

Admin.

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Memorandum 2007-12

Election of Officers

Election of Chairperson and Vice Chairperson

Each year, the Commission elects a Chairperson and Vice Chairperson to serve a one year term, beginning on September 1.

The terms of the incumbent Chairperson, David Huebner, and the incumbent Vice Chairperson, Sidney Greathouse, will end on August 31, 2007.

The Commission's Handbook of Practices and Procedures states:

1.1. Officers

The officers of the Commission are the Chairperson and the Vice Chairperson. The term of office of the Chairperson and Vice Chairperson is one year, commencing on September 1 of each year. The officers hold office until election of successors.

At meetings, the Vice Chairperson shall act as Chairperson in the absence of the Chairperson. In case of a vacancy in the office of Chairperson or where the Chairperson is unavailable, the Vice Chairperson shall perform the duties of the Chairperson.

In case of a vacancy in the office of Chairperson, the Commission shall elect new officers for the remainder of the term.

No officer is eligible to succeed himself or herself in the same office in which the officer has served a full term. However, an officer who has served for less than a full term may succeed himself or herself in the same office for a full term; and, where the Chairperson is reelected to office, the incumbent Vice Chairperson is eligible for reelection even though reelection may result in the Vice Chairperson succeeding himself or herself for another full term.

With that information in mind, the Commission should elect a new Chairperson and Vice Chairperson to take office on September 1, 2007, and hold office until August 31, 2008.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

Acting Chairperson

In unusual circumstances, both the Chairperson and Vice Chairperson may be absent from a meeting at the same time. If that occurs, the Commission should be able to select a member to serve as a temporary acting Chairperson, until an elected officer is present.

That would be consistent with the Commission's established practice governing the *start* of a Commission meeting. The Commission's Handbook of Practices and Procedures provides, in relevant part:

2.4.2. Meeting starting time

...
If both the Chairperson and Vice Chairperson are absent when the meeting should start, a Commission member may convene the meeting and act as temporary Chairperson.

In order to avoid any uncertainty that might arise if the officers are both absent *later* in a meeting, the staff recommends that this practice be generalized, along the following lines:

If both the Chairperson and Vice Chairperson are absent at any point in a meeting, a Commission member may act as temporary Chairperson until an officer returns.

The staff would make conforming changes to the Handbook of Practices and Procedures the next time the handbook is presented to the Commission for updating.

Respectfully submitted,

Brian Hebert
Executive Secretary