

MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING

DATE: August 7, 2019
TO: Board of Directors
FROM: Shuran Parker, Administrative Services Manager
REVIEWED BY: Rafael Payan, General Manager
SUBJECT: Director Resignation and Procedures to Fill a Board Vacancy

RECOMMENDED ACTION

It is recommended that the Board discuss and provide direction to staff on how it wishes to proceed with filling the vacant Ward 3 seat.

FISCAL IMPACT

Unknown and dependent upon the method the Board chooses to fill the vacancy.

FUNDING SOURCE:

Director meeting stipends are budgeted in Account 6100. District elections are charged to Account 6147.

FUNDING BALANCE:

All meeting stipend funds (\$7,000) are available. Funding for elections was not allocated.

DISCUSSION

On July 1, 2019 Katie Pofahl submitted notification that she was resigning the Ward 3 Director seat, effective July 31, 2019. With a resignation date of July 31, the 60-day period for the Board to make an appointment runs to September 29, 2019.

Article 2, Section 1780 of the Government Code addresses vacancies and reads in part, "...a vacancy in any elective office on the governing board of a special district...shall be filled pursuant to this section." The requirements and options available to fill the vacancy are summarized below.

The District must notify Monterey County Elections (Elections) of the vacancy no later than 15 days after either the date the District is notified of the vacancy or the effective date of the vacancy, whichever is later. Elections must be notified of the vacancy no later than August 15, 2019.

The remaining Directors may fill the vacancy by either appointment or calling an election:

1. Appointment
 - a. Appointment shall be made within 60 days of notification or the effective date, whichever is later.
 - b. The District shall post notice of the vacancy in 3 or more conspicuous places at least 15 days before making the appointment.
 - c. The District shall notify Monterey County Elections of the appointment no later than 15 days after the appointment.

- d. If the vacancy occurs in the first half of the term, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
2. Calling an election
- a. Election must be called within 60 days of notification or the effective date, whichever is later.
 - b. The election shall be held on the next established date provided in the Election Code that is 130 or more days after the date the Board calls the election.
 - c. October 25, 2019 is the last day for Special Districts to call an election to fill a Board vacancy.

If the vacancy is not filled by Board appointment, or if the Board has not called for an election within 60 days of the date of notification or the effective date of the vacancy, whichever is later, the Monterey County Board of Supervisors may appoint a person to fill the vacancy within 90 days of the date the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the Monterey County Board of Supervisors may order the District to call an election to fill the vacancy.