Gmail

Raffaele Montemurro <raffaeleocsd@gmail.com>

Open Board Seat

2 messages

Alex Simas <asimas@kirksimas.com> **Mon, Jan 11, 2010 at 8:54 AM**
To: raffaele@oceanocsd.org
Cc: Ryan Fothergill <rfothergill@kirksimas.com>

Raffaele:

Per your request, below is an outline of what **must** be done and what **may** be done regarding the vacancy on the District Board created by President Mann's resignation, effective December 31, 2009.

I presume that you have discussed at least some of this with Ryan, but this e-mail is intended to provide a comprehensive timeline so you can discuss it with the Board on Wednesday.

1. **Mandatory Deadline --- 01/14/2010** --- Within 15 days after the resignation's effective date, you **must** notify the County Clerk of the resignation. There is no particular form for this. As simple letter will do. (Elections Code Section 1780(b)) Since the deadline passes this week, you should attend to this if it has not already been done.

2. The remaining Board members **may** fill the vacancy by appointment or election. (Elections Code Section 1780(c))

3. **If** the Board chooses to fill the vacancy by appointment then:

a. **Mandatory Deadline --- 03/01/2010** --- The appointment, if made at all, must be made within 60 days after the resignation's effective date. (Elections Code Section 1780(d)(1))

i. **Mandatory Deadline** --- The District must post a notice of the vacancy in three or more conspicuous places in the District at least 15 days before the Board makes the appointment. I suggest that you do this ASAP to get the requirement out of the way.

ii. **Mandatory Deadline** --- The District must notify the County elections official of the appointment within 15 days after the Board makes the appointment.

b. There are rules, not relevant here about how long the appointment lasts, which depend upon how much time is left in the unexpired term. (Elections Code Section 1780(d)(2) and (3))

4. **If** the Board chooses to fill the vacancy by election then the call for the election, if made at all, must be made within 60 days after the resignation's effective date. (Elections Code Section 1780(e)(1) --- **Mandatory Deadline --- 03/01/2010**) The election is held on the next established election date that is 130 or more days after the date the District calls for the election. (Elections Code Section 1780(e)(2))

5. **Mandatory Deadline --- 03/31/2010** --- If the Board does not fill the vacancy by appointment or call for the election within the 60 day time period, then the Board of Supervisors may either fill the vacancy by appointment or it must call an election to fill the vacancy. In either case, the Board of Supervisor's action must be taken within 90 days after the resignation's effective date. (Elections Code Section 1780(f)(1) and 1780(g)(1)) In either case, the election is held on the next established election date that is 130 or more days after the date the District calls for the election. (Elections Code Section 1780(f)(2) and 1780(g)(2))

Note that while it appears the Board of Supervisors has a 90 day window, it really is only the 30 days

after the District Board fails to act.

Special additional provisions, not relevant here, apply if a vacancy causes the District Board to have fewer than a quorum active on the Board.

I hope this is clear. Call me if you have any questions.

Alexander F. Simas
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Raffaele Montemurro <raffaeleocsd@gmail.com> **Mon, Jan 11, 2010 at 9:23 AM**
To: Alex Simas <asimas@kirksimas.com>

This is just fine thank you for the info and thank you for your time.
[Quoted text hidden]

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Respectfully.
Raffaele F. Montemurro
Oceano General Manager
(805) 481-6730

Listed below are the proposed outside committee assignments that members of the Board or staff will serve upon by Presidential appointment during calendar year 2010.

Core Committees (Two Directors)

Fire	Dean	&	Dahl
Finance	Hill	&	Lucey
Personnel	Dahl	&	Dean
Water and Sewer	Dean	&	Dahl
Community Enhancement			
Garbage	Lucey	&	Hill
Street Lighting	Lucey	&	Hill
Alleys	Lucey	&	Hill
Parks & Recreation	Lucey	&	Hill

Essential Committees (Director/Staff with Alternates)

	Primary	Alternate	Time & Place
Airport Land Use Commission	Dahl	Dean	3rd Wed / 1:30 / SLO
CA (Local) Special District	Hill	Lucey	Varies (Usually Noon Fri)
Oceano Advisory Council (OAC)	Dahl	Dean	3rd Mon / 6:30 / OCSD
SSLOCSD	Dahl	Dean	1st & 3rd Wed / 6:00 / OCSD
Supervisor Liaison	Dahl	Dean	Varies
Zone 3	Lucey	Hill	3rd Thurs Odd / 6:30 / Varies
Zone 3 Technical	P. Davis	GM	1st Thurs / 10:00 / AG
WRAC	Hill	Lucey	1st Wed / 1:30 / SLO
Zone 1/1A	Dean	Dahl	3rd Tues Odd / 3:00 / OCSD
Fire Consolidation & Oversight	Dean	Dahl	TBA