

RESOLUTION NO. 28-12

RESOLUTION OF THE SAN MATEO COUNTY HARBOR DISTRICT OUTLINING THE PROCEDURE FOR FILLING PERMANENT VACANCIES ON THE HARBOR COMMISSION

WHEREAS, from time to time a vacancy occurs on the San Mateo County Harbor District Commission; and,

WHEREAS, the California Government Code provides that when a vacancy occurs on the Commission, the vacancy may be addressed by the San Mateo County Harbor Commission or the County Board of Supervisors; and,

WHEREAS, whether the Commission wishes to allow the San Mateo County Board of Supervisors to make the appointment, call for an election to fill the vacancy, or make its own appointment, the Commission recognizes that the public may be unfamiliar with the statutory process authorized by the California Government Code to be utilized when filling vacancies because they occur infrequently; and,

WHEREAS, the Commission wishes to clearly articulate for the public how vacancies can be filled.

NOW, THEREFORE, BE IT RESOLVED that the Board of Harbor Commissioners of the San Mateo County Harbor District shall consider the following options to fill vacancies on the Commission provided for in California Government Code Section 1780:

SAN MATEO COUNTY BOARD OF SUPERVISORS' ACTION TO FILL VACANCY

If the Commission determines that the San Mateo County Board of Supervisors should make the appointment, no Commission action is necessary. The Board of Supervisors is authorized to appoint a Commissioner when more than sixty (60) days have elapsed since the District was notified of the vacancy or the effective date of the vacancy. If the San Mateo County Board of Supervisors fails to fill the vacancy within ninety (90) days of the date the District is notified of the vacancy or the effective date of the vacancy, the District must call an election for the next established election date that is one hundred thirty (130) days or more after the date the Commission calls the election.

COMMISSION ACTION TO FILL VACANCY BY ELECTION

If the Commission wishes instead to act, it may, as noted above, call for an election or fill the vacancy by appointment per Government Code Section 1780. The call for an election must be made within sixty (60) days of the date the District is notified of the vacancy or the effective date of the vacancy. The election shall be held at the

next established election date that is one hundred thirty (130) or more days after the date the Commission calls the election.

COMMISSION ACTION TO FILL VACANCY BY APPOINTMENT

1. If the Commission wishes to fill the vacancy by appointment, Government Code Section 1780 requires the District to:
 - a. Give notice of the vacancy to the San Mateo County elections official no later than fifteen (15) days after the Commission is notified of the vacancy or the effective date of the vacancy, whichever is later;
 - b. Post an invitation for applications from persons interested in filling the vacancy at least fifteen (15) days prior to the Commission making an appointment in three (3) or more places within the District; and
 - c. Fill the vacancy within sixty (60) days of the date on which the Commission is notified of the vacancy or the effective date of the vacancy, whichever is later.
2. In order to meet this statutorily prescribed timeline, the Commission shall set an application deadline which allows the Commission to receive applications, conduct interviews and vote to appoint a Commissioner to fill the vacancy within sixty (60) days of the date the District received notice of the vacancy or from the effective date of the vacancy, whichever is later.
3. In order to accomplish this, at the first regular or special meeting of the Commission after the vacancy occurs, the Commission shall authorize the General Manager to issue an invitation for applications from persons interested in appointment to fill the vacancy. This invitation will include information regarding the end-date of the term to be filled, the requested application materials (e.g. proof of voter registration as required by Harbors and Navigation Code Section 6053, letters of interest and résumé), the place to submit applications and the deadline for applications to be submitted.
4. The General Manager shall post the invitation for applications at the District's Administrative Office, Oyster Point Marina, Pillar Point Harbor, the El Granada Post Office, in local newspapers, and any other venue or site as directed by the Commission at least fifteen (15) days prior to the date the Commission will make the appointment.
5. A special public meeting of the Commission shall be scheduled within one (1) week of the deadline for applications to be submitted for the purpose of interviewing applicants. The Commission will interview all applicants who have submitted completed applications by the deadline.

6. Interviews shall be conducted in open session. The form and length of interviews will be at the discretion of the Commission but shall be uniformly applied to all applicants. Commissioners may ask applicants questions relevant to the position of Commissioner, including whether or not applicants are registered voters (to confirm eligibility), their opinions on ongoing or proposed District programs or projects, and whether they possess any relevant experience for the position. Any questions that would be prohibited in a normal job interview (i.e. questions regarding age, race/ethnicity, gender, religion, marital status, etc.) shall not be asked.
7. At the conclusion of the interviews, the Commission shall vote to appoint an applicant to serve the remainder of the term for which the vacancy exists. All nominations shall be oral and do not require a second. Once all nominations are received, the Commission shall vote. Votes shall be either by oral roll call or by written ballot. If the votes are taken by written ballot, the written ballots shall be signed and the votes announced orally. The written ballots shall be retained by the District for two (2) years. If no candidate receives a majority vote or if one or more candidates receive the same number of votes, the Commission may continue voting to determine whether or not a majority vote for any applicant can be achieved. If no applicant receives a majority vote, the Commission may call for an election or allow the Board of Supervisors to act.

TERM OF OFFICE

1. If the vacancy occurs in the first half of the term of office, and the date that the Commission is notified of the vacancy is more than one hundred thirty (130) days before the "next general District election," then the person appointed holds office only until after the next general District election and until the person who is elected to fill the vacancy has been qualified. The person elected then holds the office for the remainder of the term of office.
2. If the vacancy occurs in the second half of the term of office, or in the first half but less than one hundred thirty (130) days before the next general District election, the person appointed by the Commission serves for the remainder of the term of office.

QUORUM

1. If multiple vacancies occur so that the number of Commissioners comprise less than a quorum, then the San Mateo County Board of Supervisors must, promptly and by appointment, fill only enough vacancies to provide the Commission with a quorum.

* * * * *

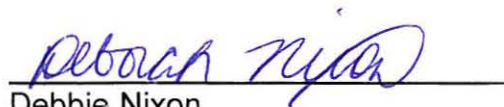
Board of Harbor Commissioners of the San Mateo County Harbor District at a regular meeting thereof held on December 5, 2012 by the following vote:

AYES, HARBOR COMMISSIONERS: Padreddii, Parravano, Tucker

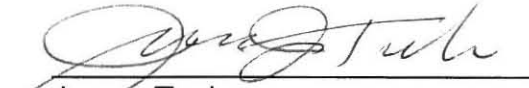
NOES, HARBOR COMMISSIONERS: Bernardo

ABSTAIN, HARBOR COMMISSIONERS: Holsinger

ABSENT, HARBOR COMMISSIONERS: None



Debbie Nixon
Deputy Secretary



James Tucker
President