

Fire official's plans to leave trigger dispute

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A member of the Menlo Park Fire Protection District board said colleague Rex Ianson should have left from the board a month ago, but the district's attorney disagrees.



IANSON

Ianson emailed board president Peter Carpenter on June 14, saying he was stepping down from his vice president role, effective immediately, and resigning from the board, effective Aug. 31.

Code cited

Board member Chuck Bernstein said that according to a section of California's Government Code, however, once Ianson tendered his resignation from the board, he immediately created a board vacancy.

"Director Ianson is not permitted to submit a letter of resignation that becomes effective at some future date," Bernstein said in an email he sent to Fire Chief Harold Schapelhouman, Ianson and district legal counsel Lauren Quint on Sunday. "If he intends to continue to serve as a director, he has not submitted a resignation; if he has submitted a letter of resignation,

then it becomes effective immediately."

Bernstein cited section 1770(c) of the code in his email, which says that an office becomes vacant after a person resigns unless that person is a city council member, in which case he or she can specify a date on their letter of resignation on which the resignation will become effective. This provision is not afforded to fire district board members.

Bernstein said because Ianson's resignation isn't effective until Aug. 31, the board can't vote on creating a plan to replace him at tonight's board meeting; they can only vote on a plan once a board vacancy is created, he said.

Attorney's take

Fire district attorney Lauren Quint said in a report to the board for tomorrow's meeting that Ianson's resignation is effective Aug. 31, not June 14. She said a fire district law states that any board vacancy shall be filled in accordance with section 1780 of the state's government code.

Section 1780 says that the board has 60 days to either appoint a successor or call a special election to fill the board vacancy, after either the date on which the board is noti-

fied of the vacancy or the effective date of the vacancy, whichever is later.

According to section 1780, the board would have until the end of October to fill Ianson's vacant seat after he departs from the board on Aug. 31. Yet under Section 1770, the board would only have until mid-August to find Ianson's replacement, since the 60-day window to find a replacement began on June 14. Bernstein said he will try to clarify when Ianson will resign from the board at tonight's meeting.

Another possibility

If the board doesn't fill the vacancy or call an election within 60 days, the San Mateo County Board of Supervisors may appoint a person to fill the vacancy or may order the board to call an election to fill the vacancy.

It is unlikely that the board will hold a special election because of its potentially high costs, according to Quint.

Carpenter and Bernstein said that Ianson will not be able to vote on his successor. Quint also recommended that Ianson not participate in the solicitation or interviewing of candidates, according to the report on tomorrow's meeting.