

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

REVISED
7-3-10

July 13, 2010

TO: Anna Bryson, President
and Members
Board of Trustees, Capistrano Unified School District

FROM: Joseph M. Farley, Superintendent

**SUBJECT: APPROVAL: ORDER CALLING FOR A RECALL ELECTION,
RESOLUTION NO. 1011-01**

BACKGROUND INFORMATION

Trustees Lopez-Maddox and Winsten each received a Notice of Intention to Circulate a Recall Petition on February 2, 2010 in accordance with California Elections Code §11020. Following the serving of Notice of Intention, proponents were required to submit to the Registrar of Voters, during normal business hours, a petition with the requisite number of signatures within 160 days from February 2, 2010, in accordance with California Elections Code §11200.

On June 21, 2010, Dr. Roberta Mahler, Interim Superintendent, received notification from Mr. Neal Kelley, Registrar of Voters, Certificates As to Verification of Signatures related to Trustee Lopez-Maddox and Trustee Winsten, Exhibit A, showing both petitions as sufficient. Pursuant to California Elections Code §11227, the Certificates of Sufficiency must be presented to the Governing Board at their next regularly scheduled meeting. In accordance with California Elections Code §11240, the Governing Board must issue an order within 14 days stating that an election will be held to determine whether or not the officers named in the petitions shall be recalled. This election must be held not less than 88, nor more than 125 days, after the issuance of the order of the election and if a regular or special election is to be held throughout the electoral jurisdiction of the officers sought to be recalled within such time period. The dates within this 88-125 days window are Saturday, October 9 through Monday, November 15, 2010.

CURRENT CONSIDERATIONS

This agenda item seeks Board approval of Resolution No. 1011-01, Order Calling for a Recall Election, Exhibit B.

FINANCIAL IMPLICATIONS

The Orange County Registrar of Voters has informed the district that the consolidated election (November 2, 2010) CUSD Measure would cost \$357,500 - \$417,500.

STAFF RECOMMENDATION

The Board President will recognize Superintendent Farley who will introduce this item to the Board. Following discussion, it is respectfully recommended that the Board approve Resolution No. 1011-01, Exhibit B, Order Calling for a Recall Election and setting a proposed date.

DISCUSSION/ACTION



NEAL KELLEY
Registrar of Voters

Mailing Address:
P.O. Box 11298
Santa Ana, California 92711

CUSD/SUPT-DFC/06-24*10PM01:03

REGISTRAR OF VOTERS
1300 South Grand Avenue, Bldg. C
Santa Ana, California 92705
(714) 567-7600
TDD (714) 567-7608
FAX (714) 567-7627
www.ocvote.com

June 21, 2010

Dr. Roberta Mahler
Interim Superintendent
Capistrano Unified School District
32972 Calle Perfecto
San Juan Capistrano, CA 92675

Dear Dr. Mahler:

Enclosed are the Certificates As To Verification Of Signatures on the petitions for the recall of Michael S. Winsten and Ken Maddox who hold the office of Trustee on the Board of the Capistrano Unified School District.

The certificates show that both petitions are sufficient. Pursuant to Elections Code §11227, the certificate of sufficiency shall be submitted to the governing body at its next regular meeting.

Within 14 days after that meeting, the governing body must issue an order stating that an election will be held to determine whether or not the officers named in the petitions shall be recalled (Elections Code §11240).

The election is to be held not less than 88, nor more than 125 days, after the issuance of the order of the election, and if a regular or special election is to be held throughout the electoral jurisdiction of the officers sought to be recalled within such time period, the recall election shall be held on the same day and consolidated with the regular or special election (Elections Code §11242).

If you have any questions, please feel free to contact me at (714) 567-7620.

Sincerely,


Neal Kelley
Registrar of Voters

Enclosures

cc: Anna Bryson, President, CUSD Board of Trustees
Darren Dang, Orange County Department of Education

EXHIBIT A
(1 of 3)

**CERTIFICATE AS TO VERIFICATION
OF SIGNATURES ON PETITION**

State of California)
)ss.
County of Orange


I, Neal Kelley, Registrar of Voters of the County of Orange, do hereby certify that I am the county officer having charge of the registration of voters in the County of Orange, and I have examined, or caused to be examined, the petition submitted to the Board of the Capistrano Unified School District entitled "Petition to Recall Capistrano Unified School District Trustee – Michael S. Winsten".

I further certify that from said examination I have determined the following facts regarding this document:

Number of unverified signatures filed (raw count)	32,929
Number of signatures required:	21,641
Number of signatures verified:	1,646
Number of signatures found valid:	1,360
Number of signatures found invalid:	286
Number of signatures found invalid because of being duplicates	3

WITNESS my hand and Official Seal this 21st day of June, 2010.




NEAL KELLEY
Registrar of Voters
Orange County

**CERTIFICATE AS TO VERIFICATION
OF SIGNATURES ON PETITION**

State of California)
)ss.
County of Orange

I, Neal Kelley, Registrar of Voters of the County of Orange, do hereby certify that I am the county officer having charge of the registration of voters in the County of Orange, and I have examined, or caused to be examined, the petition submitted to the Board of the Capistrano Unified School District entitled "Petition to Recall Capistrano Unified School District Trustee – Ken Maddox".

I further certify that from said examination I have determined the following facts regarding this document:

Number of unverified signatures filed (raw count)	32,774
Number of signatures required:	21,641
Number of signatures verified:	1,639
Number of signatures found valid:	1,387
Number of signatures found invalid:	252
Number of signatures found invalid because of being duplicates	3

WITNESS my hand and Official Seal this 21st day of June, 2010.



EXHIBIT A
(3 of 3)

[Handwritten Signature]
NEAL KELLEY
Registrar of Voters
Orange County

RESOLUTION NO. 1011-01

**CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
Orange County, California**

ORDER OF A RECALL ELECTION AND SPECIFICATION OF THE ELECTION ORDER

July 13, 2010

WHEREAS, pursuant to Education Code section 5300, school district elections are governed by the Elections Code; and

WHEREAS, pursuant to Education Code section 5304, the governing board has a duty to order elections as authorized by the Education Code; and

WHEREAS, pursuant to Education Code section 5322, the governing board of the district shall, concurrently with or after the order of election, at least 88 days prior to the date of the election in the case of an election on a measure, by resolution delivered to the officer conducting the election, specify the following: the date of the election and the purpose of the election; and

WHEREAS, pursuant to Elections Code section 11227, the County Registrar of Voters delivered Certificates of Sufficiency of Signatures on Recall Petitions, received by the Board of Trustees on June 21, 2010; and

WHEREAS, pursuant to Elections Code section 11240, within 14 days after the meeting at which the Board of Trustees received the certificates of sufficiency as specified in Section 11227, the Board shall issue an order stating that an election shall be held to determine whether or not the officers named in the petitions shall be recalled; and

WHEREAS, pursuant to Elections Code section 11242, the election shall be held not less than 88, nor more than 125, days after the issuance of the order, and if a regular or special election is to be held throughout the electoral jurisdiction of the officer sought to be recalled within this time period, the election shall be held on the same day, and consolidated with, the regular or special election; and

WHEREAS, it is within the jurisdiction of the Board of Trustees to set the special election date not less than 88 nor more than 125 days after issuance of the order stating that an election shall be held. The election may be held at any time from October 9, 2010 through November 15, 2010; and

NOW, THEREFORE, BE IT RESOLVED, pursuant to Education Code section 5304 and Elections Code sections 11240 and 11242, the Governing Board of the Capistrano Unified School District hereby calls for a special election to occur on _____, 2010, for the purpose of an election to determine whether or not the officers named in the recall petitions shall be recalled.

BE IT FURTHER RESOLVED, pursuant to Education Code section 5322, the following Measures will be included in the _____, 2010 special election:

MEASURE A - RECALL OF OFFICIAL, TRUSTEE AREA 3

Shall Michael Winsten be recalled (removed) from the office of
Governing Board Trustee Area 3? Yes / No

MEASURE B - RECALL OF OFFICIAL, TRUSTEE AREA 5

Shall Ken Lopez-Maddox be recalled (removed) from the office of
Governing Board Trustee Area 5? Yes / No

Ayes:
Noes:
Absent:
Abstain:

Date: _____

Clerk
Board of Education