



FAIRVIEW

FIRE PROTECTION DISTRICT

POLICY**ELECTION of DIRECTORS**

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EFFECTIVE: 12/1/18
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I. Purpose:

The purpose of this policy is to provide guidance regarding the appointment or election of Directors to fill a Board vacancy resulting from events other than expiration of the 4 year term. *See* Cal. Gov. Code § 1780.

II. Policy:

It shall be the policy of the District to follow all appropriate laws pertaining to the election of public officials.

III. Procedure:**A. EVENTS CAUSING VACANCY BEFORE EXPIRATION OF TERM PURSUANT TO CAL. GOV. CODE § 1770**

- a) An office becomes vacant on the happening of any of the following events before the expiration of the term:
 - i) The death of the Incumbent.
 - ii) An adjudication declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he/she will not be able to perform the duties of his/her office for the remainder of his/her term.
 - iii) Resignation.
 - iv) His/her removal from office.
 - v) His/her ceasing to be an inhabitant of the State or District which local resident is required by Election Code laws.
 - vi) His/her absence from the state without the permission required by law beyond the period allowed by law.

- vii) His/her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- viii) His/her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- ix) His/her refusal or neglect to file his or her required oath or bond within the time prescribed.
- x) The decision of a competent tribunal declaring void his or her election or appointment.
- xi) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- xii) His/her to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- xiii) The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:
 - 1) The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.
 - 2) The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.
 - 3) A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.

B. NOTIFICATION OF VACANCY

- a) The District shall notify the Alameda 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. FILLING THE VACANCY BY APPOINTMENT PURSUANT TO CAL. GOV. CODE § 1780(d)

- a) The remaining members of the District Board may fill the vacancy by appointment.
- b) The District shall post notice of the vacancy in three (3) or more conspicuous places in the District at least 15 days before the District Board makes any appointment.
- c) The remaining members of the District Board shall make the appointment 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.
- d) 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.

D. FILLING THE VACANCY BY SPECIAL ELECTION PURSUANT TO CAL. GOV. CODE § 1780(e)

- a) In lieu of making an appointment the remaining members of the District 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.
- b) The election 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.
- c) Notice to Alameda County Registrar of Voters is required prior to each election:
 - i) No less than 125 days before the general or special election, the District shall deliver a District map and Notice of Elective Offices to the Alameda County Registrar of Voters.
 - ii) Notice shall bear District Secretary's signature, District seal and shall contain the following information:
 - 1) The elective offices of the District to be filled at the next General District Election and names of the incumbents involved. Cal. Elections Code § 10509.
 - 2) The qualifications required by the District's Principal Act, Cal. Health & Safety Code § 13800.
 - 3) or each office for which candidates are to be nominated. *Id.* § 10514.

- 4) Whether each Director is to be elected at-large or by division. The designation for the District is "At-Large". *Id.* § 10522.
- 5) A county map showing the boundaries of the District and the boundaries of the divisions of the District, if any, within the county. *Id.*
- 6) Whether the District or the candidate is to pay for the publication of a candidate's statement. The Policy of this District is that each candidate pays for his/her statement upon filing such statement. *Id.* § 10509.

d) Nomination Period:

- i) The Alameda County Registrar of Voters will advise the District of the dates of the nomination period.
- ii) The Forms for Declarations of Candidacy will be available from the Alameda County Registrar of Voters.
- iii) The Declaration documents shall be filed with the Registrar of Voters office no later than 5:00 p.m. on the last date of nomination period. Cal. Elections Code § 10510.
- iv) Extension if an Incumbent does not file a Declaration of Candidacy:
 - 1) If a declaration of candidacy for an incumbent elective officer of a District is not filed by 5 p.m. on the 88th day before the general District election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file a declaration of candidacy for the elective office. *Id.* § 10516.
 - 2) This provision does not apply where there is no incumbent eligible to be elected

e) Taking Office

- i) Directors elected at General or Special District Election in the Fairview Fire Protection District is for a term of 4 years. Cal. Health & Safety Code § 13843. Except for those appointed or elected for the "un-expired term" of the Director.
- ii) Elected Directors take office at noon on the first Friday in December next following the General District Election. Prior to taking office, each elected Director shall take the oath of Office. Cal. Elections Code § 10554.

Board President Signature:  Date: 11/20/18