



Board Agenda Item 6

DATE: October 24, 2023

TO: Board of Supervisors

SUBMITTED BY: James A. Kus County Clerk/Registrar of Voters

SUBJECT: California State University, Fresno Facility and Academic Program Improvement Initiative Measure

RECOMMENDED ACTION(S):

1. **Receive “Certificate of Sufficiency” dated September 25, 2023, with respect to the initiative petition entitled “California State University, Fresno Facility and Academic Program Improvement Initiative Measure” filed with the County Clerk/Registrar of Voters on September 6, 2023, pursuant to Elections Code Section 9114.**
2. **Pursuant to California Elections Code Section 9118, the Board of Supervisors shall take action on one of the following:**
 - a) **Submit the “California State University, Fresno Facility and Academic Program Improvement Initiative Measure”, without alteration, to the voters pursuant to Elections Code Section 1405; and adopt Resolution calling an election for the “California State University, Fresno Facility and Academic Program Improvement Initiative Measure” to be consolidated with the March 5, 2024, Consolidated Statewide Primary Election; or**
 - b) **Refer the “California State University, Fresno Facility and Academic Program Improvement Initiative Measure” to a county agency or agencies for a report or reports on the effect of the proposed ordinance (e.g., fiscal impact), pursuant to Elections Code Section 9111, and direct staff to present the report(s) to the Board of Supervisors no later than 30 days after today’s date, at which time your Board would adopt a Resolution calling for an election pursuant to Elections Code Section 1405.**

The recommended actions will allow your Board to conduct its ministerial duties regarding the initiative petition entitled “California State University, Fresno Facility and Academic Program Improvement Initiative Measure” (“Initiative Measure”). After receipt of the “Certificate of Sufficiency” from the Fresno County Clerk/Registrar of Voters, your Board is required to take action under California Elections Code Section 9118 on the Initiative Measure, as detailed in recommended action No. 2. This item is Countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions regarding the recommended actions.

FISCAL IMPACT:

The recommended actions will increase Net County Cost. Should your Board decide to approve

recommended action 2.a, the cost to consolidate the election for the Initiative Measure with the March 5, 2024, Statewide Primary Election is estimated by the County Clerk/Registrar of Voters to be \$328,000.

DISCUSSION:

The County Clerk/Registrar of Voters (“Registrar”) has determined that the proponents of the Initiative Measure, Jerry P. Dyer, Terry Bradley, Jim Patterson, Sal Quintero, and Dora Westerlund (the “Proponents”), collected more than the minimum number of valid County registered voter signatures to qualify the Initiative Measure for placement on an election ballot for consideration of Fresno County voters.

On June 5, 2023, pursuant to Elections Code Section 9100 et seq., the Proponents submitted to the Registrar, a Notice of Intention to Circulate Petition to adopt an ordinance that would impose a countywide 0.25% retail transactions and use tax (“tax”) to be spent in an “improvement zone,” defined as two miles surrounding the California State University, Fresno (“Fresno State”) campus and additional locations within the County that may be owned or leased by Fresno State for a period of 25 years from the date of enactment. The tax will not be collected in any jurisdiction of the County if it would cause the combined rate of transactions and use taxes to exceed the statutory rate limit.

The proposed ordinance provides for the following:

- Use of Proceeds: Proceeds must be used to expand access in certain Fresno State academic programs; construct, repair, and upgrade Fresno State facilities and infrastructure; provide scholarships for local students and veterans; and other uses necessary for Fresno State. The proposed ordinance will establish two endowments for funding scholarships and deferred maintenance or other campus program supports. Up to 1% of the proceeds will be appropriated to the County annually for administrative costs.
- Accountability: A seven member Citizens’ Oversight Committee (“Committee”) will conduct public meetings at least four times per year to ensure the proceeds are used for the purposes stated in the proposed ordinance and to allow citizen participation and input from Fresno State. The Committee must provide an annual audit report to your Board regarding the use of the proceeds. Five members of the Committee will be appointed by your Board, and the California State University, Office of the Chancellor and Fresno State, Office of the University President will each appoint one member.

The proposed ordinance requires the County Administrative Officer to provide administrative and technical assistance as required by the Committee.

On June 23, 2023, the Proponents filed with the Registrar adequate proof of publication for the Notice of Intention and the Ballot Title and Summary, pursuant to Elections Code Sections 9105 and 9108, and were permitted to circulate the initiative petition for signatures.

Under Elections Code Section 9118, for the initiative petition to be declared sufficient, registered voters equal to no less than 10% of the entire vote cast in the County for all candidates for Governor in the last gubernatorial election preceding publication of the Notice of Intention must sign the initiative petition (e.g., a minimum of 20,814 valid signatures). On September 6, 2023, the Proponents filed the initiative petition with the Registrar containing 34,538 signatures.

In accordance with Elections Code Sections 9114 and 9115, the Registrar applied a random sampling technique to verify signatures on the initiative petition. On September 25, 2023, the Registrar determined that the Proponents collected the required number of qualified signatures to permit, subject to your Board’s approval, the Initiative Measure to be placed on a ballot.

REFERENCE MATERIAL:

BAI #8.1, August 9, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

Resolution

On file with Clerk - Certificate of Sufficiency

On file with Clerk - Notice of Intention

On file with Clerk - Proponent Statement of Acknowledgement

On file with Clerk - Full Text of Measure

On file with Clerk - Title and Summary

On file with Clerk - Affidavit of Publication

On file with Clerk - Blank Copy of Petition

2023 IMPLAN Based Economic Analysis (Received from Proponents)

CAO ANALYST:

Ahla Yang