

## **VI. [Sec. 600] RAC ELECTION**

### **A. [Sec. 601] Eligibility**

### **B. [Sec. 602] General Eligibility Requirements Applicable to Candidates and Voters in All Membership Interest Categories.**

All candidates seeking RAC membership within any membership interest category and all voters must present proof that he or she is 18 years of age or older. Any Residential Tenant, Residential Owner-Occupant, Business Operator, Business Property Owner, or representative from an Existing Community Organization who is eligible for RAC membership is also eligible to vote in a RAC Election. A sample voter qualification form is attached as Exhibit A, and is subject to modification by the Commission Executive Director to accomplish the purposes of these Procedures.

### **C. [Sec. 603] Eligibility Requirements for Residents and Business Owners and Operators**

In order to qualify to vote for or serve as members of the Residential Tenant, Residential Owner-Occupant, Business Operator, and Business Property Owner membership interest categories of the RAC, a person must present proof that he or she is either a Residential Tenant, Residential Owner-Occupant, Business Operator, or Business Property Owner within the Project Area. Proof of eligibility shall consist of a California driver's license or California identification card and such other proof as required pursuant to the provisions set forth in Sections 604 and 605 of the Procedures.

### **D. [Sec. 604] Required Proofs for Residential Owner-Occupant and Business Property Owner Categories**

Persons seeking to prove their eligibility for the Residential Owner-Occupant and Business Property Owner membership interest categories must, in addition to the proof required by Section 603 above, also provide evidence of current ownership of property within the Project Area by such means as a copy of a property tax bill or similar documentation showing present property ownership.

### **E. [Sec. 605] Required Proofs for Residential Tenant and Business Operator Categories**

Persons seeking to prove eligibility for the membership interest categories relating to the holding of tenancies in the Project Area, such as (1) Residential Tenant or (2) Business Operator must also provide evidence of their current residential tenancy or business operation or ownership by such means as a copy of a lease of property within the Project Area, copy of rent receipt, current utility bill, or copy of business license or permit or similar documentation.

## **F. [Sec. 606] Eligibility Requirements for Representatives of Existing Community Organizations**

In order to qualify to vote as a representative and on behalf of an Existing Community Organization, representatives must present proof that he or she is the authorized representative of an Existing Community Organization within the Project Area.

In order to determine the eligibility of a representative from an Existing Community Organization for membership on the RAC, the following evidence must be submitted:

1. Evidence of the existence and operation of the organization within the Project Area, such as articles of incorporation, by-laws, nonprofit status, income tax return, or such other documentation;
2. A resolution, letter or minutes of the organization's board of directors designating the person as its representative and authorizing such person to act on its behalf; and
3. Such other documentation, which the Agency staff may deem necessary to carry out the intent of this Section.

Each Existing Community Organization shall be entitled to designate only one person to vote on its behalf and to be a candidate for the Existing Community Organizations category.

## **G. [Sec. 607] Multiple Qualifying Conditions**

A person with multiple qualifying conditions shall be entitled to cast only one ballot, regardless of the number of properties which that person owns or other conditions which otherwise provide the basis for qualification. All persons eligible to vote for Residential Tenants, Residential Owner-Occupants, Business Operators, and Business Property Owners, are also eligible to vote for the Existing Community Organizations representative.

Entities and businesses which are not natural persons, such as partnerships or corporations, shall select only one person to run or vote on behalf of that entity, even if that entity may be qualified in more than one category. In addition, a multiple qualifying business shall select one category in which to run or vote. As an example and not as a limitation of the foregoing, if a partnership owns property in one part of the Project Area and conducts a business in another part of the Project Area, only one partner may run or vote in only one selected category; one partner may not run or vote in one category and another partner run or vote in another category.

Notwithstanding the foregoing, Residents of the Project Area (e.g., Residential OwnerOccupants, Residential Tenants) who share interests in residential property qualifying them to run for a membership interest category on the RAC may each run or vote for that category, provided that there is a disclosure of their joint interest. For the purposes of the Procedures, "Residents" excludes corporations or other business entities.

If at any time a RAG member's status changes such that the member no longer meets the qualifications of the position held, or the basis on which the qualification is made no longer applies, such RAG member must resign or be terminated from the position.

## **H. [Sec. 60B] Information Meeting and Election Meeting**

The Agency shall conduct a pre-election Information Meeting to explain the functions of, and opportunity to serve on the RAG, as more fully described in Section 301 above. Following the Information Meeting, the Agency shall hold another public meeting necessary to the formation and election of the RAG. The purpose of such public meeting shall be to hold an election for RAG membership in accordance with the requirements of the Procedures ("Election Meeting"). The Election Meeting may be continued to another date if necessary and if desired by the Agency to complete the formation process. Notice of Election Meeting will be given pursuant to the adopted RAG Formation Procedures.

A brief introduction as to the purpose of the meeting and an overview of the meeting agenda shall be presented at the Election Meeting. Sufficient copies of the agenda shall be available to allow the public to follow the sequence of events.

## **L [Sec. 609] Candidate Information Forms**

In order to facilitate the election of a representative RAG, any person desiring to serve must complete and provide the Agency with a "Candidate Information Form" (substantially in the form attached as Exhibit 8) no later than the time set by the Agency, which shall be no less than two weeks after the Information Meeting was held to explain the RAG. Copies of Candidate Information Forms will be made available at the Information Meeting and will otherwise be available by request at the office of the Agency and at such other locations as shall be deemed appropriate.

The Candidate Information Forms will call for

1. The name and address of the candidate, including "qualifying address," if different;
2. The membership interest category for which the candidate is running; and
3. A brief statement of the candidate's qualifications to and purpose for seeking election.

## **J. [Sec. 610] Registration to Vote**

Any person desiring to vote must have previously registered with Agency staff or the Agency's representatives, or they may register at the beginning of the Election Meeting. All persons registering must produce proof of eligibility to vote as provided for in Sections 603 through 606 of the Procedures. After a person is registered, he or she shall be given two ballots, one for the membership interest category for which he or she qualifies, and the other for the representatives of Existing Community Organizations category

Any person otherwise eligible to vote or to be a candidate in more than one membership interest category (other than voting for representatives of Existing Community Organizations) must choose only one of the membership interest categories in which to vote. Proof of eligibility must be provided for the category chosen.

### **K. [Sec. 611] Candidate Presentations**

All candidates from each membership category shall be given a reasonable opportunity to make a presentation of their qualifications and reasons they should be elected to the RAC at the Election Meeting. The Agency staff shall establish the period of time for each presentation, taking into consideration the number of candidates and other circumstances surrounding the election. Candidates may be elected without making a presentation of their qualifications.

### **L. [Sec. 612] Balloting**

Persons eligible to vote shall be entitled to cast votes only in the membership interest category for which he or she is eligible to vote (i.e. Residential Owner-Occupant, Residential Tenant, Business Operator or Business Property Owner), and for representatives of Existing Community Organizations. Persons representing Existing Community Organizations shall only vote for candidates in that category.

Ballots shall be provided for each membership interest category showing the qualified candidates within each category (substantially in the forms in Exhibits C-1 through C-5). Voters will need to add to the ballot the names of candidates who qualified after the ballots were printed. The names of these candidates will be written clearly on a blackboard or other visual aid. Voting shall be conducted by secret ballot. The Agency staff may set up private booths, but such booths are not required. The Agency staff shall make a reasonable effort to insure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

### **M. [Sec. 613] Tallying**

The tallying of ballots shall occur at the Election Meeting by Agency staff assisted by volunteers from the public present at the election. Previously mailed ballots, which arrived by the due date, shall be included.

### **N. [Sec. 614] Results/Runoffs**

Agency staff shall announce the verified winners of each membership interest category as soon as possible after the balloting for each category. The candidate with the highest number of votes in the applicable membership interest category shall be elected. In the event of a tie vote, a coin toss will determine the winner. Redevelopment Agency staff shall collect the ballots, Candidate Information Forms, and other records or documents relating to the election.

## **VII. [Sec. 700] CHALLENGES, APPOINTMENTS AND CERTIFICATION**

### **A. [Sec. 701] Validity Challenges**

Decisions made by the Agency regarding eligibility to become a RAC member candidate or to vote, the sufficiency of evidence provided in support of such eligibility, interpretation of the Procedures. or any other matter pertaining to the implementation of the Procedures shall be final; provided, however, that any person or group who believes that any such decision was arbitrary or not made in good faith, or who believes that any matter relating to the formation and election of the RAC or the Procedures was or is unfair, arbitrary, unreasonable or illegal. may file a written challenge to the election or electoral process stating the facts of the situation and the reasons why it is being challenged.

A challenge to the election or to the electoral process shall be filed with the Commission Executive Director no more than fifteen (15) calendar days following the election of the RAC. The Commission shall determine the validity of all challenges by resolution adopted within thirty (30) calendar days following the election or as soon thereafter as the calendar of the Board of Supervisors meetings will allow.

### **B. [Sec. 702] Appointments**

District Supervisor appointments to the RAC will be announced prior to Commission certification of election results.

### **C [Sec. 703] Election Certification**

After the election of the membership of the RAC, and adoption of a resolution by the Commission determining the validity of any challenges to the election or electoral process filed with the Commission Executive Director within the time prescribed in Section 701, if any, the Commission shall adopt a resolution finding that the election and the electoral process complies with the provisions of the Procedures, and certifying the RAC, as elected. This action shall take place only after the validity of all challenges, if any, has been determined by the Commission. Notice of the expected date of the Commissioners' consideration of the election and its results for compliance with the RAC election procedures shall be announced at the Election Meeting and broadly disseminated to Residents and Businesses of the Project Area.