

RODEO HERCULES FIRE PROTECTION DISTRICT
MEMORANDUM

Date: May 26, 2016
To: BOARD OF DIRECTORS
From: RICHARD D. PIO RODA, General Counsel
Subject: APPOINTMENT TO BOARD VACANCY

BACKGROUND

Due to Mr. Mills' resignation, there is a vacancy on the Board. The Board's first option is to appoint someone to fill the vacancy. If appointed, that person would be seated for the remainder of Mr. Mills' term, which is until the end of this year. If the Board wishes to appoint someone, it would need to do the following:

At least fifteen days prior to the appointment, which would be scheduled for an action item at the June 8 regular Board meeting, the District must post notice of the vacancy in three or more conspicuous places in the District. Just in case the Board decides to appoint someone to fill the vacancy at its June 8 Board meeting, staff took the initiative to post notice of the vacancy and the possible appointment yesterday, May 23rd. If the Board decides it will appoint someone, then the District is already positioned and in compliance with the Government Code to do so. Interested persons who qualify as a potential appointee would apply to the District (via the Administrative Services Officer and/or the Fire Chief), and be presented to the Board at its June 8 regular Board meeting for review and appointment. It is possible that that person's appointment could be approved that night, he or she could take the oath, and be seated for the remainder of the June 8 Board meeting.

If the Board is unable to appoint a person at the June 8 Board meeting, or by July 12, then I recommend that the Board schedule an item on its June 8 Board meeting to consolidate a special election with the November 8th general election to fill the vacancy. Alternatively, if the Board desires to instead call a special election rather than appoint someone to fill the vacancy, there is an item on this meeting's agenda to direct staff to do so. It may be pulled from the agenda if the Board decides that it will take action to appoint someone. However, it will also be on the Board's June 8 agenda, just in case the Board is not able to agree upon an appointee, or if no persons who qualify as a potential appointee apply.

If by July 12th the Board does not appoint someone, or if it does not call a special election that is consolidated with the November 8th general election, then the Contra Costa County Board of Supervisors may appoint someone, or if it does not appoint someone, then it must order the District to call a special election that would be consolidated with the November 8th general election. 2661640.1

RODEO HERCULES FIRE PROTECTION DISTRICT

MEMORANDUM

Date: May 26, 2016

To: BOARD OF DIRECTORS

From: RICHARD D. PIO RODA, General Counsel

Subject: DIRECTION TO STAFF TO RETURN ON June 8 WITH A RESOLUTION CALLING FOR A CONSOLIDATED SPECIAL ELECTION WITH THE NOVEMBER 8, 2016 GENERAL ELECTION TO FILL THE BOARD VACANCY

BACKGROUND

Due to Mr. Mills' resignation, there is a vacancy on the Board. The Board's first option is to appoint someone to fill the vacancy. If appointed, that person would be seated for the remainder of Mr. Mills' term, which is until the end of this year. The Board may also call a special election, which in this instance would be consolidated with the November 8th general election, instead of making an appointment to fill the vacancy.

If the Board would like to call a special election, to be consolidated with the November 8th general election, without going through an appointment process, then staff will bring a resolution to the June 8 Board meeting to do so. This also means that the Board would operate for the remainder of this year with 4 members.

If by July 12, the Board does not appoint someone, or if it does not call a special election that is consolidated with the November 8th general election, then the Contra Costa County Board of Supervisors may appoint someone to fill the vacancy, or if it does not appoint someone, then it must order the District to call a special election that would be consolidated with the November 8th general election. In other words, if the Board does not act on the vacancy by July 12, then the Board of Supervisors will appoint someone to fill the remainder of Mr. Mills' term, or order the District to call an election anyway.

2661638.1