

**WANGER JONES HELSLEY PC**  
ATTORNEYS

OLIVER W. WANGER  
TIMOTHY JONES\*  
MICHAEL S. HELSLEY  
PATRICK D. TOOLE  
SCOTT D. LAIRD  
JOHN P. KINSEY  
KURT F. VOTE  
TROY T. EWELL  
JAY A. CHRISTOFFERSON  
MARISA L. BALCH  
PETER M. JONES\*\*  
STEVEN M. CRASS\*\*  
AMANDA G. HEBESHA\*\*\*  
MICAELA L. NEAL  
REBECCA S. MADDOX  
NICOLAS R. CARDELLA  
ERIN T. HUNTINGTON  
STEVEN K. VOTE  
JENNIFER F. DELAROSA  
ROCCO E. DICICCO  
GIULIO A. SANCHEZ  
CHRISTOPHER A. LISIESKI\*\*\*\*  
BENJAMIN C. WEST  
HUNTER C. CASTRO

\* Also admitted in Washington  
\*\* Of Counsel  
\*\*\* Of Counsel/Also admitted in  
Idaho  
\*\*\*\* Also admitted in Virginia

265 E. RIVER PARK CIRCLE, SUITE 310  
FRESNO, CALIFORNIA 93720

MAILING ADDRESS  
POST OFFICE BOX 28340  
FRESNO, CALIFORNIA 93729

TELEPHONE  
(559) 233-4800

FAX  
(559) 233-9330



OFFICE ADMINISTRATOR  
LYNN M. HOFFMAN

Writer's E-Mail Address:  
jkinsey@wjhattorneys.com

Website:  
www.wjhattorneys.com

May 13, 2019

**VIA EMAIL**

Bernice E. Seidel  
Clerk to the Board of Supervisors  
COUNTY OF FRESNO  
2281 Tulare Street, #301  
Hall of Records  
Fresno, CA 93721-2198

Re: Consent Agenda Item 24 for a Resolution to Amend  
FCERA Board Election Procedures

Dear Members of the Board of Supervisors:

My law firm represents several 2017 electors the Fresno County Employees' Retirement Association ("FCERA") Board of Retirement ("Board"), including Eulalio Gomez, Thomas Trester, Jeri Nowak, and Monica Diaz. My clients are also relators who the Attorney General recently granted leave to sue current Board members Riley Talford and John Robinson on the grounds that they unlawfully hold public office on the FCERA Board due to conduct that likely ran afoul of political law during the 2017 election. A copy of the Attorney General's published opinion granting my clients leave to sue on April 19, 2019, is attached for your reference as Exhibit "A." On my clients' behalf, I am writing in response to the proposed amended election procedures for the FCERA Board as proposed in item 24 on the agenda for the Board of Supervisors for the March 14, 2019 meeting ("Proposed Procedures").

///

## **I. Introduction**

The Proposed Procedures are premature given the Attorney General's Quo Warranto decision granting our clients leave to sue current FCERA Board members as unlawfully holding their positions. The Attorney General reviewed claims that three electors to the FCERA Board unlawfully were elected to office because their conduct during the 2017 FCERA election violated both FCERA election procedure and state and local law and policy regarding the use of public resources. "The position of trustee of a county retirement board is a public office" subject to state laws which require preventing the use of public resources for political activity. (Exhibit A at 4-5.) Significantly, the Attorney General decided the defendants not only likely violated the FCERA election procedures, but also "likely ran afoul of laws regarding political activities in the course of public employment, and may have had an impact on the close trustee elections." (Exhibit A at 10.) What's more, "Relator's factual allegations are well-supported and that their legal claims present viable grounds to attack the validity of Defendants' elections." (Exhibit A at 11.)

The Attorney General's decision highlights not only inadequacies with FCERA election procedures, but also significant administrative gaps connecting violations of law and policy to the outcome of the FCERA election. The Proposed Procedures, as is, cannot and will not be able to prevent the events in 2017 without additional revisions, and certain changes may be substantial. Therefore, we request the Board to take additional time to allow our clients review the Proposed Procedures with FCERA and County staff regarding ways to address the Attorney General's concerns before these rule changes are adopted.

## **II. It is Clear from the Proposed Procedures that Revisions were Made to Address Conduct that Impacted the FCERA 2017 Election.**

The proposed FCERA election procedures clearly have been reviewed and revised in an attempt to address conduct impacting the 2017 election, including:

**a. *The Fresno County Registrar of Voters Now Has Authority to Evaluate Impact of Violations on Election.*** In 2017, there was significant confusion about whether the Fresno County Registrar, who conducted the election, had the authority to adjudicate the outcome of certain election procedure violations. The proposed election procedures give the County Registrar the authority to declare s/he "cannot conduct, or complete the conducting of, an election...due to any condition, including but not limited to any error, omission or neglect, or any cause beyond the control of FCERA....that in the determination of the County Registrar of Voters *may adversely affect the outcome of the election*...if the election were to proceed to completion." (Sec.I.B.)

**b. *No bulk/multiple ballots.*** After the 2017 election, video surveillance footage posted outside the Registrar of Voter's office captured multiple individuals delivering ballots in bulk, which should have been invalid and not counted in the election. (See Exhibits "B" and "C.") The procedures clarify and emphasize that only the voter may return their

own ballot, and bulk delivery of ballots are not allowed, unless by USPS or a commercial carrier. (Section VII.B.) The policy is also clear that multiple ballots submitted by a single individual should be rejected.

**c. *Ballots are Identified by Voter.*** In 2017, several members were documented as receiving two ballots, but it was unclear which ballots were double votes since there was no identifying information on the envelopes or ballots to track the voter. Under the proposed rules, members may only vote for one candidate (Sec.II.C.), and should there be a glitch and someone vote more than once, the procedures now require the envelopes to identify each voter to catch double voting. (Sec. VI.A.1.d.)

**d. *No Using County Release Time for Campaigning.*** In 2017, County employee time, email, physical property, and other resources were used by selected candidates to further their campaigns at the expense of other FCERA candidates, including our clients. The proposed rules make improvements to prevent such abuses by prohibiting FCERA Board candidates from using “County release time” or “County Allowed Time” to obtain nominations or campaign (Sec. II.F.)

**e. *There is now a Process for Recount and Protest.*** There proposed procedures provide a process for a ballot recount and administrative protest to challenge the results of the election to the Registrar prior to legal action. (Sec. VIII.) Also, there’s now time – up to 5 days after the posting of the results – to file protest.

**f. *Professional Ballot Printing.*** During the 2017 Board election, one candidate’s title was improperly printed as a “Chief Financial Officer,” giving that improper perception this person had financial experience they, in fact, did not have. Per Section VII.A.2, there is a requirement in the proposed rules that the ballots be laid out and printed with a company certified by the California Secretary of State, which hopefully would avoid ballot misprints like the misprinted title in 2017. Granted, this is not a guarantee because the County Registrar of Voters “may, at his or her option, [to] undertake any or all of such functions,” and designate the task to FCERA. (Sec.VI.A.2.a.)

### **III. However, the Improvements Do Not Address the Unlawful Conduct In A Way That Prevents the Outcome In The 2017 Election.**

#### **a. There Is No Process or System to Prevent the Impact Of Conduct Identified By The Attorney General That Runs Afoul Of Laws Regarding Political Activities In The Course Of Public Employment.**

“Political activities of public employees are of significant statewide concern.” (Gov. Code § 3201.) When granting the application for leave to sue in *quo warranto*, the Attorney General agreed that the use of public resources during the 2017 FCERA election – organizing ballot captains across Fresno County, using County computers for campaigning,

sending campaign emails using a County email addresses, campaigning on County property, etc. – likely ran afoul of laws regarding political activities in the course of public employment.<sup>1</sup> (Exhibit A at 10.) Violating electors and their County and non-County employee representatives repeatedly took advantage of these resources, even sometimes despite warnings by Fresno County against such behavior.

We strongly believe that because 2017 violations of political laws had no negative consequences on electors' standing to the FCERA Board, they had incentive to exploit those resources as part of their campaign strategy and lacked incentive to stop such conduct, as is evident from their campaign strategy we discovered through a PRA request. (See Exhibit "D.") This activity impacted the outcome of the election to the detriment of those who did not violate the rules, policy, and law.

However, the proposed rules are surprisingly silent about how any such violations of state and local law are enforced and impact prevented. Multiple loopholes must be addressed to prevent the unlawful behavior identified by the Attorney General, including, but not limited to:

***The Proposed Scope Would Need To Be Broadened To Capture All Abuses Of Public Resources On Behalf Of A Candidate.*** Only "County Allowed Time" by candidates and their Fresno County employee representatives is identified by the proposed rule as a public resource that may not be used for campaigning. (Section II.F.) However, as seen during the 2017 election, FCERA Board candidates are increasingly relying on outside election teams who may still act on candidates behalf on County property, but not be subject to "County Allowed Time."

***The Rules Must Have a Process to Evaluate and Stop Political Activity Violations During the Election.*** The proposed rules allow for a candidate "to protest the *results* of any election," which implies the protest process occurs at the end, rather than during, the election process. (Sec. VIII.A.) The proposed rules fail to provide any process, evidentiary standard, or timing for the Registrar of Voters to report, investigate, or address campaigning violations during the electioneering time period. Theoretically, prior to protesting the outcome of the election, anyone could write a letter prior to the outcome of the election demanding that the Registrar of Voters evaluate whether a condition "in the determination of the County Registrar of Voters may adversely affect the outcome of the election." (Sec.I.B.) If the Registrar of Voters makes this conclusion, then the entire election is called off and must be redone. This raises significant concerns and questions not anticipated by these rules:

- Who is responsible for investigating election violations? Does the Registrar of Voters have investigatory authority and resources to demand documents, data, or other relevant evidence necessary to reach a conclusion of whether a condition "may adversely affect the outcome of the election"?

---

<sup>1</sup> The Attorney General is not a finder of fact and, accordingly, left the ultimate determination for the Court to resolve.

- Is there a standard of evidence necessary for the Registrar of Voters to consider to evaluate those violations?
- Will evidence of a violation be preserved by the Registrar of Voters during the election season in case sequential violations appear? Or is it the responsibility of candidates to maintain files on each the other candidates to present to the Registrar of Voters should the conduct that occurred in 2017 happen again?
- Is there a deadline for violations to be reported to the Registrar of Voters for a determination about the election?

If this is not addressed, the effects of the violations may not be evaluated or realized until after the election when the impact is more difficult to ascertain and the results already tainted.

***There are also no provisions requiring stakeholders Fresno County or FCERA to communicate or report election violations to the designated decision maker, the Fresno County Registrar of Voters.*** County Supervisors are far more likely to witness and receive reports of abuses of public resources by Fresno County employees for FCERA elections than FCERA or even the Registrar of Voters. Such abuses are also violations of Fresno County law and policy and are typically processed as employee violations. As noted previously, these violations may impact the outcome of the election, and only the Registrar of Voters may evaluate whether a condition “in the determination of the County Registrar of Voters may adversely affect the outcome of the election.” (Sec.I.B.) Despite this, there are no required communication between Fresno County officials and the Registrar of Voters of political electioneering violations. If candidates are left with the responsibility to tell the Registrar of Voters about violations, the system will be naturally flawed according to the imperfect information candidates are able to acquire. For example, should ballots be delivered in bulk by a candidate representative to the inter-office currier and should not be counted under the proposed rules, a Supervisor who warns the employee about the violation of Fresno County policies is in a better position to tell the Registrar of Voters which ballots are invalid than a candidate who lacks such authority or access to information.

***Candidates Do Not Have the Tools to Prevent Such Abuses of Public Resources.*** Without a system in place for managing and communicating election violations during the election season, FCERA candidates will be left with the responsibility to police each other. In addition to the points mentioned previously, only the conduct that is witnessed is first reported, and several uses of public resources for election purposes in 2017 were not realized until after the election closed once public record act requests could be made. Due to the short election season of merely a few weeks, it is likely candidates would not be able to accrue sufficient documents in time for the Registrar of Voters to call off the election.

///

///

///

**b. In Practice, Several Provisions Are Going To Be Difficult, If Not Impossible To Enforce.**

**i. Undefined “Secret Ballots” Are Problematic to Enforce and Likely Violate First Amendment Rights.**

The proposed procedures suggest the election now “shall be conducted herein by secret official ballot, and all votes shall be kept secret.” (Section II.G.) What is considered “secret,” what conduct would violate the “secret” provision, and by whom is not provided. On one hand, the purpose of the policy here may be to prevent unethical solicitation practices that undermine meritocracy in government work spaces, such as a supervisor using pressure to procure votes from inferior employees. At the same time, this policy is so overly broad that exercising discretion could run afoul of First Amendment rights. A voter discussing their vote with a significant other over dinner would likely be considered not keeping their vote “secret” and violate this rule. Also, what is the remedy? Is a ballot then invalid due to such conduct? Additional considerations and revisions to this rule is necessary if it is to be at all enforceable and not potentially subject to abuse of discretion.

**c. Bulk delivery of ballots under this system is still possible.**

Though the proposed ballot delivery procedures have been significantly improved from the procedures governing the 2017 election, bulk ballot delivery is still possible under this system. Ballot delivery under the proposed procedures is still permitted by a “commercial carrier,” which does not specifically exclude the inter-county carrier system used by Fresno County offices to deliver mail to other Fresno County offices. (Section VII.B.) If the county carrier mail is permitted under these procedures, it would be difficult, if not impossible, to monitor the individual behavior within each Fresno County office to ensure certain employees are not acting as ballot captains and making bulk deliveries of ballots into the carrier receptacles available in each office. In this scenario, ballots delivered in bulk, though invalid and not eligible to be accepted, may not even be removed because nothing in the proposed procedures obligates office supervisors or Fresno County Human Resources to report these violations of these procedures to the Registrar of Voters.

Further, several bulk ballot deliveries in 2017 were made during the day and after hours to drop-off mail receptacles outside the Fresno County Registrar’s office. There is nothing in these procedures prohibiting the use of drop-off receptacles for the collection of ballots. Unless someone is dedicated to policing the drop-boxes or dedicated to watching hundreds hours of surveillance video footage, it is difficult, if not impossible, to determine which ballots left in a receptacle the next morning are invalid bulk ballots.

///

///

///

**IV. The Standard Of Protest And Legal Challenge Do Not Preclude A Quo Warranto Action.**

The proposed procedures provide a whole new system for contesting the outcome of an election. Candidates may protest the election results within five days after the election on limited terms:

“The written protest shall be based on the failure of the FCERA Parties, the County Parties, and/or the Special District Parties, as applicable to comply with these election procedures, and must specify such grounds for the protest and be accompanied by any documentation or other evidence that may be referenced in the protest.”

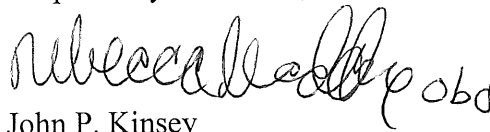
(Section VIII.A.1.) After exhausting this administrative remedy, a party contesting the outcome of the election may file a writ of mandate.

These procedures are subject to particular weaknesses. First, similar to previous points, it prejudices candidates who are unable to gather public information about the conduct of the election. Second, a party could easily file a Protest on the grounds the County of Registrar Voters filed to find “due to any condition....[the condition] *may* adversely affect the outcome of the election.” “May” does not require certainty that certain actions caused votes to go in one direction or another, and such a standard is vulnerable to a claim that the Registrar abused his/her discretion. This may be particularly true where electioneering violations – campaign emails, use of public property for campaigning, etc. – is difficult to measure the impact of. Because not all uses of public property for political gain are incorporated into these rules, candidates will be incentivized to engage in letter writing campaigns to the Registrar in preparation for a legal challenge after the election.

**V. Conclusion**

For each of the foregoing reasons, we respectfully request the Board of Supervisors to defer adoption of the amended FCERA Board election procedures until the concerns identified by the Attorney General may be addressed in the proposed FCERA election procedures.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John P. Kinsey", with a stylized flourish at the end.

John P. Kinsey

# EXHIBIT A

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

XAVIER BECERRA  
Attorney General

---

OPINION	:	No. 18-202
	:	
of	:	April 19, 2019
	:	
XAVIER BECERRA	:	
Attorney General	:	
	:	
LAWRENCE M. DANIELS	:	
Deputy Attorney General	:	
	:	

---

Proposed relators EULALIO GOMEZ, THOMAS TRESTER, MONICA DIAZ, and JERI NOWAK have requested leave to sue proposed defendants RILEY TALFORD, JOHN ROBINSON, and JOHN ADAMS in quo warranto to remove them as trustees of the Board of Retirement of the Fresno County Employee Retirement Association on the ground that their elections resulted from violations of election procedures.

CONCLUSION

Leave to sue in quo warranto is GRANTED to determine whether the elections of proposed defendants RILEY TALFORD and JOHN ROBINSON as trustees of the Board of Retirement of the Fresno County Employee Retirement Association resulted from violations of election procedures. Leave to sue in quo warranto is DENIED as to proposed defendant JOHN ADAMS because his challenged term of office has expired.

## ANALYSIS

Retirement boards for public employees have plenary authority and the fiduciary responsibility to administer the employees' retirement systems.<sup>1</sup> Pursuant to the California Constitution, retirement board trustees must "administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries."<sup>2</sup> The County Employees Retirement Law of 1937 permits a county to establish and operate a retirement plan, and to provide disability retirements, for the county's employees.<sup>3</sup>

Under this law, the County of Fresno has established the Fresno County Employees' Retirement Association, governed by a Board of Retirement (Board).<sup>4</sup> The Board's duties "consist primarily of protecting the assets of the retirement system through investment decisions and through actuarial valuations and adjustments; calculating benefits; delivering benefits and services to members and their beneficiaries; and deciding individual members' claims for benefits."<sup>5</sup> The Board consists of nine members: the county treasurer, four appointed members, two elected general members, one elected safety member, and one elected retired member.<sup>6</sup> Safety members are classified as "those employees who are in positions in which the principal duties consist of either active law enforcement or active fire suppression."<sup>7</sup> General members are "all employees not classified as Safety

---

<sup>1</sup> Cal. Const., art. XVI, § 17; *Flethez v. San Bernardino County Employees Retirement Assn.* (2017) 2 Cal.5th 630, 635 (*Flethez*).

<sup>2</sup> Cal. Const., art. XVI, § 17, subd. (a).

<sup>3</sup> Gov. Code, § 31450 et seq.; *Flethez, supra*, 2 Cal.5th at p. 635; *Marin Assn. of Public Employees v. Marin County Employees' Retirement Assn.* (2016) 2 Cal.App.5th 674, 680.

<sup>4</sup> Gov. Code, §§ 31520, 31520.1, 31595; Fresno County Employees' Retirement Assn. Bd. of Retirement Charter (as amended Oct. 7, 2015) ("FCERA Charter"), available at <https://www2.co.fresno.ca.us/9200/Attachments/policies/20151007-6B-BoardCharters-1dRaCharter.pdf>.

<sup>5</sup> 89 Ops.Cal.Atty.Gen. 152, 156 (2006), fn. omitted; see Gov. Code, §§ 31451, 31453, 31453.5, 31530-31536, 31580-31619; FCERA Charter, *supra*, pt. 1, § 1.

<sup>6</sup> Gov. Code, § 31520.1, subd. (a).

<sup>7</sup> Fresno County Employees' Retirement Assoc. Handbook (2017) ("FCERA Handbook"), p. 8, available at <http://www2.co.fresno.ca.us/9200/attachments/handbook/activehandbook.pdf>; see Gov. Code, § 31469.3.

members.”<sup>8</sup>

The two Board trustee positions representing general members (trustee positions 2 and 3) and the one Board trustee position representing safety members (trustee position 7) were up for election on November 16, 2017. In this election, the three proposed defendants (Defendants Riley Talford, John Adams, and John Robinson) prevailed over the four proposed relators (Relators Eulalio Gomez, Thomas Trester, Monica Diaz, and Jeri Nowak). For trustee position 2, Defendant Talford received 322 votes, Robert Bash (not a party in this matter) received 287 votes, Relator Nowak received 230 votes, and Bobby Bloyed (not a party in this matter) received 108. For trustee position 3, Defendant Adams received 348 votes, Relator Trester received 347 votes, and Relator Diaz received 243. For trustee position 7, Defendant Robinson received 180 votes and Relator Gomez received 177. The county clerk certified these results.

On December 19, 2017, after the election, Relators brought an election contest in Fresno County Superior Court challenging the election results.<sup>9</sup> On February 2, 2018, the court dismissed the case on the basis that the statute authorizing election contests did not encompass elections for county retirement boards.<sup>10</sup> On April 3, 2018, Relators appealed this dismissal to the Fifth Appellate District of the California Court of Appeal. On January 11, 2019, upon Relators’ request, the court dismissed the appeal.

Meanwhile, between the superior court and Court of Appeal dismissals of the election contest case, Relators applied to the Attorney General to sue Defendants, on the same factual grounds, via a quo warranto legal theory. These grounds are that (1) 56 votes were counted from 28 voters who returned envelopes containing both a general member ballot and a safety ballot; (2) some completed ballots were delivered in bulk, rather than individually; and (3) Defendants unlawfully used county resources for political campaigning.

For the reasons that follow, we now find that Relators’ well-supported grounds for relief warrant granting them leave to sue in quo warranto against Defendants Talford and Robinson, whose challenged terms will expire on December 31, 2020. We will deny Relators leave to sue against Defendant Adams, however, because the electoral term they challenge as to him expired on December 31, 2018.

---

<sup>8</sup> FCERA Handbook, *supra*, at p. 8; see Gov. Code, § 31499.11, subd. (a).

<sup>9</sup> See Elec. Code, § 16000 et seq. (election contests). Defendants began serving their terms as trustees on January 1, 2018.

<sup>10</sup> See Elec. Code, § 16100.

## Applicable Law on Quo Warranto

Quo warranto is a means of challenging whether a person unlawfully holds a public office.<sup>11</sup> Before initiating a quo warranto proceeding in superior court, a person must obtain leave to sue from the Attorney General against a person “who usurps, intrudes into, or unlawfully holds or exercises any public office . . . within this state.”<sup>12</sup> In order to grant a quo warranto application, we must find that (1) quo warranto is the proper remedy to resolve an issue presented, (2) the application presents a substantial issue of law or fact appropriate for judicial resolution, and (3) granting the application would serve the overall public interest.<sup>13</sup> We address these three requirements in turn.

### 1. Is Quo Warranto a Proper Remedy?

For quo warranto to be an available remedy, Defendants must be holding public offices, and Relators must be challenging Defendants’ titles to these public offices.<sup>14</sup> A public office is a governmental position that is created or authorized by law with a continuing and permanent tenure in which the incumbent performs a public function and exercises some sovereign powers of government.<sup>15</sup>

An application of this test convinces us that the position of trustee of a county retirement board is a public office. First, the position is governmental because the county and its subsidiary governing bodies are part of our state’s governmental system, and because the Board uses taxpayer funds to perform its obligations.<sup>16</sup> Second, the position is created or authorized by law because the state Constitution has authorized, and the Legislature has specifically created, this position.<sup>17</sup> Third, the position has a continuing and permanent tenure because the Board’s life is perpetual and its elected members serve

---

<sup>11</sup> Code Civ. Proc., § 803; *Nicolopoulos v. City of Lawndale* (2001) 91 Cal.App.4th 1221, 1225; 76 Ops.Cal.Atty.Gen. 157, 165 (1993).

<sup>12</sup> Code Civ. Proc., § 803; Cal. Code Regs., tit. 11, § 1.

<sup>13</sup> 96 Ops.Cal.Atty.Gen. 36, 40 (2013); 95 Ops.Cal.Atty.Gen. 50, 54 (2012).

<sup>14</sup> See 96 Ops.Cal.Atty.Gen., *supra*, at pp. 41-45; 73 Ops.Cal.Atty.Gen. 197, 200-201 (1990).

<sup>15</sup> *Moore v. Panish* (1982) 32 Cal.3d 535, 545; *People ex rel. Chapman v. Rapsey* (1940) 16 Cal.2d 636, 639-640; 100 Ops.Cal.Atty.Gen. 29, 30 (2017).

<sup>16</sup> Gov. Code, §§ 23000-23005, 31451, 31580-31590.

<sup>17</sup> Cal. Const., art. XVI, § 17; Gov. Code, §§ 31520, 31520.1, subd. (a).

regular (three-year) terms of office.<sup>18</sup> Fourth, the Board performs a public function, the Fresno County Board of Supervisors having transferred to it the duty to provide for the county employees' retirement.<sup>19</sup> By this delegation of power, the Board must "administer the [county retirement] system in a manner that will assure prompt delivery of benefits and related services to the [county] participants and their beneficiaries."<sup>20</sup>

Lastly, the Board, through its trustees, exercises some sovereign powers of government using its constitutionally-provided "plenary authority" over the system.<sup>21</sup> It possesses broad discretionary authority regarding investments of monies, and has the power to adjust benefits, correct errors or omissions in benefits, and audit a county or district to determine the accuracy of benefits.<sup>22</sup> The Board further exercises "quasi-judicial powers"<sup>23</sup> by ruling on applications for retirement benefits and disability retirements, and determining factual issues, such as whether a member is permanently incapacitated and whether the disability is service-connected;<sup>24</sup> by appointing referees for hearings;<sup>25</sup> and by exercising subpoena powers and administering oaths to witnesses.<sup>26</sup> The Board is also empowered to formulate regulations, which become effective upon approval by the Fresno County Board of Supervisors.<sup>27</sup> The Board must comply with the Brown Act's open-

---

<sup>18</sup> Gov. Code, §§ 31520, 31520.1, 31595.

<sup>19</sup> Gov. Code, § 31500; *Bd. of Retirement v. Santa Barbara County Grand Jury* (1997) 58 Cal.App.4th 1185, 1191.

<sup>20</sup> Cal. Const., art. XVI, § 17, subd. (a).

<sup>21</sup> *Ibid.*

<sup>22</sup> Gov. Code, §§ 31537, 31538, 31539, 31541, 31595; FCERA Charter, *supra*, pts. I, II.

<sup>23</sup> *Rau v. Sacramento County Retirement Bd.* (1966) 247 Cal.App.2d 234, 236 (a county "retirement board is a local administrative body vested with quasi-judicial powers"); see also *Le Strange v. City of Berkeley* (1962) 210 Cal.App.2d 313, 323 (a fire pension board of a city is quasi-judicial because of its "fact finding power and the concomitant requirement to make a determination or adjudication of fact in connection with matters properly submitted to it after a hearing").

<sup>24</sup> Gov. Code, §§ 32725, 32725.7, 31725.8; *Flethez, supra*, 2 Cal.5th at p. 636.

<sup>25</sup> Gov. Code, § 31533.

<sup>26</sup> Gov. Code, § 31535.

<sup>27</sup> Gov. Code, § 31525.

meeting rules because a county retirement board is a “local agency” for this purpose.<sup>28</sup> And significantly, the Legislature in 2012 evidenced its belief retirement board trustees hold public offices (in the first instance) when it specifically exempted them from the legal prohibition against holding incompatible public offices.<sup>29</sup> We find that Defendants hold public offices for quo warranto purposes as well.

Next, we turn to whether Relators are challenging Defendants’ titles to these public offices. On this point, it is well established that a party may challenge an election by means of an election contest or a quo warranto complaint.<sup>30</sup> Under a quo warranto theory, if the

---

<sup>28</sup> *Freedom Newspapers, Inc. v. Orange County Employees Retirement System* (1993) 6 Cal.4th 821, 824; see generally Gov. Code, § 54950 et seq. (the Ralph M. Brown Act); see also *Bd. of Retirement of Kern County Employees’ Retirement Assn. v. Bellino* (2005) 126 Cal.App.4th 781, 790-792 (a county retirement association is a “local agency” for purposes of Government Code section 53227’s prohibition against employees of a local agency serving on its board); *Bd. of Retirement v. Santa Barbara County Grand Jury*, *supra*, 58 Cal.App.4th at p. 1195 (a county retirement association is a “local government agency” for purposes of the grand jury’s exercise of investigative and subpoena powers under Penal Code sections 925, 933, and 939.2); and see Cal. Code Regs., tit. 2, § 18700.3, subd. (b)(2) (within the meaning of the financial-disclosure provisions of the Political Reform Act of 1974, “public officials who manage public investments” under Government Code section 87200 include members of retirement boards); *Lexin v. Super. Ct.* (2010) 47 Cal.4th 1050, 1084 (city employees of the City of San Diego acted “[i]n their official capacities” within the meaning of Government Code section 1090 in contracting with the city as members of its retirement board).

<sup>29</sup> Stats. 2002, ch. 289, § 1 (Sen. Bill No. 1746) (the Legislature intends that “appropriate legal counsel . . . would cure any potential clash between the two offices as implied by the doctrine of incompatibility of public offices”); see generally Gov. Code, § 1099 (describing the rule against simultaneously holding incompatible public offices). In a similar vein, we have found that the incompatible-offices rule did not prevent a county treasurer from also serving on the county retirement board, because the Legislature required the county treasurer to serve in this dual capacity. (89 Ops.Cal.Atty.Gen., *supra*, at pp. 152, 158; see also Gov. Code, § 31520.1, subd. (a) [referring to the three-year “*terms of office* of the elected, appointed, and alternate seventh members” of the county retirement board and stating that the “eighth and ninth members shall take *office* as soon as practicable,” italics added]; 4 Ops.Cal.Atty.Gen. 234, 234 (1944) [referring to a board of retirement member as serving a “term of office”].)

<sup>30</sup> *People ex rel. Budd v. Holden* (1865) 28 Cal. 123, 129; *Salazar v. City of Montebello* (1987) 190 Cal.App.3d 953, 957; 86 Ops.Cal.Atty.Gen. 82, 84, fn. 1 (2003); 74

election was unlawful, a court may find that the elected official has no legal right to occupy the office.<sup>31</sup>

Defendants Talford and Adams argue that even were quo warranto otherwise appropriate, this same matter was already litigated and dismissed with prejudice. But it was an election contest, not a quo warranto action, that the superior court dismissed with prejudice. The issues and claims presented in the election contest were not resolved on the merits; instead, the court determined that an election contest was not a statutorily authorized action to overturn an election of a trustee of a county retirement board.<sup>32</sup> As a result, the re-litigation doctrines of collateral estoppel (issue preclusion) and res judicata (claim preclusion) do not apply.<sup>33</sup>

## **2. Is a Substantial Question of Law or Fact Presented?**

Having found that quo warranto is a proper remedy in these circumstances, we turn to the question whether Relators have raised a substantial question of fact or law warranting judicial resolution. In this inquiry, it is not our role to resolve the merits of the controversy,

---

Ops.Cal.Atty.Gen. 31, 32 (1991); see, e.g., *Bradley v. Perrodin* (2003) 106 Cal.App.4th 1153, 1173; *People ex rel. Kerr v. County of Orange* (2003) 106 Cal.App.4th 914, 919-920, 932-934.

<sup>31</sup> See *People v. City of San Buenaventura* (1931) 213 Cal. 637, 638-642, overruled on another ground in *Costa v. Superior Court* (2006) 37 Cal.4th 986, 1014, fn. 20; *City of Palo Alto v. Public Employment Relations Bd.* (2016) 5 Cal.App.5th 1271, 1301; 96 Ops.Cal.Atty.Gen. 48, 48-49 (2013); 96 Ops.Cal.Atty.Gen., *supra*, at p. 39; see also 101 Ops.Cal.Atty.Gen. 24, 28 (2018) (quo warranto is an appropriate means to challenge an appointment procedure).

<sup>32</sup> See Elec. Code, § 16100 (“Any elector of a county, city, or of any political subdivision of either may contest any election held therein”). We take no position on the correctness of the court’s decision.

<sup>33</sup> *People v. Sims* (1982) 32 Cal.3d 468, 484; *Planning and Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 226. In another case, a pending election contest caused us to decline to grant a quo warranto application contesting the same election. (74 Ops.Cal.Atty.Gen., *supra*, at p. 32 [declining to grant an application to sue in quo warranto because the challenged election already was the subject of an election contest and a civil complaint for declaratory and injunctive relief then pending in superior court].) Here, however, the Court of Appeal dismissed the appeal of the superior court’s election contest denial, and we are not aware of any related litigation.

but only to decide if a substantial question is presented.<sup>34</sup>

Relators first claim that the county clerk erroneously counted 56 ballots from 28 persons who submitted envelopes containing two ballots each—a safety member ballot and a general member ballot.<sup>35</sup> They argue that each of these 28 envelopes could properly contain only one ballot—a safety member ballot or a general member ballot. As mentioned, all members of the county retirement system are general members or safety members; a member may not retain both classifications at the same time.<sup>36</sup> For retirement board elections, the Legislature has prescribed that general members elect the general member trustees, and that safety members elect the safety member trustee.<sup>37</sup> Further, under Fresno County’s election regulations,<sup>38</sup> “[i]f the Fresno County Clerk determines that multiple ballots have been received from any voter, none of their ballots will be opened and counted.”<sup>39</sup> According to this regulation and state law, it appears the 56 votes from the 28 voters should have been excluded from the count, potentially deciding the three contests at issue, which had a margin between first and second place of 35 votes, one vote, and three votes.<sup>40</sup>

---

<sup>34</sup> *Rando v. Harris* (2014) 228 Cal.App.4th 868, 879; 95 Ops.Cal.Atty.Gen., *supra*, at p. 51.

<sup>35</sup> See Fresno County Clerk and Registrar of Voters, Off. Canvass of Elections, Bd. of Retirement of the Fresno County Employees’ Retirement Assn. Election (Nov. 16, 2017) (“Canvass of Election”), p. 1 (where the county clerk states that these ballots were included in the canvass of votes), available at <https://www.co.fresno.ca.us/home/showdocument?id=20291>.

<sup>36</sup> Gov. Code, §§ 31469.3, 31499.11, subd. (a), 31560; FCERA Handbook, *supra*, at p. 8.

<sup>37</sup> Gov. Code, § 31520.1, subd. (a).

<sup>38</sup> A county’s regulations for its retirement board must include provisions “[f]or the election of officers . . . .” (Gov. Code, § 31526, subd. (a).)

<sup>39</sup> Fresno County Bd. of Supervisors, Res. 15-586 (Dec. 8, 2015) pp. 8-9; see also *id.* at p. 8 (“multiple voted ballots that are in one official return envelope shall be rejected,” comma omitted).

<sup>40</sup> Cf. Elec. Code, § 16100, subd. (f) (a ground for an election contest is “[t]hat the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected”). We do not find it dispositive that Relators Nowak and Diaz, who ended in third place in their elections, finished behind the winners by 92 and 105 votes, respectively. To sue in quo warranto, there is no requirement that the defendant’s allegedly invalid title

Secondly, Relators contend that Defendants Talford and Adams organized county employees to act as “ballot captains” by collecting and delivering ballots and reporting these completed ballots to their campaigns. In support of this contention, Relators offer detailed documentary evidence, including declarations, office e-mails, and footage from security cameras. This evidence allegedly shows people collecting other members’ ballots, one individual delivering “at least five handfuls of ballots in bulk,” and others delivering multiple ballots to the ballot drop-box at the clerk’s office.

Relators further allege as part of their second claim that on October 17, 2017, before the election, “supervising Fresno County representatives” directed Defendant Talford not to use any county time or systems to conduct retirement-association business but that thereafter, Talford’s ballot captains continued their collection and delivery of ballots from other members during business hours. An alleged e-mail from Talford’s supervisor subsequently admonished Talford for collecting a ballot envelope from a county janitor as Talford stood outside another supervisor’s office on November 1, 2017.

The Fresno County rules for collecting and returning the Board-election ballots specify that “[v]oted ballots shall be returned, each in its official return envelope, by United States Postal Service, over the counter, or by County messenger, to the Fresno County Clerk/Registrar of Voters Office not later than 5:00 p.m. on the date of the election.”<sup>41</sup> These local election regulations further dictate, “Bulk delivery of voted ballots, defined here as over the counter delivery of more than one ballot by a single individual, will not be accepted by the Fresno County Clerk/Registrar of Voters office.”<sup>42</sup> Nothing recorded in the clerk’s official canvass of votes reflects that any ballots were rejected because they were part of a bulk delivery.<sup>43</sup> If it is true that Defendants Talford and Adams directed the collection and delivery of voters’ ballots, in violation of election procedures, these ballots were more likely to have been cast in their favor, in which case the ballots may have affected the outcomes of the narrowly decided contests, potentially warranting Defendants’ removal from the Board.<sup>44</sup>

---

deprived the relator of office.

<sup>41</sup> Fresno County Bd. of Supervisors, Res. 15-586, *supra*, at p. 8.

<sup>42</sup> *Ibid.*

<sup>43</sup> Canvass of Election, *supra*, at pp. 1-5.

<sup>44</sup> Cf. Elec. Code, § 16100, subd. (d) (a ground for an election contest is “[t]hat illegal votes were cast”); *Gooch v. Hendrix* (1993) 5 Cal.4th 266, 271, 279-284 (election contest granted based on a political association’s collection of absentee ballots, which rendered them “illegal votes” in violation of former Elections Code section 1013). These ballots

Third, Relators claim that Defendants improperly used county resources to campaign for election. To support this claim, Relators submit witness declarations and other documentary evidence indicating that Defendants Talford and Adams, in addition to organizing ballot captains to collect and deliver ballots, stationed tables on county property and at a county health fair (where they gave away campaign flyers and pizza), lobbied county employees, and “allowed entry into a raffle in exchange for written commitment pledges to vote for Defendants Talford and Adams.” Regarding Defendant Robinson, Relators allege that his “supporters used County-issued computers and County-issued email addresses to actively campaign for Defendant Robinson during business hours,” utilizing mass e-mails in favor of him and against Relator Gomez. If this alleged conduct occurred, it likely ran afoul of laws regarding political activities in the course of public employment,<sup>45</sup> and may also have had an impact on the close trustee elections.<sup>46</sup>

---

also could have affected the outcome of Defendant Robinson’s election, which was decided by only three votes. (See *Gooch v. Hendrix*, *supra*, 5 Cal.4th at p. 282 [election vacated where “illegal votes cannot be attributed to any one candidate, but nevertheless ‘appear’ sufficient in number or effect to have altered the outcome of the election”].)

<sup>45</sup> See Gov. Code, §§ 3201 (“political activities of public employees are of significant statewide concern”), 3202 (this chapter applies to officers of local agencies), 3204 (no one seeking office in a local agency may attempt to use his or her authority to influence a person in securing a vote in exchange for consideration), 3206 (“No officer or employee of a local agency shall participate in political activities of any kind while in uniform”), 3207 (a local agency may establish regulations restricting officers and employees from engaging in political activity during working hours or on the premises of the local agency), 8314, subd. (a) (prohibiting the use of public resources for campaign activities unless authorized by law); Fresno County Ord. No. 3.08.110, §§ A.1 (a county officer or employee may not engage in any political activity in connection with any election during his or her hours of employment), A.2 (a county officer or employee may not engage in any political activity in connection with any election while on county premises or using county property); Fresno County Bd. of Supervisors, Admin. Policy No. 71 (“Government assets, including money, grant funds, paid staff time, equipment and supplies, facilities or any other government asset shall not be used for political campaigns of any type” and “Department Heads shall be held responsible for ensuring that government assets within their control are not used to advocate for or against any matter or person that has qualified for the ballot”).

<sup>46</sup> Whether Defendants’ alleged campaign violations, standing alone, would invalidate Defendants’ title to office is another question that a court could resolve, if necessary. (Cf. Elec. Code, §§ 16100, subd. (c) [a ground for an election contest is “[t]hat the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election”], 18521, subd. (a) [it is a

We find that Relators' factual allegations are well-supported and that their legal claims present viable grounds to attack the validity of Defendants' elections. While we do not purport to resolve these allegations, or determine their legal effect,<sup>47</sup> we believe Relators have presented substantial questions of fact or law that warrant a judicial resolution.

### **3. Would It Serve the Public Interest to Grant the Quo Warranto Application?**

Absent countervailing circumstances, we view the existence of a substantial question of fact or law as presenting a sufficient "public purpose" to warrant granting leave to sue in quo warranto.<sup>48</sup> Here, too, it is uncontested that the practice of "ballot captains" is a longstanding one in elections to this retirement board; thus, judicially resolving the parties' dispute would have the additional salutary effect of clarifying whether this practice is proper in future Board elections.<sup>49</sup>

---

crime to give any gift or other consideration to a person before an election in exchange for the person's agreement to vote for a particular candidate].) Here, we conclude only that in conjunction with the two claims of balloting error, Relators' allegations of unlawful electioneering would merit presentation in quo warranto.

<sup>47</sup> A quo warranto action or an election contest may result in overturning an election. (*Salazar v. City of Montebello*, *supra*, 190 Cal.App.3d at p. 957; 86 Ops.Cal.Atty.Gen., *supra*, at p. 84, fn. 1.) The traditional remedy in a quo warranto action against a public official is removal from office. (See *People v. Craig* (1937) 9 Cal.2d 615, 616; *International Assn. of Fire Fighters v. City of Oakland* (1985) 174 Cal.App.3d 687, 695-696; 82 Ops.Cal.Atty.Gen. 219, 222 (1999).) In an election contest, judicial remedies include recounting the ballots, annulling and setting aside the election, and even declaring the contestant elected. (Elec. Code, §§ 16601, 16603, 16701, 16702, 16703; *Gooch v. Hendrix*, *supra*, 5 Cal.4th at pp. 276, 282; *Stebbins v. Gonzales* (1992) 3 Cal.App.4th 1138, 1142-1143.) We express no view on which such remedies would be available or appropriate here. (See, e.g., *People ex rel. Budd v. Holden*, *supra*, 28 Cal. at p. 129 [in a quo warranto action disputing the legality of an election, the People "have a prerogative right to enforce their will when it has been so expressed (through the ballot-box) by excluding usurpers and putting in power such as have been chosen by themselves"].)

<sup>48</sup> 98 Ops.Cal.Atty.Gen. 94, 101 (2015).

<sup>49</sup> See 97 Ops.Cal.Atty.Gen. 12, 19 (2014).

Defendants nonetheless assert, as a countervailing circumstance, that Relators should have availed themselves of another remedy afforded by local regulation. To wit, Defendants point to a county resolution that provides, “Prior to opening the official envelopes containing voted ballots, any candidate may challenge the validity of any ballot based on good cause, and in the event of any such challenge, the Fresno County Clerk/Registrar of Voters shall, consistent with these procedures, decide the validity of such ballot so challenged.”<sup>50</sup>

In our estimation, however, none of the alleged errors raised in Relators’ application could have been raised under this local election procedure.<sup>51</sup> Exhaustion of an administrative remedy is not required “where it would be futile to pursue such remedy.”<sup>52</sup> Relators could not have ascertained that 28 envelopes contained two ballots until after they were opened, not “[p]rior to opening.” Besides, in canvassing the election results, the clerk reported this double-voting yet found she did not have the “jurisdiction” to determine its “legal effect.”<sup>53</sup> As to Relators’ other two claims—the bulk delivery of ballots and the improper use of county resources for campaigning—neither one could be tied to a particular ballot when the envelopes were opened, and thus it appears that the clerk could not have afforded any relief. Moreover, we see nothing suggesting this local procedure was intended to be exclusive or mandatory, such that it would preclude a post-election quo warranto challenge, particularly as the county resolution provides that a candidate “may” contest the ballot’s validity to the registrar, not that the candidate “shall” or “must” do so.<sup>54</sup>

---

<sup>50</sup> Fresno County Bd. of Supervisors, Res. 15-586, *supra*, at p. 9.

<sup>51</sup> We also reject Defendant Robinson’s argument that Relators should have sought relief via writ of mandamus or injunction rather than quo warranto. The California Supreme Court has explained that “questions concerning the appointment or election of public officers” must be pursued by “statutory remedy” or “quo warranto,” not by a suit for an injunction. (*Barendt v. McCarthy* (1911) 160 Cal. 680, 683, internal quotation marks omitted.) Similarly, the Court of Appeal has held that quo warranto, not mandamus, is a proper vehicle to try title to office based on an invalid election. (*Bd. of Supervisors of Nevada County v. Super. Ct., Nevada County* (1957) 150 Cal.App.2d 618, 619-620.)

<sup>52</sup> *Automotive Management Group, Inc. v. New Motor Vehicle Bd.* (1993) 20 Cal.App.4th 1002, 1015, internal quotation marks omitted.

<sup>53</sup> Canvass of Election, *supra*, at p. 1.

<sup>54</sup> See *Tarrant Bell Property, LLC v. Super. Ct.* (2011) 51 Cal.4th 538, 542 (ordinarily, “may” is construed as permissive and “shall” as mandatory); *In re Kler* (2010) 188 Cal.App.4th 1399, 1402 (“‘must’ is mandatory”).

Having determined that quo warranto is an appropriate remedy here, and that substantial issues of fact and law warrant a judicial resolution of this election controversy, and that the public interest would be served by such a judicial resolution, we must still consider separately each proposed defendant's individual circumstances. Although the factual allegations made in this application involve all three proposed defendants, "[w]e have repeatedly declined to grant leave to sue in a quo warranto proceeding where the alleged unlawful term of office has expired, or the question of unlawfulness has become moot by subsequent events."<sup>55</sup>

As to Defendants Talford and Robinson, a quo warranto action seeking their removal from office based on their disputed elections continues to be viable because the terms of office resulting from those elections do not conclude until December 31, 2020.<sup>56</sup>

However, as to Defendant Adams, we are informed that the term resulting from his disputed election ended on December 31, 2018 (while the now-dismissed election contest appeal was pending). Because Defendant Adams's challenged term has now expired, we must deny the quo warranto application as to him.

Accordingly, for the reasons discussed above, Relators' application for leave to sue in quo warranto is GRANTED as to Defendants Talford and Robinson and DENIED as to Defendant Adams.

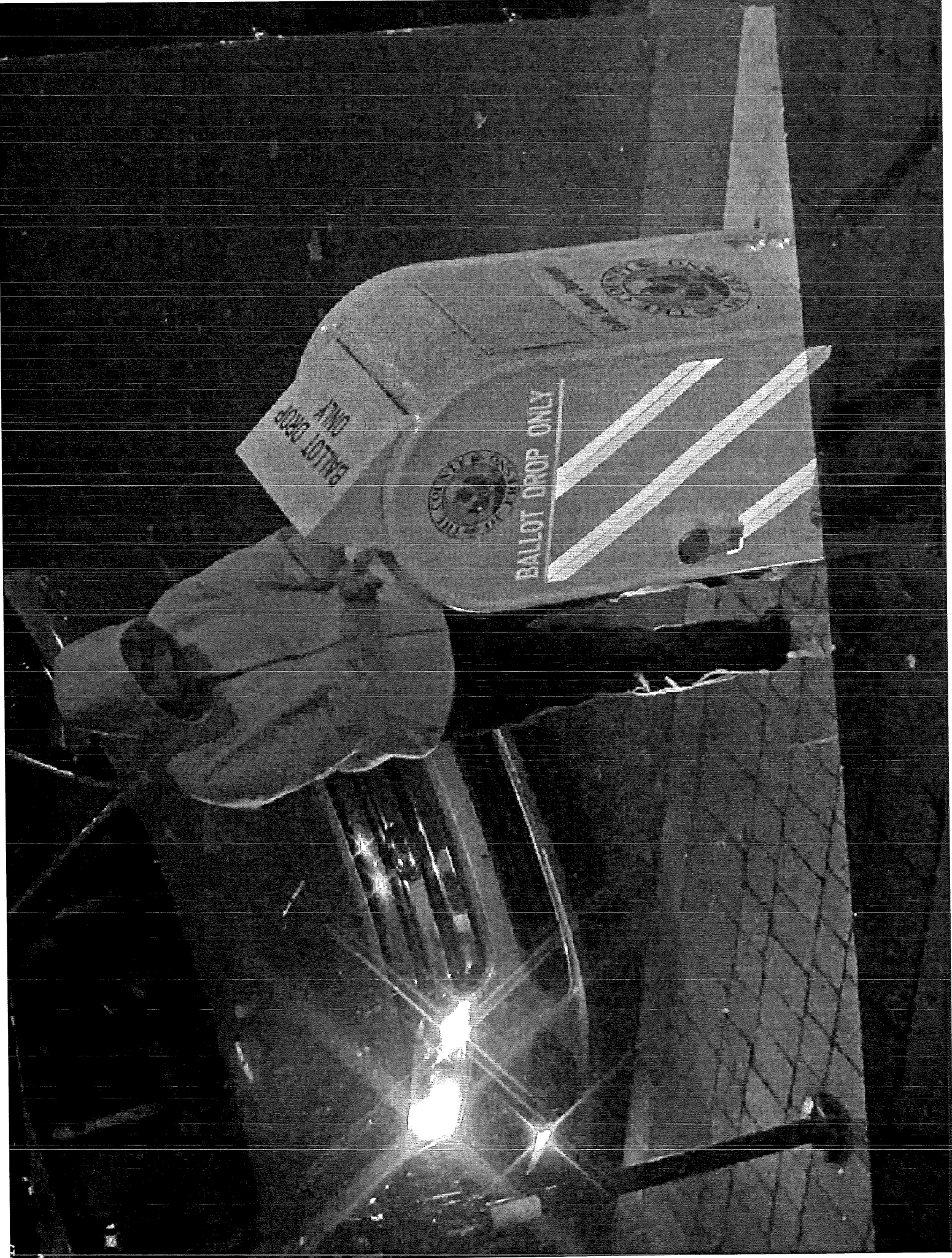
\*\*\*\*\*

---

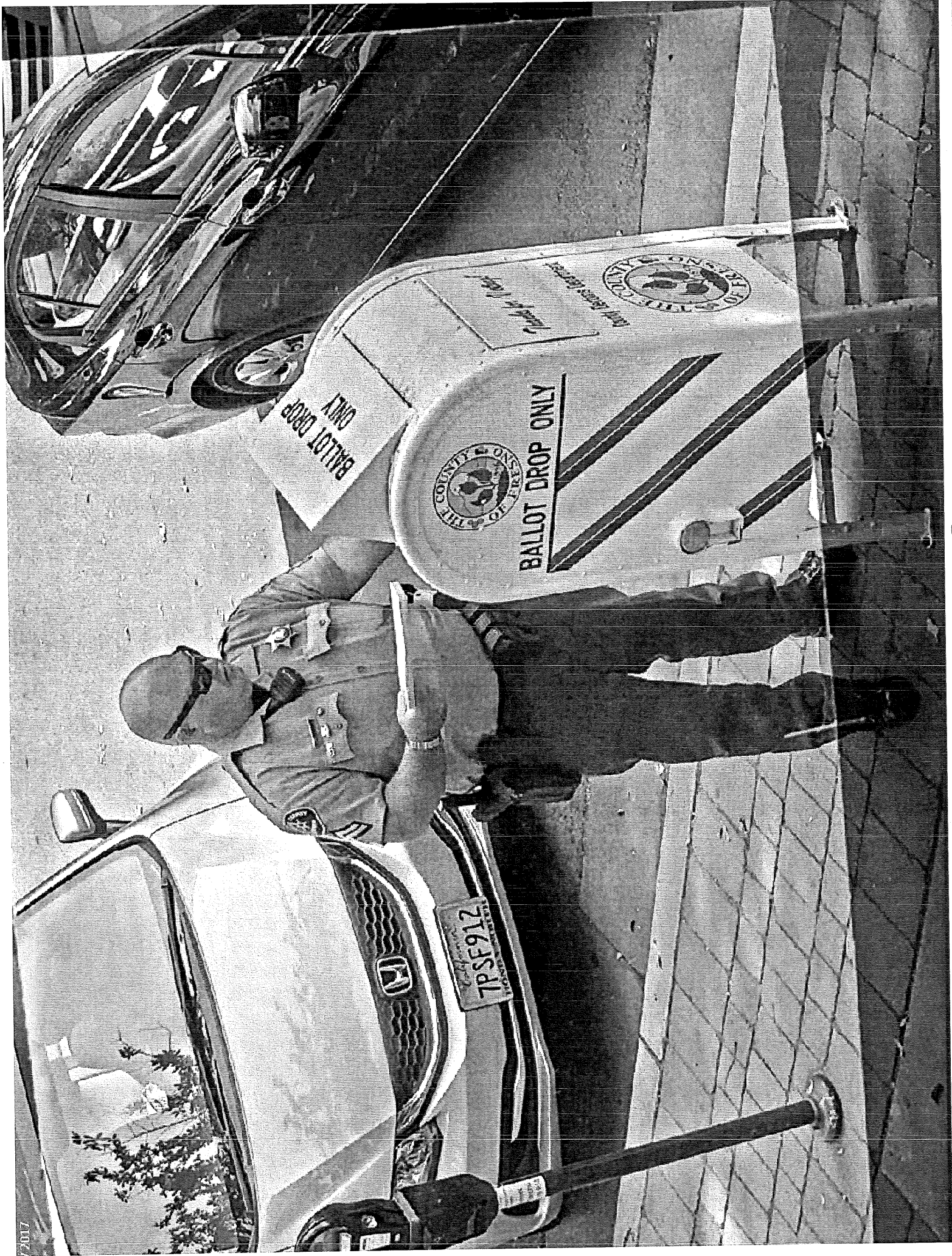
<sup>55</sup> 87 Ops.Cal.Atty.Gen. 176, 179 (2004), citing 87 Ops.Cal.Atty.Gen. 30, 34-35 (2004), 84 Ops.Cal.Atty.Gen. 206, 207 (2001), 72 Ops.Cal.Atty.Gen. 63, 71 (1989), and 25 Ops.Cal.Atty.Gen. 223, 224 (1955).

<sup>56</sup> We note that a public official's actions prior to his or her ouster by quo warranto remain valid and binding if done within the scope and apparent authority of office. (*In re Redevelopment Plan for Bunker Hill Urban Renewal Project 1B* (1964) 61 Cal.2d 21, 42; *McPhee v. Reclamation Dist. No. 765* (1911) 161 Cal. 566, 572; 96 Ops.Cal.Atty.Gen., *supra*, at p. 44, fn. 46; 82 Ops.Cal.Atty.Gen., *supra*, at p. 223, fn. 3.)

# EXHIBIT B



# EXHIBIT C



# EXHIBIT D

**FCERA 2017**  
**General Member Seat Full Term and Special Election**

Past 4 Cycles of Election Results	<b>Year</b>	<b>Turnout</b>	<b>%</b>	<b>Win #</b>	<b>Win %</b>	<b>Elected</b>
	2015	742/8915	8.3	291	39.27	Alan Cade Jr.
	2014	879/7571	11.6	398	46.44	Paul Dictos
		883/7769	11.4	312	36.19	Laura Basua
	2012	1281/8228	15.6	454	35.52	Alan Cade Jr.
	2010	1205/8764	13.7	377	31.39	Alan Cade Jr.
	AVG	998/8249	12.1	366	36.67	
2017 Election Goals	<b>Expected Turnout= 900</b>					
	<b>Win Number= 450</b>					
	<b>Commits= 600 (through worksite tabling/ meetings) (100 commits per week)</b>					
	<b>Each member is touched 3 times: (2 times) direct mail (1 time) Robo call</b>					
Fresno County Numbers 9/19/2017	<b>Unit</b>	<b>Members</b>	<b>% Members</b>	<b>Fee Payers</b>	<b>Non-Members</b>	<b>Total</b>
	12 - Clerical, Paramedical, Building & Service Employees	833	63.06	488	0	1321
	36 - Supervisory Employees	101	22.9	0	340	441
	22 - Professional, Paraprofessionals & Tech. Employees	164	66.94	81	0	245
	3 - Mental Health Professionals & Social Workers	346	67.18	169	0	515
	4 - Eligibility Workers	575	66.32	292	0	867
	4 - Eligibility Workers (Job Specialists)	127	54.74	105	0	232

	Total	2146	59.26	1135	340	3621
	Fresno Courts					
Key Campaign Dates	<b>8/30/2017</b>	<b>Retirement Organizers Training</b>				
	9/7/2017	Election Notice Posted (at least 70 days prior to election day)				
	<b>9/20/2017</b>	<b>SEIU 521 Town Hall Endorsement</b>				
	9/27/2017	Nomination Period Closes (20 days after the election notice is posted)				
	9/28/2017	Determine Order of Nominees on Ballots (day following the closing of the nomination period)				
	<b>10/2/2017- 11/16 2017</b>	<b>Worksite Tabling: Flyer, Commitment Cards, and Volunteer Recruitment</b>				
	<b>10/7/2017</b>	<b>SEIU 521 Region 3 and 4 Leadership Summit</b>				
	<b>10/10/2017</b>	<b>Fresno County Chapter Meeting</b>				
	<b>10/16/17</b>	<b>1<sup>st</sup> Major Phone Bank (Predictive Dialer)</b> <b>*Ballot Captains should be finalized</b>				
	<b>10/18/ 2017</b>	<b>COPE Meeting: Meet and Greet with the Candidates</b>				
	10/23/2017	Ballots Mailed (24-days prior to election day)				
	<b>10/23/2017</b>	<b>Robo Call Goes Out</b> <b>First Mailer Goes Out</b>				
	<b>10/25/ 2017</b>	<b>2<sup>nd</sup> Major Phone Bank (Predictive Dialer)</b>				
	<b>10/26/17</b>	<b>Phone Bank</b>				
	<b>11/1/2017</b>	<b>Phone Bank</b>				
	<b>11/2/2017</b>	<b>Phone Bank</b>				

	<b>11/8/2017-11/16/2017</b>	<b>***GOTV***</b> <b>2<sup>nd</sup> Mailer Goes Out (11/6/2017)</b> <b>GOTV Phone Bank (11/8, 11/9/,11/13, 11/14, 11/15)</b>
	<b>11/16/2017</b>	Election Day
	<b>11/17/2017</b>	Ballots Counted, Results Distributed
	<b>11/17/2017 (PM)</b>	Campaign Debrief (*Potential Celebration)
*Bolded are SEIU 521 Events		
Major Campaign Costs	<div>1. (2 Rounds) Mailers<div>1) All General members (List from FCERA)</div><div>2) Only SEIU 521 Full Dues Paying Members</div></div> <div>2. (1) General Flyer</div> <div>3. (1) Robo Call</div> <div>4. (2) Major Predictive Dialer Phone Banks (at least 10 volunteers): 10/16/2017 and 10/25/17</div> <div>5. (8) Phone Banks: 10/26, 11/1, 11/2, 11/8, 11/9, 11/14, 11/14, 11/15</div>	
Comms	<div>Materials Needed to be created:</div> <div>1. Mailer (2 rounds, maybe 2 versions)</div> <div>2. Commitment Cards/Volunteer Sign-ups</div> <div>3. General Flyer</div> <div>4. Email Blasts</div> <div>5. Daily Social Media Push:<div>-(30) Member Pictures and Quotes for support from 10/16- 11/16</div></div> <div>6. (at least 6) Videos: 1 per week beginning on 10/9<div>1) Candidates</div><div>2) Member Supporters</div></div> <div>7. Website posts</div>	
Field	<div>1. Already Established Fresno County Meetings</div>	Candidate Commitments:

	2. Already Established Worksite Meetings 3. Tabling/ Worksite Visits with Candidates  Items Needed for tabling: 1. Flyer 2. Commit Cards/ Volunteer Sign-up	Riley: Off on (Sundays) and Mondays Tuesday work from 4 PM- Midnight Wed- Saturday work from 8 AM- 4 PM Is willing to take off every Wed and Thursday (2 hrs)  John: Monday-Fridays work 8 AM- 5 PM Late Lunch from 1 PM- 2 PM *Is willing to have an extended lunch (1 hour or 1.5 hrs) twice a week *Board items on Oct 17 <sup>th</sup> (cannot do)																								
Phone Banking	1. (2) Major Predictive Dialer Phone Banks (at least 10 volunteers): 10/16/2017 and 10/25/17 2. (8) Phone Banks: 10/26, 11/1, 11/2, 11/8, 11/9, 11/14, 11/14, 11/15																									
Robo Call	Record week of 10/9																									
Ballot Collection/ Ballot Captains	Need to identify a list of at least 20 Ballot Captains  Ballot Captains are responsible for: 1. Knowing the important timeline of the campaign and being the contact person at their worksite 2. Collect ballots daily and send updates to Mai 3. Commit to at least 1 phone bank																									
	<table border="1"> <thead> <tr> <th></th><th>Worksite/ Floor</th><th>Name</th><th>Person Confirming</th><th colspan="2">Date of Confirmation</th></tr> </thead> <tbody> <tr> <td>1.</td><td>JJC</td><td>Riley Talford</td><td>Riley</td><td>9/29/17</td><td>Yes</td></tr> <tr> <td>2.</td><td>County Plaza Annex</td><td>John Adams</td><td>John</td><td>9/29/17</td><td>Yes</td></tr> <tr> <td>3.</td><td></td><td>Brian Murillo</td><td>John *John needs to ask Brian about a</td><td></td><td></td></tr> </tbody> </table>		Worksite/ Floor	Name	Person Confirming	Date of Confirmation		1.	JJC	Riley Talford	Riley	9/29/17	Yes	2.	County Plaza Annex	John Adams	John	9/29/17	Yes	3.		Brian Murillo	John *John needs to ask Brian about a			
	Worksite/ Floor	Name	Person Confirming	Date of Confirmation																						
1.	JJC	Riley Talford	Riley	9/29/17	Yes																					
2.	County Plaza Annex	John Adams	John	9/29/17	Yes																					
3.		Brian Murillo	John *John needs to ask Brian about a																							

			ballot captain at Sunnyside		
4.	Air Fresno	Patricia Clay Stratman	Riley		
5.	JJC	Sm Monroy	Riley		
6.	Hall of Records	Emma Lee Pierce	John		
7.		Via Cooper Whigman	Riley		
8.	Public Health	Joe Prada	John		
9.	Public Health	Rogenia Cox	Riley		
10	Public Health	Alysia Bonner	John		
11	Main Campus	Lorenzo Lambaren	John		
12	Fairgrounds	Henry Lopez	Riley		
13	Air Fresno	Ron Em.	Riley		
14	Main Library	Ron Martin	John		
15	JJC	Bo Thao	Riley		
16	Heritage	Alex Betencourt	Riley		
17		Denise Holland	Riley		
18	West Fresno Regional Center	James Hackett	Riley		
19		Steven Ridley	Riley		
20	Selma	OC	John		
21		Laura Basua	John		
22	Air Fresno	Nancy Her	Riley		
23		Raquel Vidal	Riley		
24		Katie Moua	Mai		
25		Sandy Hernes	Riley		
26		Cheryl Robeledo	Riley		
27		Anita Harper *Rene Garcia (as back up)	John		