

January 14, 2022

Via Certified Mail Return Receipt Requested

Ms. Deborah R. Cooper
County Clerk-Registrar-Recorder
Contra Costa County
555 Escobar Street
P.O. Box 271
Martinez, CA 94553

Re: Resignation of Ms. Colleen Couzens from the Board of Directors for the Rodeo Hercules Fire Protection District

Dear Ms. Cooper:

My name is Richard D. Pio Roda, and I serve as the General Counsel for the Rodeo Hercules Fire Protection District. In accordance with California Government Code Section 1780(b), this correspondence is sent on behalf of the District's Board of Directors to notify you that on January 12, 2022 the Board and I received an emailed notice of resignation from Ms. Colleen Couzens, who was at the time serving as a Director of the Board of Directors. As a result of Ms. Couzens' resignation, a Director position on the Board is vacant.

Very truly yours,



Richard Pio Roda

General Counsel, Rodeo Hercules Fire Protection District

c: Honorable Chair Damon Covington and Members of the Board of Director, Rodeo Hercules Fire Protection District

Darren Johnson, Interim Fire Chief

5045331.1



1999 Harrison Street, 9th Floor
Oakland, California 94612
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Richard Pio Roda
Attorney at Law
rpioroda@meyersnave.com

March 17, 2022

Via Certified Mail Return Receipt Requested

Ms. Deborah R. Cooper
County Clerk-Registrar-Recorder
Contra Costa County
555 Escobar Street
P.O. Box 271
Martinez, CA 94553

Re: Resignation of Ms. Colleen Couzens from the Board of Directors for the Rodeo Hercules Fire District

Dear Ms. Cooper:

My name is Richard D. Pio Roda, and I serve as the General Counsel for the Rodeo Hercules Fire District (“District”). Pursuant to California Government Code Section 1780(b), I sent you correspondence dated January 14, 2022 to notify you that on January 12, 2022 the Board and I received an emailed notice of resignation from Ms. Colleen Couzens, who was at the time serving as a Director. As a result of Ms. Couzens’ resignation, a Director’s seat on the Board became vacant.

On or by March 13, 2022, the District’s Board had to have appointed a qualified person to fill the vacant Board seat, or call an election; the District Board did neither. In accordance with California Government Code section 1780(f)(1), because the District is not wholly located within the City of Hercules, the Contra Costa County Board of Supervisors may appoint a person to fill the vacancy within 90 days of Ms. Couzens’ resignation (which by my calculation is April 12, 2022) who would serve the remainder of Ms. Couzens’ term, or the Board of Supervisors may order the District to call an election to fill the vacancy.

I respectfully request that if or when the Board of Supervisors takes either of the aforementioned actions, Interim Chief Darren Johnson and I be notified at your earliest convenience, including the name and contact information of the appointee, should that occur. If electronic communication would be quicker, my email address is above, and Interim Chief Johnson’s email address is Johnsond@rhfd.org.

Deborah R. Cooper
March 17, 2022
Page 2

Very truly yours,



Richard D. Pio Roda

General Counsel, Rodeo Hercules Fire District

c: Honorable Members of the Board of Directors, Rodeo Hercules Fire District
Darren Johnson, Interim Fire Chief

5079332.1



Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 03/17/2022

Shipped From:

Name: MEYERS NAVE

Address: 1999 HARRISON STREET

City: OAKLAND

State: CA ZIP+4® 94612

Type of Mail	Volume
Priority Mail Express®*	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0035 4617 14



Name and Address of Sender
MEYERS NAVE
1999 HARRISON STREET
9TH FLOOR
OAKLAND CA 94612

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

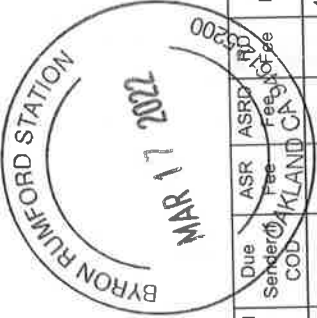
USPS Tracking/Article Number

1. 9214 8901 9403 8369 5566 39

Indicate 3M

Addressee (Name, Street, City, State, & ZIP Code™)
 MS DEBORAH R COOPER COUNTY CLERK-REGISTRAR-RECORDER
 CONTRA COSTA COUNTY PO BOX 271 MARTINEZ CA 94553-0027

Affix Stamp Here
 (for additional copies of this receipt).
 Postmark with Date of Receipt.



Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender's COD	ASR Fee	ASRD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
0.53	3.75	Handling Charge - if Registered and over \$50,000 in value						1.85			
						Adult Signature Required	Adult Signature Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling

Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 1
 Total Number of Pieces Received at Post Office

**BEFORE THE BOARD OF DIRECTORS OF THE
RODEO-HERCULES FIRE PROTECTION DISTRICT
CONTRA COSTA COUNTY, STATE OF CALIFORNIA**

Resolution Ordering Even-Year Board of) **RESOLUTION NO. 2022-05**
Directors Election; Consolidation of Elections;)
and Specifications of the Election Order)

WHEREAS, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year and

WHEREAS, other elections may be held in whole or in part of the territory of the district and it is to the advantage of the district to consolidate pursuant to Elections Code §10400; and

WHEREAS, Elections Code §10520 requires each district involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that district; and

WHEREAS, Elections Code §13307 requires that before the nominating period opens the district board must determine whether a charge shall be levied against each candidate submitting a candidate’s statement to be sent to the voters; may establish the cost; and determine whether the costs be paid in advance; and

WHEREAS, Elections Code §12112 requires the election official of the principal county to publish a notice of the election once in a newspaper of general circulation in the District;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 8th day of November, 2022, for the purpose of electing members to the board of directors of said district in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 8th day of November 2022. The purpose of the election is to choose members of the board of directors for the following seats:

Board of Director: 4 year term
Board of Director: 4 year term
Board of Director: 4 year term
2. The District has determined that the Candidate will pay for the Candidate’s Statement. As a condition of having the Candidate’s Statement published, the candidate shall pay the costs

at the time of filing. The District hereby establishes the cost for a candidate statement as the following: \$377.00.

3. The District directs that the County Registrar of Voters of the principal county publish the Notice of Election in a newspaper of general circulation that is regularly circulated in the territory.
4. This Board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, pursuant to Elections Code §10400.
5. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
6. The Clerk of this Board is ordered to deliver copies of this Resolution, to the Registrar of Voters, and if applicable, to the Registrar of Voters of any other county in which the election is to be held, and to the Board of Supervisors.
7. THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Director Bowman, Seconded by Director Hill, at a regular meeting on this 8th day of June, 2022, by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

June 8, 2022
DATED

Kimberly Corcoran
BOARD CLERK
Rodeo-Hercules Fire Protection District

From: [Kimberly Corcoran](#)
To: [Rosa Mena](#)
Subject: Emergency Resolution?
Date: Wednesday, August 10, 2022 1:23:00 PM
Attachments: [image001.png](#)

Hi Rosa:

Our District was just made aware that there are 4 seats up for election in November, due to the vacancy created by Director Couzen's resignation from the Board. The Board of Supervisors appointed Director Mikel to fill her vacancy, but no one ever brought it to our attention that she was not to fill the remainder of the term, but only through the November election. Our board meets tonight. Can you advise on how we proceed with this?

Kimberly Corcoran
Administrative Services Officer/Board Clerk
Rodeo-Hercules Fire Protection District
1680 Refugio Valley Road
Hercules, CA 94547



From: [Kimberly Corcoran](#)
To: [Rosa Mena](#)
Cc: [Helen Nolan](#); [Rich Pio Roda \(rpioroda@meyersnave.com\)](mailto:rpioroda@meyersnave.com); [Darren Johnson](#)
Subject: RE: Emergency Resolution?
Date: Wednesday, August 10, 2022 10:45:00 PM
Attachments: [2022_05B Second Amended Resolution Calling Election 2022-05B-signed.pdf](#)
[image002.png](#)
[image003.png](#)

Hi Rosa:

Attached is the Second Amended Resolution which was passed at our board meeting this evening. This is to add the fourth seat on our board to the election.

Kimberly Corcoran
Administrative Services Officer/Board Clerk
Rodeo-Hercules Fire Protection District
1680 Refugio Valley Road
Hercules, CA 94547



From: Rosa Mena <Rosa.Mena@vote.cccounty.us>
Sent: Wednesday, August 10, 2022 1:35 PM
To: Kimberly Corcoran <Corcoran@rhfd.org>
Cc: Helen Nolan <Helen.Nolan@vote.cccounty.us>
Subject: RE: Emergency Resolution?

Hi Kimberly, it seems like our office was never notified by the district either. Nor was it specified in the Resolution calling the election.

It will have to be reviewed by your Dist. Counsel.

Thank you,

Rosa M. Mena
Contra Costa County
Elections Processing Supervisor
925.335.7806

From: Kimberly Corcoran <Corcoran@rhfd.org>
Sent: Wednesday, August 10, 2022 1:24 PM
To: Rosa Mena <Rosa.Mena@vote.cccounty.us>
Subject: Emergency Resolution?

Hi Rosa:

Our District was just made aware that there are 4 seats up for election in November, due to the vacancy created by Director Couzen's resignation from the Board. The Board of Supervisors appointed Director Mikel to fill her vacancy, but no one ever brought it to our attention that she was not to fill the remainder of the term, but only through the November election. Our board meets tonight. Can you advise on how we proceed with this?

Kimberly Corcoran
Administrative Services Officer/Board Clerk
Rodeo-Hercules Fire Protection District
1680 Refugio Valley Road
Hercules, CA 94547



**BEFORE THE BOARD OF DIRECTORS OF THE
RODEO-HERCULES FIRE PROTECTION DISTRICT
CONTRA COSTA COUNTY, STATE OF CALIFORNIA**

Second Amended Resolution Ordering Even-) RESOLUTION NO. 2022-05B
Year Board of Directors Election;)
Consolidation of Elections; and Specifications)
of the Election Order

WHEREAS, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year and

WHEREAS, other elections may be held in whole or in part of the territory of the district and it is to the advantage of the district to consolidate pursuant to Elections Code §10400; and

WHEREAS, Elections Code §10520 requires each district involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that district; and

WHEREAS, Elections Code §13307 requires that before the nominating period opens the district board must determine whether a charge shall be levied against each candidate submitting a candidate’s statement to be sent to the voters; may establish the cost; and determine whether the costs be paid in advance; and

WHEREAS, Elections Code §12112 requires the election official of the principal county to publish a notice of the election once in a newspaper of general circulation in the District;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 8th day of November, 2022, for the purpose of electing members to the board of directors of said district in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 8th day of November 2022. The purpose of the election is to choose members of the board of directors for the following seats:

Board of Director: 4 year term
Board of Director: 4 year term
Board of Director: 4 year term
Board of Director: 2 year term

2. The District has determined that the Candidate will pay for the Candidate’s Statement. As a condition of having the Candidate’s Statement published, the candidate shall pay the costs at the time of filing. The District hereby establishes the cost for a candidate statement as the following: \$597.36.

3. The District directs that the County Registrar of Voters of the principal county publish the Notice of Election in a newspaper of general circulation that is regularly circulated in the territory.
4. This Board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, pursuant to Elections Code §10400.
5. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
6. The Clerk of this Board is ordered to deliver copies of this Resolution, to the Registrar of Voters, and if applicable, to the Registrar of Voters of any other county in which the election is to be held, and to the Board of Supervisors.
7. THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Director Bowman, Seconded by Director Davidson, at a regular meeting on this 10th day of August, 2022, by the following vote:

AYES: 5

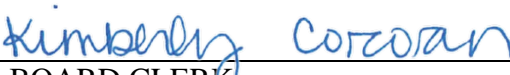
 NOES: 0

 ABSENT: 0

 ABSTAIN: 0

August 10, 2022

 DATED



 BOARD CLERK
 Rodeo-Hercules Fire Protection District

From: [Kimberly Corcoran](#)
To: [Rosa Mena](#)
Cc: [Robyn Mikel](#); [Darren Johnson](#)
Subject: April 11 BOS Agenda Item D.2.pdf
Date: Thursday, August 11, 2022 9:34:00 AM
Attachments: [April 11 BOS Agenda Item D.2.pdf](#)
[image001.png](#)

Hi Rosa:

Please see attached Staff report where the Board of Supervisors appointed Director Mikel to our Board on April 11th. We were notified that she was having issues pulling papers for candidacy because there was no record of her appointment.

Kimberly Corcoran
Administrative Services Officer/Board Clerk
Rodeo-Hercules Fire Protection District
1680 Refugio Valley Road
Hercules, CA 94547





Contra
Costa
County

To: Board of Supervisors
From: Monica Nino, County Administrator
Date: April 12, 2022

Subject: Rodeo-Hercules Fire Protection District Board of Directors Vacancy

RECOMMENDATION(S):

1. INTERVIEW two candidates for the vacant seat on the Rodeo-Hercules Fire Protection District Board of Directors; and
2. APPOINT a candidate to fill the Board of Directors seat vacated by Director Collene Couzens.

FISCAL IMPACT:

No fiscal impact to interview the candidates and make an appointment.

Regardless of the action taken today by the Board of Supervisors, the District will be required under Government Code Section 1780 to call an election for November 8, 2022, to fill the remainder of Director Couzens' term through December 2024. Because three Director seats will be up for election on November 8, the additional expense required for an election on the same date to fill the remainder of Director Couzens' term is expected to be minimal. The estimated cost for the District to call an election would be approximately \$67,000.

BACKGROUND:

The Rodeo-Hercules Fire Protection District (District) is an independant special district serving an area of approximately 32 square miles, including the City of Hercules and the unincorporated Rodeo area.

On January 12, 2022, Director Collene Couzens resigned from the Rodeo-Hercules Fire Protection District Board of Directors and notified the remaining Directors of her resignation that same day. Director Couzens' term was set to expire in December 2024.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/12/2022** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 12, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Paul Reyes,
925-655-2049

cc:

Under California Government Code Section 1780, if a vacancy on a special district's governing board occurs, the district board may fill the vacancy either by appointment or by calling an election. The district board has 60 days after the effective date or notice of vacancy to take one of those two actions. Here, the District had until March 13, 2022, to fill the vacancy either by appointment or by calling an election.

After the vacancy occurred, the District received two applications for the vacant seat. The District Board interviewed the two applicants during its March 9 Board meeting, and further considered an appointment at its March 11 Board meeting. However, the District did not make an appointment or call an election to fill the vacancy by the March 13, 2022 deadline.

BACKGROUND: (CONT'D)

If a special district board fails to appoint or call an election to fill a vacancy, and the special district is not wholly within a city, the Board of Supervisors may fill the vacancy either by appointment or by ordering the special district to call an election, as long as the Board of Supervisors acts within 90 days after the effective date or notice of vacancy. Here, the Board of Supervisors may fill the vacancy if it does so by April 12, 2022 (today's Board meeting).

The Board of Supervisors' options include:

1. Appoint an individual to the vacant seat. The appointed individual would hold office until the next general District election on November 8, 2022, and thereafter until the person who is elected to fill the vacancy has been qualified. The person elected to fill the vacancy would then serve the remainder of Director Couzens' term, until December 2024.
2. Make no appointment and order the District to call an election for November 8, 2022, to fill the vacancy.
3. Take no action. The District would be required by law to call an election for November 8, 2022 to fill the vacancy.

Under all three options, the District will be required under Government Code Section 1780, to call an election for November 8, 2022, to fill the remainder of Director Couzens' term through December 2024. Because three Director seats will be up for election on November 8, the additional expense required for an election on the same date to fill the remainder of Director Couzens' term is expected to be minimal.

Both applicants considered previously by the District Board of Directors for appointment, Robyn Mikel and Annie Ziff, have expressed to County staff their continued interest in being appointed. It is recommended that the Board of Supervisors interview the two applicants and consider making an appointment to fill the vacant seat on the Rodeo-Hercules Fire Protection District Board of Directors. The candidates' applications are attached.

CONSEQUENCE OF NEGATIVE ACTION:

If no appointment is made, the seat being considered for appointment on the District Board of Directors would remain vacant until the November 8 election, which may create challenges in establishing a meeting quorum and could otherwise impact the operations of the District.

CLERK'S ADDENDUM

Speakers: Janet Callaghan; R. Lucchini. Written Commentary provided by: Janet Callaghan, Rodeo Sanitary Board; Elaine Wander, Rodeo; Steven Trotter, Rodeo; Christine & Mike Coody; Dan Romero, Hercules City Council; Sarah Creeley (attached).

APPOINTED Robyn Mikel to the Rodeo-Hercules Fire Protection District Board of Directors.

ATTACHMENTS

Attachment A - Rodeo-Hercules Fire Board Applications

From: [Darren Johnson](#)
To: [Kimberly Corcoran](#); [Damon Covington](#)
Subject: Fw: Director Mikel re election
Date: Wednesday, August 10, 2022 1:06:47 PM
Attachments: [April 11 BOS Agenda Item D.2.pdf](#)
[Outlook-obeemxkc.png](#)

Darren Johnson

Battalion Chief/Acting Fire Chief
Rodeo Hercules Fire Protection District
Office Phone: 925.457.0358
Cell Phone: 925.586.6803
Email: johnsond@rhfd.org



From: Dan Romero <dan4hercules@gmail.com>
Sent: Wednesday, August 10, 2022 1:04 PM
To: Darren Johnson <Johnsond@rhfd.org>
Subject: Director Mikel re election

Hello Chief Johnson. I contacted the County Election office to inquire why the term for Director Mikel is not posted for re-election. I have attached the BOS agenda item D.2 from the April 11th appointment meeting.

Director Mikel must be re-elected during the Nov 8th election. Your Board needs to pass an emergency resolution to have her position added to the November ballot.

Sorry for this inconvenience but it is better that RHFD knows than to have Director Mikel lose her position in November.

--

Dan Romero
City of Hercules Council
Phone: (510) 799-4177
dan4hercules@gmail.com