

**LAW OFFICES OF  
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May 15, 2018

Via Email

Jack Hickey  
243 Ferndale Way  
Redwood City, CA 94062

Re: Implementation of Zone Elections

Dear Mr. Hickey:

This letter is written at the request of and with the approval of Board President Kathleen Kane and Chief Executive Officer Pamela Kurtzman.

Ever since the Board of Directors voted 4-1 to implement zone voting for future District elections with three seats having four-year terms, you have claimed that the action is illegal, a mistake, or unwise policy. However, the vote is final and the action is not going to be changed unless the matter is brought back to the Board for reconsideration by at least one Director who voted for it. Unless and until that happens, continued debate about the wisdom of the policy choice made by the Board is a waste of District resources.

It would be a different matter if the Board's implementing process were illegal, as you claim. You have been challenged to bring forward a court decision or other legal precedent establishing the alleged illegality. So far, you have produced nothing. Careful research by the District's legal counsel, including our special counsel at Hanson Bridgett, has found no precedent that would render the Board's action illegal.

Most recently, you emailed various public officials, including members of the Board of Supervisors, and County elections officials, and members of the press arguing that Elections Code Section 10506 requires that a different regime be implemented. It does not.

It is questionable whether Section 10506 applies to elections by healthcare districts. But even if it does, the section applies to situations in which a district or agency is increasing the number of divisions, for example, from five seats to seven. If the increase were to happen in a year in which three existing seats are up for election, the addition of two more seats would place the district or agency on a permanent cycle of having five directors elected in one year and only two elected at the next election cycle. In that particular circumstance, Section 10506 allows the district or agency to make one of the new seats an initial two-year term, so that the district or agency eventually will be on a four seat/three seat cycle. Since our District Board will continue to have five seats, Section 10506 does not apply.

Jack Hickey  
May 15, 2018

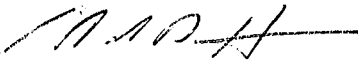
I remind you again that you are not an attorney. You do not have the legal training necessary to interpret and apply legal authorities, including statutes and court decisions. The uninformed use of legal principles in your communications with county officials and the media undermines the integrity of the Sequoia Healthcare District and must stop.

It is one thing to disagree with a Board decision on policy grounds. No one disputes your right to do that. But it is a much different matter to accuse the District Board, staff, and legal counsel of acting contrary to law, when you have no law to support your position.

Going forward, the District will take all of the steps necessary to hold elections in three designated zones in November, electing a director from each one to a four-year term as required by Health & Safety Code Section 32100. Directors from the other two zones will be elected in November 2020. Absent a court order, the County elections officials will conduct the 2018 and 2020 elections as required by the Board's decision. There really is no basis for continued discussion.

At the April 9, 2018 Board meeting, your request for additional legal research on the election issues was rejected by the Board. Based on the Board's comments and the direction of the Board President, neither staff nor legal counsel will respond to any further demands or questions from you regarding the elections issue.

Very truly yours,



Mark D. Hudak

cc: All Directors (via email)  
Pamela Kurtzman (via email)  
Kim Manolius, Esq. (via email)