

**Burbank-Paradise Fire District  
Board of Directors Vacancy  
2018-2019 Stanislaus County Civil Grand Jury  
Case #19-12GJ**

**SUMMARY**

The 2018-2019 Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation into the vacancy on the Burbank-Paradise Fire District Board of Directors (BOD). The position has not been filled by appointment or election since the vacancy occurred in February 2018. The purpose of this investigation was to determine: (1) who is responsible for filling the open board seat, (2) why the board seat has not yet been filled, and (3) how the vacant board seat will be filled.

Due to inaction by either the BOD or the Stanislaus County Board of Supervisors (BOS), this position still remains vacant. The next available election cycle for this board seat is March 3, 2020.

**GLOSSARY**

BPFD	Burbank-Paradise Fire District
BOD	Burbank-Paradise Fire District Board of Directors
BOS	Stanislaus County Board of Supervisors
SCCGJ	Stanislaus County Civil Grand Jury
RV	Stanislaus County Registrar of Voters

**BACKGROUND**

Burbank-Paradise Fire District (BPFD) was organized in 1942 and is an all-volunteer fire department. BPFD is an independent district in which voters elect a five-member board of directors, as stated in its bylaws. Each independent district has a five-member governing board which has corporate power (the ability to make decisions and get things done) and tax powers (the authority to raise money). BOD is responsible for complying with state laws and accepted governance practices.

At the time of this investigation, SCCGJ confirmed a board member had resigned on February 20, 2018. Currently the BOD is functioning with four elected board members.

## **METHODOLOGY**

SCCGJ conducted interviews and reviewed pertinent documentation and regulations pertaining to the current BOD vacancy.

Documentation was received and reviewed as follows:

- Email correspondence from the BOD to Stanislaus County Counsel
- Letter sent from BOD to the Stanislaus County Registrar of Voters (RV)
- Letters from the BOS to two potential candidates regarding the vacancy
- BOD meeting agendas for 2018
- BOD meeting minutes for 2018

SCCGJ also reviewed California Government Codes §1779 and §1780.

## **DISCUSSION**

The SCCGJ investigation confirmed that on February 20, 2018 a vacancy occurred on the BOD. On February 21, 2018, BOD sent an email to the Stanislaus County Counsel's office regarding the vacancy. According to Government Code §1780, BOD had fifteen days to notify RV of the vacancy; however, a letter was sent to RV thirty-one days after the board seat became vacant. BOD had sixty days to hold an election or appoint a person to the vacant board seat. If no one was elected or appointed within the time constraints for doing so, BOD was to notify BOS of the vacancy.

On March 21, 2018, BOD notified RV it would decide how to fill the vacancy at the next board meeting. BOD failed to address the issue. Due to guidelines and time constraints, BOS had thirty days from April 21, 2018 to appoint a person to the vacancy. BOS did not receive notification of the BOD vacancy until May 15, 2018. The deadline for BOS to fill the BOD vacancy was May 21, 2018. As a result BOS did not have adequate time to review applicants and make an appointment to BOD.

BOS received letters from two individuals who were interested in serving on BOD.

All dates to appoint or to call for an election were missed by BOD.

**Chronology of Events**  
**Burbank-Paradise Fire District Vacancy**

<b>DATE</b>	<b>EVENT, TRANSACTION or OCCURRENCE</b>
2/20/2018	Resignation of a BOD member
2/21/2018	BOD notified Stanislaus County Counsel's office of the resignation
3/7/2018	Last day to notify RV of vacancy
3/21/2018	BOD notified RV of vacancy and that BOD would decide how to fill the vacancy
3/22/2018	RV received letter of vacancy from BOD
4/6/2018	Last day for BOD to post notice of vacancy (G.C. §1780 (d)(1))
4/21/2018	Last day for BOD to fill vacancy by appointment
5/14/2018	First application received from a citizen within the district to fill vacancy
5/15/2018	Second application received from a citizen within the district to fill vacancy
5/15/2018	Last BOS meeting before deadline to fill vacancy by appointment
5/18/2018	BOS received BOD notice of vacancy dated March 21, 2018
5/21/2018	Last day for BOS to fill vacancy by appointment
5/23/2018	BOS notified applicants the vacancy needed to be filled by election
6/29/2018	Last day for BOD to call for the vacancy to be placed on the November 6, 2018 ballot

**FINDINGS**

- F1. On February 20, 2018 a board member resigned from the BOD.
- F2. BOD did not notify RV of the vacancy within the required fifteen-day period.
- F3. March 7, 2018 was the last day for the BOD to notify RV of the vacancy; however, BOD did not notify RV until March 21, 2018.
- F4. BOD did not fill the vacant board seat by appointment nor did it request RV to call for an election within sixty days per Government Code §1780.
- F5. BOD did not notify BOS of the vacant board seat within thirty days per Government Code §1780.

## **RECOMMENDATIONS**

- R1. BOD and BOS should obtain guidance from the California Special Districts Association regarding the process and required timelines for filling board vacancies.
- R2. BOD should obtain training from RV regarding process and timelines to meet election requirements in preparation for the March 3, 2020 ballot.
- R3. BOD should appoint a person to fill the board vacancy for the remainder of 2019 and until the next official election on March 3, 2020.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code §933 and §933.05, the grand jury requests responses from the following governing entities within 90 days:

- BURBANK-PARADISE FIRE DISTRICT BOARD OF DIRECTORS
- STANISLAUS COUNTY BOARD OF SUPERVISORS

## **BIBLIOGRAPHY**

### **CALIFORNIA GOVERNMENT CODE §1779**

§1779. Special districts; filing vacancies on appointed governing boards; failure to fill within 90 days

### **CALIFORNIA GOVERNMENT CODE §1780**

§1780. Special districts; vacancies in elective offices of governing board; election dates; term  
California Special Districts Association, [www.csda.net/special-district/](http://www.csda.net/special-district/)

## **DISCLAIMER**

This report of case number 19-12GJ of the Burbank-Paradise Fire District Board of Directors is issued by the 2018-2019 Stanislaus County Civil Grand Jury with the following exception: a member of the grand jury volunteered to recuse due to a perceived conflict of interest. This grand juror was excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the excluded grand juror as a means of mitigating a potential bias to the integrity of this report.