



Board Agenda Item 8.1

DATE: August 9, 2022

TO: Board of Supervisors

SUBMITTED BY: James A. Kus, Fresno 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 August 4, 2022, 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 July 25, 2022, 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 November 8, 2022 Consolidated Statewide General 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 November 8, 2022, Statewide General Election is estimated by the County Clerk/Registrar of Voters to be \$125,000.

DISCUSSION:

The County Clerk/Registrar of Voters (“Registrar”) has determined that the proponents of the Initiative Measure, Richard F. Spencer, Terry Bradley, Marcus P. Johnson, 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 May 18, 2022, 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 0.2% retail transactions and use tax (“tax”) to be spent in an “improvement zone,” defined as two miles surrounding any California State University, Fresno (“Fresno State”) property located within the County for a period of 20 years from the date of enactment. For the City of Reedley, the tax imposed by the proposed ordinance is at a rate of 0.025%.

The proposed ordinance provides for the following:

- **Purpose:** Proceeds must be used to expand access and opportunities in certain Fresno State academic programs; repair and upgrade Fresno State facilities, including athletic facilities; and provide scholarships for local low-income students.
- **Use of Proceeds:** At least two-thirds must be spent on academic programs and facilities. No more than one-third may be used for athletic facilities. Proceeds may also be used to recover the County’s administrative costs.
- **Accountability:** A five member Citizens’ Oversight Committee (“Committee”) appointed by your Board will meet at least twice per year to direct and control the use of the proceeds and oversee the issuance of bonds. The Committee must provide an annual audit report to your Board regarding the use of the proceeds.

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

On June 1, 2022, 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 25,331 valid signatures). On July 25, 2022, the Proponents filed the initiative petition with the Registrar containing 39,360 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 August 4, 2022, 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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Certificate of Sufficiency

Attachment B - Resolution

On file with Clerk: Attachment C - Notice of Intention to Circulate Petition

On file with Clerk: Attachment D - Proponent Statement of Acknowledgement

On file with Clerk: Attachment E - Full Text of Measure

On file with Clerk: Attachment F - Title and Summary

On file with Clerk: Attachment G - Affidavit of Publication

On file with Clerk: Attachment H - Blank copy of Petition

CAO ANALYST:

Ahla Yang