



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068
(831) 454-2040 FAX: (831) 454-2115

DANA McRAE, COUNTY COUNSEL

CHIEF ASSISTANT
RAHN GARCIA

Assistants

Deborah Steen	Kim Baskett
Harry A. Oberhelman III	Julia Hill
Marie Costa	Shannon Sullivan
Jane M. Scott	Sharon Carey-Stronck
Tamyra Rice	Dwight L. Herr
Pamela Fyfe	David Kendig
	Ligi Yee

January 11, 2002

Agenda: January 29, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

**Re: REPORT ON APPOINTMENT OF BOARD MEMBERS TO THE
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BOARD OF
DIRECTORS**

Dear Members of the Board:

On December 11, 2001, your Board directed this Office to review the current process for the appointment of members of the Board of Supervisors to the Transit District Board of Directors and provide you with any recommendations for action. This direction resulted from a letter dated December 7, 2001, written by then Chairman Campos (see attached copy.)

Currently, your Board makes five appointments to the Santa Cruz Metropolitan Transit District (SCMTD), made up of two County Supervisors and three at-large appointments. Chairman Campos reported that your Board's regular practice is to act each **January** to appoint the two County Supervisors, who would then serve for the balance of the calendar year. Questions were raised about whether this practice was consistent with the requirements set forth by statute for the appointment of Transit District Board members.

The SCMTD is organized under authority set forth in Chapter 3, Part 10, Division 10 of the California Public Utilities Code (Public Utilities Code §§ 98100 et seq.) Subdivision (a) of § 98104 of that Code provides that:

“Except as otherwise provided in this section, the term of office of each director shall be four years.”

The stated exceptions to the four year term referred to above are as follows: (1) a two year term for one of the legislative body’s initial appointees to the SCMTD Board of Directors (for term staggering purposes); (2) a County Supervisor or City Council member’s term ceases if he or she leaves the appointing legislative body; (3) an appointment to fill a vacancy is for the unexpired portion of the term; and (4) a failure to attend three consecutive meetings without good cause creates a vacancy.

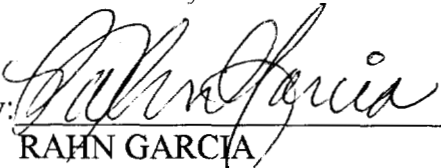
If the Board of Supervisors wishes to continue its present practice of selecting which of its members will serve on an annual basis notwithstanding the time remaining on the four year term, it may do so by having the incumbent Supervisor resign, creating a vacancy that the Board may then act to fill. The newly appointed Supervisor could then serve out the remainder of the four year term, or until otherwise replaced using the same procedure.

Alternatively, the County could consider seeking a change in the SCMTD’s authorizing statutes expressly providing that each member of the SCMTD Board of Directors would serve at the pleasure of his or her appointing authority. This change, if enacted, would clarify your Board’s authority with respect to both your Supervisorial and at-large appointments to the SCMTD.

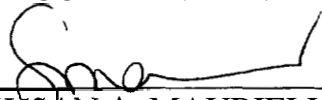
IT IS THEREFORE RECOMMENDED that your Board accept and file this report.

Very truly yours,

DANA McRAE, COUNTY COUNSEL

By: 
RAHN GARCIA
Chief Assistant County Counsel

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Enclosures



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 12/11/01

December 7, 2001

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: REAPPOINTMENT TO TRANSIT DISTRICT BOARD OF DIRECTORS

Dear Members of the Board:

As Board members will recall, the Santa Cruz Metropolitan Transit District recently advised the Board that the term of office of two seats on the District Board of Directors would expire on December 31, 2001. The District also advised that the term of office of our appointees to the Transit District is for a period of four years.

In response to this information, on November 20, 2001, the Board acted in its usual fashion to reappoint Supervisor Beautz to the Transit District Board of Directors until such time as year 2002 appointments are made by this Board to various agencies, committees and commissions, and also posted a notification of the second vacancy. Elsewhere on today's agenda, the Board will consider the appointment of a member of the public to this second position.

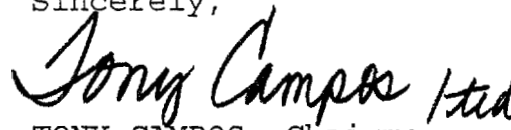
While it is the Board's regular practice to ensure that the appointment of public members to the District Board is for a period of four years, our regular practice has also been to appoint two Supervisors to the District Board in January of each year for the balance of the calendar year. However, I am now advised that this process may require further review.

BOARD OF SUPERVISORS
December 7, 2001
Page 2

In order to ensure that our Board is fully represented at the District's January meeting, I recommend that the Board take the following actions:

1. Reappoint Supervisor Beautz to the Transit District Board of Directors for a term to expire December 31, 2005.
2. Direct County Counsel to review the current process for the appointment of members of the Board of Supervisors to the Transit District Board of Directors and provide a report to the Board, with any recommendations for action, on or before January 29, 2002.

Sincerely,



TONY CAMPOS, Chairman
Board of Supervisors

TC:ted

cc: ✓ County Counsel
Santa Cruz Metropolitan Transit District

2876A6