



**KENSINGTON FIRE PROTECTION DISTRICT**  
**SPECIAL MEETING OF THE BOARD OF DIRECTORS**  
**AGENDA**

Thursday, March 28th, 2024 6:00 p.m. - 7:30 p.m.  
 Kensington Community Center, 59 Arlington Avenue, Meeting Rm 3  
 Kensington, CA 94707 (in-person and hybrid)

**How to Submit Public Comments:**

Prior to the meeting: Members of the public may submit public comment by emailing the Board President and Board Clerk prior to the meeting by emailing: [public.comment@kensingtonfire.org](mailto:public.comment@kensingtonfire.org). Such comments will be noted as received and their contents orally summarized; however, if you attend the meeting, you will need to make your comment during the meeting.

During the meeting: Public comment will be taken on each agenda item, and comment on issues not on the agenda will be taken at the beginning of the meeting. Members of the public who attend the meeting either in-person or via Zoom are allowed to provide public comment verbally with a maximum allowance of 3 minutes per individual comment, subject to the Chair's discretion. Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit (California Government Code section 54954.3(a)).

*In-person:* At points in the meeting when the meeting chair requests public comment, members of the public participating in-person can simply raise their hand to be recognized.

*Via Zoom:* If participating via internet, please click the "raise hand" feature located within the Zoom application screen. If connected via telephone, please dial "\*9" (star, nine).

**Accommodations:** To enable the District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title 1), if you need special assistance to participate, please email [public.comment@kensingtonfire.org](mailto:public.comment@kensingtonfire.org) 48 hours prior to the meeting.

**Agenda and supplemental materials:** This agenda is available on the KFPD website under the relevant meeting date: <https://www.kensingtonfire.org/governance>. Please note that supplemental materials will be posted on the website with the agenda as soon as they are available prior to the meeting. Additional information and/or materials may be presented at the meeting itself.

**PLEASE NOTE:** The District will use Zoom to allow virtual access to this meeting. This additional means of access is provided as a courtesy to the public and is not required by law. The meeting will continue to be conducted at the physical address provided above regardless of any interruption or failure of the Zoom transmission.

**Hybrid Meeting Option via Zoom Internet Address:**

<https://us06web.zoom.us/j/83559863594?pwd=hfWi8kgfX-6bee9yIQUw-YmAK9WJUQ.WOCXkUU C5L7nzKmf>

**Telephone Access:**

(669) 444-9171 or (719) 359-4580 or (253) 205-0468

**Webinar ID:** 835 5986 3594

**Passcode:** 317448

**TIMING OF AGENDA ITEMS:** *Approximate times are included below but may vary to accommodate appropriate discussion time and attention to the individual items.*

**1. (6:00pm) CALL TO ORDER/ROLL CALL**

President Levine, Vice President Madugo, Director Stein, Director Watt

**2. (6:01pm) PUBLIC COMMENT**

Comments are limited to items not on this special meeting agenda.

**3. (6:05pm) BOARD VACANCY PROCEDURE FOR INTERVIEWS - IGM Barry (Supporting Material)**

Action = Review board-approved procedure and determine if changes by the Board are required at this time. Staff will introduce this item with a review of the interview and appointment process.

**4. (6:15pm) BOARD VACANCY INTERVIEWS OF CANDIDATES AND APPOINTMENT OF NEW BOARD MEMBER (Supporting Material)**

Action = Introduce, interviews, discussion, motion, voting, appointment  
Candidates will be placed in a random drawing to determine order of interviews. Board members will be placed in a random drawing to determine order for asking questions, then proceed with interview questions. Public comment will be received. Board members will nominate and vote with anticipated appointment of a new Board Member. (See supporting material for more detail on the process.)

**5. (6:50pm) CLARIFICATION OF BOARD ACTIONS TO DATE FOR FILLING OF BOARD VACANCY - IGM Barry (Supporting document)**

Action = Information and discussion. The board will receive a summary and clarifications of Board actions to fill a vacancy on the Board relative to the Brown Act.

**6. (7:00pm) OPTIONS AVAILABLE TO THE BOARD FOR FILLING OF BOARD VACANCY - IGM Barry (Supporting Material)**

Action = Information, discussion, and motion. Review all options available to the Board for filling the board vacancy and determine which of the options the Board will select.

**7. (7:30pm) ADJOURNMENT**

The next regular meeting of the Board of Directors of the Kensington Fire Protection District will be held on Wednesday, April 17, 2024 at 7:00pm at the Kensington Community Center. The deadline for agenda items to be included in the Board packet is Wednesday, April 3, 2024, by 1:00pm. The deadline for agenda-related materials to be included in the Board Packet is Wednesday, April 10, 2024, by 1:00pm.



## KENSINGTON FIRE PROTECTION DISTRICT

**DATE:** March 28, 2024  
**TO:** Board of Directors  
**RE:** Board Vacancy Interviews of Candidates and Appointment of New Board Member  
**SUBMITTED BY:** Tim Barry, Interim General Manager

### Recommended Action

Staff recommends the Board follow the Interview and Selection Process, to include any modifications made by a vote of the Board, and appoint a new Board Member.

### Background

At the Board of Directors Meeting held on November 15, 2023, the Board determined that the following would serve as the Interview and Selection Process to appoint a new Board Member. This was reviewed by legal counsel and confirmed that there is no violation of first amendment rights since the purpose is to establish a process which was approved by the Board. The Board, at a Special Meeting held March 18, 2024, followed this process and the result was a 2-2 tie vote, thus not making an appointment. At their March 20, 2024 Board Meeting, the Board directed staff to schedule a Special Board meeting to again interview and select one of the two candidates for the vacant Board seat. There was some discussion of possibly modifying the interview process and this would be an opportunity to discuss and determine if any changes should be made by a vote of the board.

### Interview and Selection Process on March 28, 2024. Unless Amended By The Board

1. Prior to interviews, place candidates in a random drawing to determine the order in which they will be interviewed. After the first question this will then rotate among the candidates where each candidate will have the opportunity to answer a question first.
2. Place Board Members in a random drawing to determine the order in which they will ask questions.
3. Candidates may be present during interviews of other candidates.
4. Board members will ask all candidates one question that has not been disclosed prior to the meeting for a total of four questions for each candidate. Board members are encouraged to bring a list of several questions to select from in the event their question is the same as or similar to another Board member's question.
5. Candidates may make a closing statement in the order established by the random drawing.
6. Members of the public will then be offered the opportunity to provide comment only.
7. The Board will have the opportunity to discuss and deliberate candidates.
8. Following discussion, each Board member will submit their nomination to the Board Clerk (email or preprinted ballot).
9. The Board Clerk will share the list of candidates displaying Board member nominations.
  - a. The Board would have the opportunity to motion that the candidate who received the most nominations be appointed to the Board vacancy followed by a second and voting.
  - b. If this motion does not receive a first/second, the nominations will continue until a motion is supported by a majority of the Board.

- c. In the case above or if there is a tie, the Board will discuss followed by a second ballot.
- d. If no candidate receives more nominations than any other candidate after Board discussion and second ballot, any Board member may move to appoint one of the candidates to the Board vacancy which would then require a second and majority vote.
- e. The selected candidate will take the Oath of Office at the March 20, 2024 meeting.

**Attachments:** Applications Received for Appointment to Fill A Vacancy on the KFPD Board





## KENSINGTON FIRE PROTECTION DISTRICT

**DATE:** March 28, 2024  
**TO:** Board of Directors  
**RE:** Board Vacancy Interviews of Candidates and Appointment of New Board Member  
**SUBMITTED BY:** Tim Barry, Interim General Manager

### Recommended Action

Staff recommends the Board follow the Interview and Selection Process, to include any modifications made by a vote of the Board, and appoint a new Board Member.

### Background

At the Board of Directors Meeting held on November 15, 2023, the Board determined that the following would serve as the Interview and Selection Process to appoint a new Board Member. This was reviewed by legal counsel and confirmed that there is no violation of first amendment rights since the purpose is to establish a process which was approved by the Board. The Board, at a Special Meeting held March 18, 2024, followed this process and the result was a 2-2 tie vote, thus not making an appointment. At their March 20, 2024 Board Meeting, the Board directed staff to schedule a Special Board meeting to again interview and select one of the two candidates for the vacant Board seat. There was some discussion of possibly modifying the interview process and this would be an opportunity to discuss and determine if any changes should be made by a vote of the board.

### Interview and Selection Process on March 28, 2024. Unless Amended By The Board

1. Prior to interviews, place candidates in a random drawing to determine the order in which they will be interviewed. After the first question this will then rotate among the candidates where each candidate will have the opportunity to answer a question first.
2. Place Board Members in a random drawing to determine the order in which they will ask questions.
3. Candidates may be present during interviews of other candidates.
4. Board members will ask all candidates one question that has not been disclosed prior to the meeting for a total of four questions for each candidate. Board members are encouraged to bring a list of several questions to select from in the event their question is the same as or similar to another Board member's question.
5. Candidates may make a closing statement in the order established by the random drawing.
6. Members of the public will then be offered the opportunity to provide comment only.
7. The Board will have the opportunity to discuss and deliberate candidates.
8. Following discussion, each Board member will submit their nomination to the Board Clerk (email or preprinted ballot).
9. The Board Clerk will share the list of candidates displaying Board member nominations.
  - a. The Board would have the opportunity to motion that the candidate who received the most nominations be appointed to the Board vacancy followed by a second and voting.
  - b. If this motion does not receive a first/second, the nominations will continue until a motion is supported by a majority of the Board.

- c. In the case above or if there is a tie, the Board will discuss followed by a second ballot.
- d. If no candidate receives more nominations than any other candidate after Board discussion and second ballot, any Board member may move to appoint one of the candidates to the Board vacancy which would then require a second and majority vote.
- e. The selected candidate will take the Oath of Office at the March 20, 2024 meeting.

**Attachments:** Applications Received for Appointment to Fill A Vacancy on the KFPD Board





## KENSINGTON FIRE PROTECTION DISTRICT

### Application For Appointment to Fill a Vacancy on the Kensington Fire Protection District (KFPD) Board

Application must be completed and submitted to KFPD by **March 12, 2024 at 2 p.m.**

#### Application Process:

1. Candidates are required to submit an application and may include a candidate statement (maximum words 500). Applications are required, or the candidate will be disqualified.
2. All communications with board members shall strictly adhere to all elements of the Brown Act.
3. Applications may be withdrawn at any time; however, if not withdrawn prior to the KFPD website publishing date (expected to be March 13, 2024) will remain on the website and not be removed.
4. Candidate interviews will be held in person at a special board meeting between March 13th and 20th, 2024 (to be determined soon). Board members will ask each candidate one question for a total of four questions. Candidates may make a closing statement.

Please complete the following information:

Date: 3/10/24

Name: THOMAS CUNNIFF

Home address: [REDACTED]

Business or Mailing address: SAME

Phone (daytime): [REDACTED] Phone (evening): [REDACTED]

Email: [REDACTED]

Are you currently at least 18 years of age, a registered voter, and residing in Kensington? ☒ Yes ☐ No

Note: Board members are subject to the Conflict of Interest Policy: Policy 1040 Conflict of Interest

Please answer the following questions on a separate page with a maximum of 350 words each:

1. Why did you decide to apply?
2. How do you consider the sufficiency of Fire District revenues for expenditures over the next five years?
3. What is your position on consolidating the two districts?
4. If appointed to the Board of Directors, what will be your priorities for the Fire District in the next year?
5. Consistent with the mission of the Fire District, what do you think needs to be done to prepare Kensington better for a catastrophic emergency (wildfire, earthquake, severe weather, landslide)?

I certify that the information contained in this application is true and correct.

Signature [Signature]

Date 3.10.24



1. I decided to apply to The Fire Protection Board due to my concern that our Kensington Fire Department is so far behind in informing people of the threat of wildfire in our district and the need to reduce vegetation on their properties. Furthermore, I would like to see Kensington and KFD directly demand of EBRPD that they take seriously the threat of wildfire to our town emanating from Tilden Park and radically reduce the abundance of dead vegetation contingent on Kensington properties.
2. The Fire District's five year plan indicates that available reserve funds will be steadily depleted due to the fact that expenditures will be outpacing revenues.
3. This will be a major focus of the study currently being undertaken by Ridgeline. I'm looking forward to the results to make determinations for future decisions.
4. To enlist KFD in becoming proactive in informing people of the threat of wildfire and initiating a plan, as Berkeley did last year, of reducing vegetation on their properties and also working with EBRPD to clear out dead vegetation on the slope below the school trail in Kensington.
5. The current guidelines for fire safety on individual properties must be elevated from mere suggestions to enforceable codes. Height restrictions and density of vegetation need to be clearly spelled out and assistance programs must be provided for people who can't initiate these measures on their own (such as Berkeley has provided in 2023). Roads must be designated for fire vehicles to come to the source of a fire outbreak and for residents to evacuate should that be necessary.





## KENSINGTON FIRE PROTECTION DISTRICT

### Application For Appointment to Fill a Vacancy on the Kensington Fire Protection District (KFPD) Board

Application must be completed and submitted to KFPD by **March 12, 2024 at 2 p.m.**

#### Application Process:

1. Candidates are required to submit an application and may include a candidate statement (maximum words 500). Applications are required, or the candidate will be disqualified.
2. All communications with board members shall strictly adhere to all elements of the Brown Act.
3. Applications may be withdrawn at any time; however, if not withdrawn prior to the KFPD website publishing date (expected to be March 13, 2024) will remain on the website and not be removed.
4. Candidate interviews will be held in person at a special board meeting between March 13th and 20th, 2024 (to be determined soon). Board members will ask each candidate one question for a total of four questions. Candidates may make a closing statement.

Please complete the following information:

Date: 3/11/24

Name: Dean (Rick) Artis

Home address: [REDACTED]

Business or Mailing address: as above

Phone (daytime): [REDACTED] Phone (evening): 510-289-2209 (cell)

Email: [REDACTED]

Are you currently at least 18 years of age, a registered voter, and residing in Kensington? ☒ Yes ☐ No

Note: Board members are subject to the Conflict of Interest Policy: [Policy 1040 Conflict of Interest](#)

Please answer the following questions on a separate page with a maximum of 350 words each:

1. Why did you decide to apply?
2. How do you consider the sufficiency of Fire District revenues for expenditures over the next five years?
3. What is your position on consolidating the two districts?
4. If appointed to the Board of Directors, what will be your priorities for the Fire District in the next year?
5. Consistent with the mission of the Fire District, what do you think needs to be done to prepare Kensington better for a catastrophic emergency (wildfire, earthquake, severe weather, landslide)?

I certify that the information contained in this application is true and correct.

Signature [Signature]

Date 3/11/24

1. Why did you decide to apply?

I am applying for the vacant position of the Kensington Fire Protection District Board for two reasons. First, as a resident of Kensington for almost 28 years, living directly adjacent to both Kensington Hilltop School and Wildcat Canyon, I am acutely aware of the need for mitigation of fire risk and proper emergency planning – particularly along the ridgeline wildland-urban interface across most of upper Kensington. I have spent many days in maintenance of the trail north of the school, and supplemented vegetation management efforts in the adjacent park and school lands. I have appreciated the role the Fire District has played in highlighting such issues in Kensington. Based on the growing incidence of strong, late fire season winds from the east (an issue for all of Kensington), I would like to elevate discussion around this specific hazard as well as the potential fire risk to Hilltop School itself. Given the danger this could present for students and staff at the school (and as an alumnus of Hilltop myself), I would like to work to create a greater emphasis on mitigation and joint emergency planning involving both Kensington District Boards.

Second, I do so in the interest of good governance. The citizens of Kensington have overwhelmingly supported initiating a move to reorganize our local districts in the last election, and I support this process moving forward with integrity and in good faith. As a member of the former Kensington Ad-Hoc Committee on Governance and Operations Structure, I chaired the Consolidation subcommittee. We studied this issue deeply from financial, governance and public benefit perspectives; the current effort similarly appears to be following this approach. Now, as then, I am deeply committed to a process that allows the citizens of Kensington to fully and fairly consider the issue.

2. How do you consider the sufficiency of Fire District revenues for expenditures over the next five years?

As a part of the Ad-Hoc Committee's work, I carried out the first detailed analysis comparing both Kensington Districts' finances over a 20-year period from 1996-2015. In our report, we described the significant structural differences making up the Districts' revenues and examined trendlines for revenue and operating expense growth based on detailed accounting in each category. At that time, revenue projections for the Fire District suggested a slightly higher rate of growth than expenses; a fairly fragile state given the heavy dependence of the Fire District on ad valorem revenue. Between the last year the Committee studied and the most recent audited financial analysis for the Fire District (2022), increases in regular annual expenditures in aggregate and for the contract for Fire Services appear to have slightly outpaced growth in revenue on a percentage basis. The District has done little in the pursuit of grants to bridge this gap.

Financial projections, such as the recent 5-year model released by the District, can be done in a variety of ways, but accurate assumptions around revenue increases are challenging given current factors in the economy and in housing turnover in Kensington. Clearly if, as the District has modelled, property tax revenues were to only increase at a rate of 4% and the Fire Services contract with El Cerrito were to increase at a rate of 8% per year, the situation could eventually become unsustainable. However, a continued 8% increase in the costs of Fire Services within the city of El Cerrito would likely be budgetarily challenging for that city prior to becoming a major factor for Kensington. The Fire Services contract has been mutually beneficial for the parties, but from a cost control perspective the KFPD has little influence over the major cost drivers of the contract, and is exposed to significant CalPERS costs for unfunded liabilities through it, as well. Overall, this question highlights the need for appropriate financial modelling and a close working relationship with El Cerrito to understand that city's financial imperatives and the impact they will have on future cost increases in Kensington.

3. What is your position on consolidating the two districts?

I believe that reorganization is the most important local governance issue the citizens of Kensington have had to contemplate in many decades. As such, careful consideration and analysis should be our guideposts. The Consolidation Subcommittee subsection in the 2016 Final Report from the Ad-Hoc Committee (see: [AdHocCommitteeFinalReport](#)) contained a detailed set of historical and financial analyses, analysis of the legal landscape of the issue and an even-handed listing of pros and cons. It swept away a great deal of misinformation and facilitated a rational discussion that has led many in the community to favor such an option. Much of the report has stood up well, but it is of critical importance to update the financial analyses – currently the focus of the process for both the KPPCSD and the KFPD – since a lot has changed for both districts in the 7+ years following.

Since that time, my view of a reorganization has been influenced by our need for more effective overall governance in Kensington. One potential benefit of having single Board of Directors is that it would be accountable to the citizens of Kensington for all Public Safety agencies. This could be a boon to effectiveness, independent from the financial analysis, given the dysfunction between the Boards the community has experienced in recent years. In addition, flexibility and responsiveness to the priorities of the community could be enhanced – particularly in areas at the structurally challenging interface of Police and Fire responsibilities, such as prioritizing a high level of engagement between the departments on Evacuation Preparedness as part of Emergency Planning.

The pending financial analysis (that is, the first step of the process that could result in a reorganization) may reveal fiscal benefits possible in a combined district, such as reductions in administrative staff and the space to house them, but this remains to be seen. Budgetary flexibility may also improve, but constraints of different types for both revenues and expenses (e.g. Department specific revenue sources, the Fire Services contract and related reserves) may be quite limiting and will have to be analyzed in detail.

4. If appointed to the Board of Directors, what will be your priorities for the Fire District in the next year?

Given the partial-term nature of this appointment and current proximity to the next election, my first priority will be to engage fully and in good faith with the financial analysis of the two districts, and participate in a rational discussion with the community regarding next steps based on those results.

Second, I'd like to pursue a more detailed risk assessment of fire danger across the upper Kensington ridgeline in general and in the area down towards the canyon directly behind Kensington Hilltop in particular (since the latter region has not been studied in many years). I would like to join in with the Emergency Preparedness Committee and begin to understand better how planning for evacuation of the school has proceeded.

Third, I would like to enhance the transparency around Incident Response Reporting of our Fire Department on behalf of the community. I have, in the past, worked with Fire District personnel as a private citizen to independently audit and recapitulate the response time data statistics and summaries used by LAFCO in their Municipal Service Reviews for El Cerrito and Kensington. I was asked to provide comments for draft MSRs based on some of this work. I believe that this information is an important part of public accountability and that the community would benefit from seeing these statistics on a more regular basis. I would like to work with the Fire Department to set up more regular reporting along these lines.



5. Consistent with the mission of the Fire District, what do you think needs to be done to prepare Kensington better for a catastrophic emergency (wildfire, earthquake, severe weather, landslide)?

I'd like to see the District double down on facilitating Measure X grants for wildfire mitigation, and pursue a strategy of grant writing in general to enhance Emergency Preparedness. In addition, as one of the Directors of the Kensington Property Owners Association, I have been frustrated by how hard it is to work through an issue of emergency planning requiring deep coordination between Police and Fire Departments, not to mention the need to include the County after that. Something as simple as a conversation about whether and how to change parking patterns on Red Flag Days to enhance evacuation preparedness becomes mired in jurisdictional issues (much less planning for and coordinating a live evacuation drill). Short of a reorganization, I would like to see a joint effort of the KFPD and KPPCSD Boards – even a standing committee – with a specific focus on providing solutions for interdepartmental challenges of this type, perhaps with an agenda prepared in advance and framed by the Emergency Preparedness Committee.



## KENSINGTON FIRE PROTECTION DISTRICT

**DATE:** March 28, 2024  
**TO:** Board of Directors  
**RE:** Clarification of Board Actions To Date for Filling of Board Vacancy  
**SUBMITTED BY:** Tim Barry, Interim General Manager

---

**Recommendation:** For information and discussion.

### Background

At the Board's Dec. 11, 2023 special meeting, the Board interviewed candidates for a vacant board position which resulted in a tie vote. The board then voted to refer the appointment to the Contra Costa Board of Supervisors. There was some concern after this meeting via email on Dec. 12, 2023 by Director Stein that the decision to refer the matter to the county board did not follow Brown Act requirements because that was not specifically on the agenda for a decision.

Then on Dec. 12, 2023 GM Mary Morris-Mayorga asked District Legal Counsel Bakker his opinion via email on that contention and his general reply to the question was that it wasn't an issue and that it was germane to the agenda item. This information was then sent by the GM to then Board President Stein the same day.

The contention that the Board acted outside of Brown Act requirements at the Dec. 11, 2023 special board meeting on this topic was again brought up by Director Stein at the board's March 18, 2024 and March 20, 2024 meetings. The language of the March 18th special meeting agenda to fill another vacancy was identical to the language of the Dec. 11, 2023 special meeting agenda, therefore the same legal advice applied when it came to the board's ability to decide what to do next in the context of a tie vote following the interviews of the candidates for the vacancy. I further inquired with Counsel Bakker recently and he confirmed his earlier opinion, and that the Board did not violate the Brown Act on December 11, 2023 when, after a tie vote the board took steps to refer the appointment to the Board of Supervisors.

The agenda for the March 28, 2024 special board meeting to fill a vacancy will have a specific item to discuss and act on available options to the board in the event of another tie vote in selecting a candidate for the vacancy.



## KENSINGTON FIRE PROTECTION DISTRICT

**DATE:** March 28, 2024  
**TO:** Board of Directors  
**RE:** **OPTIONS AVAILABLE TO THE BOARD FOR FILLING OF BOARD VACANCY**  
**SUBMITTED BY:** Tim Barry, Interim General Manager

**Recommendation:** For information, discussion, and motion.

### Background

At the Board's March 20, 2024 meeting, a discussion about the options available to the Board to be agendized as action items, in the event the Board has a tie vote to select a candidate for the vacant Board seat, be presented, discussed and voted upon, if necessary. This report is intended to provide the Board with this information for discussion and possible decision in the event a tie vote takes place at the time of appointing a candidate to fill the vacancy.

### Options Available to the Board for Filling of Board Vacancy

California Govt. Code 1780 specifies procedures for special districts in filling vacancies (Please see attached). Here are options for the board for filling the current vacancy, to which the Board may decide at this time:

1. The remaining board members interview, select and appoint a candidate to the board. This must be done within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. (Director Nagle's resignation was effective Jan. 31, 2024) Therefore, the deadline to fill the vacancy by board appointment is March 31, 2024.

If the vacancy is not filled by the Board by appointment, the following options are available for discussion and action by the Board:

2. Call for a special election to fill the seat. According to Code 1780, in lieu of making an appointment, the remaining members of the board may, within 60 days of the effective date of the vacancy, call an election to fill the vacancy. Therefore, the deadline to call for a special election is also March 31, 2024. The election must be held at least 130 days after the Board calls for the election, and it must be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the CA Elections Code. If the Board calls for an election on March 28, 2024, therefore, the election must be held after August 5, 2024, and the next established election date from there is Nov. 5, 2024. This vacancy is to fill an unexpired term to run to the election on Nov. 5, 2024. The conclusion drawn, then, is that a special election will not be able to fill this vacancy as the election date exceeds the unexpired term of the vacancy.
3. If the vacancy is not filled by the district board by appointment, or if the district board has not called for a special election within 60 days of the effective date of the vacancy, the board of supervisors of the county may appoint a person to fill the vacancy within 90 days of the effective date of the vacancy (Jan. 31, 2024). This deadline would therefore be by April 30, 2024. Following this date, if the vacancy has not been filled, the District Board shall call an election to fill the vacancy. That election shall be held on the next

established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the CA Elections Code that is 130 or more days after the date the district board calls the election. The earliest, therefore, that our Board can call for a special election following the procedures above, would be May 1, 2024 or 130 days would take the date to Sept. 7, 2024. The next established election date is Nov. 5, 2024. This is the same election date of the expiration of the unexpired term of the vacancy.

4. If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election, then the county board of supervisors may appoint a person within 90 days of the effective date of the district board vacancy (by April 30, 2024) to fill the vacancy. If the Board elects this option, it may take an action directing staff to contact the county asking them to execute this option.

# California Code, Government Code - GOV § 1780

Current as of January 01, 2023 | Updated by FindLaw Staff

(a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d)(1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e)(1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f)(1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is

later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g)(1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.



(h)(1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000)

of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.