

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
*October 31st, 2017*

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*New Business*

## ITEM 10a

### Upcoming Vacancy on the Board of Directors

Current Board President Ambrose Masto has indicated that he would like to step down from the Board at such time as when a replacement can be established. Director Masto has one year remaining on his current term so a replacement would fill the remaining year after which he or she would be elected to a new full four-year term. A community notice was mailed out earlier in the month to announce upcoming board vacancies. While the notice indicated that Director Haack was also leaving the Board, it was later learned that this was a miscommunication and he is retaining his seat. So, for the record, the Board is losing only one member with a single vacancy to fill.

The result of the vacancy notice has brought us three candidates for the open position:

- Steve Schwartz (35271 owner)
- Allen Othman (35067 owner)
- Chris Brown (associated with 35093)

**Government Code Section 24001** provides that *“a person is not eligible to a county or district office, unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised.”*

**Government Code Section 1780 (d)** provides that *“The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days of being notified of the vacancy . . . ”*

Mr. Othman and Mr. Brown are not registered, at this time, to vote in the Capistrano Bay District, however, prior to actually taking a position on the board, both can file with the OC Registrar to change their voting address.

Additionally, Mr. Brown is not a homeowner in the District but the code does not require property ownership to be a director nor does the election code require a person to be a property owner to change their voter registration.

At this time, the Board of Directors is authorized by the Government Code to make an appointment of a director of their choosing and at the time of their choosing (*by November 27<sup>th</sup>*), to fill the remaining unexpired portion of Director Masto’s term of office.