

RODEO-HERCULES FIRE PROTECTION DISTRICT

MEMORANDUM

TO: **Board of Directors, RODEO HERCULES FIRE DISTRICT**

FROM: **Darren Johnson, Interim Fire Chief**

DATE: **October 26, 2022**

RE: **2022 Elections**

BOARD REQUEST

The Board requested clarification regarding the 2022 election.

BACKGROUND

The District received Director Couzens' resignation from the Board on January 12, 2022. The Board did not appoint a qualified elector to fill the vacancy by March 13, 2022, or call an election to fill the vacancy. Upon notification of this, the Contra Costa County Board of Supervisors then had the option of appointing someone to fill the vacancy, or declare the District call an election. On April 12, 2022, an item was placed before the Contra Costa County Board of Supervisors to interview potential applicants for appointment to the District's Board of Directors. At that April 12, 2022 meeting, Ms. Robyn Mikel was appointed by the Board of Supervisors to serve until the District's next general election, November 8, 2022, and her successor (or herself if she ran) was elected and qualified; they would serve the remainder of Director Couzens' term (December 2024).

On July 13, 2022, the Board approved a resolution calling for three seats to be up for the November 8, 2022 election to serve until 2026. According to the County's resolution appointing Director Mikel, a fourth seat should have been included on the November 8, 2022 ballot to serve the remainder of Director Couzens' unexpired term (December 2024). Apparently, the County Registrar was unaware that Director Mikel had been appointed. Usually, the County Registrar keeps a roster of all elected and appointed officials, and assists the County's independent special districts with notifications and planning for upcoming elections. Nevertheless, on August 7, 2022, the District Board past an amended resolution to include the fourth seat. However, the amended resolution was rejected by the County Elections Department because it would not meet the publishing requirements for the November 8, 2022 ballot. Therefore, the seat is not on the ballot.

CONCLUSION

Under the Fire Protection District Law of 1987, Cal. Health & Safety Code section 13843(a), Director Mikel serves as a Director until her successor qualifies and takes office. So, Director Mikel should and can continue to serve as a Director. Since it is too late to include Director Mikel on the November 8, 2022 ballot, the Board may call a special election to determine whether she will hold office (assuming she chooses to run in the special election), or if another elected successor will hold office until December 2024.