

**RODEO HERCULES FIRE PROTECTION DISTRICT**  
**MEMORANDUM**

**Date:** January 11, 2023  
**To:** Board of Directors  
**From:** Darren Johnson, Interim Fire Chief  
**Subject:** Board of Directors Vacancy

---

Effective Sunday, January 1, 2023, Director Robyn Mikel resigned from her appointed position as a Director of the District. 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 §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 effective date of the vacancy, whichever is later. The effective date of the vacancy was January 1, 2023 so the District has until January 16, 2023 to notify the county elections official. The District's Legal Counsel sent the required notice to the county elections official on behalf of the District on Monday January 9, 2023.

After notifying the county elections official, a majority of the remaining members may take one of the following actions:

**1. Appoint an individual to fill the vacancy.**

- Fifteen days prior to the appointment, the District must post notice of the vacancy in three or more conspicuous places in the District. If the Board chooses this option, District staff will widely post the vacancy, including but not limited to at the City of Hercules Public Library, the District's fire stations, the District's website, Hercules City Hall, and the Rodeo Senior Center.
- 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 Sunday January 1, 2023 was the effective date of the vacancy the Board must make the appointment by Thursday, March 2, 2023, which is 60 days from January 1, 2023.
- The District must notify the county elections official within 15 days after the Board makes its appointment.

**2. Call an election to fill the vacancy.** If the Board wishes to hold an election instead of making an appointment, the Board must call the election within 60 days of the effective date of the vacancy. This means the Board must call an election by March 2, 2023. The election would then be held at the "next established election date" that is 130 or more days after the date the board calls the election. The next established election date is the first Tuesday after the first Monday in March of each odd-numbered year, which is March 7, 2023. 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 the effective date of the vacancy. The soonest "next established election date" to fill the vacancy is Tuesday, November 7, 2023.

**3. Allow the County Board of Supervisors to take action.** If the District Board neither makes an appointment, nor calls an election by March 2, 2023, then the County Board of Supervisors may make the appointment.<sup>1</sup> 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 by appointment within 90 days of the effective date of the vacancy 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 7, 2023.

### **Requested Action**

1. Direction from the Board to call an election for November 7, 2023 to fill the vacancy. The person elected would serve until December 2024. The position would be up for election at the November 2024 election date.
2. Direction from the Board to advertise the vacancy for an appointment at least 15 days after January 12, 2023, the date that the District would advertise the vacancy.

---

<sup>1</sup> Because the District is not wholly located within a city, the County Board of Supervisors may make the appointment, or order the District to call an election.