

MEASURE E
NORTH TAHOE PUBLIC UTILITY DISTRICT

Adopting an ordinance to continue electing directors at large. Shall the ordinance of the North Tahoe Public Utility District requiring that the members of the Board of Directors be elected at large be adopted?

YES

NO

GENERAL COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE E

Measure E, if approved by a majority of the voters voting thereon, would affirm an ordinance adopted by the North Tahoe Public Utility District (District) requiring that members of the Board of Directors be elected at large. This would confirm the recent switch from "by seat" to "at large" elections adopted by the Board of Directors in November 2015.

Under the Public Utilities Code, the Board of Directors is generally elected by seat or at large. Under "by seat" elections, candidates must declare for a particular numbered Directorship, and the candidate with the most votes for that numbered Directorship is elected. Under "at large" elections, candidates simply declare their candidacy for the Board of Directors, and the candidates receiving the greatest number of votes districtwide as there are Directors to be elected are elected to the Board of Directors. In both cases, all voters cast votes for all Directors. While there are additional options for electing Directors by or from geographic divisions, these require approval of the Placer County Board of Supervisors or Placer County Local Agency Formation Commission, and are not being considered under this measure.

Historically, Directors have been elected "by seat." However, in November 2015, the Board of Directors adopted an ordinance to switch to "at large" elections. The District's Board of Directors have submitted Measure E to the voters to determine whether to confirm this switch from "by seat" to "at large" elections for future elections. If Measure E is approved, Directors will continue to be elected at large and the Board of Directors would not be able to switch back to "by seat" elections without voter approval. If Measure E is not approved, the Board of Directors will be able to switch to "by seat" elections in the future in its discretion.

A "Yes" vote by a majority of voters on Measure E is a vote to approve the ordinance providing for "at large" election of the Board of Directors in all future elections.

A "No" vote on Measure E is a vote against the ordinance.

Joshua Nelson, General Counsel
North Tahoe Public Utility District

The above statement is an impartial analysis of Measure E. If you desire a copy of the ordinance or measure, please call the Elections Division at (530) 886-5650 and a copy will be mailed at no cost to you.

Full text of Measure E

ORDINANCE OF THE NORTH TAHOE PUBLIC UTILITY DISTRICT REQUIRING ELECTION OF THE DIRECTORS OF THE DISTRICT BY SEAT

THE PEOPLE OF THE NORTH TAHOE PUBLIC UTILITY DISTRICT DO ORDAIN AS FOLLOWS:

1. The purpose and intent of this Ordinance is for the electorate to approve electing members of the Board of Directors at large. Historically, Directors had been elected by seat as provided for in Public Utilities Code section 15956(a). The Board of Directors then adopted Ordinance No. 388 to require Directors to be elected at large. This Ordinance is being submitted to the electorate to confirm that Directors shall be elected at large and to make any further modifications to this system subject to future voter approval as provided for in Elections Code section 9323. In the event that this Ordinance is not approved by a majority of the voters voting on this Ordinance, Ordinance No. 380 shall remain in full force and effect. However, the Board of Directors would be able to determine whether Directors should be elected by seat, at large or otherwise as provided for in Public Utilities Code section 15956 and other applicable law.
2. Pursuant to Public Utilities Code section 15956(b), Directors shall be elected at large. As such, Director shall not be designated by numbered office. The candidates receiving the greatest number of votes district wide as there are Directors to be elected shall be elected to the Board of Directors.
3. If any part of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of the Ordinance. The District declares that it would have adopted this Ordinance, and each part of it, irrespective of the possibility that some part or parts of it might be declared invalid or unconstitutional.
4. This Ordinance shall only effect if it is approved by a majority of the voters that vote on the Ordinance at the November 8, 2016 General District Election. If so approved, the Ordinance shall take effect as provided by law.

NO ARGUMENTS WERE FILED FOR OR AGAINST MEASURE E