

MINUTES OF SPECIAL MEETING OF
BOARD OF DIRECTORS
OF THE
SLEEPY HOLLOW FIRE PROTECTION DISTRICT

April 22, 2017

A duly noticed Special Meeting of the Board of Directors of the Sleepy Hollow Fire Protection District was convened at 6:30 p.m. on May 23, 2017 at 1317 Butterfield Road, San Anselmo, California. A quorum was achieved by the presence of each of the two current Directors of the District, namely, Richard Shortall and Thomas Finn. (The vacancy created by the resignation of former Director Christopher Warner has yet to be filled.) Richard Shortall, as President, presided as Chairman and called the meeting to order. Thomas Finn, as Secretary, recorded the proceedings.

Open Time for Public Input

Chairman Shortall announced that the date and locations for an evacuation exercise have been established in consultation with the participating agencies. The exercise will be conducted on August 5 and will cover the northwest quadrant of the District. Evacuees will proceed to the Sleepy Hollow Community Center where more information and evacuation-related activities will be provided. Details to follow.

Resignation of Former Director Warner and Filling of Vacancy

Former Director Christopher Warner was present and Chairman Shortall, on behalf of the District and residents, thanked Mr. Warner for his service on the Board and for his future services to be rendered to the District as volunteer staff.

Director Finn reviewed the process set forth in the California Government Code for the filling of a vacancy on a special district Board of Directors, including key dates, deadlines, and the need for Mr. Warner’s successor to run for election in November 2017 if he or she wishes to fill the remainder of former Director Frank Berto’s term which expires in 2019. Director Finn stated that potential issues remain to be discussed with the Marin County Elections Office, including the “layering” effect of one appointee replacing another appointee should the Board vote to fill the vacancy by appointment (rather than by special election). Director Finn stated that, if necessary, the District may

wish to consult with County Counsel regarding such issues. Resident Garril Page urged caution in relying upon the advice of County Counsel.

Former Director Warner stated his belief that his successor would simply “step into the shoes” of Mr. Warner and that no adjustment to the Directors’ elected terms would be needed.

Chairman Shortall proposed filling the vacancy by appointment and a timeline for doing so. He suggested (1) a period of not less than two weeks from residents’ actual receipt by mail of a newsletter containing the Notice of Vacancy for interested residents to submit their applications, followed by (2) a one-week period in which to schedule the Board’s public interviews of each applicant, followed by (3) a one- to two-week period in which to conduct the interviews and make the appointment.

Former Director Warner asked if the appointment deadline might be waivable in the event that the process takes longer than expected. Director Finn stated that he believes the District lacks the authority to waive the statutory deadline set forth in California Government Code Sections 1780 *et seq.* (60 days from the date Mr. Warner’s resignation was received by the District, or July 14, 2017), and that should the District fail to make a timely appointment, authority to appoint shall fall to the Marin County Board of Supervisors. Mr. Warner then asked if an interim appointment might be made if necessitated by circumstances. Director Finn stated that he would discuss that possibility with the Elections Department.

Upon motion made (Finn) and seconded (Shortall), the Board unanimously approved filling by appointment the vacancy created by former Director Warner’s resignation and authorized and instructed Director Finn to so notify the elections Department and to consult with the Elections Department concerning any issues that may arise in connection with the appointment process.

Former Director Warner again generously offered to serve as voluntary staff to the District, including in connection with formulating agendas, analysis of issues, and even recommendations to the Board; provided, however, that in connection with any District matters in which he had previously had a substantive role, Mr. Warner would recuse himself if he or the Board believes a conflict of interest would exist as a result of Mr. Warner’s continued participation. Chairman Shortall on behalf of the Board thanked Mr. Warner for his willingness to serve in a voluntary capacity and his sensitivity to any potential conflicts.

Since there was no further business to come before the meeting, upon motion made and seconded, the Meeting was adjourned at 6:50 p.m.

Thomas J. Finn, Secretary

