Midpeninsula Regional
Open Space District

R-26-147
Meeting 26-25
October 14, 2026

SPECIAL MEETING AGENDA ITEM 2

AGENDA ITEM

Options to Fill a Board Director Vacancy Resulting from the Resignation of Director Jed Cyr

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine whether to fill the Ward 3 Board Director vacancy for the term ending January 3, 2028 by appointment or special election.

2. If filling the Ward 3 vacancy by appointment, approve the following recruitment procedure for the Ward 3 vacancy:
   a) Approve the application form;
   b) Affirm or modify the general criteria for appointment to the Board of Directors;
   c) Affirm or modify the procedures for interviews; and
   d) Approve the proposed timeline for filling the vacancy.

3. If filling the Ward 3 vacancy by special election, adopt the appropriate resolution calling the special election and requesting consolidation of elections and election services from the Santa Clara County Registrar of Voters.

4. Authorize the Board President to appoint Board members to fill the vacancies on the following committees for the remainder of calendar year 2026: Planning & Natural Resources Committee and Legislative, Funding & Public Affairs Committee.

SUMMARY

On September 23, 2026, Director Jed Cyr announced his resignation from the Board of Directors, representing Ward 3, effective October 15, 2026. State law provides that once a vacancy occurs, the Board of Directors must fill the vacancy within 60 days by either appointing a replacement or calling a special election. The deadline for the Board to take action to fill the Ward 3 vacancy is Monday, December 14, 2026.

DISCUSSION

On September 23, 2026, Director Jed Cyr representing Ward 3 announced his intention to resign from the Midpeninsula Regional Open Space District (District) Board of Directors, effective October 15, 2026. Ward 3 includes portions of the cities of Cupertino and Sunnyvale (Attachment 1). In response to this resignation, the Board of Directors (Board) needs to determine how to fill the remainder of the Ward 3 term, which expires January 3, 2028.

California Government Code section 1780 describes the requirements for filling elected board vacancies within 60 days from the effective date of the vacancy. The remaining members of the Board have two options to fill the vacancy: 1) fill the vacancy by appointment; or 2) call a special election to fill the vacancy. The deadline to take action to fill the vacancy is Monday, December 14, 2026. State law requires that a person, whether elected or appointed, who wishes to serve on the Board, be a registered voter, and a resident of the ward that they would represent. If the remaining members of the Board fail to take action by this date, the Santa Clara County Board of Supervisors has an opportunity to appoint a successor.

Filling the Vacancy by Appointment

Should the remaining members of the Board wish to appoint a person to fill the vacancy, the District is required to post notice of the appointment in three or more conspicuous places in the District at least 15 days before the Board makes the appointment. The Board would need to vote on or before December 14, 2026 to appoint a person to represent Ward 3 for the remaining term (until January 3, 2028). Other than posting the required notice, there is no required legal procedure for interviewing and appointing a Board member to fill the vacancy. The Board may adopt its own criteria and procedures to carry out the appointment process.

The Board has used the following process in the past to fill Board vacancies by appointment. Many of these elements were last amended by the Board at its October 10, 2018 meeting. If an appointment process is selected, the Board is asked to review these again and ratify, or amend, these elements to prepare them for use:

1) *Application Form:* The form (Attachment 2) requests contact information, including the residential voting address, and asks open-ended questions about past community experience, interest in and goals desired for the District, preserve activities of interest and concern, perspectives on issues affecting the District, and personal background.

2) *General criteria for appointment to the Board of Directors:* The list of general criteria (Attachment 3) provides guidance to applicants on the characteristics and skill sets of eligible applicants. The criteria would be distributed to all Ward 3 applicants.

3) *Procedure for Interviews:* The procedures include two rounds of interviews and describes the order in which candidates would appear for interviews, time allotments for opening statements, questions, and final statements. The procedures also describes how Board members would cast votes and ultimately appoint the selected candidate (Attachment 4).

4) *Publishing Notice of the Vacancy:* In addition to the requirement in Government Code Section 1780 to post notice of the vacancy in three or more places in the District at least 15 days before the appointment is made, the Board has previously directed staff to publish notice of a Board vacancy in local newspapers. Accordingly, staff would minimally publish the notice in the San Jose Mercury News and the Sunnyvale Sun. In addition, the District would send a letter signed by the Board President to elected officials whose electoral areas encompass Ward 3. The letter would announce the vacancy and invite them to suggest individuals who might be interested in serving as Director of Ward 3.

If the vacancy is filled by appointment, the Board will need to set the deadline for submitting an application and the dates for the first and second rounds of public interviews. A recommended schedule is attached (Attachment 5) for Board consideration.

Filling the Vacancy by Special Election

California Elections Code section 1000 identifies the regularly established election dates, the next of which is March 2, 2027. The Santa Clara County Registrar of Voters indicates that there are no other offices, initiatives, or measures slated for the March 2, 2027 election, which would result in a "stand-alone" election for the District. The District may contract with the Registrar of Voters to conduct this stand-alone election and would be responsible for the full cost of conducting the election. Stand-alone elections can be costly, as all expenses are incurred by the jurisdiction that calls the election. In contrast, the cost of a primary or general election is shared among multiple participating government agencies. The County's estimated cost for the District to call a special election for March 2, 2027 is approximately $2,130,282 to $3,461,709, which could vary based on the number of registered voters at the time of the election. The deadline for calling the election is October 23, 2026.

If the remaining members of the Board decide to fill the vacancy through a special election, it may choose to appoint an individual to fill the vacancy until the special election is held. If the Board selects this course of action, it must call a special election before the deadline and subsequently may choose to make an interim appointment.

Board Committee Vacancies

With the upcoming resignation of Director Cyr, there will exist a vacant position on each of the following Board standing committees: Planning & Natural Resources Committee and Legislative, Funding, & Public Affairs Committee. Director Cyr also represents the District on the Santa Clara Valley Water Commission. Director Kishimoto is designated as the alternate and may serve on the Commission in Director Cyr's place. The Board Policy on Committees (1.04) states that the Board President appoints Board members to annual Standing Committees and to represent the District on outside bodies, with the consent of the Board. In order to avoid a potential lack of quorum for future committee meetings prior to new committee appointments in January 2027, the General Manager recommends Board authorization for the Board President to fill the committee vacancies from among the remaining Board members. Attached is a list of current committee appointments (Attachment 6).

FISCAL IMPACT

If the Board determines that the Ward 3 Board vacancy is to be filled by a special election, the County has stated that the estimated cost to the District is between $2,130,282 and $3,461,709. If a special election is required, funding will be requested during the end of the Quarter 3 budget amendment process.

If the Board determines that the current vacancy be filled by appointment, the cost to publish a notice of the vacancy in local newspapers is approximately $4,000, for which sufficient funding is available in the current budget.

PRIOR BOARD OR COMMITTEE REVIEW

No prior Committee review. Due to the short timeline for filling the vacancy, this item is brought directly to the full Board of Directors.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Following a Board decision to fill the Ward 3 vacancy by either appointment or special election, the District Clerk will take the corresponding necessary steps outlined below.

Next steps for Appointment: The Board will need to approve a recruitment process and timetable for filling the vacancy (see Attachments 2-5). Once approved, District staff will post the required notices and publicize the vacancy as soon as possible, in advance of the timelines required under state law. The District Clerk will also set at least two special Board meetings to hold public applicant interviews. The new appointee is anticipated to be selected and ready to represent Ward 3 by January 3, 2028.

Next steps for Election: The Board will need to adopt a resolution (see Attachment 7) calling the election in Santa Clara County. The District Clerk will work with the Santa Clara County Elections Office to provide the necessary documentation and fees for the election.

Attachments

1. Map of Ward 3
2. Application Form
3. Criteria for appointment to the Board of Directors
4. Procedure for Interviews of Board appointees
5. Schedule for Appointment of Director in Ward 3
6. 2026 Board Committee Assignments
7. Resolution Calling a Special Election in Santa Clara County

Responsible Department Head:
Ana Ruiz, General Manager

Prepared by:
Maria Soria, District Clerk/ Assistant to the General Manager

Ward 3

Detailed Map

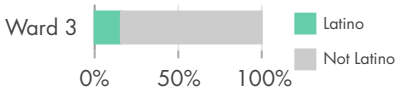
Census 2020 Redistricting

112,776 persons

+3.45% from target population

Racial demographics

Hispanic/Latino origin



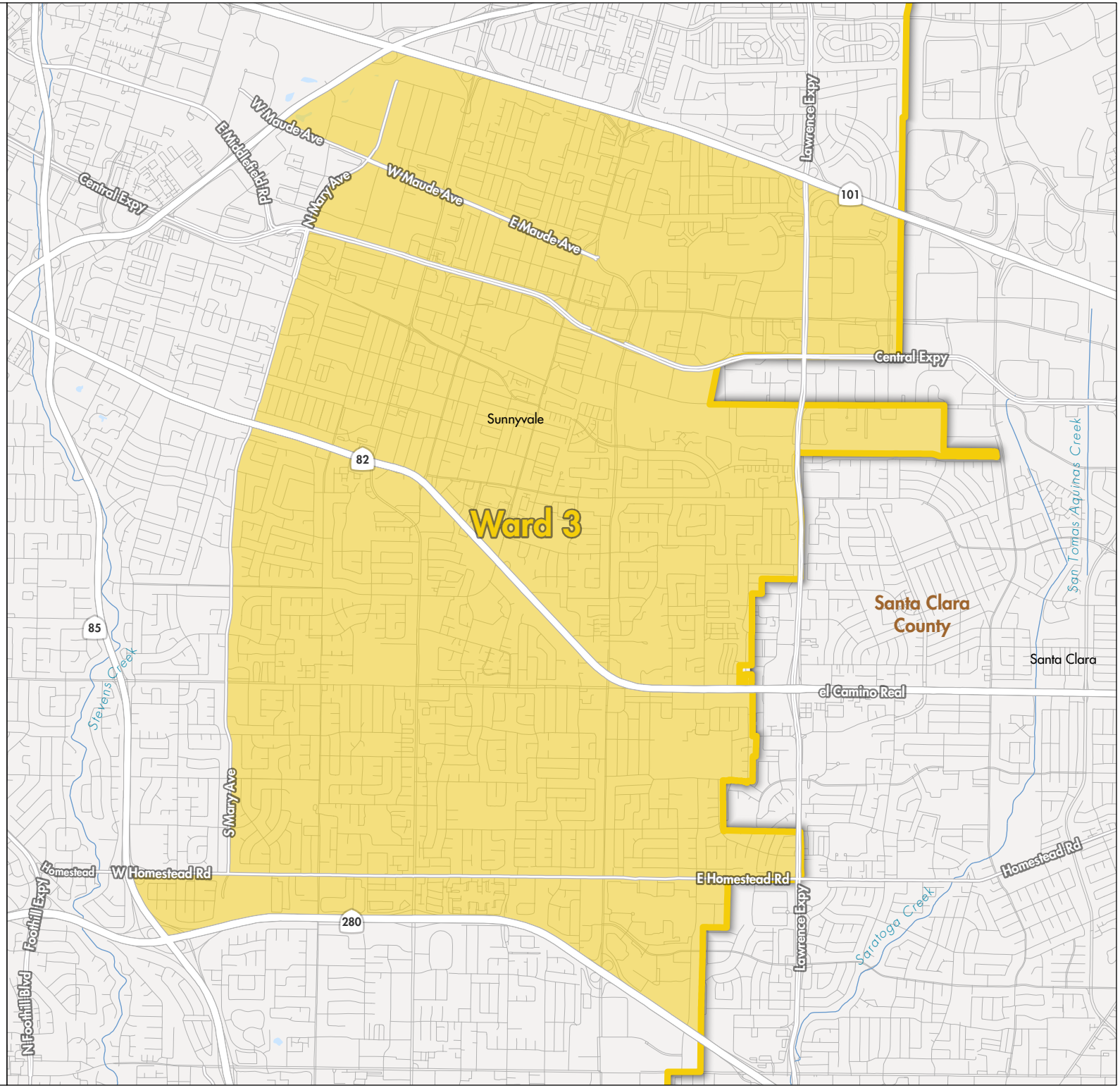
Map legend

- County boundary
- District boundary
- Sphere of influence
- Coastside protection area
- Preserve boundary
- Aa Incorporated city/town
- Aa Census designated place

Midpeninsula Regional
Open Space District
3/1/2022

N

0 0.5 1
Miles



APPLICATION FOR DIRECTOR – WARD 3

Name:_____

Residential Voting Address:_____

_____

Daytime Telephone:_____Evening Telephone:_____

Email: _____

Please list your community activities and/or work experience:_____

_____

_____

_____

_____

_____

_____

_____

Please indicate why you are interested in serving as Director of the Midpeninsula Regional Open Space District Board of Directors, and what are your goals for the District for the next 10 years?

_____

_____

_____

_____

_____

_____

_____

_____

_____

What activities do you favor on District preserves? What activities do you oppose?

_____

_____

_____

_____

_____

_____

What do you see as the major issues of the District today and in the next few years?

_____

_____

_____

_____

Please list any additional information about yourself, which you would like to include (hobbies, education, family, etc.)_____

_____

_____

_____

_____

_____

_____

_____

_____ _____

Signature of Applicant Date of Application

Note: All applications will be made available for public inspection. You may use additional sheets to answer questions.

GENERAL CRITERIA FOR APPOINTMENT TO BOARD OF DIRECTORS

1. Passion for the District's mission.
2. Involvement in, or awareness of, local government functions and operations
3. Some knowledge or awareness of finance and budget issues
4. Knowledge of and exposure to community service activities
5. Interest, time and energy to give to the job
6. Sense of humor
7. Flexibility
8. Sensitivity to the community
9. Ability to work in a team setting
10. Knowledge and awareness of what is going on in the District
11. Not single-issue oriented
12. Breadth of awareness of, and outlook on, kinds of issues District faces
13. Knowledge of how District fits into the greater region
14. Ability to bring strength to and complement current Board, and add a different dimension to the Board
15. Comfortable with public speaking and working with groups
16. Ability to make decisions for the good of the District in the face of political and public pressure.
17. Dedicated to the preservation of open space
18. Treats staff professionally

PROCEDURES FOR INTERVIEWS

First Round

1. Order of appearance of applicants established in a random drawing of names.
2. Each candidate is allotted up to five minutes for opening statement and a minimum of three minutes for clarifying questions by the Board.
3. Round-robin questioning by Board members of applicants for a maximum of 30 minutes. Random drawing for order of appearance for final statements.
4. Board recess for 10 minutes.
5. Each applicant will have two minutes maximum for a final statement.
6. Each Board member casts a signed ballot for up to six top choices for second round interviews.
7. Clerk keeps ballots for later public inspection.
8. Voting tallied and announced by District Clerk.
9. The field will be narrowed for the second round to half of the original number of applicants, but at most four, based upon the candidates receiving the most votes.

Second Round

1. Random drawing for order of appearance.
2. Each finalist allotted 20 minutes for answering questions posed by the Board.
3. Random drawing for order of appearance for final statements.
4. 10 minute recess.
5. Each finalist will get five minutes for summary.
6. Each Board member casts a signed ballot for his or her choice of appointment.
7. Voting tallied and announced by District Clerk.
8. District Clerk keeps ballots for later public inspection.
9. If no candidate receives four votes, there will be additional votes on the full list of finalists until a candidate receives four votes.
10. Board adopts resolution naming appointment to fill the office.

<u>Absence of candidates from interviews</u> – The Board will consider the written application and supplementary information provided by candidates who cannot attend one or both sessions.

Proposed Schedule for Appointment of Ward 3 Director of Midpeninsula Regional Open Space District

October 14, 2026	Board meets to determine whether to fill the vacancy by appointment or special election
October 15, 2026	Effective date of Ward 3 vacancy
October 15-21, 2026	Press release announcing intent to fill Ward 3 vacancy by appointment
	Posting of notice of intent to fill a vacancy at least 15 days before appointment is made
	Publishing of vacancy notice and intent to fill by appointment in the *San Jose Mercury News,* and the *Sunnyvale Sun*.
November 6, 2026	Deadline for receipt of applications for Ward 3 (a 3-week application period)
November 12, 2026	Special Board Meeting, if needed, for the purpose of screening applications if more than ten (10) applications are received. Applications will be screened to select no more than eight candidates to be interviewed.
November 18, 2026	Special Meeting: Initial interviews for Ward 3 applicants
December 1, 2026	Special Meeting: Final Interview(s) for Ward 3 applicant(s) Discussion of next steps to appoint new Ward 3 Director
December 9, 2026	Appointment of new Ward 3 Director Adoption of Appointment Resolution Swearing in of New Director
December 14, 2026	Last day to fill position by appointment

Midpeninsula Regional
Open Space District

BOARD OFFICERS – 2026

President – Zoe Kersteen-Tucker **Vice-President** – Karen Holman
Treasurer – Curt Riffle **Secretary** – Margaret MacNiven

BOARD COMMITTEE ASSIGNMENTS – 2026

Action Plan and Budget • Curt Riffle (Treasurer) • Karen Holman • Margaret MacNiven	**Legislative, Funding, and Public Affairs** • Jed Cyr • Yoriko Kishimoto • Karen Holman
Planning and Natural Resources • Jed Cyr • Yoriko Kishimoto • Curt Riffle	**Real Property** • Craig Gleason • Yoriko Kishimoto • Margaret MacNiven
Board Appointee Evaluation • Zoe Kersteen-Tucker (President) • Karen Holman (Vice-President) • Curt Riffle	**MROSD Financing Authority** • President Zoe Kersteen-Tucker, Chairperson • Director Karen Holman, Member • Director Curt Riffle, Member • Director Margaret MacNiven, Member • Supervisor Margaret Abe-Koga, Representative from Santa Clara County Board of Supervisors • Ana Ruiz, Executive Director • Mike Foster, Controller • Maria Soria, Secretary
External Agency Assignments	
Board Appointee Representatives CALJPIA Representative • President Zoe Kersteen-Tucker Santa Clara Special Districts Association • Director Craig Gleason San Mateo Special Districts Association • Director Zoe Kersteen-Tucker Santa Clara Valley Water Commission • Jed Cyr, Representative	**Board Representatives*** Bay Conservation and Development Commission • Yoriko Kishimoto Santa Clara County Local Agency Formation Commission Independent Special District Representative • Yoriko Kishimoto San Francisco Bay Restoration Authority Board Member • Karen Holman Coastal Conservancy Commission (alternate) • Karen Holman

*Not appointed by the Board President. Non-compensable.

Last Updated: January 29, 2026

RESOLUTION NO. 26-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 2, 2027 FOR THE PURPOSE OF FILLING THE VACANCY IN WARD 3 FOR THE UNEXPIRED TERM, REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS – SANTA CLARA COUNTY

WHEREAS, on September 23, 2026, Ward 3 Director Jed Cyr, submitted his resignation from the Board of Directors, effective October 15, 2026; and

WHEREAS, the current term for Director Cyr's seat is scheduled to expire in January 2028; and

WHEREAS, California Government Code Section 1780 requires the Board of Directors to make an appointment or call a special election within 60 days of the occurrence of the vacancy; and

WHEREAS, California Government Code Section 1780 requires that if a special election is called, the election shall be held on the next established election date that is 130 or more days after the Board calls an election; and

WHEREAS, the next established election date pursuant to California Elections Code Section 1000 is March 2, 2027, which is 139 days after the effective date of the vacancy; and

WHEREAS, consistent with California Government Code Section 1780, the Board of Directors desires to call a Special Election to fill the vacant Board seat for Ward 3 for the remainder of Director Cyr's term; and

WHEREAS, the Board of Directors desires to have the Santa Clara County Registrar of Voters render services in connection with the Special Election.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District calls for a Special Election to be held on March 2, 2027, and requests that the Board of Supervisors of Santa Clara County completely consolidate such election, and to further provide that the Registrar of Voters canvass the returns of the election, including:

1. Pursuant to California Public Resources Code Sections 5530 and 5533, the Board of Directors of the Midpeninsula Regional Open Space District does call an election in the District for the election of one member of the Board of Directors of the District, for a short term to fill the remaining term of Ward 3, which will expire in January 2028.

2. The District Clerk is authorized, instructed, and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices,

printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

3. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time to 8:00 p.m. of the same day when the polls shall be closed.

4. Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the District's Board of Directors hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that the District's Board of Directors consents to such consolidation.

5. The Registrar of Voters Office of Santa Clara County is hereby authorized and instructed to canvass the returns of said election for the office of members of the Board of Directors of the Midpeninsula Regional Open Space District and is requested to certify the results of said election to the Board of Directors of the District.

6. The Board of Directors of the District further requests, pursuant to California Election Code Section 10002, that County election official(s) be authorized to render services to the District relating to the conduct of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Midpeninsula Regional Open Space District's Special Election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

7. Pursuant to California Elections Code Sections 10509 and 13307, each candidate for elective office to be voted for at the Special Election on March 2, 2027, may prepare a candidate statement on an appropriate form provided by the District Clerk. The statement may include the name, age, and occupation of the candidate, and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed with the District Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 4:00 p.m. of the next working day after the close of the nomination period. Candidates shall not be permitted to submit materials other than the candidate's statement with the sample ballot and the voter's pamphlet.

8. Pursuant to District's Board Policy 1.07 *Board Elections,* in those wards where two or more candidates have qualified to appear on the ballot, a candidate may file a candidate's statement, not exceeding 200 words. The District will pay for the cost of the statements, and, if required by the respective county, translations of candidates' statements pursuant to the California Elections Code, and no such candidate shall be billed for availing himself or herself of these services.

9. That pursuant to California Elections Code Section 10522, a current map showing the boundaries of the district and the boundaries of the divisions of the district is herewith submitted.

10. That pursuant to California Elections Code Sections 10551 and 15651, the method of determining the winner or winners in the event of a tie vote shall be by lot.

11. The General Manager of the District is hereby authorized to reimburse the County in full for the services performed upon presentation of a bill to the District.

12. The District Clerk is hereby directed to submit a certified copy of this Resolution to the Board of Supervisors of Santa Clara County, and to appropriate County election officials of said County.

* *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2026, at a Regular Meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Margaret MacNiven, Secretary
Board of Directors

APPROVED:

Zoe Kersteen-Tucker, President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Maria Soria, District Clerk