

BAWSCA

Bay Area Water Supply & Conservation Agency

January 24, 2019

The Hon. Lisa Matichak, Mayor
City of Mountain View
500 Castro St. Mountain View, CA 94039

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Mayor Matichak,

The four-year term of Mike Kasperzak on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2019, as will his term on the Bay Area Regional Water System Financing Authority (RFA). Action by your Council must be taken promptly.

The enabling acts for both agencies allow the city to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. Hence, whoever is appointed will have a term that ends on June 30, 2023.

The enabling acts for both agencies require that a vacancy on their boards be filled no later than 90 days from the date the vacancy occurs. As applied, the statutes require action by your Council no later than September 30, 2019.

However, we encourage your agency to make the appointments before June 30, effective July 1, 2019, so that a quorum of both boards can be ensured and so that your agency is continuously represented.

Statutory qualifications:

- The appointee must be a resident of, and a registered voter in, the City.
- He or she may, but need not, be a member of your City Council.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the City Council and be properly agendized.
- The appointments must be made by action of the full City Council, rather than by unilateral action of the Mayor.
- The appointments do not need to be memorialized in a resolution; a motion duly passed and recorded in the minutes of the meeting is sufficient.

- A copy of the record of the council actions making the appointment should be sent to BAWSCA. The oaths of office must be administered prior to the appointee's first meeting as a director on the BAWSCA and RFA Boards.

The two questions most frequently asked about an appointment are:

- Should the appointee be an elected member of the appointing agency's governing board?
- Should the same person be appointed to the boards of both agencies?

Both of these are matters of policy left entirely to the discretion of your council. I offer the following observations, based on BAWSCA's experience over the past fourteen years, for whatever use they may be.

- The great majority of cities and districts which are participants in BAWSCA and the RFA do select a member of their city council or governing board to serve on the BAWSCA and RFA boards.

One advantage of appointing a currently serving or former elected member of your council to the board is the stature that his or her presence gives BAWSCA in its dealings with San Francisco, regulatory agencies and legislators. Another is the familiarity and experience he or she already has in addressing policy matters for the City. The governing body of each individual agency is, of course, in the best position to evaluate these, and other relevant considerations.

- With no exceptions, cities and districts have appointed the same individual to both the BAWSCA and RFA boards.

Appointing one person to represent the City on both boards offers an advantage because, although the two agencies have distinct roles, they are closely related. The familiarity with the issues gained through service on one board will be useful in participating on the other. Additionally, having the same person appointed to both boards assures greater continuity in presenting your agency's perspective.

Please see that your council places this matter on an agenda for action by the end of June 30, 2019. I may be reached at (650) 349-3000 if you have any questions.

Sincerely,



Nicole Sandkulla

Chief Executive Officer/General Manager

cc: Mike Kasperzak, BAWSCA Board Member
Gregg Hosfeldt, BAWSCA Water Management Representative
Elizabeth Flegel, BAWSCA Water Management Representative