Board of Directors
Trish Bello-Kunkel, Chairperson
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Knightsen Town
Community Services District
P.O. Box 763
Knightsen, Ca 94548

March 8, 2019

Via e-mail to Jami.Napier@cob.cccounty.us

Jami Napier, Chief Assistant Clerk of the Board
651 Pine Street,
1st Floor, Room 106,
Martinez, CA 94553

Dear Members of the Board of Supervisors:

The Knightsen Town Community Services District (KTCSD) presently has four Board members and one vacant Board position. The vacancy resulted from the resignation of former Board member Kim Carone effective September 6, 2018 (a copy of Ms. Carone's letter of resignation is enclosed).

Government Code 1780 addresses how vacancies on special district boards may be filled. In summary, Government Code 1780 provides that within 60 days following a resignation, the district board may make an appointment {GC 1780(d)(1)}. Alternatively, within 60 days following a resignation, the district board may call an election to fill the vacancy {GC 1780(e)(1)}.

If the district board does not fill the vacancy by appointment, or call a special election, the Government Code provides that within 90 days of the resignation the Board of Supervisors may make an appointment, or direct that a special election be held {GC 1780(f)(1)}.

Government Code 1780(g)(1) further states that if within 90 days of the resignation neither the district board or the Board of Supervisors have filled the vacancy by appointment, or called an election, then the district board shall call an election to fill the vacancy.

Based upon this, and given that Ms. Carone submitted her resignation well over 90 days ago, it is our understanding that the only recourse for filling the vacancy is by special election. **However, we were recently contacted by a representative from Supervisor Burgis' office who graciously offered to submit this matter to the County Counsel's office on our behalf to inquire whether any other options exist for filling the vacancy short of an election.**

It is worthwhile to note that over the past year the Knightsen Town Community Services District has experienced a considerable amount of turmoil. Four board members (including Ms. Carone) resigned and the fifth board member failed in his re-election bid in November. Three new board members were elected in November and a fourth board member was appointed in accordance with Govt Code 1780(d)(1). The

turnover in the Board's membership was a pivotal factor in the Board's failure to appoint after Ms. Carone's resignation.

We look forward to receiving your response. We are eager to learn whether some other provision of the law allows for the district board, and/or the Board of Supervisors to fill this vacancy. **Please note that we must receive a response by no later than April 4, 2019.** If a response is not forthcoming by that date, the KTCSD Board of Directors recourse will be to submit a resolution to the County Elections Division asking for a special election to be held on August 27, 2019. We need an answer by April 4th because KTCSD will be holding its regular monthly meeting that evening and the deadline to submit a resolution to Elections for the August special election is in April.

Also, we ask that if it is determined that the Board of Supervisors can take action to fill this vacancy, that the Board refrain from doing so until the Knightsen Town Community Services District Board of Directors can meet to determine whether it is preferable to fill the vacancy by election rather than by appointment.

If you have any questions, please contact me at (925) 551-1410.

Respectfully,

T. Bello-Kunkel

Trish Bello-Kunkel

KTCSD Chairperson

Enclosure:

Kim Carone resignation, September 5, 2018

Cc: Lea Castleberry, Office of Supervisor Burgis
(Sent via e-mail)