



**North Santa Clara**  
**Resource Conservation District (NSCRCD)**  
*An independent special district of the State of California*

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To: NSCRCD Board of Directors

From: Stephanie Moreno, Executive Director/District Clerk

Subject: *Item 7.1 Director Appointment*

Date: May 2, 2024

**Recommendation:**

When a member of the Board is ready to make a motion to fill the unscheduled vacancy, the following language is recommended:

*Motion to appoint \_\_\_\_\_ to Seat 5 of the NSCRCD Board of Directors, with a term ending date of November 27, 2026.*

**Background:**

Director Cindy McColl resigned her position effective April 5, 2024. Because she had given advance notice of her intent to resign, the Board of Directors authorized President Hare to send a request for a meeting to discuss the process for appointing her successor to Board of Supervisors President Susan Ellenberg, which was delivered via email on March 20, 2024. We have not yet received a response to the Board's request for a meeting.

On March 28, 2024, Lesley Clark, Clerk of the Board - Records Division, contacted me to confirm an unscheduled vacancy, and subsequently provided a Notice of Unscheduled Vacancy for Director McColl, which set the date when a new appointment may be made as no sooner than April 11, 2024.

On April 4, 2024, Mr. Clark notified me that County Counsel had advised him that the rules for a special district under the election process for an unscheduled vacancy were as follows:

*"the upcoming vacancy is one that could be filled by the district board within 60 days and then by the Board of Supervisors within 90 days." – if no one is appointed within this time frame, an election will need be called.*

The afore-mentioned 60-day period ends on June 4, 2024. The Board of Supervisors is responsible for making a large number of appointments, and historically Director appointments have not always been made timely. According to the information relayed to us from County Counsel, a unforeseen delay in appointment on the County's part would trigger an election, with all costs borne by NSCRCD.

At the District Board meeting on April 4, 2024, President Hare reported that Executive Director Moreno would be asked to initiate a formal recruitment process and bring back applications at the May meeting

due to the short timeline for making the appointment. Vice President Bautista requested an opportunity to develop objective criteria for the rating and review of applications, and the Board responded to her request by voting to create an ad hoc committee “to establish objective criteria for evaluating candidates for the open Director position” (language of motion confirmed via Zoom recording). Vice President Bautista and Director Maitski were appointed by consensus of the Board to the committee. The deadline for appointment, how the interviews would be handled, and the possibility that the Board may need to convene a special meeting to complete the process on time were also discussed, with the President and Executive Director’s final understanding that the Executive Director would proceed with the recruitment, and that unless an unanticipated large volume of applications was received, the Board would review and interview candidates as a whole, whether at the May 2, 2024 meeting, or another special meeting that would occur prior to June 4, 2024.

### **Recruitment Efforts:**

Executive Director Moreno began informal outreach in January to identify potential candidates after learning of Director McColl’s anticipated resignation, but with the final date unknown. At that time, she communicated with several potential candidate referrals, including referred graduates of the Green Foothills Leadership Academy. Recruitment activities included, but were not limited to, the following:

- Developed an NSCRCD Director application and submittal process aligned with the District’s social and environmental justice goals, with the objective of allowing applicants to apply for the position and attest to their eligibility with the State minimum requirements without creating undue barriers that would prevent or dissuade an applicant from submitting an application.
- Established a first cut-off for applications rather than a hard deadline for applications to allow for candidate submittals up to the date of the May Board meeting.
- Created an online Director Application page on the District’s website with information on the unscheduled vacancy, the State requirements, a link to the application (<https://www.rcdsantaclara.org/director-application>), and an electronic form for easy submittal. Contact methods via phone and website were also provided to allow interested members of the public to ask for assistance with the application or request reasonable accommodations.
- Added a banner to the top of the website to attract attention to the open position for those perusing the website for other reasons and to provide easy access to the application page.
- Shared the recruitment announcement on the following sites that have hundreds of thousands of subscribers and users located within NSCRCD boundaries:
  - NSCRCD’s Nextdoor Site: ([https://nextdoor.com/agency-detail/ca/san-jose/north-santa-clara-rcd/?is=feed\\_author](https://nextdoor.com/agency-detail/ca/san-jose/north-santa-clara-rcd/?is=feed_author) )
  - Idealist.org (<https://www.idealist.org/en/volunteer-opportunity/19fd3e62330d4ad7a95c2df873e3b742-board-member-north-santa-clara-rcd-north-santa-clara-resource-conservation-district-san-jose> )
  - Create the Good (<https://createthegood.aarp.org/opportunity-details.160469/> )
- Sent emails announcing the Board vacancy and providing links to the District’s webpage to affiliates of and/or contacts for related agencies and organizations, including but not limited to the following:
  - African Community Health Institute
  - CAL FIRE, Santa Clara Unit
  - De Anza College, Career Training and Workforce Development
  - Evergreen Valley College, Business and Workforce Development
  - Grassroots Ecology (email was forwarded to members of the Peninsula South Bay Watershed Forum)
  - Hispanic Foundation of Silicon Valley

- Keep Coyote Creek Beautiful
- Land Trust of Santa Clara Valley
- Midpeninsula Regional Open Space District
- Muwekma Ohlone Tribe
- Outdoor Afro
- San Jose City College, Business and Workforce Development
- San Jose Conservation Corps + Charter School
- San Jose/Silicon Valley NAACP
- San Jose State University, College of Social Sciences
- San Jose Water Company
- Santa Clara County, Agricultural Liaison
- Santa Clara County, Agricultural Planning Program Manager
- Santa Clara County Cattlemen’s Association
- Santa Clara County, County Executive Office, Food System Manager
- Santa Clara County Farm Bureau
- Santa Clara County FireSafe Council
- Santa Clara County, Office of Immigrant Relations
- Santa Clara County Open Space District
- Santa Clara County Parks
- Santa Clara Valley Open Space Authority
- Saved by Nature
- South Bay Clean Creeks Coalition
- Tamien Nation Tribe
- UC Cooperative Extension, Santa Clara County
- USDA-NRCS
- Valley Verde
- Valley Water
- Vietnamese American Organization
- Watershed Management Initiative-Land Use Subgroup (email was forwarded to approximately 40 city and special district members)

**Evaluation of Candidates:**

Executive Director Moreno reviewed the applications received for compliance with the minimum State requirements and based upon her understanding of the discussion at the April Board meeting, did not conduct a further review of the applications. She expected that the Board of Directors would be evaluating and interviewing candidates at the regular May Board meeting, and/or a special May Board meeting if needed in order to ensure that the appointment was made within the County-established 60-day period, which ends prior to the regular June meeting. Candidates were invited to attend the May 2, 2024 Board meeting, either in person or virtually, so they would be available for interviews should the Board decide to conduct them at the first May meeting.

On April 27, 2024, Executive Director Moreno received a draft document from Vice President Bautista on behalf of the ad hoc committee titled *NSCRCD Director Interview Rubric*, which contained criteria for individual Directors to use in evaluating candidates. At the same time, she received a second draft document titled *Interview and Appointment Process*. On May 1, 2024, Executive Director Moreno received a third draft document from the ad hoc committee, titled *Recommendation to Adopt Rubric*

*and Process for Director Vacancy Appointment.* These draft documents are included in the supporting documents for Item 7.1.1.

On April 28, 2024, President Hare requested that the Directors be polled as to their availability for a special meeting, should it be necessary. Please note that the Board is required to conduct the interviews and engage in all discussion regarding the appointment process and candidate selection in open session as the Brown Act does not provide for an exemption for a closed session discussion of these items.

**Applications:**

Three (3) applications were received by the first cut-off for applications (April 29, 2024 at 7:00 p.m.). On April 30, 2024, the County Board Clerk’s Office confirmed it had forwarded all applications received through its portal. All applicants appear to be in compliance with the State minimum requirements set forth in the Division 9 of the Public Resources Code (PRC), which are:

- Directors shall be registered voters in the state (PRC § 9352(a))
- Except as provided in subdivision (d), directors shall (1) reside within the district and either own real property in the district or alternatively have served, pursuant to the district’s rules, for two years or more as an associate director providing advisory or other assistance to the board of directors, or (2) be a designated agent of a resident landowner within the district. (PRC § 9352 (b))

For those who indicated they would be a designated agent of resident landowner, a letter from the designating party was provided. Additionally, all candidates appear to have a demonstrated interest in soil and water conservation, as intended by the State Legislature (PRC § 9314(c)).

All candidates have confirmed their attendance at the May 2, 2024 Board meeting to be available for interviews and potential appointment.

**Financial Considerations:**

As reported above in *Background*, the County has stated that if the NSCRCD Board of Directors doesn’t make the appointment within 60 days of the resignation (by June 4, 2024), appointment authority will revert back to the Board of Supervisors, and that if the Board of Supervisors doesn’t fill the appointment within that established timeframe, the selection of a Director would be by election. My understanding is that the last quote the District received for a general election was approximately 20 years ago, and was estimated at \$80,000 per seat. It is anticipated the 2024 cost for a general election, or a special election if mandated, would be significantly higher. This would create a severe financial burden on the District and potentially require a significant reduction in services provided to constituents.

**Summary:**

The District has received three (3) applications from qualified candidates who meet the State’s minimum requirements for the position of District Director. The ad hoc committee has completed its development of objective criteria to be considered by the Board for use in evaluating and interviewing the candidates. The District already is nearly halfway into the 60-day period and there is significant potential impact to District resources if the appointment is delayed. It is therefore recommended that the Board, as provided for by Item 7.1.2, conduct interviews and appoint a successor Director for Seat 5 at its May 2, 2024 Board meeting.

Attachments: Candidate applications (3)