



Midpeninsula Regional
Open Space District

R-18-115
Meeting 18-35
October 10, 2018

AGENDA ITEM 8

AGENDA ITEM

Options to Fill a Vacancy Resulting from the Resignation of Director Cecily Harris

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine whether to fill the Ward 7 Board Director vacancy for the term ending January 4, 2021 by either appointment or special election.
2. If filling the Ward 7 vacancy by appointment, approve the following recruitment procedure for the Ward 7 vacancy:
 - a) Approve the application form;
 - b) Affirm or modify the general criteria for appointment to the Board of Directors;
 - c) Affirm or modify the procedures for interviews; and
 - d) Approve the proposed timeline for filling the vacancy.
3. If filling the Ward 7 vacancy by special election, adopt the appropriate resolutions calling the special election and requesting consolidation of elections and election services from the San Mateo County Registrar of Voters.
4. Authorize the Board President to appoint Board members to fill the vacancies on the following committees: Planning and Natural Resources, Board Appointee Evaluation, and Legislative, Funding and Public Affairs Committees.

SUMMARY

On September 26, 2018, Director Cecily Harris announced her resignation from the Board of Directors, Ward 7, effective October 11, 2018. State law provides that once a vacancy occurs, the Board of Directors must fill the vacancy within 60 days by either appointing a replacement or calling a special election. The deadline to take action to fill this Ward 7 vacancy is Monday, December 10, 2018.

DISCUSSION

On September 26, 2018, Director Cecily Harris representing Ward 7 announced her intention to resign from the Midpeninsula Regional Open Space District (District) Board of Directors, effective October 11, 2018. Ward 7 includes the cities of El Granada, Half Moon Bay, Montara, Moss Beach, San Carlos, and portions of Redwood City and Woodside (Attachment 1). Due to Director Harris's resignation, the Board of Directors (Board) needs to determine how to fill the remainder of her elected term, which expires in January of 2021.

California Government Code section 1780 describes the requirements for the filling of vacancies for an elected board within 60 days from the effective date of the vacancy. The remaining members of the Board may determine to do one of the following: 1) fill the vacancy by appointment; or 2) call a special election to fill the vacancy. The deadline to take action to fill the vacancy is Monday, December 10, 2018. If the remaining members of the Board fail to take action by this date, the San Mateo County Board of Supervisors has the opportunity to appoint a successor. State law also requires that a person, whether elected or appointed, who wishes to serve on the Board, be a resident of the ward they would represent and a registered voter.

Filling the Vacancy by Appointment

Should the remaining members of the Board wish to appoint an applicant to fill the vacancy, the Board must make the appointment by December 10, 2018. A notice of the vacancy must be posted in at least three places in the District, at least fifteen days before the appointment is made. A notice must also be published in the newspaper at least ten days prior to close of the application period. The person appointed to fill the vacancy will hold office until January 4, 2021. Other than the required notices, there is no required legal procedure for interviewing and appointing a person. The Board may adopt such criteria and procedures as the Board sees fit for this process.

The Board has used the following recruitment process in the past to fill prior Board vacancies.

- 1) *Application Form*: The form requests contact information, including the residential voting address, and asks open-ended questions about past community experience, interest in and goals desired for the District, preserve activities of interest and concern, issues affecting the District, and personal background. (Attachment 2).
- 2) *General criteria for appointment to the Board of Directors*: The Board adopted the attached criteria (Attachment 3) at its October 11, 2000 Board meeting. If supported by the Board, staff would distribute a copy of the criteria to all Ward 7 applicants.
- 3) *Procedure for Interviews*: The procedures include two rounds of interviews and describes the order of candidate appearance, sets time allotments for opening statements, questions, and final statements, and instructs the casting of votes and the appointment of the selected candidate (Attachment 4).
- 4) *Publishing Notice of the Vacancy*: Government Code Section 1780 requires the posting of a notice of vacancy in three or more places in the District at least fifteen days before the appointment is made. Although not required by law, the Board by resolution has required that notices of recruitment for applicants to fill a Board vacancy be published in local newspapers. Staff would post the notice accordingly in the San Mateo County Times and Half Moon Bay Review, as well as publish the notices in other appropriate newspapers. In addition, the District would send a letter signed by the Board President to elected officials whose electoral areas encompass Ward 7. The letter would announce the vacancy and invite them to suggest individuals who might be interested in serving as Director of Ward 7.

If the vacancy is filled by appointment, the Board will need to set the deadline for submitting an application and the dates for the first and second rounds of public interviews. A recommended schedule is attached (Attachment 5) for Board consideration.

Filling the Vacancy by Special Election

California Elections Code section 1000 identifies the regularly established election dates, the next of which is March 5, 2019. The San Mateo County Registrar of Voters indicates that there are no other offices, initiatives, or measures slated for the March 5, 2019 election, which would result in a “stand-alone” election for the District. The District may contract with the Registrar of Voters to conduct this stand-alone election and would be responsible for the full cost of conducting the election. The Registrar of Voters has submitted an estimate of approximately \$414,000, which could vary based on the number of registered voters at the time of the election. The deadline for calling the election is October 26, 2018.

If the remaining members of the Board decide to fill the vacancy through a special election, it may appoint an individual to fill the vacancy until the special election is held. If the Board selects this course of action, it must call a special election before the deadline, and subsequently may make an interim appointment.

Board Committee Vacancies

With the upcoming resignation of Director Harris, there will exist a vacant position on each of the following Board standing committees: Planning and Natural Resources; Board Appointee Evaluation; and Legislative, Funding, and Public Affairs. The Board Policy on Committees (1.04) states that the Board President appoints Board members to annual Standing Committees and to represent the District on outside bodies, with the consent of the Board. In order to avoid a potential lack of quorum for future committee meetings prior to new committee appointments in January 2019, the General Manager recommends Board authorization for the Board President to fill the committee vacancies from among the remaining Board members. Attached is a list of current committee appointments (Attachment 6).

FISCAL IMPACT

If the Board determines that the Ward 7 Board vacancy is to be filled by a special election, the San Mateo County Registrar of Voters has estimated that the cost for such a special election would be approximately \$414,000.

If the Board determines that the current vacancy be filled by appointment, the cost to publish the Notice of Vacancy in various local newspapers is approximately \$2,000. No other fiscal impact of appointment is anticipated.

BOARD COMMITTEE REVIEW

A committee did not previously review this item. Due to the short timeline for filling the vacancy, this item is brought directly to the full Board of Directors.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Following the Board's decision to fill the Ward 7 vacancy by either appointment or special election, the District Clerk will take the corresponding necessary steps outlined above.

Next steps for Appointment: The Board will need to approve a recruitment process and establish a timetable for filling the vacancy. Once the Board determines these factors, District staff will post the notice of vacancy and publish the notice in newspapers as soon as possible and well in advance of the timelines required under state law. The District Clerk will also set at least two special Board meetings to hold public applicant interviews. An appointee will represent Ward 7 on the Board until January 4, 2021.

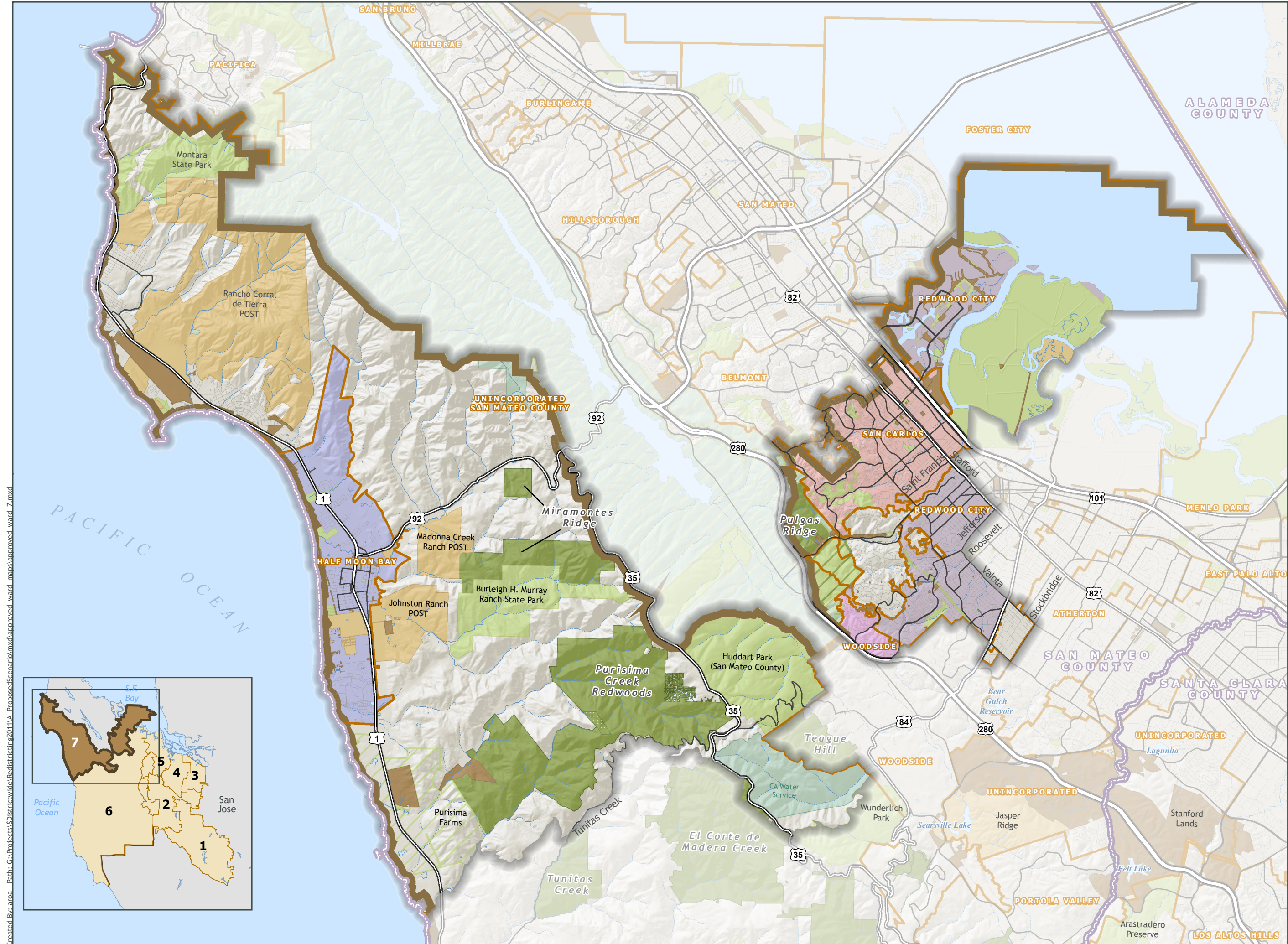
Next steps for Election: The Board would adopt a resolution calling the election in San Mateo County (Attachment 7). The District Clerk will work with the San Mateo County Elections Office to provide the necessary documentation and fees for the election.

Attachments

1. Map of Ward 7
2. Application Form.
3. Criteria for appointment to the Board of Directors
4. Procedure for Interviews of Board appointees
5. Schedule for Appointment of Director in Ward 7
6. 2018 Board Committee Assignments
7. Resolution Calling a Special Election in San Mateo County

Responsible Department Head:
Ana Maria Ruiz, General Manager

Prepared by:
Jennifer Woodworth, District Clerk/ Assistant to the General Manager



- ### WARD 7
- Ward 7 Boundary
 - MROSD Open Space Preserve
 - Other Protected Open Space or Park Lands
 - Land Trust
 - Other Public Agency
 - Watershed Land
 - Private Property
 - Management Agreement
 - MROSD Conservation or Agricultural Easement
 - City Limit
 - County Boundary
 - MROSD Boundary



Midpeninsula Regional Open Space District (MROSD)
October, 2011

While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.

Miles 0 1 2

Created By: aroa Path: G:\Projects\SDistrict\wide\Redistricting2011\A_ProposedSanMateoCounty\approved_ward_maps\approved_ward_7.mxd

APPLICATION FOR DIRECTOR – Ward 7

Name _____

Residential Voting Address _____

Daytime Telephone _____ Evening Telephone _____

Fax _____ Email _____

Please list your community activities and/or work experience _____

Please indicate why you are interested in serving as Director of the Midpeninsula Regional Open Space District Board of Directors, and what are your goals for the District for the next 10 years?

What level and types of activities do you favor on District preserves? What activities do you oppose?_____

What do you see as the major issues of the District today and in the next few years? Discuss.

Please list any additional information about yourself which you would like to include (hobbies, education, family, etc.)_____

Signature of Applicant

Date of Applicant

Note: All applications will be made available for public inspection. You may use additional sheets to answer questions.

GENERAL CRITERIA FOR APPOINTMENT TO BOARD OF DIRECTORS

1. Wants the job!
2. Involvement in, or awareness of, local government functions and operations
3. Some knowledge or awareness of finance and budget issues
4. Knowledge of and exposure to community service activities
5. Interest, time and energy to give to the job
6. Sense of humor
7. Flexibility
8. Sensitivity to the community
9. Ability to work in a team setting
10. Knowledge and awareness of what is going on in the District
11. Not single-issue oriented
12. Breadth of awareness of, and outlook on, kinds of issues District faces
13. Knowledge of how District fits into the greater region
14. Ability to bring strength to and complement current Board, and add a different dimension to the Board
15. Comfortable with public speaking and working with groups
16. Ability to make decisions for the good of the District in the face of political pressure.
17. Dedicated to the preservation of open space

PROCEDURES FOR INTERVIEWS

First Round

1. Order of appearance of applicants established in a random drawing of names.
2. Each candidate is allotted up to five minutes for opening statement and a minimum of three minutes for clarifying questions by the Board.
3. Round-robin questioning by Board members of applicants for a maximum of 30 minutes. Random drawing for order of appearance for final statements.
4. Board recess for 10 minutes.
5. Each applicant will have two minutes maximum for a final statement.
6. Each Board member casts a signed ballot for up to six top choices for second round interviews.
7. Clerk keeps ballots for later public inspection.
8. Voting tallied and announced by District Clerk.
9. The field will be narrowed for the second round to half of the original number of applicants, but at most four, based upon the candidates receiving the most votes.

Second Round

1. Random drawing for order of appearance.
2. Each finalist allotted 20 minutes for answering questions posed by the Board.
3. Random drawing for order of appearance for final statements.
4. 10 minute recess.
5. Each finalist will get five minutes for summary.
6. Each Board member casts a signed ballot for his or her choice of appointment.
7. Voting tallied and announced by District Clerk.
8. District Clerk keeps ballots for later public inspection.
9. If no candidate receives four votes, there will be additional votes on the full list of finalists until a candidate receives four votes.
10. Board adopts resolution naming appointment to fill the office.

Absence of candidates from interviews – The Board will consider the written application and supplementary information provided by candidates who cannot attend one or both sessions.

**Proposed Schedule for Appointment of Ward 7 Director of
Midpeninsula Regional Open Space District**

October 10, 2018	Board meets to determine whether to fill the vacancy by appointment or special election
October 11, 2018	Effective date of Ward 7 vacancy
October 11-17, 2018	Press release announcing District's intent to fill Ward 7 vacancy by appointment
	Posting of notice at least 15 days before appointment is made of District's intent to fill vacancy
	Publishing of vacancy notice and intent to fill by appointment in <i>San Jose Mercury News</i> , <i>San Mateo Daily Journal</i> , <i>Half Moon Bay Review</i> , and <i>The Almanac</i>
November 9, 2018	Deadline for receipt of applications for Ward 7 (3 week application period)
November 15, 2018	Special Board Meeting, if needed, for the purpose of screening applications if more than ten applications are received. Applications will be screened to select no more than eight candidates to be interviewed.
November 20, 2018	Special Meeting: Initial interviews for Ward 7 applicants
November 27, 2018	Special Meeting: Final Interview for Ward 7 applicants Appointment of new Ward 7 Director Adoption of Appointment Resolution Swearing in of New Director
December 10, 2018	Last day to fill position by appointment



Midpeninsula Regional
Open Space District

BOARD OFFICERS – 2018

President – Jed Cyr
Treasurer – Curt Riffle

Vice-President – Cecily Harris
Secretary – Yoriko Kishimoto

BOARD COMMITTEE ASSIGNMENTS – 2018

<p>Action Plan and Budget</p> <ul style="list-style-type: none"> • Director Curt Riffle (Treasurer) • Director Pete Siemens • Director Yoriko Kishimoto 	
<p>Legislative, Funding, and Public Affairs</p> <ul style="list-style-type: none"> • Director Nonette Hanko • Director Cecily Harris • Director Larry Hassett 	
<p>Planning and Natural Resources</p> <ul style="list-style-type: none"> • Director Cecily Harris • Director Larry Hassett • Director Pete Siemens 	
<p>Real Property</p> <ul style="list-style-type: none"> • Director Yoriko Kishimoto • Director Nonette Hanko • Director Jed Cyr 	
<p>Board Appointee Evaluation</p> <ul style="list-style-type: none"> • Director Jed Cyr (President) • Director Cecily Harris (Vice-President) • Director Curt Riffle 	
<p>MROSD Financing Authority</p> <ul style="list-style-type: none"> • President Jed Cyr, Chairperson • Director Cecily Harris, Member • Director Larry Hassett, Member • Director Curt Riffle, Member • Supervisor Joseph Simitian, Representative from Santa Clara County Board of Supervisors • Ana Ruiz, Executive Director • Mike Foster, Controller • Jennifer Woodworth, Secretary 	<p>Board Appointee Representatives</p> <p>CALJPIA Representative</p> <ul style="list-style-type: none"> • President Jed Cyr <p>Santa Clara Special Districts Association</p> <ul style="list-style-type: none"> • Director Pete Siemens <p>Santa Clara Valley Water District Water Commission</p> <ul style="list-style-type: none"> • Yoriko Kishimoto, Representative • Jed Cyr, Alternate

RESOLUTION NO. 18-__**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2019 FOR THE PURPOSE OF FILLING THE VACANCY IN WARD 7 FOR THE UNEXPIRED TERM, REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS – SAN MATEO COUNTY**

WHEREAS, on September 26, 2018, Ward 7 Director Cecily Harris, submitted her resignation from the Board of Directors, effective October 11, 2018; and

WHEREAS, the current term for Director Harris's seat is scheduled to expire in January 2021; and

WHEREAS, California Government Code Section 1780 requires the Board of Directors to make an appointment or call a special election within 60 days of the occurrence of the vacancy; and

WHEREAS, California Government Code Section 1780 dictates that if a special election is called, the election shall be held on the next established election date that is 130 or more days after the Board calls election; and

WHEREAS, the next established election date pursuant to California Elections Code section 1000 is March 5, 2019, which is 146 days after the effective date of the vacancy; and

WHEREAS, consistent with California Government Code 1780, the Board of Directors desires to call a special election to fill the vacant Board seat for Ward 7 for the remainder of Director Harris's term; and

WHEREAS, the Board of Directors desires to have the San Mateo County Registrar of Voters render services in connection with the Special election.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District calls for a special election to be held on March 5, 2019, and requests the Board of Supervisors of San Mateo County to completely consolidate such elections and to further provide that the Registrar of Voters canvass the returns of the election, including:

1. Pursuant to Public Resources Code Sections 5530 and 5533, the Board of Directors of the Midpeninsula Regional Open Space District does call an election in the District for the election of one member of the Board of Directors of the District, for a short term to fill the remaining term of Ward 7, which will expire in January 2021.
2. The District Clerk is authorized, instructed, and directed to coordinate with the County of San Mateo Registrar of Voters to procure and furnish any and all official ballots, notices,

printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

3. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time to 8:00 p.m. of the same day when the polls shall be closed.
4. Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the Board of Directors hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this Board of Directors consents to such consolidation.
5. The Registrar of Voters Office of San Mateo County is hereby authorized and instructed to canvass the returns of said election for the office of members of the Board of Directors of the Midpeninsula Regional Open Space District and is requested to certify the results of said election to the Board of Directors of the District.
6. The Board of Directors further requests, pursuant to Election Code Section 10002, that County election official(s) be authorized to render services to the District relating to the conduct of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Midpeninsula Regional Open Space District's Special Election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.
7. Pursuant to Sections 10509 and 13307 of the Elections Code, each candidate for elective office to be voted for at the Special Election on March 5, 2019, may prepare a candidate statement on an appropriate form provided by the District Clerk. The statement may include the name, age, and occupation of the candidate, and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed with the District Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period. Candidates shall not be permitted to submit materials other than the candidate's statement with the sample ballot and the voter's pamphlet.
8. Pursuant to Board Policy 1.07 *Board Elections*, in those wards where two or more candidates have qualified to appear on the ballot, a candidate may file a candidate's statement, not exceeding 200 words. The District will pay for the cost of the statements, and, if required by the respective county, translations of candidates' statements pursuant to the Elections Code of the State of California, and no such candidate shall be billed for availing himself or herself of these services.

- 9. That pursuant to Section 10522 of the Elections Code of the State of California, a current map showing the boundaries of the district and the boundaries of the divisions of the district is herewith submitted.
- 10. That pursuant to Sections 10551 and 15651 of the Elections Code of the State of California, the method of determining the winner or winners in the event of a tie vote shall be by lot.
- 11. The General Manager of the District is hereby authorized to reimburse the County in full for the services performed upon presentation of a bill to the District.
- 12. The District Clerk is hereby directed to submit a certified copy of this Resolution to the Board of Supervisors of San Mateo County, and to appropriate County election officials of said County.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2018, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk