



CHARTER *of the* COUNTY *of* FRESNO STATE *of* CALIFORNIA



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CHARTER of the COUNTY of FRESNO
STATE of CALIFORNIA

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CHARTER of the COUNTY of FRESNO STATE of CALIFORNIA

NAME AND RIGHTS OF THE COUNTY

SECTION 1. The County of Fresno as it now exists is a body corporate and politic, and as such has and shall have all the powers which are now or may be hereafter specified by the Constitution and laws of the State of California, and by this Charter and such other powers as are necessarily implied.

SECTION 2. The powers mentioned in the preceding section can be exercised only by a Board of Supervisors or by agents and officers acting under their authority or by authority of law or of this Charter.

SECTION 3. The corporate name shall be “County of Fresno” which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they are now, until otherwise changed by law.

BOARD OF SUPERVISORS

SECTION 4. The County of Fresno shall have a Board of Supervisors consisting of five members. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector therein for at least thirty (30) days immediately preceding the date of filing nominating papers or equivalent declaration of candidacy for the primary election at which he is a candidate, and shall be elected by the voters of such district. Supervisors shall be nominated

and elected at the time and in the manner for the terms now or hereafter provided by general law. (Amended November 3, 1992).

SECTION 5. (Repealed November 7, 1944).

SECTION 6. The County of Fresno is hereby divided into five supervisorial districts, the boundaries and designations of which shall be and remain as they now are until otherwise changed as provided by law.

SECTION 7. The Board of Supervisors may by a four-fifth vote of its members, change the boundaries of any supervisorial district. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. No change in the boundaries of any supervisorial district may be made, except within one year after a general election.

SECTION 8. Whenever a vacancy occurs in the Board of Supervisors, it shall be filled as follows:

- (a) In the event such vacancy occurs in the final year of a term, it may be filled by the unanimous vote of the remaining members, provided there are at least three remaining members, and if they fail for a period for twenty-nine (29) days following the occurrence of such vacancy to make such an appointment, the Governor shall fill the vacancy.

(b) In the event such vacancy occurs other than in the final year of a term, the Board of Supervisors shall, without delay, 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 Section 2504 of 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 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. (Amended November 3, 1992).

SECTION 8.5. In the event an election is held pursuant to Section 8 of this Charter to fill a vacancy in the Board of Supervisors and at such election no candidate receives a majority of all the votes cast and not less than eighteen months remains of said term of office from the date of the creation of such vacancy, a runoff election between the two candidates who have received the most votes shall be had as soon as may be legal and practical. (Amended June 8, 1976).

SECTION 9. No Supervisor shall, during the term for which he shall have been

elected, or for one year thereafter, be eligible for appointment to any office or position carrying compensation and created by this Charter or by ordinance.

SECTION 10. At its first meeting in each calendar year, the Board of Supervisors shall designate one of its members as chairman to serve during such year and until his successor is designated. Beginning with the January 1979 meeting and each January thereafter, the senior member of the Board in terms of total years served on the Board, shall be designated Chairman provided that no member shall be eligible for a further term until each of the other four districts has had a member who has served as Chairman; and provided further that, no member shall be eligible until he has served at least eleven months on the Board. In the event two or more eligible members have equal seniority in office, the member who represents a district which has last had a Chairman most remote in time shall be designated Chairman. A member entitled to be designated Chairman pursuant to these provisions, may waive such designation, and the member otherwise eligible next in seniority shall be so designated. A member waiving designation as herein provided shall, for the purpose of future designation, have his seniority dated from the date of such waiver, as though he had not made such waiver and had served a term as Chairman during such year. The Chairman shall preside at all meetings provided that, in case of absence or inability to act, the members present shall select one of their number to act as Chairman pro tem. Any member of the Board may administer oaths when necessary in the performance of official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein. (Amended June 6, 1978).

GENERAL POWERS OF THE BOARD OF SUPERVISORS

SECTION 11. The Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution and laws of the State of California, or by this Charter.

SECTION 12. It shall be the duty of the Board of Supervisors:

(a) To appoint or provide for the appointment of all county officers, assistants, deputies, clerks, attaches, and employees whose appointment or election is not otherwise provided by this Charter. (Amended November 2, 1954).

(b) To provide, by ordinance, or resolution for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches, and employees unless such compensation is otherwise fixed by this Charter.

In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this Charter or by the Board of Supervisors, such salary shall be in full compensation for all services by such officer, except in the case of constables as hereinafter provided; and in all cases in which such officer is, by general law, entitled to charge and receive fees or commissions it shall be the duty of such officer to charge, collect and receive such fees or commissions and pay the same monthly to the county treasurer. The compensation of elective officers shall be fixed at least sixty days prior to the primary election at which such officer is a candidate. The compensation of elective officers shall not be increased or diminished after the election of such officer or

during his term of office. The Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their term of office, and the Board of Supervisors, may also increase or decrease the compensation of deputies or assistants during the term of office. (Amended June 7, 1966).

(c) To provide by ordinance or resolution for the number of assistants, deputies, clerks, attaches, and other persons to be employed from time to time in the several offices and institutions of the County. (Amended November 2, 1954).

(d) To require any county or judicial district officer or employee to give bond for the faithful performance of the duties of his office or employment in such penal sum as may be fixed by the laws of the State or California or the Board of Supervisors. The premium for such bond shall be paid by the County. (Amended November 2, 1954).

(e) To let all contracts for public work in accordance with the laws of the State of California.

(f) Repealed November 2, 1954.

(g) Repealed November 2, 1954.

(h) To provide in the purchase of property by the County, that price and quality being equal preference shall be given to Fresno County products or vendors. (Amended June 7, 1966).

SECTION 12.1. The Board of Supervisors shall have the power to consolidate appointive county offices, institutions, departments, or divisions thereof, when ever the respective duties thereof are not inconsistent; and consolidate, segregate, transfer, abolish or reassign the powers, duties or functions of any such office, institution, department or division. (Added by amend ment, Nov. 5, 1974).

SECTION 13. Notwithstanding Section 44 of this Charter or other provisions of law, the County may employ independent contractors to perform any County service. However, if the service is then being performed by County employees, contract approval shall require four affirmative votes of the Board of Supervisors. (Added by Amendment November 2, 1976).

COUNTY OFFICERS OTHER THAN SUPERVISORS

SECTION 14. The elective County officers other than the members of the Board of Supervisors shall be:

Auditor	Recorder
Assessor	Sheriff
County Clerk	Superintendent
Coroner	of Schools
District Attorney	Tax Collector
Public Administrator	Treasurer

The Tax Collector shall be ex-officio license collector of the County.

Any two or more of the above listed elective offices may by Ordinance be consolidated and any elective office or consolidated elective office may be consolidated with any appointive office in which latter event the consolidated office shall be elective. Nothing herein contained shall be deemed to authorize any consolidation of offices which would result in a holder of a consolidated office performing functions for which he does not have the qualifications prescribed by State Law or

or this Charter. Any office or offices having been once consolidated may likewise by ordinance be separated. (Amended June 7, 1966).

SECTION 15. All elective officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

SECTION 16. The appointive County officers shall be:
Members of the Civil Service Commission
Members of the Planning Commission
Agricultural Commissioner
Probation Officer
County Health Officer
Director of Weights and Measures
Director of Public Works
County Administrative Officer
County Counsel

Such other officers as now are or which may be hereafter authorized by the general law of the State of California or this Charter and established in pursuance thereof.

The Board of Supervisors shall appoint, suspend or remove, subject to the provisions of this Charter the following officers, boards and commissions: County Administrative Officer, County Counsel, members of the Civil Service Commission, members of the Planning Commission, Boards and Commissions not otherwise provided for by this Charter.

The County Administrative Officer shall appoint, suspend or remove, with prior approval of the Board of Supervisors, and subject to Civil Service procedures where applicable, all other appointive County officers, except as provided in this Charter. All appointive officers shall have the qualifications and exercise the powers and privileges and perform the duties and functions which now are or which may be

hereafter prescribed for their respective offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Director of Public Works shall be a registered civil engineer of the State of California and shall be ex-officio Road Commissioner, and as such shall have the powers and privileges and perform the functions and duties which now are or which may be hereafter prescribed for such office by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Director of Public Works shall appoint a County Surveyor qualified under the laws of the State of California, who shall be subordinate to and directly responsible to the Director and who shall have the powers and privileges and perform the function and duties which now are or may be hereafter prescribed for such office by the Constitution and laws of the State of California, this Charter and the ordinances and resolutions of the Board of Supervisors. If the Director of Public Works is qualified under the laws of the State of California to serve as County Surveyor, the Director may be appointed as County Surveyor pursuant to this section. (Amended June 7, 1966; Amended June 5, 2018).

SECTION 17. All appointive officers whose terms of office are not otherwise provided for in this Charter and who are not in the County Classified Civil Service shall serve at the will of the appointing authority. (Amended November 6, 1956).

SECTION 18. There shall be a County Planning Commission consisting of seven or nine members as the Board of Supervisors may by ordinance determine to be appointed by the Board of Supervisors. At least one member shall be appointed from each supervisorial district

and reside therein during his term. The terms of the members shall be four years with the maximum staggering as it exists at the time of this 1966 amendment being retained. A member of the Commission having served any portion of two successive four year terms any part of which is prior to or subsequent to this 1966 amendment shall be ineligible for reappointment until a full four year term has elapsed since the expiration of his last term.

There shall be a Director of Planning who shall be appointed in the manner provided for in this Charter.

Said Planning Commission, Director of Planning and the Board of Supervisors, as the case may be, shall have such jurisdiction, powers and duties to formulate, approve, adopt, enact, and administer general plans, zoning ordinances, official plans and precise plans, and do any and all other things related to local and area planning as is now or may hereafter be conferred upon them by Title 7 of the Government Code of the State of California or any general State law relating to planning as the same may now or hereafter provided. All matters of procedure relating to proceedings before the Planning Commission and the Board of Supervisors, including appeals, shall be established by ordinance or rule and any matter of procedure not so provided shall be governed by general law. (Amended June 7, 1966).

SECTION 19. County Administrative Officer:

1. The County Administrative Officer shall be the Chief Administrative Officer of the County. He shall maintain residence within the County of Fresno during his tenure of office.

2. The County Administrative Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such affairs of the County as are or hereinafter may be placed in his charge, or under his jurisdiction or control, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors. He shall also act in an advisory capacity to and with the Board of Supervisors with respect to any necessary or proper coordination of the functions of officials and boards not under his jurisdiction or control. He shall be charged with, and shall be responsible for, the administrative supervision of all department heads for which he is the appointing authority, the enforcement of all ordinances, orders or governmental regulations of the Board of Supervisors, and he is vested with the power to sue in the name of the County, in the proper court, to enforce same.

3. In addition to other powers and duties provided in this Charter, it shall be the duty of the County Administrative Officer and he shall have the power to:

(a) Supervise and direct the preparation of the annual budget of the County for the Board of Supervisors and be responsible for its administration after adoption.

(b) Formulate and present to the Board of Supervisors, such measures, recommendations and ordinances as may to him seem necessary or expedient, and to organize and present to the Board of Supervisors programs for the growth and development of the County and for the expansion of public works and services made necessary thereby, including a long term plan for capital improvements.

(c) Make recommendations to the Board of Supervisors relating to personnel policies, including the creation or abolition of positions in the several County offices and departments, and the establishment of salaries and wages therein.

(d) To perform such other duties as may be lawfully prescribed or required by this Charter, or by ordinance, resolution, or order of the Board of Supervisors. (Amended June 7, 1966).

SECTION 20. (Repealed June 7, 1966).

SECTION 21. The Probation Officer shall be appointed by the Judges of the Superior Court of the County of Fresno. The salary of the Probation Officer and of deputy probation officers shall be fixed by the Board of Supervisors. In all other probation matters the General Law shall apply and the Probation Officer shall be governed thereby. (Amended June 8, 1976).

SECTION 22. All officers, boards and commissions to whom fees are paid for the performance of official duties, except as otherwise specifically provided in this Charter, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the County, shall make regular monthly settlements and accounts of their collections. The Tax Collector, Auditor, County Clerk, and Sheriff shall pay all sums of money so received by them to the Treasurer daily and all other officers so receiving such sums shall pay the same to the County Treasurer at least once a month, in no event making such payment later than the 5th day of the succeeding calendar month.

SECTION 23. Except as provided by this Charter or required by the laws of the State of California, whenever a vacancy occurs in any elective county or judicial district office, the Board of Supervisors shall fill such vacancy and the appointee shall hold office for the full unexpired term of his predecessor and until his successor is elected and qualified. (Amended June 7, 1966).

SECTION 24. In the event of a vacancy occurring in the office of Assessor, District Attorney, Sheriff, Superintendent of Schools or any consolidated office including any such office, and such vacancy occurs other than in the final year of a term, the Board of Supervisors shall without delay 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 Section 2504 of the Elections Code or similar State law falls not less than seventy-five nor more than one hundred sixty-five days after the call, such special election shall be consolidated with such election. (Added by Amendment June 8, 1976.)

SECTION 25. Each elective officer shall have the power to appoint and remove such deputies and employees as are provided for the carrying out of the duties of his office, subject to the requirements of any Civil Service ordinance and rules and regulations adopted pursuant to SECTION 44 of this Charter. (Amended November 6, 1956).

SECTION 26. (Repealed June 7, 1966).

SECTION 27. Each County and judicial district officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter, and such

other duties as may be legally required by the Board of Supervisors. (Amended June 7, 1966).

SECTION 28. (Repealed June 7, 1966).

SECTION 29. The Board of Supervisors shall have the power to contract with any incorporated city or town or charter city within the county for the performance by the County Health Officer or other employees of the Health Department, of any function relating to public health within such incorporated city or town or charter city, and whenever such contract has been duly entered into the County Health Officer and his deputies and employees shall thereupon exercise the same powers or duties within such city or town or charter city as are conferred upon health officers thereby by State law or local ordinance within such city or county, and in such contract provision for payment to the county of the proportionate share of the expenses of said health service may be made. The Board of Supervisors may contract with any incorporated city or town or charter city within said county to secure the performance by the health officer or other health department employees of such city, or town, or charter city of any service relating to public health and to pay to such incorporated city, or town, or charter city the proportionate share of such public health service, in which event no health officer for the county shall be appointed. In the event of the formation of a Public Health District, including the County of Fresno and any incorporated city or cities, town or towns, or charter city or cities, the County of Fresno is empowered to become a part thereof and in the event of the organization of such District no independent health officer shall be appointed for the said County of Fresno.

SECTION 30. (Repealed November 2, 1954).

SECTION 31. (Repealed November 2, 1954).

SECTION 32. The office of Constable in each judicial district is hereby consolidated with that of sheriff and the sheriff shall perform all functions otherwise imposed by law upon constables. All constables and deputy constables in office with probationary or permanent status upon the operative date of such consolidation shall become deputies of the sheriff of rank and step as may be determined by the Civil Service Commission in accordance with their previous experience and responsibility as peace officers, taking into consideration an evaluation thereof by the sheriff. This section as amended pursuant to the November, 1972, election, shall become operative beginning with the first county pay period following the first Monday after January 1, 1973, or at the beginning of the first county pay period thereafter when legally permissible. (Amended November 7, 1972.)

SECTION 33. (Repealed November 3, 1936).

SECTION 34. (Repealed June 7, 1966).

MISCELLANEOUS

SECTION 35. The Board of Supervisors may at any time employ an independent auditor to audit the books and records of any County office, officer or department. (Amended June 7, 1966).

SECTION 36. The Board of Supervisors and all county officers shall assume and discharge municipal functions of cities and towns within the County whenever requested so to do by such cities or towns, upon such terms as may be agreed upon between the County of Fresno and the city or town requesting the performance of such functions. The compensation to be

paid to the County for assuming and performing such municipal functions shall be such sum as may be agreed upon between the municipality and County, but not exceeding the amount now prescribed by general law,

SECTION 37. In every case where the county undertakes the collection of taxes for cities or towns, the tax rate certified by such cities and towns shall be added to the tax rate fixed by the Board of Supervisors in determining the total amount of taxes due on each assessment liable therefor, and it shall not be necessary to enter said city or town tax in a separate column.

SECTION 38. (Repealed June 7, 1966).

SECTION 39. All officers, assistants, deputies, clerks, attaches and employees shall be allowed their actual necessary traveling expenses in the performance of official duties.

SECTION 40. (Repealed June 3, 1980).

SECTION 41. No officer or employee shall be interested directly or indirectly in any contract or transaction with the County or become a surety upon any bond given to the County.

No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the County, by himself or otherwise, except his lawful compensation as such officer or employee.

As to members of appointive boards and commissions only, the following standards shall apply. No appointive board or commission member shall be financially interested in any contract made by any body or board of which he is a member.

The meaning of the terms “financial interest” and “made” shall be consistent with state law. Nothing contained herein shall be construed to apply to a member of a board or commission which is purely advisory.

Any violation of the provisions of this Section shall render the contract or transaction involved voidable at the option of the Board of Supervisors. It shall be the duty of every officer and employee who has knowledge of any violation of the provisions of this section immediately to report such violation to the Board of Supervisors. Failing to do so, he may be removed from his office or employment. (Amended June 3, 1980.)

SECTION 42. (Repealed November 2, 1954).

SECTION 43. No person applying for employment by the County and who is related within the third degree, whether by blood or marriage, to a member of the Board of Supervisors or any elected or appointed department head whatsoever, shall be employed by the County, except that the Board of Supervisors may by unanimous vote of all members present, provided there are at least four members so present, find that by reason of unusual qualifications of the applicant, or the existence of other unusual circumstances, the best interest of the County would be served by employing such person and accordingly, authorize such employment. (Amended Nov. 7, 1978.)

CIVIL SERVICE

SECTION 44.

1. For the purpose of providing for the selection and retention of appointive officers and employees of the County of Fresno on the basis of merit and ability rather than political affiliations, the Board

of Supervisors of the County of Fresno shall provide by ordinance for a system of civil service examinations, appointment and retention in employment of all such officers and employees.

2. Such ordinance shall provide for:

(a) A Civil Service Commission of five electors holding no other public office serving staggered terms of four years with such assistants and quarters as are necessary.

A member of the Commission having served any portion of two successive four year terms any part of which is prior or subsequent to this 1966 amendment shall be ineligible for re-appointment until a full four year term has elapsed since the expiration of his last term.

(b) Dismissal of employees and officers for cause by the Department Head subject to final authority in the Commission to reinstate on appeal.

(c) A system for competitive examination and certification of employees and officers.

(d) For certification to a permanent position by non-competitive examination for fitness of any officer or employee in the unclassified service whose position is hereafter brought within the classified service.

(e) Examination rating credits for United States military service in time of war.

(f) For exemption, where the of Supervisors deems it proper, of the County Administrative Officer, Assistant County Administrative Officers, Deputy County Administrative Officers, the Director of Planning, the Director of Personnel, the Hospital Administrator, and any other department head, and positions where previous professional examination and certification is required under the State law, such as doctors, lawyers, and nurses. (Amended November 2, 1976).

(g) Provisions for military service during time of war; reinstatement after honorable discharge of all officers and employees entering the United States military service in time of war.

(h) Such other matters as may be necessary to fulfill the provisions of this Section. (Amended June 7, 1966).

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ABOUT *the* COUNTY of FRESNO

The County of Fresno was formed in 1856. Encompassing 6,011 square miles, with a population of 1,018,241 residents (reported from the Department of Finance in January 2019). The original county seat was located in the town of Millerton along the San Joaquin River, which was later moved to the City of Fresno due to continued flooding at the river site.

County of Fresno government is defined and authorized under the California Constitution, law, and the Charter of the County of Fresno, and provides countywide services, including elections, voter registration, law enforcements, jails, vital records, property records, tax collection, public health and social services.

In addition, the County serves as the local government for all unincorporated areas.

