

May 3, 2022

To The Board of Supervisors,

Assuming Supervisor Scott resignation indeed occurs on July 31, 2022, Only after that date is there an open position for District 4 and Supervisor Scott should be able to perform her elected duties and not be excluded from any discussion related to her or any other future resignation of a Board of Supervisor.

Assuming the District 4 seat does becomes vacant after July 31, 2022, It is not possible for the independent nomination procedures to be utilized per Elections Code §8300 et seq., in their entirety, for candidates seeking to fill the unexpired term for a Nov. 8, 2022 election.

Staff is recommending the board consider approving a resolution that would put the seat on the Nov. 8 statewide general election ballot.

The proposed resolution's wording doesn't comply with state law. The resolution says that, "pursuant to Government Code Section 25060, the vacancy may be filled by an appointment of the Governor, and that individual will hold office until the election and qualification of their successor."

That Government Code section, however, doesn't say "may" but "**shall**": "Whenever a vacancy occurs in a board of supervisors, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his or her successor"

The Government Code regarding these issues is clear , The Governor SHALL appoint.

Sincerely,

Dirk C Slooten

