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### **SEC. 300. - ENUMERATION.**

The elective officers of the City shall be a mayor and seven Councilmembers. The Council shall consist of seven Councilmembers, each of whom shall have the right to vote on all matters coming before the Council.

(Amendment ratified 1988 Primary Election, June 7, 1988.)

(Amendment ratified 1993 General Municipal Election, April 27, 1993.)

### **SEC. 301. - MANNER OF ELECTION.**

The Mayor shall be elected from the City at large at the times and in the manner provided in this Charter. The Councilmembers shall be elected by district at the times and in the manner provided in this Charter.

(Amendment ratified 1980 Special Municipal Election, June 3, 1980.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

### **SEC. 302. - DESIGNATION OF COUNCILMEMBERS FOR ELECTION.**

As to the councilmembers there shall be deemed to be seven separate offices to be filled, one of which shall be designated as councilmember Number One, another as Councilmember Number Two, another as Councilmember Number Three, another as Councilmember Number Four, another as Councilmember Number Five, another as Councilmember Number Six, and another as Councilmember Number Seven. No candidate shall file for more than one elective office. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office.

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(Amendment ratified 1980 Special Municipal Election, June 3, 1980.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

(Amendment ratified 1993 General Municipal Election, April 27, 1993.)

**SEC. 303. - TERM OF OFFICE.**

(a) Except as otherwise provided in this Charter, the terms of elective offices shall be for four years.

(b) In 1981 and every fourth year thereafter, the offices of Councilmembers designated as Number Two, Number Four and Number Six and the office of Mayor shall be filled at the general municipal election held in May, or at such other time as provided by this Charter. In 1983 and every fourth year thereafter, the offices of Councilmembers designated as Number One, Number Three, and Number Five shall be filled at the general municipal election held in May, or at such other time as provided by this Charter.

(c) Beginning in 1995, each elected officer shall take office on the first Tuesday following the first Monday in January of the odd-numbered year following his or her election to office except in the case of special elections in which the person elected shall take office upon the certification of election results. Incumbents shall hold office until their successors are elected and qualified.

(d) Councilmembers designated as Number 1, Number 3, and Number 5 elected to office in 1991 shall serve in office until the first Tuesday following the first Monday in January of 1995.

(e) Councilmembers designated as Number 1, Number 3, and Number 5 elected to office in 1994 shall commence their terms in office on the first Tuesday following the first Monday in January of 1995.

(f) Councilmembers designated as Number 2, Number 4, and Number 6 and the Mayor elected to office in 1993 shall serve in office until the first Tuesday following the first Monday in January of 1997.

(g) Councilmembers designated as Number 2, Number 4, and Number 6 and the Mayor elected to office in 1996 shall commence their terms in office on the first Tuesday following the first Monday in January of 1997.

(h) The initial term for Councilmember designated as Number 7 shall commence on the first Tuesday following the first Monday in January 1997 and end on the first Tuesday following the first Monday in January 1999. Thereafter, the term of Councilmember designated as Number 7 shall commence and end at the same time as the terms of Councilmembers designated as Numbers 1, 3, and 5.

(Amendment ratified 1975 General Municipal Election.)

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(Amendment ratified 1980 Special Municipal Election, June 3, 1980.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

(Amendment ratified 1993 Primary Election, March 2, 1993.)

(Amendment ratified 1993 General Municipal Election, April 27, 1993.)

**SEC. 303.1. - LIMITATION OF TERMS OF OFFICE.**

No person elected to the office of Councilmember or Mayor for two successive terms shall again be eligible to hold that same office until one full term has intervened. This limitation applies to terms to which persons had been elected or appointed after May, 1985.

(Amendment ratified 1992 General Election, November 3, 1992.)

(Amendment ratified 1996 Consolidated General Election, November 5, 1996.)

**SEC. 304. - ELIGIBILITY, CITY RESIDENCE.**

No person shall be eligible to hold an elective office unless that person is, and has been for a period of at least thirty days immediately preceding the filing of nomination papers for such office or appointment to such office, a resident of the City, and unless that person is, and has been at the time of assuming such office, an elector of the City.

(Amendment ratified 1969 General Municipal Election; approved, Assembly Concurrent Resolution No. 172, filed with Secretary of State on June 12, 1969, Res. Ch. 197, Stat. 1969.)

(Amendment ratified 1973 General Municipal Election.)

(Amendment ratified 1977 Special Municipal Election, May 31, 1977.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

**SEC. 304.1. - ELIGIBILITY, DISTRICT RESIDENCE.**

Commencing with the 1981 general municipal election, no person shall be eligible to hold elective office as a Councilmember unless that person is, and has been for a period of at least thirty days immediately preceding the filing of nomination papers for such office or appointment to such office, a resident within the Council district corresponding in number to the office to which that person is elected or appointed. Each Councilmember shall, during that Councilmember's term of office, reside within such Council district. The boundaries of such districts shall be determined by the Council by ordinance and shall be redetermined by the Council, by ordinance adopted not later than one hundred and twenty days following the publication of each federal census thereafter; provided that the population disparity between districts shall not exceed ten percent at the time of any such boundary determination or redetermination, and no boundary shall be altered so as to exclude any incumbent from office prior to the expiration of that incumbent's term.

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(Amendment ratified 1977 Special Municipal Election, May 31, 1977.)

(Amendment ratified 1980 Special Municipal Election, June 3, 1980.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

**SEC. 305. - VACANCIES.**

(a) An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, is convicted of a felony or of an offense involving a violation of his or her duties, ceases to be a resident of the City or the district corresponding in number to the office to which he or she was elected, neglects to qualify within the time prescribed by the provisions of this Charter, is absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he or she is a member for a like period without being excused therefrom by such body.

(b) The Council shall declare the existence of any vacancy except vacancy caused by death or resignation. Such declaration shall be a final determination of the existence of the vacancy unless a court review is sought within thirty days after such declaration.

(c) A resignation is effective when received by the City Clerk unless a different time is stated in the resignation.

(d) A vacancy in an elected office shall be filled as follows:

(1) A vacancy in the office of a Councilmember may be filled by appointment by the Council if:

(i) The Council declares the existence of the vacancy or the incumbent dies or resigns in the final year of the term, and

(ii) The appointment is made within thirty days after the Council declares the existence of the vacancy or the incumbent dies or resigns.

(2) Any vacancy in the office of a Councilmember not filled pursuant to paragraph (1) shall be filled by a special election to be held not sooner than ninety days after the Council calls such election nor later than the next regular election date after the expiration of such ninety days.

(3) In the event of a vacancy in the office of Mayor, the Council shall appoint the Mayor Pro Tempore as Mayor for the period of time from the date of appointment to the date the newly elected Mayor assumes office and the Council shall call a special election for filling the vacancy, which election shall be called within thirty days after such vacancy occurs, provided that if such vacancy occurs within one hundred twenty days, but not less than eighty-eight days from the date of a municipal primary nominating election at which the office of mayor would regularly be filled, the City Council shall not cause a special election to be held to fill

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the vacancy but said vacancy shall be filled as part of the regular election process. If elected by a specially called election pursuant to this subsection (305)(d), the Mayor so elected shall serve for the remainder of the unexpired term of the Mayor whose vacation of the office has caused the special election to be held.

(e) Any person appointed or elected to fill a vacancy shall serve for the remainder of any unexpired term and until his or her successor qualifies. If a person appointed to fill a vacancy is a candidate for the same office which he or she then holds, the designation under the candidate's name on the ballot may be the words "appointed incumbent" or may be words designating the profession, vacation, or occupation of the candidate.

(f) If the Council fails either to fill a vacancy by appointment or to call a special election within thirty days after the incumbent dies, or his or her resignation is effective, or the declaration of the existence of the vacancy becomes final, the salary or other compensation of each member of the Council shall cease until the Council calls such special election.

(g) At any special election called to fill a council or mayoral vacancy, the candidate receiving the majority of votes cast shall succeed to the vacated office for the unexpired term upon certification of the election results. If no candidate receives a majority of votes cast, Council shall call another special election within thirty days of the certification of the election results and the two candidates receiving the most votes shall be placed on that special election ballot.

(Amendment ratified 1975 General Municipal Election.)

(Amendment ratified 1977 Special Municipal Election, May 31, 1977.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)

(Amendment ratified 1993 General Municipal Election, April 27, 1993.)

**SEC. 306. - HOLDING OF OTHER OFFICE.**

No elective officer shall hold any other municipal office or hold any office or employment the compensation of which is paid out of municipal moneys; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while a member thereof, until one year after the expiration of the term for which that person was elected.

(Amendment ratified 1988 Primary Election, June 7, 1988.)

**SEC. 308. - COMPENSATION OF ELECTIVE OFFICERS.**

(a) The Council shall establish by ordinance the compensation of the elective officers of the City.

(b) Once the compensation of elective officers is fixed pursuant to subsection (a) of this

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section, the compensation of an elective officer shall not thereafter be increased or diminished during that elective officer's term of office.

(Amendment ratified 1980 Special Municipal Election, June 3, 1980.)

(Amendment ratified 1988 Primary Election, June 7, 1980.)

**SEC. 309. - OFF-YEAR CONTRIBUTIONS PROHIBITION.**

No mayoral candidate, Council candidate, or any committee controlled by such person shall solicit or accept any contribution in support of such candidate's election prior to the date fixed by law for the filing of nomination papers with respect to such election, or following the year in which such election is held.

(Amendment ratified 1993 Primary Election, March 2, 1993.)

(Amendment ratified 1988 Primary Election, June 7, 1988.)