



fresno county  
superintendent of schools

FILED  
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FRESNO COUNTY CLERK  
DEPUTY

BEFORE THE FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY, CALIFORNIA

In the Matter of a Special Election for a West Park Elementary School District Short-Term Seat With a Term Ending in 2022 (Education Code § 5091); Resolution Order of Election and Specification of the Election Order

**Resolution No. 2021 - 53**

WHEREAS, the governing board member occupying a West Park Elementary School District Governing Board at-large seat with a term set to begin in 2018 and set to end in 2022 was initially Mr. Thomas E. Deubert (the "Deubert Seat"); and

WHEREAS the Fresno County Superintendent of Schools ("County Superintendent") received notice that Mr. Deubert died on or about August 13, 2021, causing the Deubert Seat to become vacant, by operation of law, on or about August 13, 2021 (Education Code § 5090); and

WHEREAS, the West Park Elementary School District Governing Board had a 60-day period within which to make a provisional appointment or order an election to fill the seat (Education Code § 5091, subd. (a)); and

WHEREAS, the West Park Elementary School District Governing Board did not take action to make a provisional appointment or order an election to fill the Deubert Seat within its statutory 60-day window; and

WHEREAS, pursuant to Education Code, section 5091, subd. (a), in such circumstances "the county superintendent of schools shall order an election to fill the vacancy."

NOW, THEREFORE, BE IT RESOLVED pursuant to Section 5091 of the California Education Code the special election required to fill the Deubert Seat, for the remainder of the term ending in 2022, shall be called and shall be consolidated with the scheduled election on April 12, 2022, and said election is hereby Ordered. Pursuant to Section 5303 of the California Education Code, the County Superintendent requests that the County Clerk/Registrar of Voters "perform the duties incident to the preparation for, and holding of," said election.

FURTHER, the election to fill the Deubert Seat shall be held and conducted pursuant to the following Specifications of the Election Order:

The governing board member election will be held and conducted within the territorial jurisdiction of the above-named school district, consolidated with other elections on the same day and within the same territory, for the purpose of electing a qualified person to fill the vacant office. Accordingly, the district's board member election shall have the same precincts, polling places, voting booths, and polling hours as that for any other election consolidated therewith. Such election shall be a consolidated election pursuant to and in accordance with Elections Code section 10400, et seq., and Education Code sections 5323, 5340, and 5342.

The election shall be held on Tuesday, April 12, 2022.

The electorate in the above-named school district votes at large.

Each candidate will pay for any candidate statement. Any candidate statement will be limited to 200 words. As a condition of having a candidate statement published, the candidate shall pay the amount established by the County Clerk/Registrar of Voters. The Fresno Bee is designated as the newspaper of general circulation for this election.

The above-named school district will reimburse the county for the actual cost incurred by the county elections official in conducting the school district election upon receipt of a bill stating the amount due as determined by the elections official.

This Resolution is adopted by the County Superintendent as of the date immediately stated below as evident by his signature hereunder:

Date: October 13, 2021

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Jim A. Yovino, Superintendent

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