



**LAW OFFICES OF MELO AND
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March 3, 2021

The Honorable Xavier Avila
Board Member, Tulare Local Health Care District
869 N. Cherry St.
Tulare, CA 93274

Re: Incompatible Elected Offices

Delivered by US Mail and Email

Dear Board Member Avila:

This Law Firm practices in the areas of open government and voting rights. It has come to our attention that you are currently occupying two incompatible elected/appointed offices within the County of Tulare. This letter is being sent to you as a courtesy, before taking legal action against you to comply with the law.

In 2017, you were appointed to a vacancy on the board of directors of the Tulare Local Health Care District (TLHCD). You filled the seat formerly held by Linda Wilbourn (term 2014-2018). Subsequently, you were elected in your own right to TLHCD for a term of office that commenced in 2018 and continues until 2022.

Recently, while still holding your TLHCD seat, you were appointed to the Tulare Cemetery District in December 2019. By accepting this appointment, you forfeited your seat on the Board of TLHCD. You are currently exercising elective/appointive powers in both seats simultaneously. This is violative of California State Law.

California law prohibits elected/appointed officials from serving in multiple positions when there is a conflict of loyalties. See California Code of Civil Procedure (CCP) section 803.

We are in the process of requesting permission from the Attorney General's Office to initiate an action Quo Warranto against you for holding two incompatible offices. Once we receive it, we will be initiating litigation against you.

Before initiating that formal court process, we wanted to advise you of our intent, so that you could immediately resign from the TLHCD seat.

In the event that we are forced to initiate a formal Quo Warranto court case, we would be entitled to seek court costs and attorneys fees from you when we prevail.

Sincerely,

LAW OFFICES OF MELO AND SANSFIELD LLP


By: Marguerite Melo, Esq.

CC: Tulare Local Health Care District Board
County of Tulare Administration Office
Tulare Cemetery District