no person has filed a declaration of candidacy for the offices listed in Exhibit B attached hereto; and

WHEREAS, Section 5326 of the Education Code provides that “If, by 5:00 p.m. on the 83rd day prior to the day fixed for the governing board member election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for the office, or in the case of members to be elected from the district at large, the number of candidates for governing board member at large does not exceed the number of offices to be filled at that election, or in the case of members to be nominated by trustee area and elected at large, the number of candidates do not exceed the number required to be elected governing board member at large nominated by that trustee area, or in the case of members to be elected at large in

accordance with Sections 5030.5 , 5030.6, and 5030.7, no more than one person has been nominated for each membership position, and a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or trustee area, if elected by trustee area, requesting that a school district election be held for the offices has not been presented to the officer conducting the election, appointment will be made as prescribed by Section 5328.”

WHEREAS, Section 5328 of the Education Code provides that the governing body of the school district or county board of education, as applicable, shall make such appointments; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that pursuant to Elections Code § 10515(a) the Board of Supervisors hereby appoints to the office or offices the qualified person or persons set forth in Exhibit A who have filed declarations of candidacy for those offices.

NOW, THEREFORE, BE IT FURTHER RESOLVED that pursuant to Elections Code § 10515(b), the Board of Supervisors of the County of Nevada hereby directs the Clerk of the Board to advertise for candidates to submit applications to be appointed to the offices with insufficient candidates as identified in Exhibit B, and to present to the Board for appointment any applicants who are qualified to serve in said offices on the date when the General Election would have been held.