



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



DATE: October 17, 2011
BOARD MEETING DATE: November 1, 2011
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: John C. Beiers, County Counsel
SUBJECT: Process to Appoint a Member to the Board of Directors of the Westborough Water District

RECOMMENDATION:

Approve the proposed process to appoint a member to the Board of Directors of the Westborough Water District.

BACKGROUND:

The Westborough Water District supplies water to consumers in an area that specifically covers parts of South San Francisco. The District's service territory covers approximately one square mile and serves approximately 12,000 people.

The Westborough Water District has five members on its Board of Directors. Three of those seats are up for election at the November 6, 2011 consolidated election and there are only two candidates. Pursuant to Elections Code § 10515, these two candidates shall be appointed by the "supervising authority" which in the case of a special district, is the Board of Supervisors. The Board has no discretion with regard to these appointments. The appointment for these two candidates will occur when the Elections Official brings the certificate of the vote to the Board on December 13, 2011.

In regards to the third seat, for which there is no candidate, the Board shall also make this appointment pursuant to Elections Code § 10515. The Elections Code does not set forth a deadline for the Board to make this appointment nor does it set forth a required process for the Board to use to make the appointment. The only requirement is that the appointee must be a registered voter within the District as of November 6, 2011.

DISCUSSION:

Supervisor Tissier and I have discussed this matter with Joan Cassman and Mike Conneran of the Hanson Bridgett firm, counsel for the District, to solicit the input from the District regarding the appointment process. Because all of the District lies within Supervisor Tissier's supervisorial district, Supervisor Tissier and Board President Groom discussed the matter and developed the following process:

- (1) The District will provide reasonable notice and opportunity to apply to any person desiring to seek the appointment.
- (2) The District Board will forward to the Clerk of the Board of Supervisors a list of all candidates and their applications, and shall recommend one candidate.
- (3) The Board will appoint a candidate at its December 13, 2011 meeting.

This action contributes to the Shared Vision 2025 outcome of collaborative community by engaging community participation in the appointment process.

FISCAL IMPACT:

None.