

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE, STATE OF CALIFORNIA,
RESOLUTION NO. 2022-016**

**A Resolution of the Del Norte County Board of Supervisors Setting an Election for
Supervisor of District 5 on the November 8 General Election**

WHEREAS, Supervisor Bob Berkowitz passed away on March 2, 2022, leaving vacant the District 5 seat on the Board of Supervisors; and

WHEREAS, pursuant to Government Code Section 25060, the vacancy may be filled by an appointment of the Governor, who will hold office until the election and qualification of his or her successor; and

WHEREAS, pursuant to Government Code Section 25061, the election to fill the vacancy for the unexpired term shall be held at the next Statewide General Election, unless the term expires on the first Monday after the January 1st succeeding the election;

WHEREAS, Supervisor Berkowitz's term does not expire on the first Monday after January 1st succeeding the next General Election; and

WHEREAS, according to an Attorney General Opinion (64 Ops. Cal. Atty. Gen. 1 (1981) there cannot be an election to fill the vacancy in November unless there is a means of nominating a candidate, either at a direct primary or through the independent nomination process found in Elections Code Section 8300 *et seq.*; and

WHEREAS, pursuant to Elections Code Section 8140, "any candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office shall be elected to that office"; and

WHEREAS, where there is no incumbent in a direct primary, candidates have until the 83 day before the election to file nomination documents; and

WHEREAS, because Elections Code Section 21506 provides that the term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the supervisor was elected, and Supervisor Berkowitz's term has not expired, the supervisorial district boundaries that apply to this election shall be the 2011 district boundaries, rather than the new boundaries adopted by the Board of Supervisors in 2021;

NOW, THEREFORE, BE IT RESOLVED that the Del Norte County Board of Supervisors orders that:

1. An election will be held at the November 8, 2022 General Election, with a Direct Primary held at the June 7, 2022 Direct Primary;

2. The period to file nomination papers will begin upon the approval of this Resolution and will conclude at 5 p.m. on March 16, 2022;
3. If a candidate secures a majority of all votes at the Direct Primary, he or she will be sworn in and assume office upon completion of the official canvass;
4. The person elected to fill the vacancy will serve the remainder of the term, through 2024;
5. The district boundaries that apply to these elections will be those in place at the time Supervisor Berkowitz was elected to this current term, those adopted by the Board in 2011;


APPROVED AND ADOPTED this 8th day of March, 2022.

AYES: Supervisor Short, Howard, Hemmingsen

NOES: None

ABSENT: Supervisor Starkey


Kylie Goughnour, Clerk of the Board


Gerry Hemmingsen, Chair
Board of Supervisors
Del Norte County, California