



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
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## Legislation Text

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**File #:** 18-1438, **Version:** 1

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**DATE:** December 4, 2018

**TO:** Board of Supervisors

**SUBMITTED BY:** Jean M. Rousseau, County Administrative Officer

**SUBJECT:** Special Election to Fill a Vacancy in the Board of Supervisors

### RECOMMENDED ACTION(S):

1. **Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a special election on March 5, 2019 to fill a Board member vacancy representing District 2 on the Fresno County Board of Supervisors for the period of 2019 through 2020;**
2. **Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a runoff election on June 4, 2019 between the two candidates receiving the highest number of votes cast in the March 5, 2019 special election in the event that no candidate receives a majority (50% + 1) of all the votes cast in the March 5, 2019 special election; and**
3. **Adopt Budget Resolution increasing the FY 2018-19 appropriations for County Clerk-Elections Org 2850 in the amount of \$250,000, using available Fund Balance in the General Fund 0001, to fund the special election.**

Approval of the first and third recommended actions will allow the County Clerk/Registrar of Voters to conduct a Special Election to be held on March 5, 2019 to fill the vacancy for District 2 of the Board of Supervisors. The current vacancy is due to the resignation of a Board member effective December 3, 2018. Approval of the second recommended action will allow the County Clerk/Registrar of Voters to conduct a runoff election on June 4, 2019 between the two candidates receiving the highest number of votes cast in the March 5, 2019 special election in the event that no candidate receives a majority (50% + 1) of all the votes cast in the March 5, 2019 special election. This item pertains to the Fresno County Board of Supervisors District 2 area.

### ALTERNATIVE ACTION(S):

There are no viable alternative actions. The Charter of the County of Fresno, Section 8.(b) requires the Board of Supervisors to call a special election in the event that a Board vacancy occurs prior to the final year of the term of the Board member. In addition, Section 8.5 requires a runoff election between the two candidates who have received the most votes to be held as soon as may be legal and practical, if necessary.

### FISCAL IMPACT:

There is a \$250,000 increase in Net County Cost associated with the recommended actions. Approval of the third recommended action will increase appropriations by \$250,000 in the County Clerk-Elections Org 2850 to cover the cost of the special election. The additional Net County Cost will be funded from Unassigned Fund Balance that the Board has reserved in Fiscal Year 2018-19 for budget mitigation in the amount of \$10,000,000. These funds are classified as Unassigned for financial reporting purposes, in compliance with Governmental Accounting Standards Board statement 54.

### DISCUSSION:

A vacancy in the Board of Supervisors occurred when District 2 Supervisor Andreas Borgeas resigned from office effective December 3, 2018. The term of office for the vacated position is 2019 to 2020. The Charter of the County of Fresno requires the Board of Supervisors call a special election to fill such vacancy to be held not less than seventy-five nor more than ninety days after the call, provided, however, if an election date as provided in the Elections Code or similar state law falls not less than seventy-five nor more than one hundred twenty days after the call, such special election shall be consolidated with such election. The special election to fill the vacancy is anticipated to be consolidated with the City of Clovis municipal election on March 5, 2019.

Furthermore, the Charter of the County of Fresno indicates that the person appointed or elected to fill such vacancy shall serve for the remaining unexpired term and until the election and qualification of his successor. A person appointed or elected must be a qualified elector of the district in which the vacancy occurs, must have been a resident of the territory therein for at least thirty (30) days immediately preceding the appointment, or immediately preceding the date of filing nominating papers or equivalent declaration of candidacy for the election for which he is a candidate, and must reside therein during his incumbency. Approval of the first and third recommended actions will allow the County Clerk/Registrar of Voters to conduct the special election.

Approval of the second recommended action will allow the County Clerk/Registrar of Voters to conduct a runoff election on June 4, 2019 in the event that no candidate receives a majority (50% + 1) of all the votes cast in the March 5, 2019 special election as required in Section 8.5 of the Charter of the County of Fresno.

Candidate filing requirements for the Board of Supervisors District 2 seat special election to be held on March 5, 2019 are as follows:

- Candidate filing open date is December 4, 2018 at 8:00AM PST
- Candidate filing close date is December 12, 2018 at 5:00PM PST
- Candidate filing fee is \$1,200.25
- Statement of Candidate Qualifications fee is \$1,300.00
- Candidates are required to provide 20 nomination signatures to file for this office

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (Special Election)  
On file with Clerk - Resolution (Runoff Election)  
On file with Clerk - Budget Resolution

CAO ANALYST:

Yussel Zalapa