

Report from Susan Hare, President, NSCRCD
Regarding Procedures for Appointment to North Santa Clara Resource Conservation District
8/27/2024

On March 7, 2024, as approved by the NSCRCD Board of Directors, I sent a letter to Susan Ellenberg, President of the County Board of Supervisors requesting a meeting to develop a formal written policy between the County Board of Supervisors and the District to ensure future appointments are made consistent with the Public Resources Code, including that candidates have a demonstrated interest in the District's mission for resource conservation.

President Ellenberg, on behalf of the Board of Supervisors, delegated this discussion to the Office of the County Clerk to provide clarity to the appointment issue.

On Wednesday, August 14, I met with Acting County Clerk, Curtis Boone, and Jim Weston, Records Division Manager, and continued to exchange emails with them for the next few days.

Both Acting County Clerk Boone and Records Division Manager Weston had taken the time to read Division 9 of the public resources code. We discussed the Division 9 appointment process and statutory deadlines. They made it clear that the Office of the County Clerk and the Board of Supervisors welcome and encourage the District's participation in the recruitment, application, and vetting process for filling vacancies in the District.

Applicable Sections Division 9

9354. Elected directors shall qualify within 20 days from the date of receipt of their certificates of election by taking the oath.

9355. The directors so elected and qualified shall take office at noon on the last Friday in November following their election.

9356. (d) Notwithstanding subdivisions (b) and (c), in any district in which directors are appointed pursuant to Section 9314 or 9316, the board of supervisors of the principal county shall make the appointments by division, as called for in the ordinance adopted pursuant to subdivision (b), and those appointments shall become effective, and the terms of existing directors shall expire, on the same date as if the directors were elected.

County Clerk Considerations

The County Board of Supervisors makes appointments to over 100 board and commissions, including the board of NSCRCD. All appointments are facilitated by the County Clerk, making consistent processes important.

The computer system allows for only one, generic, application for all special districts. We may not customize this application, but may request that applicants complete an additional, supplemental application. Both written documents become part the applicant's file.

The County Clerk does not recruit or advertise for openings, the office only collects applications.

Operational rules compel the County Clerk to allow applicants to submit at all times, whether there is an opening or not. There may not be a deadline for receiving applications; however a deadline for the interview process may be imposed.

The County Clerk retains applications for two years. It is customary when a position is opened that this pool of applicants is queried about their continued interest in the position.

The Board of Supervisors regularly meet only one time in November (Tuesday the 5th) and all appointments are made at regularly scheduled meetings. December regular meetings are Tuesday December 3, and December 10.

DRAFT 8.27.2024

Procedures for Appointment to North Santa Clara Resource Conservation District *Final Draft approved by the County Clerk, submitted for discussion by NSCRCD directors*

Date for Regular Appointments: First November meeting of the Board of Supervisors for full-board appointment, with a resolution that the appointment(s) are effective at noon on the last Friday in November (Division 9, Section 9355).

2024 Dates: Nov. 5 Board of Supervisors Meeting
Appointment(s) effective noon Friday, November 29

Recruitment:

- County Clerk's Office maintains a web portal for boards and commissions applications year-round. In September, they will notify the Board of Supervisors (Board of Supervisors) of anticipated board and commission vacancies. The Clerk's office does no other recruitment or outreach.
- Members of the NSCRCD board of directors who do not wish to serve an additional term should notify the County Clerk in writing in September.
- NSCRCD is encouraged to recruit members to the district board. The first action of anyone interested in applying is to complete the special district application on the Boards and Commissions website.
<https://boardclerk.sccgov.org/boards-and-commissions/opportunities>
- In addition to any other recruitment efforts, NSCRCD may consider writing a notice to distribute to members of Board of Supervisors with a request to include the notice in the district newsletters.

Applications:

- Les Clark, Deputy Clerk, is the functional contact for this process.
- NSCRCD may produce a supplemental application and request that applicants complete this supplemental application; however, it is not to be construed as mandatory.
- NSCRCD is encouraged to include the list of Division 9 qualifications with the supplemental application as well as the agent assignment form. Applicants should be asked to affirm they meet the qualifications.
- To ensure that all potential candidates are considered, every time there is a vacancy, the Clerk's Office will send the NSCRCD Executive Director all applicants for the last two years.
- The Clerk's Office will forward all additional applications as they are submitted until the vacancies are filled.

Verification and Recommendation:

- After NSCRCD receives the applications from the Deputy Clerk, it will confirm (and document) the applicant's continued interest to serve, and request that the supplemental information be completed and returned.

- NSCRCD will assess whether or not an applicant meets the Division 9 requirements, including checking voter registration as well as residency.
- The NSCRCD board may, and is encouraged to, interview candidates at a public meeting. This meeting may be a special meeting held the second or third week of October.
- While there is no cut-off date for applications, NSCRCD may impose a final date after which applicants will not be eligible for interview by NSCRCD. This deadline will ensure that there is time to review all applications with the same diligence and to schedule interviews.
 - Applications must be received by the first Monday in October in order to be interviewed.
- The NSCRCD board may, and is encouraged to, vote on and to provide to the Board of Supervisors a list of recommended candidates to fill the vacancies. This list may include incumbents who wish to serve another term. The vote may be held during the special meeting at which candidates are interviewed.
- Communications to the Board of Supervisors regarding any recommendations should be sent to Board of Supervisors President care of the Records Unit at RecordsUnit@cob.sccgov.org .
- NSCRCD will send to the County Clerk's Office any completed supplemental applications along with NSCRCD's assessment of Division 9 qualifications in bulk at the end of the process.
- The NSCRCD recognizes that it is solely up to the Board of Supervisors to accept some, all, or none of the recommended candidates.

**2024 Dates: Application deadline for Interviews, October 7, 2024.
 Special meeting, the week of October 14 or October 21**