

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS AGENDA ITEM NO. D.2**

Meeting Date: November 6, 2017

Subject/Title: Adoption of Resolution Calling for All-Mail Ballot Special District Election on March 6, 2018 and Ordering a Question Relating to Reducing the Number of Directors of the East Contra Costa Fire Protection District be Submitted to the Voters

Submitted by: Brian Helmick, Fire Chief
Shayna van Hoften, Legal Counsel

RECOMMENDATION FOR ACTION

Adopt a resolution: (1) Calling an all-mail ballot Special District Election on Tuesday, March 6, 2018; and (2) Ordering that the question of reducing the number of Directors of the East Contra Costa Fire Protection District (District) from nine to five be submitted to the voters at that election.

PRIOR BOARD ACTION

At its June 6, 2016 regular meeting, the Board of Directors (Board) adopted Resolution 2016-16 calling for an election by registered voters in the District of whether to transition to a five-member elected (rather than nine-member appointed) Board, with Directors to be elected at-large rather than by voting division.

On July 11, 2016, the Board adopted Resolution 2016-19, repealing Resolution 2016-16, and calling for an election to change from a nine-member appointed Board to a nine-member elected Board, to be elected at large (Measure N). At that time, the Board expressed an interest in reconsidering the number of Directors in or around Spring 2017, and whether to change from at-large to division elections after the 2020 Census.

On November 8, 2016, the voters adopted Measure N to transition the District Board from nine appointed members to nine members elected at large. Under State law, following the passage of Measure N, and absent other action by the Board, the first election of Directors would have been held in November 2017. However, on February 6, 2017, the Board adopted Resolution 2017-03, seeking to establish even-year elections for District Directors and requesting that the Contra Costa County Board of Supervisors consolidate the first election of Directors with the November 2018 general election. The Board of Supervisors agreed to this request.

On October 2, 2017, the Board considered several questions regarding further restructuring of the Board. In particular, the Board considered 1) reducing the number of Directors; 2) transitioning the Board from being elected at large to elected by division; and 3) when and how to place these questions before the voters. The Board instructed Staff to prepare a resolution calling an all-mail ballot Special District Election on March 6, 2018, placing the question of whether to reduce the number of Directors to five Directors

before the voters. The Board decided against seeking voter authority to transition to election of Directors by division at this time.

SUBJECT BACKGROUND

When the District was formed via consolidation of the Bethel Island, East Diablo and Oakley Fire Districts in 2002, the Contra Costa County Board of Supervisors was seated as the Board of Directors of the new District. Through a series of resolutions adopted by each of them in 2009, the Board of Supervisors and the City Councils of Brentwood and Oakley changed the governance structure of the District to a nine-member Board, with two members appointed by the Contra Costa County Board of Supervisors, four members appointed by the Brentwood City Council, and three members appointed by the Oakley City Council.

As discussed above, on November 8, 2016, the District's voters passed Measure N to transition the District leadership from an appointed Board to a Board elected at large. The first election of Directors is scheduled for November 6, 2018. The Board desires to place an additional question before the voters regarding a reduction in the number of Directors prior to the November 2018 election of Directors. The reduction in the number of Directors would take effect on December 7, 2018, the date upon which officials elected at the November 2018 election take office.

Consistent with the Board's direction at its October 2, 2017 meeting, Staff and Legal Counsel have prepared the attached resolution, which would accomplish the following:

1. Calling an all-mail ballot Special District Election on March 6, 2018; and
2. Asking the voters at that election whether, effective December 7, 2018, the number of Directors should be reduced to five members, elected at large, instead of the currently planned nine-members, elected at large.

Since the Board's October 2, 2017 meeting, the County Elections Department revised its deadlines for submitting arguments for and against the proposed initiative. The revisions moved the deadlines forward by a few days to account for holidays. A revised timeline is attached.

The District is required to reimburse the County for its actual costs for conducting the election. The County Elections Department estimates the cost of this all-mail ballot election to be \$225,000. However, this figure may change due to a variety of factors including increased costs, or other agencies deciding to hold an election on the same date. The full cost of the election may not be known until after the election is held.

Attachment: Resolution
 Revised Election Timeline

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

* * *

RESOLUTION NO. 2017-__

**A RESOLUTION CALLING AN ALL-MAIL BALLOT SPECIAL DISTRICT ELECTION
ON TUESDAY, MARCH 6, 2018 AND ORDERING THAT A QUESTION
RELATING TO REDUCING THE NUMBER OF DIRECTORS BE
SUBMITTED TO THE VOTERS AT THAT ELECTION**

WHEREAS, by Resolution 02-24, the Contra Costa County Local Agency Formation Commission (LAFCO) consolidated the Bethel Island, East Diablo and Oakley Fire Districts in 2002, and approved the creation a new East Contra Costa Fire Protection District (District); and

WHEREAS, LAFCO Resolution 02-24 established that the Contra Costa County Board of Supervisors would sit as the District's Board of Directors (Board), and contemplated that the District would allow the electorate to determine transitioning to an independently-elected Board; and

WHEREAS, through a series of resolutions adopted by each of them in 2009, the Board of Supervisors and the City Councils of Brentwood and Oakley changed the governance structure of the District to a nine-member Board appointed by the Contra Costa County Board of Supervisors and the City Councils of Brentwood and Oakley; and

WHEREAS, by Resolution 2016-19, the Board called an election for November 8, 2016 to place a question before the voters, pursuant to Section 13848 of the California Health and Safety Code, as to whether the Board should change from a nine-member appointed Board to a nine-member Board elected at large (Measure N); and

WHEREAS, the voters approved Measure N on November 8, 2016 by a majority vote, scheduling the election for the first elected Board for November 2017; and

WHEREAS, by a series of resolutions, the Board requested that the Contra Costa County Board of Supervisors consolidate the first election of Directors with the November 2018 general election, and the Contra Costa County Board of Supervisors approved this request; and

WHEREAS, officials elected at the November 6, 2018 election will take office on December 7, 2018 as prescribed by California Elections Code Section 10554; and

WHEREAS, the District desires to call a Special District Election for March 6, 2018, to be held and conducted by all-mail ballot as prescribed in Section 4000 *et seq.* of the California Elections Code; and

WHEREAS, the District's boundaries have not changed since its previous election

on November 8, 2016; and

WHEREAS, the District desires to submit to voters at the Special District Election a question regarding whether to reduce the number of Directors on the Board from nine members to five members, pursuant to Section 13845 of the California Health and Safety Code; and

WHEREAS, Section 13845 of the California Health and Safety Code requires majority approval by the voters to change the number of Directors on the Board.

NOW, THEREFORE BE IT RESOLVED that pursuant to its rights, powers and authority, the Board of Directors of the East Contra Costa Fire Protection District hereby:

1. Calls a Special District Election to be held on March 6, 2018;
2. Acknowledges that such election will be held and conducted by all-mail ballot as prescribed by section 4000 *et seq.* of the California Elections Code; and
3. Orders the following question to be submitted to the voters at the Special District Election:

NUMBER OF DIRECTORS OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT. Shall the number of Directors of the East Contra Costa Fire Protection District change from nine Directors to five Directors, effective December 7, 2018, with the first set of elected Directors (whether nine or five) elected, at large, on November 6, 2018 and taking office on December 7, 2018.

IT FURTHER RESOLVED that the ballots to be used at the election shall be in form and content as required by law.

BE IT FURTHER RESOLVED that the District Clerk / Fire Chief is authorized, instructed and directed to contract with the County of Contra Costa to procure and furnish any and all official ballots, notices, and other printed matter that may be necessary, and all supplies, equipment, personnel and paraphernalia that may be necessary, in order to properly and lawfully conduct the election, at costs to be reimbursed by the District.

BE IT FURTHER RESOLVED that in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district all-mail ballot elections.

BE IT FURTHER RESOLVED that the notice of the time and place of holding the election is given, and the District Clerk / Fire Chief is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

BE IT FURTHER RESOLVED that the County Election Department is authorized to canvass the returns of the Special District Election.

BE IT FURTHER RESOLVED that the County Elections Department is hereby authorized to transmit a copy of the measure to the Contra Costa County Counsel, who

shall prepare an impartial analysis for the measure pursuant to California Elections Code Section 9313.

BE IT FURTHER RESOLVED that the District Clerk / Fire Chief is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Contra Costa in the form of a "Notice to County Clerk of Measure Submitted to the Voters" and to take any other actions that may be necessary to give effect to this resolution, including making required non-substantive revisions to the form of the ordinance or ballot question.

BE IT FURTHER RESOLVED that the District Clerk / Fire Chief shall certify to the passage and adoption of this resolution and enter it into the official records of the District.

BE IT FURTHER RESOLVED that the Directors elected at the November 6, 2018 election shall serve a term of office of either four years or two years as determined pursuant to Elections Code Section 10505(c).

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 6th day of November, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joel Bryant
President, Board of Directors

ATTEST:

Brian Helmick, Clerk of the Board

REVISED ELECTION TIMELINE

* = Deadline extended one day due to weekend or holiday (Elec. Code §15.).

March 6, 2018 All Mail Ballot Election

<i>Election date minus # of days</i>	<i>03/06/2018 election schedule</i>	<i>Benchmark activity</i>
Prior to E-88	12/04/2017	Last regularly scheduled meeting for East Contra Costa Fire Protection District Board of Directors to adopt a resolution calling for a March 6, 2018 all-mail ballot election. (Elec. Code § 4108)
E-88	12/08/2017	Last day to place a measure on the ballot. Public examination period will commence on this date and continue for 10 days. (Elec. Code § 9380)
E-82	12/14/2017	Local measure letter assigned.
E-76	12/18/2017	Deadline for primary arguments. (Elec. Code § 9316)
E-71	12/22/2017	Deadline for rebuttal arguments. (Elec. Code § 9316)
E-40	01/25/2018	Estimated voter information guide mailing.
E-30	02/05/2018	Last day for the county elections official to have prepared a sufficient number of ballots for the voters of the district. (Elec. Code § 10526)
E-29-E-10	02/05/2018- 02/25/2018	Dates during which ballots will be mailed.
E	03/06/2018	ELECTION DAY (Elec. Code § 1500)