



County of Fresno

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Legislation Text

File #: 22-0927, **Version:** 1

DATE: November 8, 2022

TO: Board of Supervisors

SUBMITTED BY: Bernice E. Seidel, Clerk of the Board

SUBJECT: Appointments in Lieu of Elections for Landowner Elected Districts

RECOMMENDED ACTION(S):

Accept Certificate of Facts regarding declarations of candidacy for eligible positions for the Landowner voting districts; and appoint, in lieu of an election, Landowner candidates who filed declarations of candidacy unopposed.

As required by Elections Code Section 10515, approval of the recommended actions will accept the Certificate of Facts and appoint persons who have filed declarations of candidacy to Landowner District board positions (Attachment A). This pertains to areas located in Districts 1, 2, 4 and 5.

ALTERNATIVE ACTION(S):

There is no viable alternative. Elections Code section 10515 requires the Board of Supervisors to either make Landowner 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 Landowner Districts where no candidate filed a Declaration of Candidacy.

DISCUSSION:

It is recommended that your Board appoint the candidates who have filed declarations of candidacy for an elected position in a Landowner district.

Attachment A lists persons who have filed declarations of candidacy and will be appointed in lieu of election by the Board of Supervisors, and also includes the certifications from the Landowner districts. Attachment B lists Landowner 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 Elections Code section 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 that 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:

Attachment A - Landowners Certification of Facts List 2022

Attachment B - Landowner Districts with Vacancies

CAO ANALYST:

Paige Benavides