



April 14, 2009

The Hon. Rosanne Foust, Mayor  
 City of Redwood City  
 1017 Middlefield Road  
 Redwood City, CA 94063

**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 Foust,

The term of council member Barbara Pierce on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2009, as will her term on the San Francisco Bay Area Regional Water System Financing Authority (RFA).

The enabling acts for both agencies allow the City to reappoint its director for an unlimited number of terms or to replace him or her at the end of each term. The appointment will be for a four-year term. Hence, whoever is appointed will serve through June 30, 2013.

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, 2009. However, we strongly encourage your agency to make the appointments before June 30, effective July 1, so that a quorum of both boards can be ensured and so that your agency is continuously represented.

The statutory qualifications for appointment to either board are modest:

- 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.

The mechanics of the appointment process are also simple:

- 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.
- When the appointments have been made, the appointed director may take the oaths of office. Forms for the oaths of office for BAWSCA and the RFA are enclosed for your convenience. When the forms have been signed, please mail the original oath of office forms to the

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BAWSCA office using the enclosed self-addressed stamped envelope. A copy of the record of the council actions making the appointments would also be appreciated.

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 five years, for whatever use they may be.

- The great majority of cities and districts which are participants in BAWSCA and the RFA did 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 very few 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.

I hope you find this information helpful. I may be reached at (650) 349-3000 if you have any questions.

Sincerely,



Arthur R. Jensen  
Chief Executive Officer and General Manager

Enclosures

cc: Barbara Pierce, Board Member  
Peter Ingram, City Manager  
Justin Ezell, Technical Advisory Committee Representative