

CALENDAR TO FILL VACANCY FOR EAA DIRECTOR DISTRICT NO. 3

(prepared by D. Frownfelter – Dec. 12, 2017)

DATE	REQUIRED ACTIONS	CITATIONS AND COMMENTS
Fri., Dec. 8, 2017	Dir. Bustamante files a letter dated Dec. 7, 2017 that was unclear as to its intent relative to her intent to resign from District 3	<i>See</i> EAA BYLAWS art. 2.04(a)
Sat., Dec. 9, 2017	In response to an email clarification request from the GM, Dir. Bustamante sends email to GM indicating that she “will resign as of [Jan. 1, 2018].”	In light of this email, it is reasonable to interpret the Dec. 7, 2017 letter as a “letter of intent to resign” and Dir. Bustamante will need to file an actual resignation letter on or about Jan. 1, 2018.
Tue., Dec. 12, 2017	Regular Board Meeting: * GM reports that Dir. Bustamante has filed a letter of intent to resign *GM reports on the vacancy filling process and advises that staff will begin such	
Sun., Dec. 17, 2017	GM publishes notice of vacancy in the San Antonio Express News	EAA BYLAWS art. 2.04(f)(2) (requires only one publication in one newspaper in Dist. 3)
Mon., Dec. 18, 2017	1 st day to file application to fill vacancy	<i>See</i> EAA BYLAWS art. 2.04(f)(3) (referring to 30-day filing period)
Thur., Dec. 21, 2017	GM publishes second notice of vacancy in the San Antonio Express News	This is done as a matter of courtesy and agency practice, but is not otherwise required. <i>See</i> EAA BYLAWS art. 2.04(f)(2) (requiring only one newspaper notice)
Mon., Jan. 1, 2018	Recommended date for Dir. Bustamante to file an actual “letter of resignation” ¹	EAA BYLAWS art. 2.04(a), (c)(2)
Tue., Jan. 9, 2018	Last day for Dir. Bustamante to withdraw the resignation letter (any time before it is accepted by the Board)	EAA BYLAWS art. 2.04(c)(2), (h); TECA 201.023

¹ The resignation letter may be withdrawn prior to: (1) final action by the Board in accepting the resignation; or (2) 5:00 p.m. on the eighth day after the date of the Authority’s receipt of the resignation, whichever is earlier. TECA § 201.023; EAA BYLAWS art. 2.04(c)(2), (h).

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Tues. Jan. 9, 2018	Regular Board Meeting: * Board accepts resignation ² * Board declares vacancy * GM reports on the status of the vacancy filling process	EAA Bylaws art. 2.04(f)(1) Note: 60-day period to fill vacancy commences on this date. ³
Tues., Jan. 16, 2018	*Last day for prospective appointees to file application to fill vacancy (due by 5:00 p.m.) *Last day for Dir. Bustamante to file recommendation (due by 5:00 p.m.)	EAA BYLAWS art. 2.04(f)(3) (although the bylaws say 30 days after date of “last” publication, because only one publication is required, the application period can begin the day after the notice in the newspaper circulated in the single member district is first published) EAA BYLAWS art. 2.04(f) (4)
Tues., Feb. 13, 2018	Regular Board Meeting: * GM reports on applications filed (timely and late) * GM reports on Dir. Bustamante’s recommendation * Board reviews applications * Board determines interviewees ⁴ * Board interviews applicants * Board votes to fill vacancy ⁵	EAA BYLAWS art. 2.04(f)(3), (4), (5) The applicant receiving a majority vote of the quorum of the Board is declared the new director. EAA BYLAWS art. 2.04(f)(6).
Mon., Mar. 12, 2018	Expiration of 60-day period to fill the vacancy	See EAA BYLAWS art. 2.04(e); TWCA § 49.105(a) (referring to a 60-day period to fill the vacancy) [Note: Because the 60-day period expires on Saturday, March 10 th , the expiration date carries over to the next Monday, March 12 th .]

² Under its Bylaws, the Board is required to accept the resignation and declare a vacancy to memorialize and acknowledge the fact. See EAA Bylaws art. 2.04(f)(1).

³ The 60-day period to fill the vacancy begins on the expiration of the 8th day or upon acceptance of the resignation/declaration of vacancy by the board, whichever is earlier. TECA § 201.023; TWCA § 49.105(a).

⁴ Alternatively, the Board may reject all applicants and direct the GM to reopen the process. EAA BYLAWS art. 2.04(f)(5).

⁵ *Id.*

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Tues, Mar. 13, 2018	Regular Board Meeting: New Dist. 3 director qualified: * makes and files the Sworn Statement of Appointed Officer with the EAA * takes and files the constitutional oath of office with the EAA * executes a director's surety bond * becomes fully qualified * takes seat at the board table	EAA BYLAWS art. 2.04(g)