

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
AUTHORIZING THE COUNTY EXECUTIVE, OR DESIGNEE, TO EXECUTE
AND AMEND LEASES OR LICENSES FOR COUNTY USE OF REAL
PROPERTY AS A VOTE CENTER**

WHEREAS, the Government Code Section 23530.51 authorizes the Board of Supervisors to delegate by ordinance or resolution to an appropriate county official the authority to lease or license real property for use by the County for a term not to exceed five years and for a rental fee not to exceed seven thousand five hundred dollars (\$7,500) per month, subject to public notice requirements;

WHEREAS, the Santa Clara County Board of Supervisors Policy Manual Section 5.9.5.7 authorizes the County Executive or designee to enter into leases, licenses, or other space use agreements for a term of ten (10) days or less where the rent or fee is less than \$7,500 and subject to other requirements as specified in Section 5.9.5.7;

WHEREAS, pursuant to California Elections Code Section 4005, also known as the Voter's Choice Act, the County of Santa Clara Registrar of Voter's Office will be using more than one hundred (100) non-County owned facilities as 4-day and 11-day Vote Centers to host elections for all of Santa Clara County, beginning in March of 2020;

WHEREAS, the facilities to be used as Vote Centers will need to be reserved for a total of up to eight (8) days for 4-day Vote Centers and up to fifteen (15) days for 11-day Vote Centers, and therefore Board Policy 5.9.5.7 is not sufficient to address all Vote Centers, although the procedures outlined in Section 5.9.5.7 will be used for the 4-day Vote Centers;

WHEREAS, it is in the County's best interest to delegate authority to enter into agreements to use these facilities for 11-day Vote Center to provide sufficient flexibility and appropriate efficiency to the County in order to provide the Vote Centers required by the Voter's Choice Act;

WHEREAS, the facilities to be used as Vote Centers will be required to meet accessibility, security, and business requirements in the Voter's Choice Act, including but not limited to the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12 of the California Elections Code, the federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*), the federal Help America Vote Act of 2002 (52 U.S.C. § 20901 *et seq.*), and the federal Voting Rights Act of 1965 (52 U.S.C. § 10101 *et seq.*); and,

WHEREAS, the Registrar of Voters is required pursuant to the Voter's Choice Act to prepare an Election Administration Plan through an extensive public outreach process including

a public hearing and two rounds of public comment on the draft plans, which includes criteria for selection of facilities for Vote Centers and an appendix listing the locations for Vote Centers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, that the County Executive or his/her designee, shall be delegated authority to negotiate, amend, enter into and execute leases, licenses and other space use agreements or contracts for the use of facilities as Vote Centers (“Vote Center Agreements”), for the March 3, 2020 statewide primary election and for all subsequent elections, for a term not to exceed 30 days, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. This delegation shall expire on August 1, 2024;

BE IT FURTHER RESOLVED, that the rental amount pursuant to any such Vote Center Agreement will not exceed seven thousand five hundred dollars (\$7,500) per month, or the rental amount authorized under Government Code Section 25350.51, whichever is greater;

BE IT FURTHER RESOLVED, that notice of intention to consummate the Vote Center Agreement shall be posted in a public place for five working days prior to consummation of the lease or license. The notice shall describe the property proposed to be leased or licensed, the terms of the Vote Center Agreement, and any county officer authorized to execute the Vote Center Agreement; and,

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BE IT FURTHER RESOLVED, that the Registrar of Voters will provide an off-agenda memo to the Board of Supervisors summarizing all Vote Center agreements and providing copies thereof subsequent to each election.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

S. JOSEPH SIMITIAN, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Mary E. Hanna-Weir
Deputy County Counsel