



County of Fresno

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Legislation Text

File #: 16-1278, **Version:** 1

DATE: October 11, 2016
TO: Board of Supervisors
SUBMITTED BY: Brandi L. Orth, County Clerk/Registrar of Voters
SUBJECT: Appointment in Lieu of Elections for Special Districts

RECOMMENDED ACTION:

- 1. Accept County Clerk Certificate of Facts regarding declarations of candidacy for positions eligible to be elected at November 8, 2016 General Election.**
- 2. Appoint, in lieu of holding an election, special district candidates who filed declarations of candidacy unopposed.**

As required by Election Code Section 10515, approval of the recommended actions will accept the Certificate of Facts and appoint persons who have filed declarations of candidacy to Special District board positions (Attachment A).

ALTERNATIVE ACTION(s):

There is no viable alternative. Election code section 10515 requires the Board of Supervisors to either make Special District Board appointments in lieu of election or to utilize the County's established appointment process, as performed by the clerk to the Board, in Special Districts where no candidates filed a Declaration of Candidacy.

FISCAL IMPACT:

There is no increase in net County cost associated with the recommended action.

DISCUSSION:

Recommended Action No. 1:

It is recommended that your Board accept the County Clerk Certificate of Facts as required under Election Code 10515(a), in order to facilitate the appointment in lieu of holding an election of candidates.

Recommended Action No. 2:

It is recommended that your Board appoint the candidates who have filed declarations of candidacy for an elected position in a special district. These offices will not be included on the November 8, 2016 ballot as the number of candidates who filed for office did not exceed the number of available eligible offices.

Attachment A lists persons who have filed declarations of candidacy and will be appointed in lieu of election by the Board of Supervisors. Attachment B lists Special District Board positions where no candidate filed a declaration of candidacy and where the Clerk to the board will follow an established application process in anticipation of the Board of Supervisors making future appointments.

According to Election Code 10515:

(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.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of the division is located shall be the body to which request for appointment is made and which shall make the appointment.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Certificate of Facts
Attachment A
Attachment B

CAO ANALYST:

Ronald Alexander