

RODEO-HERCULES FIRE PROTECTION DISTRICT MEMORANDUM

Date: February 9, 2022
To: Board of Directors
From: Darren Johnson, Interim Fire Chief
Subject: Filling of Board Vacancy

BACKGROUND:

Effective Wednesday, January 12, 2022, Director Collene Couzens resigned from her elected position as a District Director. The District has several options for filling vacancies, including appointing an individual to fill the vacancy, calling an election, or allowing the county board of supervisors to make an appointment (Cal. Govt. Code section 1780). The District must notify the county elections official of the vacancy no later than 15 days after either the date on which the Board is notified of the vacancy or the vacancy's effective date, whichever is later. The county election official was notified of the vacancy by the Fire District Counsel on January 14, 2022. The person appointed by the Board will serve for the remainder of Director Couzens' term of office, which is until December 2024.

INFORMATION:

After notification to the county election official, the Board of Directors can choose one of the following:

1. Appoint an individual to fill the vacancy.

Fifteen days before the appointment, the District must post notice of the vacancy in three or more conspicuous places in the District.

The Board must make the appointment within 60 days of either the date on which the Board is notified of the vacancy or the effective date of the vacancy, whichever is later. Because Wednesday, January 12, 2022 was the date the District received the notification, which was also the date that it was effective and announced to all of the remaining Board members, the Board must make the appointment by Sunday, March 13, 2022, which is 60 days from January 12, 2022.

2. Call an election to fill the vacancy.

If the Board chooses to hold an election instead of making an appointment. In that case, the Board must call the election within 60 days of the date the Board was notified of the vacancy or the effective date of the vacancy, whichever is later. This means the Board must call an election

by March 13, 2022. The election would then be held at the "next established election date," which is 130 or more days after the Board calls the election. The next established election date is June 7, 2022. However, the Board may not hold an election for the vacant Director's seat on that date because it is within 130 days of any date that the Board may call an election after its been notified of the vacancy. The soonest "next established election date" that the Board could use to fill the vacancy is Tuesday, November 8, 2022.

3. Allow the County Board of Supervisors to take action.

If the District Board neither makes an appointment nor calls an election within the appropriate time, then the County Board of Supervisors may make the appointment. In addition, instead of making the appointment, the Board of Supervisors could order the District to call an election. If the Board of Supervisors fails to fill the seat within 90 days of the District Board being notified of the vacancy or the effective date of the vacancy, whichever is later, then the District must hold an election at the "next established election date" that is 130 or more days after the date the District Board calls the election, which would be Tuesday, November 8, 2022.

CONCLUSION:

To provide continuity and continued leadership from the Board of Directors, fire district staff and general counsel have provided the Board with three options following the California government code for filling board vacancies.

ACTION:

After the fire district board of directors have reviewed and discussed the provided options, direct district staff in procedures based on that decision. This is an action item.