



Board Agenda Item 25

DATE: February 22, 2022

TO: Board of Supervisors

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

SUBJECT: Fresno Unified School District and West Park Elementary School District's Request for County to Conduct a Special School District Election

RECOMMENDED ACTION(S):

- 1. Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a Consolidated School District Special Election on April 12, 2022, for Fresno Unified School District and West Park Elementary School District.**
- 2. Adopt Budget Resolution increasing the FY 2021-22 appropriations and estimated revenues for the County Clerk - Scheduled Elections Org 28500600 in the amount of \$160,000 (4/5 vote).**

On September 21, 2021, the County Superintendent adopted Resolution No. 2021-46 which ordered a special election to fill the vacancy for the Fresno Unified School District Governing Board Member Trustee Area No. 5. On October 13, 2021, the County Superintendent adopted Resolution No. 2021-53 which ordered a special election to fill an at-large vacancy for the West Park Elementary School District Governing Board. Both special elections are to be consolidated and held on April 12, 2022. The second recommended action will allow the Department to increase appropriations and estimated revenues to account for election expenses and reimbursement. This item pertains to areas in Districts 1, 2 and 3.

ALTERNATIVE ACTION(S):

If the first recommended action is not approved, it would be the responsibility of the County Clerk/Registrar of Voters to conduct the school districts' elections separately. Historically, both school districts have submitted an executed resolution for each of their past elections requesting the County Clerk/Registrar of Voters to conduct their elections. The County Clerk/Registrar of Voters has provided those services and the school districts, upon receipt of an invoice, have reimbursed the County for past election costs.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Fresno Unified School District and West Park Elementary School District will be billed their pro-rata share of the election costs and have agreed to reimburse the County upon receipt of a bill. The estimated cost for this consolidated election is \$160,000. Approval of the second recommended action will increase the appropriations and estimated revenues in the Department's FY 2021-22 - Scheduled Elections Org 28500600 Adopted Budget in the amount of \$160,000.

DISCUSSION:

On July 21, 2021 the Fresno Unified School District Governing Board Seat No. 5, with a term ending date of 2024, became vacant due to the passing of Governing Board Member Ms. Carol Mills. In addition, the County Superintendent received notice that Mr. Thomas E. Deubert, Governing Board Member (at-large) for West Park Elementary School District died on or about August 13, 2021. California Education Code section 5091(a)(1) requires the governing board to either appoint a provisional board member or call a special election to fill a vacancy within 60 days of the vacancy. In both instances, the governing boards did not act within the statutory 60-day window. Pursuant to California Education Code section 5091(a)(2), "In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy".

On September 21, 2021, the County Superintendent adopted Resolution No. 2021-46 calling a special election to be held for Fresno Unified School District Governing Board Member Trustee Area No. 5 and consolidated with any scheduled election on April 12, 2022. In addition, on October 13, 2021 the County Superintendent adopted Resolution No. 2021-53 calling a special election to be held for West Park Elementary School District Governing Board (at-large) and consolidated with the scheduled election on April 12, 2022. Both special elections are to be conducted pursuant to and in accordance with California Elections Code section 10400, *et seq.*, and California Education Code sections 5323, 5340, and 5342.

ATTACHMENTS INCLUDED AND/OR ON FILE:

- On file with Clerk - Budget Resolution
- On file with Clerk - Resolution to Perform and Bill
- On file with Clerk - Fresno Unified School District Resolution No. 2021-46
- On file with Clerk - West Park Elementary School District Resolution No. 2021-53

CAO ANALYST:

Raul Guerra