



Board Agenda Item 21

DATE: December 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Brandi L. Orth County Clerk/Registrar of Voters

SUBJECT: Appointment of a Director to the Fig Garden Fire Protection District in accordance with California Elections Code §10515

RECOMMENDED ACTION(S):

Approve the appointment of Brian Domingos to the Fig Garden Fire Protection Board of Directors, for the term expiring December 4, 2020, to fill a vacancy.

ALTERNATIVE ACTION(S):

Your Board may order the Fig Garden Fire Protection Board to call an election to fill the vacancy.

FISCAL IMPACT:

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

DISCUSSION:

California Elections Code §10515 provides the following directive to elections officials and district boards:

- a) If, by 5 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 director 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.

- b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

As of the close of the candidate nomination filing period, no one had been nominated for the short-term elective office of the Fig Garden Fire Protection District to be filled at the General Election held November 6, 2018, and no petition signed by the voters of said District requesting the election be conducted was presented to the County Clerk/Registrar of Voters. Accordingly, the County Clerk/Registrar of Voters requests the Board of Supervisors make the following District appointment in lieu of election:

One Short Term Director - Fig Garden Fire Protection District
Begins 12/7/2018 and expires 12/4/2020

On October 15, 2018, the Clerk of the Board's office referred an application from Brian Domingos to the County Clerk's Office to determine whether the applicant qualified under applicable law to serve on the District Board. On October 15, 2018, the County Clerk's Office confirmed that the applicant was qualified to serve on the District Board.

By making an appointment, the vacant seat from the vacancy will be filled on the District Board without the District incurring the cost of an election. If approved, the appointee will hold the seat until December 4, 2020. Fresno County District 2 Supervisor Borgeas supported this appointment.

REFERENCE MATERIAL:

BAI #25, October 9, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Domingos, Brian - BCC Application

CAO ANALYST:

Yussel Zalapa