



Contra  
Costa  
County

To: Board of Supervisors  
From: Monica Nino, County Administrator  
Date: April 12, 2022

Subject: Rodeo-Hercules Fire Protection District Board of Directors Vacancy

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**RECOMMENDATION(S):**

1. INTERVIEW two candidates for the vacant seat on the Rodeo-Hercules Fire Protection District Board of Directors; and
2. APPOINT a candidate to fill the Board of Directors seat vacated by Director Collene Couzens.

**FISCAL IMPACT:**

No fiscal impact to interview the candidates and make an appointment.

Regardless of the action taken today by the Board of Supervisors, the District will be required under Government Code Section 1780 to call an election for November 8, 2022, to fill the remainder of Director Couzens' term through December 2024. Because three Director seats will be up for election on November 8, the additional expense required for an election on the same date to fill the remainder of Director Couzens' term is expected to be minimal. The estimated cost for the District to call an election would be approximately \$67,000.

**BACKGROUND:**

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **04/12/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 12, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Paul Reyes,  
925-655-2049

cc:

The Rodeo-Hercules Fire Protection District (District) is an independant special district serving an area of approximately 32 square miles, including the City of Hercules and the unincorporated Rodeo area.

On January 12, 2022, Director Collene Couzens resigned from the Rodeo-Hercules Fire Protection District Board of Directors and notified the remaining Directors of her resignation that same day. Director Couzens' term was set to expire in December 2024.

Under California Government Code Section 1780, if a vacancy on a special district's governing board occurs, the district board may fill the vacancy either by appointment or by calling an election. The district board has 60 days after the effective date or notice of vacancy to take one of those two actions. Here, the District had until March 13, 2022, to fill the vacancy either by appointment or by calling an election.

After the vacancy occurred, the District received two applications for the vacant seat. The District Board interviewed the two applicants during its March 9 Board meeting, and further considered an appointment at its March 11 Board meeting. However, the District did not make an appointment or call an election to fill the vacancy by the March 13, 2022 deadline.



## BACKGROUND: (CONT'D)

If a special district board fails to appoint or call an election to fill a vacancy, and the special district is not wholly within a city, the Board of Supervisors may fill the vacancy either by appointment or by ordering the special district to call an election, as long as the Board of Supervisors acts within 90 days after the effective date or notice of vacancy. Here, the Board of Supervisors may fill the vacancy if it does so by April 12, 2022 (today's Board meeting).

The Board of Supervisors' options include:

1. Appoint an individual to the vacant seat. The appointed individual would hold office until the next general District election on November 8, 2022, and thereafter until the person who is elected to fill the vacancy has been qualified. The person elected to fill the vacancy would then serve the remainder of Director Couzens' term, until December 2024.
2. Make no appointment and order the District to call an election for November 8, 2022, to fill the vacancy.
3. Take no action. The District would be required by law to call an election for November 8, 2022 to fill the vacancy.

Under all three options, the District will be required under Government Code Section 1780, to call an election for November 8, 2022, to fill the remainder of Director Couzens' term through December 2024. Because three Director seats will be up for election on November 8, the additional expense required for an election on the same date to fill the remainder of Director Couzens' term is expected to be minimal.

Both applicants considered previously by the District Board of Directors for appointment, Robyn Mikel and Annie Ziff, have expressed to County staff their continued interest in being appointed. It is recommended that the Board of Supervisors interview the two applicants and consider making an appointment to fill the vacant seat on the Rodeo-Hercules Fire Protection District Board of Directors. The candidates' applications are attached.

## CONSEQUENCE OF NEGATIVE ACTION:

If no appointment is made, the seat being considered for appointment on the District Board of Directors would remain vacant until the November 8 election, which may create challenges in establishing a meeting quorum and could otherwise impact the operations of the District.

## CLERK'S ADDENDUM

**Speakers: Janet Callaghan; R. Lucchini. Written Commentary provided by: Janet Callaghan, Rodeo Sanitary Board; Elaine Wander, Rodeo; Steven Trotter, Rodeo; Christine & Mike Coody; Dan Romero, Hercules City Council; Sarah Creeley (attached).**

APPOINTED Robyn Mikel to the Rodeo-Hercules Fire Protection District Board of Directors.

## **ATTACHMENTS**

Attachment A - Rodeo-Hercules Fire Board Applications