

ITEM 1

Election of Officers

Government Code Section 17528
California Code of Regulations, Title 2, Section 1181.4

EXECUTIVE SUMMARY

Background

At the December 2, 2003 meeting, the Commission elected Donna Arduin, Director of Finance, Chairperson of the Commission for the balance of the 2003 term. Philip Angelides, State Treasurer has been the Vice Chairperson.

Statutory Authority

State law requires the members to elect a chairperson and vice chairperson of the Commission on State Mandates. (Gov. Code, § 17528.)

Commission's Regulations (Cal. Code Regs., tit. 2, § 1181.4)

Scheduling. The election of officers occurs at the January meeting of each year, except in the calendar year following the statewide election of constitutional officers, the election may be postponed.

Eligibility. Commission members, as defined by Government Code section 17525, are eligible to be officers. The Commission is composed of:

- The Controller (Steve Westly)
- The Treasurer (Philip Angelides)
- The Director of Finance (Donna Arduin)
- The Director of the Office of Planning and Research (vacant)
- A city council member (John Lazar)
- A public member with experience in public finance (vacant)
- A local elected official (school district governing board member or city council member (vacant)

Conduct of Election. The Commission may authorize the Executive Director to conduct the election portion of the meeting. The Commission's regulations do not describe an election procedure. However, the regulations specify that Robert's Rules of Order are the Commission's default rules. Under Robert's, there are two ways to hold the election:

1. Nominations may be made and a vote taken. A nomination does not require a second.

2. A motion may be made to elect a specific member chairperson or vice chairperson. A motion requires a second.

Duties. The duties of the chairperson and vice chairperson are summarized below:

- Duties of Chairperson. The chairperson shall preside over all meetings of the Commission at which he or she is present. He or she has all the rights and responsibilities of the other members. He or she has the right to introduce motions or proposals and to speak and vote on them while he or she is presiding. The chairperson may appoint one or more members of the Commission as a subcommittee to investigate and report to the Commission on any matter within the scope of the purposes of the Commission or to form advisory groups to assist the Commission or its subcommittees in fulfilling their purposes.
- Duties of Vice Chairperson. The vice chairperson shall preside over all meetings of the Commission in the absence of the chairperson. He or she has all the rights and responsibilities of the other members. He or she has the right to introduce motions or proposals and to speak and vote on them while he or she is presiding.

Recommendation

Allow the Executive Director to conduct the election of chairperson. The chairperson assumes office immediately and can then conduct the election for vice chairperson.