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7 Attorneys for Respondents  
County of Fresno and James A. Kus

**Exempt from filing fee  
Gov. Code, § 6103**

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF FRESNO

10 PEOPLE ex rel. BONTA, et al.,

Case No. 24CECG03179

11 Petitioners,

**Answer of Respondents County of  
Fresno and James A. Kus to Petition  
for Writ of Mandate and Complaint for  
Injunctive and Declaratory Relief**

12 v.

13 COUNTY OF FRESNO, et al.,

14 Respondents.

15  
16 Respondents County of Fresno and James A. Kus answer the petitioners'  
17 Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief  
18 ("**Petition**") as follows:

19 **General Denial**

20 Under Code of Civil Procedure section 431.30, subdivision (d), both respondents  
21 generally deny each statement in the Petition.

22 **Affirmative Defenses**

23 The respondents allege the following affirmative defenses:

24 **First Affirmative Defense:**

25 **Section 15 Supersedes Inconsistent State Law**

26 Section 15 of the Charter of the County of Fresno, as amended by Measure A  
27 ("**Section 15**"), which was approved by the voters of Fresno County at the March 5,  
28 2024 primary election, is an "authorized exercise of county power" (*Coalition of County*

1 *Unions v. Los Angeles County Board of Supervisors* (2023) 93 Cal.App.5th 1367, 1389)  
2 under California Constitution, article XI, section 4, subdivision (c); and therefore, under  
3 California Constitution, article XI, section 3, subdivision (a), and section 4, subdivision  
4 (g), Section 15 is the law of the State, has the force and effect of a legislative  
5 enactment, and supersedes all laws of the State that are inconsistent with it, including  
6 Elections Code section 1300 as amended by Assembly Bill 759 in 2022.


7 **Prayer for Relief**

8 For those reasons, the respondents pray:

- 9 1. That the petitioners take nothing by the Petition;  
10 2. That judgment be entered in favor of the respondents;  
11 3. That respondents be awarded their costs of suit; and  
12 4. For any other or further relief as the court may grant.

13 DANIEL C. CEDERBORG, County Counsel

14  
15 Date: September 27, 2024

16   
17 By Peter Wall, Chief Deputy County Counsel  
18 Attorneys for Respondents County of Fresno  
19 and James A. Kus  
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1 **PROOF OF SERVICE**

2 *People ex rel. Bonta, et al. v. County of Fresno, et al.*  
3 *Fresno Superior Court Case No. 24CECG03179*

4 I, Vincent Soliz, declare as follows:

5 I am a resident of the State of California, over the age of eighteen years, and not  
6 a party to the within action. I am employed at the Fresno County Counsel's Office, 2220  
7 Tulare Street, Fifth Floor, Fresno, California, 93721.

8 On September 27, 2024, I served a copy of the within:

9 **Answer of Respondents County of Fresno and James A. Kus to Petition for Writ  
10 of Mandate and Complaint for Injunctive and Declaratory Relief**

11 on the interested parties in said action addressed as follows:

12 Rob Bonta  
13 Attorney General Of California  
14 R. Matthew Wise  
15 Supervising Deputy Attorney General  
16 S. Clinton Woods  
17 Deputy Attorney General  
18 455 Golden Gate Ave., Suite 11000  
19 San Francisco, CA 94102  
20 E-mail: [Clint.Woods@doj.ca.gov](mailto:Clint.Woods@doj.ca.gov)  
21 *Attorneys for the People of the State of  
22 California; California Secretary of State  
23 and Dr. Shirley N. Weber, in her official  
24 capacity as California Secretary of State*

25  by transmitting via Electronic Mail, the above listed document(s) to the Electronic  
26 Mail address(es) set forth above on this date before 5:00 p.m. pacific daylight  
27 time.

28 I declare under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct. Executed on September 27, 2024, at Fresno,  
California.

Vincent Soliz, Paralegal