



Date: February 23, 2023  
To: Board of Directors  
From: David Aranda, Interim General Manager  
Subject: Board Vacancy

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### **Recommendations**

- 1) Motion to accept Ms. Nottoli's resignation;
- 2) Approve the posting for the vacancy as noted in the attached;
- 3) Approve placing an application and information online for interested parties to apply for the vacant seat \*\*; and
- 4) Approve placing on the April 13<sup>th</sup> agenda the selection of an individual to be appointed as a Director for KPPCSD.

\*\*Please note the attached form from KPPCSD from the last vacancy and the attached electronic form from Stallion Springs CSD. I would ask the board members to come prepared to suggest the format and the questions that are desired to appear on the KPPCSD Website.

### **Background**

On February 10, 2023 the past General Manager and the Board President received the resignation of Director Eileen Nottoli (see attached).

As outlined in the book "Handbook for Public Officials" the remaining four directors on the KPPCSD Board of Directors may appoint an individual to fill the seat left empty by Ms. Nottoli. There are other methods in filling the empty board seat, but they are not recommended due to a large expense (for a special election) and lack of control of filling the seat (an appointment by the Board of Supervisors).

### **Fiscal Impact**

None

### **Exhibit (s)**

- Director Eileen Nottoli's Letter of Resignation
- Notice of Vacancy
- Prior Application for KPPCSD Board of Directors
- Copy of electronic Stallion Springs CSD Board Member Application
- Excerpts from Handbook for Public Officials

**From:** Eileen Nottoli <[ENottoli@kppcsd.org](mailto:ENottoli@kppcsd.org)>

**Date:** Friday, February 10, 2023 at 3:47 PM

**To:** Tony Constantouros <[TConstantouros@kppcsd.org](mailto:TConstantouros@kppcsd.org)>, Alexandra Aquino-Fike <[AAquinoFike@kppcsd.org](mailto:AAquinoFike@kppcsd.org)>

**Subject:** My Resignation

I have enjoyed my tenure on the KPPCSD Board over the years but feel it is time for me to get back to my prior endeavors. Thus, my service as a member of the KPPCSD Board of Directors will end today, Friday, February 10, 2023.

I am proud to have served on Boards which have achieved many significant accomplishments including splitting the combined General Manager and Chief of Police position, hiring the first professional General Manager, supporting the development of improved financial accounting and budgets, renovating the Community Center for seismic safety without the need for a bond, developing professional administration staff, modernizing the payroll system, improving our police department, shepherding the contracts with police to increase salaries while saving the District money, moving dispatch services to a less expensive and more reliable dispatch provider, purchasing new hybrid vehicles for the police, purchasing body cameras and new desktop and laptop computers for the police, adopting a new logo, lowering attorneys fees, improving the website to be searchable and ADA compliant, adding new garbage containers in commercial areas, and revising the Policy and Procedure Manual.

We have been fortunate to have excellent directors and dedicated employees. I leave with many fond memories and new friendships.

It has been my honor to have served our community.

Eileen Nottoli

Kensington Police Protection & Community Services District

Notice of Vacancy of the Board of Directors  
(Gov. Code 17800)

PLEASE TAKE NOTICE pursuant to Section 1780 of the Government Code that the resignation of Eileen Nottoli effective February 10, 2023 has created a vacancy in the office of Direction for Kensington Police Protection & Community Services District. The remaining Directors of the Kensington Police Protection & Community Services District intend to fill the vacancy by appointment made at the Board's regular meeting to be held at 7:00 p.m. on Thursday, April 13, 2023. Persons residing in the community of Kensington Police Protection & Community Services District and otherwise qualified to serve as a Director who are interested in being appointed to fill the vacancy are invited to obtain an application and submit their resume to the District online at [www.kppcsd.org](http://www.kppcsd.org). Deadline for application this Thursday, April 6, 2023 at 4:00 p.m. Contact David Aranda, Interim General Manager, at [Daranda@kppcdd.org](mailto:Daranda@kppcdd.org) for more information.



Date and Time Received
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**NOTE: THIS COMPLETED AND SIGNED APPLICATION MUST BE FILED WITH THE KPPCSD Clerk of the Board BY XXXXX**

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**----APPLICATION FOR APPOINTMENT TO THE KPPCSD BOARD OF DIRECTORS----**

This application is to fill a vacancy on the KPPCSD Board of Directors. The KPPCSD Board of Directors will review all submitted applications provided the applicants satisfy the stated qualifications. The Board may hold a public interview process for each candidate. This application is a public document, although your personal information will be redacted. Your application will be compiled with other applications and considered by the KPPCSD Board of Directors as a part of a noticed public meeting. Only Kensington residents who are registered voters in Kensington will be eligible for appointment.

Name: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Are you currently a registered voter and a resident of Kensington, or will you be at the time of an appointment? \_\_\_\_\_ (yes or no)**

Please include **your resume** and answer the following questions on a separate sheet(s) of paper.

1. Why do you want to be appointed to the KPPCSD Board of Directors?
2. Over the last two years, what issues have been interesting to you that have resulted in your participation at Board meetings?
3. What are your top three priorities for Kensington?
4. What relevant skills, experience and expertise do you bring to serving as a KPPCSD Board of Director?

5. Please give an example of how you would resolve a situation where your personal philosophy is at odds with what is best for Kensington.
6. How would you handle a matter that has very disparate points of view?
7. If you could change one thing about how Kensington operates, what would it be and why?
8. What do you see as the role of the KPPCSD Board of Directors and of the District Staff?

You may also provide any additional information or comments you feel would assist the KPPCSD Board of Directors in considering your application.

Please note: At the time you would be named to the KPPCSD Board of Directors, you must be:

- At least 18 years of age and a resident and registered voter in Kensington.
- You must maintain Kensington residency and registered voter status throughout your term of office.
- Also, at the time of appointment (and annually as well as at the completion of your service), you will be required to complete and file a public Form 700 with the California Fair Political Practices Commission. Form 700 filings allow the public to know of any potential conflicts of interest related to your public service. These conflicts can relate to employment, property ownership, loans and gifts, stock ownership, and more. You are also required to disclose certain financial interests of your spouse (if applicable).
- During your term on the Board of Directors, you will be required to identify any potential conflicts (often with the assistance of the District Counsel) and to recuse yourself from voting on or otherwise influencing any action that might cause a financial or other conflict.

Please sign and return this form with the questions answered via an email to Lynelle Lewis, Clerk of the Board, at [llewis@kppcsd.org](mailto:llewis@kppcsd.org). You may also drop off the form, answers and resume at the Public Safety Building, 217 Arlington Avenue, Kensington. On the envelope, please write "Attention Lynelle Lewis, Clerk of the Board." Please do not mail the form, as it may not arrive at District offices by the deadline. If you have any questions about this application, please call Ms. Lewis at 510-526-4141.

I \_\_\_\_\_ (print name) swear/affirm that the foregoing information is true and correct.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

# Stallion Springs CSD Board Member Application

## Contact Information

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

## Why do you wish to serve as a Director?

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## Are you committed to attending Board meetings and other District functions?

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## Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

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## Signature

Name (printed)	
Signature	
Date	

## Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest.



hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict, but in the event the office shall not be deemed vacant until the order of commitment has become final.<sup>43</sup>

Agencies have great discretion in deciding who to appoint to fill a vacancy. There is no prescribed way for a member to resign. Good practice dictates the creation of a good record. The agency should require members to resign in writing with a specified effective date.<sup>44</sup> The remaining members should "accept" the resignation on the record at a public meeting. However, a member cannot be forced to resign in writing and the resignation is effective even if it is not accepted. Any qualified "elector" may be appointed. Employees of an agency can serve on the governing board but once elected, the employee must resign as an employee.<sup>45</sup> An elector is someone eligible to vote. This usually means the person must live within the territory which elects the member and be at least eighteen years old. In some cases, the person to be appointed must actually be a registered voter but this is not a universal requirement. The office is assumed when the loyalty oath is taken.<sup>46</sup>

Within ten days of a vacancy, the agency must notify the county clerk of the vacancy.<sup>47</sup> The vacancy can be filled no sooner than fifteen days after a notice is posted that an appointment may be considered by the board of the agency.<sup>48</sup> Some agencies simply put a vacancy on the agenda and the board votes to fill it. Some agencies solicit written applications. Some agencies interview candidates. The selection process is not regulated, but it must be during a public meeting. A person who is appointed will hold office for the remainder of the term if less than half the term remains.<sup>49</sup> The appointed director will serve until the next election if more than half the term remains. An appointed director is not entitled to be designated as an incumbent until at least one election cycle.<sup>50</sup> The board of the agency may call an election to fill the vacancy.<sup>51</sup> The board of

supervisors may appoint or call an election to fill the vacancy if the agency board fails to appoint or call an election to fill the vacancy within sixty days of the date of the vacancy.<sup>52</sup> If no one calls, the agency must call an election.<sup>53</sup>

#### Leaving Office

A person holding an elective office (whether elected or appointed to the office) can be removed from office in three ways: by the election of someone else, recall, or impeachment. The election of a successor is self-explanatory.

Recall is a "political" process. A recall election takes place when voters are dissatisfied with a director's performance.<sup>54</sup> Misconduct is not a prerequisite to recall.<sup>55</sup> The process is described in the Elections Code. It is lengthy and complicated. Any error will bring the process to the end. Opportunity for error is compounded because recall statutes are frequently changed.<sup>56</sup> Petitions containing a specified number of signatures must be filed with the agency secretary and then presented to the county election official who decides whether the requisite number of qualified signatures have been presented. If the petition contains enough signatures, the county election official schedules an election.<sup>57</sup> At the election, the official is recalled if a majority vote carries for the proposition. At the same election, the person receiving the most votes is elected to succeed the recalled director.

Impeachment is a judicial process. The impeachment statute was one of the first laws adopted when California became a state:

An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be