



Board Agenda Item 22

DATE: September 21, 2021

TO: Board of Supervisors

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

SUBJECT: Appointments in Lieu of Elections for Special Districts

RECOMMENDED ACTION(S):

1. **Accept Fresno County Clerk/Registrar of Voters Certificate of Facts regarding declarations of candidacy for positions to be elected at the November 2, 2021 General Election.**
2. **Appoint, in lieu of holding an election, special district candidates listed in Attachment A who filed declarations of candidacy and are all unopposed.**

As required by California Elections Code Section 10515, approval of the recommended actions will accept the Certificate of Facts and appoint persons who have filed declarations of candidacy to Special District Board positions (Attachment A) and are unopposed. This pertains to areas located in Districts 1, 4, and 5.

ALTERNATIVE ACTION(S):

There is no viable alternative. California Elections Code Section 10515 requires the Board of Supervisors to either make Special District Board appointments in lieu of election or to utilize the County's established appointment process, as performed by the Clerk of the Board, in Special Districts where no candidates filed a Declaration of Candidacy.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions.

DISCUSSION:

Recommended Action No. 1:

It is recommended that your Board accept the County Clerk Certificate of Facts as required under California Elections Code Section 10515(a), in order to facilitate the appointment in lieu of holding an election of candidates.

Recommended Action No. 2:

It is recommended that your Board appoint the candidates listed in Attachment A who have filed declarations of candidacy for an elected position in a special district and are unopposed. Additionally, the Fresno County Clerk/Registrar of Voters has not received a petition by any voters in any district or division requesting that the general district election be held for any of the offices listed in Attachment A. These offices will not be included on the November 2, 2021 ballot, as the number of candidates who filed for office did not exceed the number of available eligible offices.

Attachment B lists Special District Board positions where no candidates filed a declaration of candidacy and where the Clerk of the Board will follow an established application process in anticipation of the Board of Supervisors making future appointments.

In accordance with California Elections Code Section 10515(a), the Board of Supervisors, as the supervising authority, shall make the appointments of candidates listed in Attachment A when:

(a) If, by 5:00 p.m. on the 83rd day prior to the day fixed for the general district election:

- (1) Only one person has filed a declaration of candidacy for any elective office to be filled at that election,
- (2) No one has filed a declaration of candidacy for such an office,
- (3) In the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or
- (4) In the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected directors at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Fresno County Clerk/Registrar of Voters Certificate of Facts
Attachment A
Attachment B

CAO ANALYST:

Raul Guerra