



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date
September 23, 2020

Prepared By: General Counsel
Submitted By: Michael R. Davies, General Manager

Agenda Title

Approve Procedure to Appoint Individual to Vacancy Created by Robert Leete's resignation

Recommended Action

There is no staff recommendation for this item. The Board President directed staff to bring an action item before the Board for the purpose of developing and adopting a procedure for appointing an individual at the October 7, 2020, regular Board meeting to fill the vacancy created by Robert Leete's resignation.

Executive Summary

1. The Town is a CSD formed in accordance with the Water Code
2. The Town's bylaws and California Water Code section 61042 provides that any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Government Code section 1780.
3. At its September 16, 2020, regular meeting, and in accordance with section 1780, the Board opted to appoint an individual to the vacant position
4. The Board directed staff to accept applications from qualified individuals through close of business, Monday, September 21, 2020.
5. At the special meeting on Wednesday, September 23, 2020, at 7PM the Board will interview applicants, and consider approval of a procedure to follow in making an appointment at the October 7, 2020, regular meeting.
6. In accordance with the Town's Policy 002, Rosenberg's Rules of Order is to apply to all questions of procedure and parliamentary law not specified by the Town's bylaws or otherwise by law.
7. Neither the Town's bylaws or any applicable law provide any specific guidance on procedure or parliamentary law with regard to conducting applicant interviews or procedures for appointment of an individual to the vacant office.
8. In the absence of an adopted procedure, Rosenberg's provides that it is the chair's duty to apply the rules of conduct of the meeting.
9. All decisions by the chair are final unless overruled by the body itself.
10. The Board may adopt a procedure it wishes to follow in appointing an individual to fill the vacancy created by Mr. Leete's resignation.
11. In the absence of an adopted procedure, the procedure and parliamentary law related to the desired action would simply be governed by Rosenberg's Rules of Order.

Proposed Procedure to Fill Vacancy Created by Mr. Leete's Resignation

The Board President suggests the following procedure for filling the vacancy created by Mr. Leete's resignation:

1. The Board President shall introduce the agenda item and request that staff provide a brief report to the Board
2. The Directors may ask any technical questions clarifying the process.
3. Once all Board questions have been addressed, each Director shall submit a nomination list of their top 4 applicants to the Town's Secretary.
4. The Town's Secretary shall read aloud the names on each Director's list, first naming the Director whose list is being read and then reading the names on the list.

Continued on next page

5. As each Director's list is read aloud, Town staff shall make a corresponding marking on the visual aid provided by staff in the Director's column on the row assigned to each of the Director's listed nominees. The visual aid will be a single grid matrix large enough to be viewed by the Directors in the room. The visual aid will list the Director's names in alphabetic order across the top columns of the grid matrix, and the nominees names in rows on the left side of the grid matrix in the order determined by the Secretary of State's Randomized Alphabet for the November 3, 2020, statewide election. The visual aid is solely intended to assist the Directors as they discuss the nominees.
6. Once all of the Directors' lists have been read aloud by the District Secretary, and the visual aid is completed, the Board President shall invite public comment.
7. Once public comment has been closed, the Board members may discuss the nomination lists, or any member of the Board may make a motion to appoint a particular applicant
8. The applicant receiving a simple majority vote in favor of appointment shall fill the vacancy created by Mr. Leete's resignation
9. Rosenberg's Rules of Order shall apply to all questions of procedure and parliamentary law with regard to this procedure to fill the vacancy created by Mr. Leete's resignation

Fiscal Impact:

Amount Requested \$ - None at this time. Should an election be called to fill the vacancy, the Town would be responsible for the costs associated with the election.

AGENDA ITEM: C-2