

8 February, 2017

John Charles Ullom
2 Pelican Circle
Half Moon Bay, CA 94019
Telephone: 650-291-6850

Xavier Becerra
Attorney General for the State of California
455 Golden Gate, Suite 11000
San Francisco, CA 94102-7004

Re: Application for Leave to Sue *in quo warranto*

Dear AG Becerra:

My name is John Ullom and I live in Half Moon Bay, County of San Mateo. I am sending you this packet at this time because a local politician named Virginia Chang-Kiraly is serving on two separate District Boards that have incompatible offices.

Under C.C.R., tit. 11, §§ 1-11, I am entitled to ask you for leave to sue Ms. Chang-Kiraly *in quo warranto* as per C.C.P. section 803 to challenge her right to hold office under Govt. Code section 1099, and I am formally doing so here. While I am currently self-represented I intend to obtain counsel should you grant my Leave to Sue as requested, and I am willing to accept a limitation on the Leave to this effect.

Contained within this Application packet are the following Pleadings:

1. Verified [Proposed] Complaint
2. Verified Statement of Facts necessary to rule on this Application
3. Memorandum of Points and Authorities in Support of this Application
4. A Copy of the Notice provided to Ms. Chang-Kiraly on February 8, 2017
5. Proof of Service of all of the above to Ms. Chang-Kiraly on February 8, 2017

I look forward to your letter of acknowledgement of this Application, and in the interim if there is anything I might do to facilitate this process please do not hesitate to let me know.

Sincerely,

John C. Ullom
Relator

1 John Charles Ullom *in pro per*
2 Pelican Circle
3 Half Moon Bay, CA 94019
4 Telephone: 650-291-6850

5 BEFORE THE ATTORNEY GENERAL
6 OF THE STATE OF CALIFORNIA
7

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10 The People of the State of California on the
11 RELATION of JOHN CHARLES ULLOM,

12 Plaintiff/Relator,

13 vs.

14 VIRGINIA CHANG-KIRALY, as Board Director of
15 the Menlo Park Fire District and Commissioner of
16 the San Mateo County Harbor District

17 Defendant,

CASE NO.:

**NOTICE TO [PROPOSED] DEFENDANT
VIRGINIA CHANG-KIRALY**

[Cal. Code Regs. Title 11, § 2(c).]

18
19 NOTICE IS HEREBY GIVEN:

20 To: Proposed Defendant VIRGINIA CHANG-KIRALY:

21 On Thursday February 9, 2017 this Notice, along with a Verified [Proposed] Complaint, Verified
22 Statement of Facts, and Memorandum of Points and Authorities in Support of Application for Leave to
23 Sue, and a Proof of Service, will be served on the Attorney General of the State of California.

24 You may file a written response indicating why Plaintiff/Relator's request for Leave to Sue
25 should not be granted to the Attorney General of the State of California within 15 days of service of this
26 notice. This response should include Defendant's Verified Statement of Facts, Points and Authorities in
27 Support of your opposition and Proof of Service of these documents on the proposed Relator within 15
28 calendar days of the service of this notice.

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Dated February 7th, 2017

Respectfully:

John C. Ullom
in pro per

1 John Charles Ullom *in pro per*
2 Pelican Circle
3 Half Moon Bay, CA 94019
4 Telephone: 650-291-6850

5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SAN MATEO

9 The People of the State of California on the
10 RELATION of JOHN CHARLES ULLOM,

11 Plaintiff/Relator,

12 vs.

13 VIRGINIA CHANG-KIRALY, as Board Director of
14 the Menlo Park Fire District and Commissioner of
15 the San Mateo County Harbor District

16 Defendant,

CASE NO.:

**VERIFIED COMPLAINT IN *QUO*
WARRANTO TO TRY TITLE TO PUBLIC
OFFICE**

[Code of Civil Procedure § 803]

Date Action Filed:

17
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19 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, acting by and through Relator John
20 C. Ullom allege as follows:

21 1. This is an action in the nature of *quo warranto* brought pursuant to California Code of
22 Civil Procedure section 803 to try the title of Defendant VIRGINIA CHANG-KIRALY (“Defendant
23 CHANG-KIRALY”) to the office of Director of the Menlo Park Fire District.

24 2. Section 803 of the Code of Civil Procedure authorizes an action in the nature of *quo*
25 *warranto* against a person who usurps, intrudes into, or unlawfully holds or exercises any public office
26 within the State of California.

1 unopposed in late 2015, and her current 4-year term began shortly thereafter. She has held the position
2 of Fire Board Director uninterrupted since her initial term of office beginning in 2012. (see Exhibit A.)

3 11. Chang-Kiraly's Fire Board Office is statutorily enabled and provided for under Health
4 and Safety Code § 13840, and her term is governed by HSC § 13843 (b).

5 12. Defendant CHANG-KIRALY was appointed Commissioner to the San Mateo County
6 Harbor District on or about November 16, 2015, for a term that expired on the 9th of January, 2017.
7 Defendant CHANG-KIRALY ran for a subsequent four-year term in the Presidential General Election
8 on November 8th, 2016 and was elected to a four-year term. She took office for this term on January 9th,
9 2017. (Harbors and Navigation Code § 6050; Exhibit B.)

10 13. Both Boards on which Defendant CHANG-KIRALY serves govern physical territory and
11 jurisdiction which directly overlap. (Exhibit C, D.)

12 14. Each Board on which Defendant CHANG-KIRALY serves has the statutory authority to
13 use eminent domain in fulfilling the needs of the respective district. (Health and Safety Code § 13861
14 (b), (c); Harbors and Navigation Code Section 6076.)

15 15. Each Board on which Defendant CHANG-KIRALY serves has the statutory authority to
16 pass laws and ordinances relating to public safety, welfare, the protection of property and life, and
17 anything else that the respective Board feels necessary within the jurisdiction of their District. (Health
18 and Safety Code § 13862 (b), (f); Harbors and Navigation Code § 6070.)

19 16. Each Board on which Defendant CHANG-KIRALY serves has the statutory authority to
20 initiate litigation, to sue and to be sued. (Health and Safety Code § 13861 (a); Harbors and Navigation
21 Code § 6072)

22 17. Because Defendant CHANG-KIRALY has held both the position of Board Director for
23 the Menlo Park Fire District and Commissioner for the San Mateo County Harbor District since
24 November, 2015, and because of the foregoing factual circumstances, Defendant CHANG-KIRALY
25 has been in violation of Government Code section 1099 since November of 2015, as the two offices are
26 incompatible.

1 **PRAYER FOR RELIEF**

2 Therefore, THE PEOPLE OF THE STATE OF CALIFORNIA pray that this Court issue
3 judgment against Defendant VIRGINIA CHANG-KIRALY as follows:

4 A. An order removing Defendant VIRGINIA CHANG-KIRALY from the office of Director
5 of the Board for the Menlo Park Fire District.

6 B. An order awarding Plaintiff attorney’s fees pursuant to California Code of Civil
7 Procedure § 1021.5 or otherwise;

8 C. An order awarding Plaintiff his costs incurred in this suit pursuant to California Code of
9 Civil Procedure § 809; and

10 D. An order awarding Plaintiff such further and additional relief as the Court deems just and
11 proper.

12
13 Dated _____

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15 Respectfully Submitted:

16
17 _____
18 Xavier Becerra
19 Attorney General for the State of California

20 _____
21 Deputy Attorney General for the
22 State of California

23
24 _____
25 John C. Ullom, Relator
26 *in pro per*

VERIFICATION

I, John C. Ullom am the Relator in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my knowledge, except as to those matters which are therein stated on information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7th day of February, 2017 at Half Moon Bay, California.

Relator

1 **LEAVE TO SUE**

2 Pursuant to the opinion of the _____, issued on _____, 2017,
3 a copy of which is attached hereto, leave to sue is hereby granted to John C. Ullom, Relator, to file a
4 Complaint in Quo Warranto and this Leave to Sue. Relator may use the name of THE PEOPLE OF THE
5 STATE OF CALIFORNIA as plaintiff in this proceeding. Relator shall submit all proposed court filings
6 to the Attorney General before filing with the Court, and copies of all documents filed in this action by
7 any party must be served on the Attorney General. At any time, the Attorney General may either dismiss
8 or assume the management of this action. In the event of an adverse judgment against Relator, Relator
9 must obtain the approval of the Attorney General before Relator may file a notice of appeal.

10 This Leave to Sue is granted upon the condition that neither THE PEOPLE OF THE STATE OF
11 CALIFORNIA nor the Attorney General shall be liable for any costs, charges, or counsel fees in this
12 proceeding.

13
14
15 Dated February 7th, 2017

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18 _____
19 John C. Ullom, Relator
20 *in pro per*
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EXHIBIT A

Board Director Virginia Chang Kiraly



Virginia earned her B.A. in Government with a minor in Economics from the University of Texas at Austin. In 2007, she was appointed by Governor Arnold Schwarzenegger to the California Commission for Economic Development and served seven years on the commission under three California Lieutenant Governors. She served on the San Mateo County Civil Grand Jury for two years from 2007-2009 and as Foreperson from 2008-2009. During her time on the Civil Grand Jury, she led an effort to connect public school fire alarms to first responders, such as fire departments (2008-2009); curb public employee pensions in San Mateo County cities and special districts (2008-2009); and discourage public agencies from using cash out re-funding of their general obligation bonds (2007-2008)-- a practice that has since been deemed illegal in

California. She has been a leader on redistricting in San Mateo County.

Upon her election to the fire board in 2011, Virginia is the second woman in the 100-year history of the Menlo Park Fire Protection District to serve on the fire board. In 2015, she had an uncontested race and is currently serving her second term on the fire board. In November 2015, Virginia was appointed to the San Mateo County Harbor Board of Commissioners. Upon her appointment to the harbor district board, Virginia became the first Asian- American woman to serve on that board.

Virginia has fifteen years of professional experience in corporate financial analysis, planning, and investments. She is a former Senior Director of the Nasdaq Stock Market and has worked at some of the country's leading financial institutions.

In 2015, Virginia was named by the Silicon Valley Business Journal as a “Woman of Influence.” She serves on the boards of the California State Parks Foundation, the Silicon Valley Chapter of the American Red Cross, and as president of the El Camino Youth Symphony. She was a member of the San Mateo County Community College District’s Measure G Parcel Tax Oversight Committee. Virginia has been a guest lecturer on “Women & Management” at Notre Dame de Namur.

1 She is a member of the Peninsula Volunteers and a sustainer of the Junior League of Palo
2 Alto*Mid-Peninsula.

3 A daughter of Chinese immigrants, Virginia was born and raised in Austin, Texas. She is a
4 former concert pianist. For fun, she likes to knit, stitch, run, read, and write. Virginia and her husband
5 live in unincorporated West Menlo Park and are the proud parents of two sons and an adopted family
6 dog.

7 Virginia Chang

8 Kiraly

9 virginiack@menlofire.org

10 650-688-8400

11 Term: 12/15 to 12/19

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EXHIBIT B

1 **Virginia Chang Kiraly, Vice President**

2 At a special meeting on November 16, the Board of Commissioners interviewed six
3 candidates seeking to fill the vacancy on the Board. Virginia Chang Kiraly was appointed by the
4 Board to fill the vacancy, and will serve as a Commissioner until January 2, 2017. There will be an
5 election for this position on November 8, 2016.

6 Virginia earned her B.A. in Government with a minor in Economics from the University
7 of Texas at Austin. In 2007, she was appointed by Governor Arnold Schwarzenegger to the
8 California Commission for Economic Development and served seven years on the commission
9 under three California Lieutenant Governors. She served on the San Mateo County Civil Grand
10 Jury for two years from 2007-2009 and as Foreperson from 2008-2009. During her time on the
11 Civil Grand Jury, she led an effort to connect public school fire alarms to first responders, such
12 as fire departments (2008-2009); curb public employee pensions in San Mateo County cities and
13 special districts (2008-2009); and discourage public agencies from using cash out re-funding of
14 their general obligation bonds (2007-2008)-- a practice that has since been deemed illegal in
15 California. She has been a leader on redistricting in San Mateo County.

16 Upon her appointment to the San Mateo County Harbor District Board of Commissioners,
17 Virginia is the first Asian-American woman to serve on the harbor district board. She is also a
18 director and the past president of the Menlo Park Fire Protection District Board of Directors.
19 Upon her election to the fire board in 2011, Virginia is the second woman in the 100-year history
20 of the Menlo Park Fire Protection District to serve on the fire board. In 2015, she had an
21 uncontested race and is currently serving her second term on the fire board.

22 Virginia has fifteen years of professional experience in corporate financial analysis,
23 planning, and investments. She is a former Senior Director of the Nasdaq Stock Market and has
24 worked at some of the country's leading financial institutions.

25 In 2015, Virginia was named by the Silicon Valley Business Journal as a "Woman of
26 Influence." She serves on the boards of the California State Parks Foundation, the Silicon Valley
27 Chapter of the American Red Cross, and as president of the El Camino Youth Symphony. She
28 was a member of the San Mateo County Community College District's Measure G Parcel Tax
Oversight Committee. Virginia has been a guest lecturer on "Women & Management" at Notre
Dame de Namur. She is a member of the Peninsula Volunteers and a sustainer of the Junior
League of Palo Alto*Mid-Peninsula.

A daughter of Chinese immigrants, Virginia was born and raised in Austin, Texas. She is a
former concert pianist. For fun, she likes to knit, stitch, run, read, and write. Virginia and her
husband live in unincorporated West Menlo Park and are the proud parents of two sons and an
adopted family dog.

Contact information for Virginia Chang

Kiraly: Email:

vchang-kiraly@smharbor.com

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EXHIBIT C

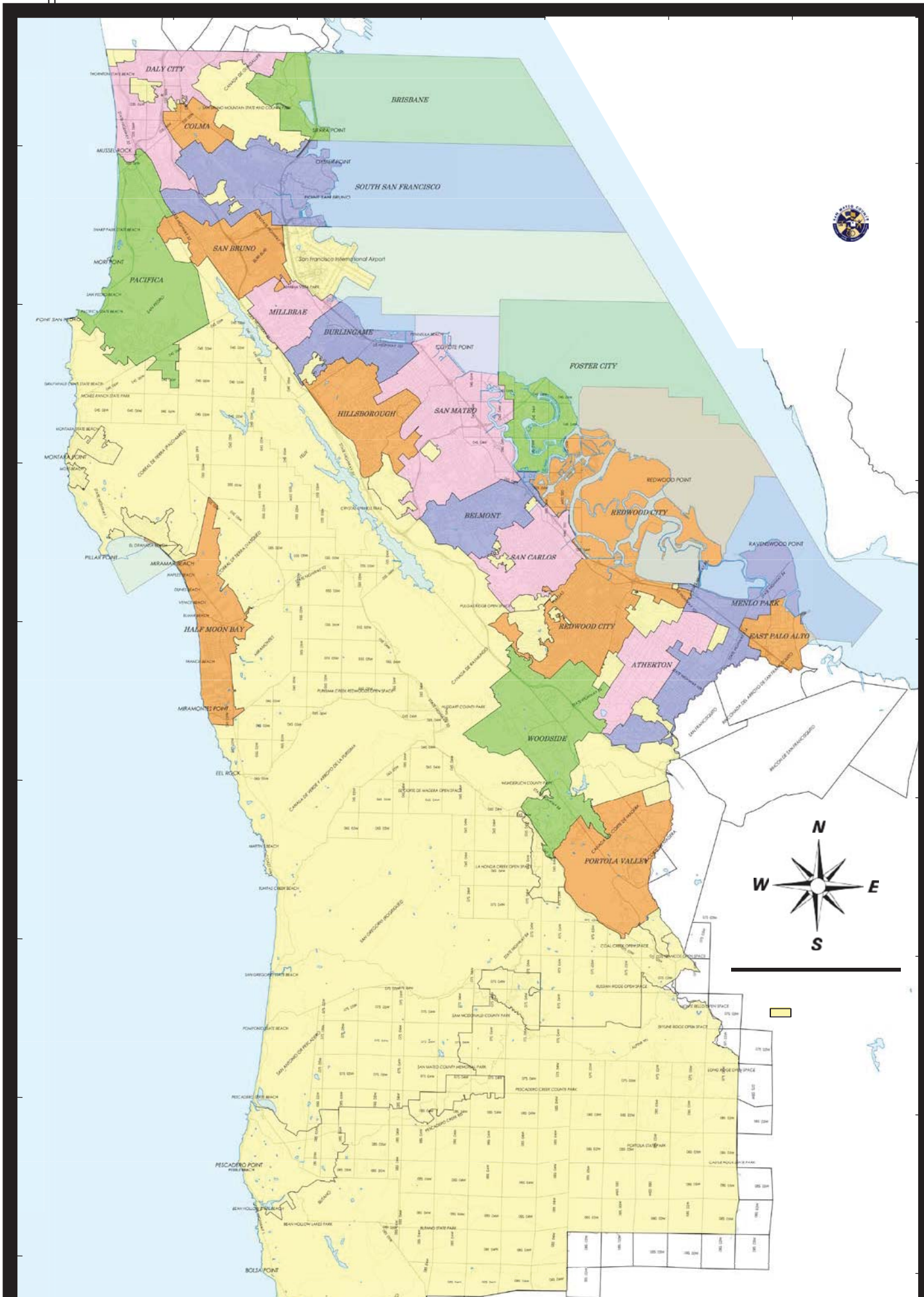


MENLO PARK
FIRE PROTECTION DISTRICT

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EXHIBIT D



1 John Charles Ullom *in pro per*
2 Pelican Circle
3 Half Moon Bay, CA 94019
4 Telephone: 650-291-6850

5 BEFORE THE ATTORNEY GENERAL
6 OF THE STATE OF CALIFORNIA
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10 The People of the State of California on the
11 RELATION of JOHN CHARLES ULLOM,

12 Plaintiff/Relator,

13 vs.

14 VIRGINIA CHANG-KIRALY, as Board Director of
15 the Menlo Park Fire District and Commissioner of
16 the San Mateo County Harbor District

17 Defendant,
18

CASE NO.:

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFF/RELATOR'S APPLICATION
FOR LEAVE TO SUE IN THE NATURE OF
QUO WARRANTO**

[Code of Civil Procedure §§ 803-811; Cal Code
Regs Title 11, § 2(b).]

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21 **INTRODUCTION**

22 Plaintiff/Relator JOHN C. ULLOM ("Relator") seeks leave to file this action in the nature of *quo*
23 *warranto* to oust Defendant VIRGINIA CHANG-KIRALY from the office of Menlo Park Fire District
24 Board Director. Defendant CHANG-KIRALY was elected to the office of Director of the Menlo Park
25 Fire District Board in November, 2011 and was reappointed to the Board in 2016. Defendant CHANG-
26 KIRALY was subsequently appointed as a Commissioner to the Board of the San Mateo County Harbor
27 District in November, 2015, before running for election for a full 4-year term in November 2016. She
28 won the seat in that election and took office on Monday January 9, 2017. For 14 months Defendant

1 CHANG-KIRALY has held the office of Board Director for the Menlo Park Fire District and
2 Commissioner for the San Mateo County Harbor District simultaneously.

3 Ms. Chang-Kiraly is prohibited from holding office simultaneously as Board Director and
4 Commissioner by the incompatible offices doctrine codified in Government Code section 1099.
5 Government Code section 1099 explicitly precludes one from simultaneously holding incompatible
6 offices. Offices are incompatible when holding them creates the possibility of a potential clash of
7 loyalties for the incumbent member. Here, the respective duties and responsibilities of Board Director
8 and Commissioner give rise to numerous potential clashes of loyalties for an incumbent simultaneously
9 holding both offices. Relator therefore urges the Attorney General to grant leave to file this action in the
10 nature of *quo warranto* to obtain a judicial determination as to whether Ms. Chang-Kiraly is violating
11 Govt. Code section 1099, and for such other relief as the court may deem necessary and proper.

12 **STATEMENT OF FACTS**

13 ***The Menlo Park Fire District***

14 The Menlo Park Fire District was formed under CA Health and Safety Code Section 13800 *et*
15 *seq* on May 16, 1951. The Fire District serves 90,000 people in the following communities: Atherton,
16 East Palo Alto, Menlo Park, Menlo Oaks, University Heights, North Fair Oaks south of the Southern
17 Pacific Railroad line, San Francisco Bay east to the middle of the Dumbarton Bridge. A map of the
18 District and its physical boundaries and jurisdiction can be found in Exhibit 6 of the Verified Statement
19 of Facts in Support of this Application. The Fire District is governed by a Board of Directors that
20 currently has five elected seats, each serving a four-year term.

21 ***Ms. Chang-Kiraly's Election to The Menlo Park Fire District***

22 Ms. Chang-Kiraly was originally elected to the Board of Directors for the Menlo Park Fire
23 District on November 5th, 2011. She took office the following January. Subsequently, four years later
24 she ran unopposed for the same seat, and was duly reappointed to the position in January of 2016. As of
25 January 1, 2017, Ms. Kiraly has three years remaining in her term of office.

26 ***The San Mateo County Harbor District***

27 The San Mateo County Harbor District was founded in 1933 under the statutory authority of CA
28 Harbors and Navigations Code Section 6000 *et seq*. The Harbor District serves the entirety of San Mateo

1 County and has a territorial area of 455 square miles. The Harbor District serves approximately 735,678
2 people and maintains two permanent Harbor facilities currently, one at Oyster Point Marina in South
3 San Francisco, the other at Pillar Point Harbor in Half Moon Bay. A map of the Harbor District and its
4 jurisdiction can be found in Exhibit 9 of the Verified Statement of Facts in Support of this Application.

5 The Harbor Commission is governed by a Board of Commissioners, who serve four year (or in
6 some cases two-year) terms. There are currently five seats on the Board of Commissioners.

7 ***Ms. Chang-Kiraly's Appointment and subsequent election to the Harbor District***

8 Ms. Chang-Kiraly was appointed to the District Board by the Commissioners remaining when
9 previous Harbor Commissioner Nicole David resigned from the Board in October of 2015. Chang-
10 Kiraly was appointed to the Board of Commissioners on or about November 16, 2015. As Chang-Kiraly
11 was appointed she was required to run at the next regularly scheduled general election if she wished to
12 retain her seat, which was on November 8, 2016. Chang-Kiraly was duly elected to a four-year seat and
13 took office for a four-year term on January 9th, 2017.

14 Ms. Chang-Kiraly has served on both the Board of Directors for the Menlo Park Fire District and
15 the Board of Commissioners for the San Mateo County Harbor District for approximately 14 months,
16 and will continue to serve on both boards for another three years if she serves both positions to term.

17 **ARGUMENT**

18 The Attorney General must make three findings before granting leave to sue in *quo warranto*: (1)
19 *quo warranto* is the proper remedy to resolve the issues presented; (2) the application presents a
20 substantial issue of fact or law appropriate for judicial resolution; and (3) granting the application would
21 serve the public interest. (85 Ops.Cal.Atty.Gen. 50, 54 (2012); 89 Ops.Cal.Atty.Gen. 55, 56 (2006); 73
22 Ops.Cal.Atty.Gen 197, 200 (1990).) As will be discussed below ample grounds exist in current and
23 governing law to make each of these findings with respect to the present controversy over whether Ms.
24 Chang-Kiraly may simultaneously serve as a Director of the Menlo Park Fire District and a
25 Commissioner on the Board of the San Mateo County Harbor District. The Attorney General should
26 therefore grant Relator leave to sue in *quo warranto*.

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1 **I. *QUO WARRANTO* IS THE APPROPRIATE REMEDY TO RESOLVE CHANG-**
2 **KIRALY’S INCOMPATIBLE HOLDING OF DIRECTOR AND COMMISSIONER.**

3 The question of whether Ms. Chang-Kiraly is holding incompatible offices is governed by
4 Government Code section 1099. Enacted in 2005, section 1099 codifies the common law doctrine rule
5 against incompatible offices. (Govt. Code § 1099(f).)

6 Subdivision (a) of section 1099 states in relevant part:

7 A public officer, including, but not limited to, an appointed or elected member of a governmental
8 board, commission, committee, or other body, shall not simultaneously hold two public offices
9 that are incompatible. Offices are incompatible when any of the following circumstances are
present, unless simultaneous holding of the particular offices is compelled or expressly
authorized by law.

- 10 (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or
11 exercise supervisory powers over the other office or body.
- 12 (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash
13 of duties or loyalties between the offices.
- 14 (3) Public policy considerations make it improper for one person to hold both offices.

15 (Govt. Code, § 1099(a).)

16 Subdivision (b) of section 1099 states:

17 When two public offices are incompatible, a public officer shall be deemed to have forfeited the
18 first office upon acceding to the second. *This provision is enforceable pursuant to Section 803 of
the Code of Civil Procedure.*

19 (*Id.* at (b), emphasis added.)

20 Here Relator contends that section 1099 prohibits Ms. Chang-Kiraly from simultaneously
21 serving as a Director on the Board of the Menlo Park Fire District and a Commissioner on the Board of
22 the San Mateo County Harbor District. As a result, Relator contends that, as a matter of law, Ms. Chang-
23 Kiraly forfeited her position as a Director for the Menlo Park Fire District upon her taking of the oath of
24 office as a San Mateo County Harbor District Commissioner. Under subdivision (b) of section 1099, *quo*
25 *warranto* is the proper remedy to resolve these issues.

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1 **II. WHETHER THE COMMISSIONER AND DIRECTOR POSITIONS ARE**
2 **INCOMPATIBLE OFFICES IS A SUBSTANTIAL ISSUE OF FACT AND LAW**
3 **APPROPRIATE FOR JUDICIAL RESOLUTION.**

4 **A. The Positions of San Mateo County Harbor Commissioner and Menlo Park Fire**
5 **District Board Director Are Both “Public Offices.”**

6 For purposes of section 1099, a “public office” is:

- 7 1. a position in government, which is created by the Constitution and authorized by law,
- 8 2. the tenure of which is continuing and permanent, not occasional or temporary,
- 9 3. in which the incumbent performs a public function for the public benefit and exercises
10 sovereign powers of the state.

11 (*Leymel v. Johnson* (1930) 105 Cal.App. 694, 697; 76 Ops.Cal.Atty.Gen. 38, 40 (1993); 68
12 Ops.Cal.Atty.Gen. 337, 342 (1985).)

13 The positions of Board Director of the Menlo Park Fire District and Commissioner for the San
14 Mateo County Harbor District each constitute a “public office” under section 1099.

15 **1. The position of Menlo Park Fire District Board Member is a public office.**

16 The government of a Fire District is vested in a board of directors of at least three, or five, seven
17 or nine members. (Health and Safety Code § 13842) The Menlo Park Fire District Board has five
18 members, each being elected to a four-year term of office.

19 There can be no question that a fire district “Director” is a “position in government” that is
20 “authorized by law.” Health and Safety Code section 13823.5 details the process for selecting the “initial
21 members of the board of directors,” using sections 13834 through 13839 to administer the process.
22 Section 13840 is even more determinative in showing that the position is “authorized by law”: “Every
23 district shall be governed by a legislative body known as a board of directors.” (Health and Safety Code
24 § 13840)

25 Finally, in a related case, the Attorney General previously opined that the position of chief of a
26 fire protection district formed under the Fire Protection District Law of 1961, was a “public officer” for
27 purposes of the common law doctrine of incompatible offices. (66 Ops.Cal.Atty.Gen. 176, 179 (1983).)
28 Thus it is clear that Fire District members, whether on the Board or in executive positions within the
department are expressly empowered to perform a public function for the public benefit while exercising
the powers of the state. (Health and Safety Code §§ 13861-13865.)

1 2. The position of San Mateo County Harbor District Commissioner is a public office

2 The government of the San Mateo County Harbor District is vested in a commission “having the
3 management or control of the improvements, development, protection and maintenance of” the San
4 Mateo County Harbor District. (Harbors and Navigation Code § 6001) Therefore the position of
5 Commissioner in the District is clearly one authorized by law as required by section 1099.

6 There are five Commissioners on the Harbor Commission Board, each of whom hold office for
7 “the term of four years from 12 o’clock noon on the first Monday after the first day of January
8 succeeding their election...” (Harbors and Navigation Code § 6050)

9 That the Commissioners “perform(s) a public function for the public benefit and exercise(s)
10 sovereign powers of the state” is shown clearly in Harbors and Navigation Code section 6070, which
11 states in material part: “...the board may pass all necessary ordinances for the regulation of the district,
12 including, but not limited to, ordinances to provide for the protection and safety of persons or the
13 property of persons using district facilities, and persons and property in and upon waters subject to the
14 jurisdiction of the district, and adjacent to property owned or controlled by the district.” (Harbors and
15 Navigation Code § 6070)

16 **B. The Public Offices of Commissioner of the San Mateo County Harbor District and**
17 **Director of the Menlo Park Fire District are Incompatible**

18 Having shown that the positions of San Mateo County Harbor District Commissioner and Menlo
19 Park Fire District Director are both public offices, the remaining question for purposes of section 1099 is
20 whether those public offices are incompatible. Subdivision (a) of section 1099 states:

21 Offices are incompatible when any of the following circumstances are present, unless
22 simultaneous holding of the particular offices is compelled or expressly authorized by law:

- 23 (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or
24 exercise supervisory powers over the other office or body.
25 (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash
26 of duties or loyalties between the offices.
27 (3) Public policy considerations make it improper for one person to hold both offices.

28 (Govt. Code, § 1099(a))

1 The Attorney General has consistently cited to *People ex rel. Chapman v. Rapsey* (1940) 16
2 Cal.2d 636 (*Rapsey*) as the leading case on the doctrine of incompatible offices. (See e.g., 76
3 Ops.Cal.Atty.Gen., *supra*, at 43-44, 68 Ops.Cal.Atty.Gen., *supra*, at 338-339; 66 Ops.Cal.Atty.Gen.,
4 *supra*, at 177-178.)

5 In *Rapsey*, the California Supreme Court stated:

6 Two offices are said to be incompatible when the holder cannot in every instance discharge the
7 duties of each. *Incompatibility arises, therefore, from the nature of the duties of the offices, when*
8 *there is an inconsistency in the functions of the two, where the functions of the two are inherently*
9 *inconsistent or repugnant, as where antagonism would result in the attempt by one person to*
10 *discharge the duties of both offices, or where the nature and duties of the two offices are such as*
11 *to render it improper from considerations of public policy for one person to retain both. The true*
12 *test is whether the two offices are incompatible in their natures, in the rights, duties or*
13 *obligations connected with or flowing from them.*

14 (*Rapsey, supra*, 16 Cal.2d at 642, emphasis added)

15 In 66 Ops.Cal.Atty.Gen. 176, the Attorney General explained that the policy set forth in *Rapsey*
16 “comprehends prospective as well as present clashes of duties and loyalties.” Quoting various other
17 sources the Attorney General further elaborated on the incompatibility doctrine as follows:

18 Neither is it pertinent to say that the conflict of duties may never arise, it is enough that it may, in
19 the regular operation of the statutory plan... [O]nly one significant clash of duties is required to
20 make... offices incompatible...

21 Furthermore, ‘[t]he existence of devices to avoid... [conflicts] neither changes the nature of the
22 potential conflicts nor provides assurance that they would be employed...’ Accordingly, the
23 ability to abstain when a conflict arises will not excuse the incompatibility or obviate the effects
24 of the doctrine. A public officer who enters upon the duties of a second office automatically
25 vacates the first office if the two are incompatible.

26 (66 Ops.Cal.Atty.Gen, *supra*, at 177-178, citations omitted, emphasis added.)

27 And, in 68 Ops.Cal.Atty.Gen. 337, the Attorney General synthesized the concept of
28 incompatibility as follows:

Succinctly stated... if the duties of the two offices are such that the performance of the duties of
either office could have an adverse effect on the other, the offices are incompatible.

(68 Ops.Cal.Atty.Gen., *supra*, at 339, emphasis added.)

1 As noted above, the territorial boundaries of the San Mateo County Harbor District encompass
2 *literally all* of the Menlo Park Fire District. And within those boundaries there are numerous areas of
3 overlap both geographically and statutorily, which serve to define the offices as being incompatible.

4 Specifically, both the Harbor District and the Fire District have overlapping physical territory,
5 with the entirety of the Fire District being within the jurisdiction and territory of the Harbor District. A
6 number of the conflicts present in this action have already been ruled on by the Attorney General on
7 previous occasions, including:

8 We have also specifically concluded that the offices... are incompatible where the city and the
9 district have territory in common. (65 Ops.Cal.Atty.Gen., *supra*, at pp. 607-608.) A number of
10 potential conflicts were identified in our prior opinion, including:...

11 2. In eminent domain proceedings, either public body may condemn property of the other where
12 a superior use can be shown. (Code Civ. Proc. § 1240.610)...

13 5. City officials are charged with the enforcement of health and safety regulations within the
14 schools. (Health & Saf. Code, §§ 3703, 3802.)

(73 Ops.Cal.Atty.Gen. 354.)

15 Both the Harbor District and the Fire District maintain the right to exercise eminent domain over
16 each other, and as the Attorney General has already found above, this fact alone defines these two
17 offices as being incompatible.

18 “It (the Harbor District) ***may exercise the right of eminent domain to take any property***
19 ***necessary or convenient to the exercise of its powers.***”

20 (Harbors and Navigation Code § 6076, emphasis added.)

21 A (fire) district shall have and may exercise all rights and powers, expressed or implied,
22 necessary to carry out the purposes and intent of this part, including, but not limited to, the
23 following powers:...

24 (b) To acquire any property, including water facilities for providing fire protection, within the
25 district *by any means*, to hold, manage, occupy, dispose of, convey and encumber the property,
26 and to create a leasehold interest in the property for the benefit of the district.

27 (c) ***To acquire by eminent domain any property necessary to carry out any of its powers or***
28 ***functions.***

(Health and Safety Code § 13861 (b), (c), emphasis added.)

1 An additional conflict is found in the fact that both the Harbor District and the Fire District
2 maintain responsibility for life safety and emergency operations within the shared territory that
3 encompasses the east side of the Fire District territory, where the land meets the Bay.

4 A (fire) district shall have the power to provide the following services:...

5 (b) Rescue Services...

6 (f) **Any other services relating to the protection of lives and property.**

7 (Health and Safety Code § 13862 (b), (f), emphasis added.)

8 Except as otherwise provided in Section 660, the board may pass all necessary ordinances for the
9 regulation of the district, including, but not limited to, ordinances to provide for **the protection**
10 **and safety of persons or the property of persons using district facilities, and persons and**
11 **property in and upon waters subject to the jurisdiction of the district,** and adjacent property
owned or controlled by the district.

12 (Harbors and Navigation Code § 6070, emphasis added.)

13 Thus it is clear from those two examples alone (eminent domain and competing common service
14 provisions) that the Attorney General has already found repeatedly and consistently that Chang-Kiraly's
15 possession of two offices violates the doctrine of incompatible offices as defined by section 1099.

16 Further clarifying the prohibition against common services in overlaying territories is 68
17 Ops.Cal.Atty.Gen. 337, in which the Attorney General opined that a member of the board of directors of
18 a community services district could *not* lawfully hold simultaneously the office of executive officer of a
19 hospital district having common territory with the community services district, or the office of
20 superintendent of schools for two public school districts having territory in common with the community
21 services district. The Attorney General based the conclusion on the hospital district executive officer on
22 the existence of a statutory plan (as is present here) that, among other things, could conceivably require
23 the community services director **to vote on matters relating to the services** provided by the hospital
24 district **within the common territory** of the community services district. (*Id.* at 350.)

25 There are other areas of overlap that are similar to those conflicts of interest that the Attorney
26 General has previously found to be determinative to two offices being incompatible. As both Districts
27 maintain a common geographic jurisdiction and territory the fact that both are empowered to sue and to
28 pass ordinances related to public safety means that any potentially litigious act or any potentially

1 conflicting ordinances by either district would place the dual-officeholder in an untenable position that
2 would clearly violate the doctrine of incompatible offices.

3 It (the Harbor District) *may sue and be sued* in the name of the district in all courts and tribunals
4 of competent jurisdiction.

5 (Harbors and Navigation Code § 6072, emphasis added.)

6 A district shall have and may exercise all rights and powers...

7 (a) *To sue and be sued.*

8 (Health and Safety Code § 13861 (a), emphasis added.)

9 Except as otherwise provided in Section 660, the board may *pass all necessary ordinances* for
10 the regulation of the district, including, but not limited to, ordinances to provide for the
11 protection and safety of persons or the property of persons using district facilities, and persons
12 and property in and upon waters subject to the jurisdiction of the district, and adjacent property
owned or controlled by the district.

13 (Harbors and Navigation Code § 6070, emphasis added.)

14 A district shall have and may exercise all rights... including but not limited to:...

15 (h) *To adopt ordinances* following the procedures of Article 7 (commencing with Section
16 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Public Contract Code.

17 (Health and Safety Code § 13861 (h), emphasis added.)

18 It does not take a leap of faith to imagine a scenario wherein the Harbor District decides to build
19 a port in the geographic territory of the Fire District, leading to a lawsuit between the two entities where
20 jurisdictional responsibility for life safety and property protection is in dispute. Or the Harbor District
21 decides to use eminent domain to claim a piece of property the Fire District does not wish to see used by
22 the Harbor District, once again leading to litigation on the part of both Districts.

23 It also isn't a stretch to imagine that the Harbor District passes a law pertaining to marine safety
24 within the territorial boundaries of the District that is in conflict with a similar law regarding public
25 safety from the Fire District. In one hypothetical, perhaps the Fire District mandates fire extinguishers
26 on all boats regardless of size or configuration, and the Harbor District requires them only on boats 32'
27 or longer. It would not be difficult to go on at some length with possible statutory conflicts that could
28 arise between the two overlapping districts in question here.

1 The statutory plan and framework in place for the two districts (including the roles and
2 responsibilities of the respective board members), as well as the specific duties and rights assigned to the
3 board members, present numerous potential clashes of loyalties. The Attorney General should therefore
4 find that substantial questions of law and fact exist as to whether the public offices of Commissioner of
5 the San Mateo County Harbor District and Director of the Menlo Park Fire District are incompatible
6 under section 1099.

7 **III. GRANTING LEAVE WOULD SERVE THE PUBLIC INTEREST**

8 The existence of a substantial question of law or fact presents a public purpose to warrant
9 granting of leave to sue. (Cal.Ops.Atty.Gen. 237, 240 (1955).) The “public purpose” requirement has
10 been interpreted as requiring a “substantial question of law or fact which calls for judicial decision.” (67
11 Ops.Cal.Atty.Gen. 340, 341 (1949).) As indicated above, a substantial question of both law and fact
12 exists as to whether Ms. Chang-Kiraly is holding incompatible offices by serving as a Fire District
13 Board Member and Harbor District Commissioner.

14 In deciding whether to grant leave to sue, the primary issue to be considered by the Attorney
15 General is whether a public purpose will be served. As stated in 39 Ops.Cal.Atty.Gen. 85, 89 (1962):

16 “In deciding whether to grant or deny leave to sue, the Attorney General must not only consider
17 the factual and legal problems involved, but also the public interest of the people of this state...”

18 The public and state’s interest are implicated where a local official has acted in violation of state
19 laws governing the incompatible holding of public offices. The public deserves the utmost loyalty from
20 those holding public office. When an interest would prevent an official from exercising absolute loyalty
21 and undivided allegiance to the public, the public interest is at risk. (*City of Stigall v. Taft* (1962) 58
22 Cal.2d 566, 569.) If Ms. Chang-Kiraly continues to hold both positions simultaneously, the electors of
23 San Mateo County and the Menlo Park Fire District will remain deprived of exclusive allegiance to their
24 interest. Disqualification from those decisions involving both offices does not suffice to mitigate the
25 harm and damage caused by Ms. Chang-Kiraly’s continued possession of both offices. (See 66
26 Ops.Cal.Atty.Gen. 176, 177-178 (1983); 63 Ops.Cal.Atty.Gen. 710, 715-717 (1980).)

27 Leave to sue in *quo warranto* may be denied based on considerations of public policy. (81
28 Ops.Atty.Cal.Gen. 94, 103-104 (1998).) Such considerations include the existence of prior litigation (36

1 Ops.Cal.Atty.Gen. 317, 319 (1960).) and the relative shortness of time remaining in the term of office in
2 question. (83 Ops.Cal.Atty.Gen. 181, 184 (2000).) Here, such considerations are nonexistent. Three full
3 years of Ms. Chang-Kiraly's term remain to be served on the Fire District Board and there has been no
4 prior litigation.

5 Where the alleged usurpation has been terminated, *quo warranto* will be denied. (*People v. City*
6 *of Whittier* (1933) 133 Cal.App. 316, 324.) Ms. Chang-Kiraly continues to maintain the two
7 incompatible offices simultaneously. Relator therefore believes that unless leave to sue is granted to test
8 its propriety Ms. Chang-Kiraly will continue to serve in both offices, furthering a circumstance of
9 divided loyalties in violation of section 1099. To deny this application would be to the public detriment.

10 **CONCLUSION**

11 Ms. Chang-Kiraly is currently occupying two public offices, the duties and loyalties of which are
12 incompatible pursuant to Government Code section 1099. Judicial review of this ongoing usurpation is
13 not only proper, it is essential. In accordance with the Code of Civil Procedure section 803, and given
14 the legal and public policy issues at issue, Relator respectfully requests that the Attorney General grant
15 leave to sue in *quo warranto* to resolve the incompatibility between holding simultaneously the offices
16 of Menlo Park Fire District Director and San Mateo County Harbor District Commissioner.

17
18 Dated February 7, 2017

19 Respectfully Submitted:

20
21 _____
22 John C. Ullom
23 *in pro per*
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28

1 John Charles Ullom *in pro per*
2 Pelican Circle
3 Half Moon Bay, CA 94019
4 Telephone: 650-291-6850

5 BEFORE THE ATTORNEY GENERAL
6 OF THE STATE OF CALIFORNIA
7

8
9
10 The People of the State of California on the
11 RELATION of JOHN CHARLES ULLOM,

12 Plaintiff/Relator,

13 vs.

14 VIRGINIA CHANG-KIRALY, as Board Director of
15 the Menlo Park Fire District and Commissioner of
16 the San Mateo County Harbor District

17 Defendant,

CASE NO.:

**VERIFIED STATEMENT OF FACTS IN
SUPPORT OF PLAINTIFF/RELATOR'S
APPLICATION FOR LEAVE TO SUE IN
THE NATURE OF *QUO WARRANTO* TO
TRY TITLE TO PUBLIC OFFICE**

[Cal. Code Regs Title 11, § 2(a).]

18
19 I, John C. Ullom, declare and say:

20 1. I am a private citizen and I live in the County of San Mateo and the City of Half Moon
21 Bay.

22 2. I am the proposed Relator in this matter.

23 3. I submit this declaration in support of my Proposed *Application for Leave to Sue in Quo*
24 *Warranto*. I am familiar with the facts as set forth in this matter, as well as those set forth in this
25 Verified Statement of Facts. I have first-hand knowledge of the matters detailed herein, and if called
26 upon as a witness I could and would testify completely to these facts.
27
28

1 4. Defendant VIRGINIA CHANG-KIRALY was elected to the Menlo Park Fire District
2 (“Fire District”) Board of Directors on November 8th, 2011 when she obtained 3,464 votes. She assumed
3 the Office of Director shortly thereafter. (Exhibit 1)

4 5. Defendant CHANG-KIRALY was appointed to the San Mateo County Harbor District
5 (“Harbor District”) Board of Commissioners in November, 2015, and she took office on or about
6 November 16, 2015. She was required to run for the seat at the next General Election in November
7 2016 as her term would expire on January 9th, 2017. (Exhibit 2)

8 6. Defendant CHANG-KIRALY has continuously held both offices since on or about
9 November 11, 2015.

10 7. Defendant CHANG-KIRALY ran unopposed in the 2015 November General Election
11 and was thus duly reappointed to a new four-year term as a Menlo Park Fire District Board Director.
12 (Exhibit 3)

13 8. Defendant CHANG-KIRALY ran for a four-year term as a San Mateo County Harbor
14 Commissioner in the November 8th, 2016 Presidential Election. She was elected and assumed office on
15 January 9th, 2017. (Exhibit 4, Harbors and Navigation Code § 6050)

16 9. The Menlo Park Fire District was formed under CA Health and Safety Code Section
17 13800 *et seq* on May 16, 1951. The Fire District serves 90,000 people in the following communities:
18 Atherton, East Palo Alto, Menlo Park, Menlo Oaks, University Heights, North Fair Oaks south of the
19 Southern Pacific Railroad line, San Francisco Bay east to the middle of the Dumbarton Bridge. A true
20 and correct copy of Health and Safety Code section 13800 can be found in Exhibit 5, and a true and
21 correct copy of the District and its physical boundaries and jurisdiction can be found in Exhibit 6. A true
22 and correct summary of the District by the San Mateo County Local Agency Formation Commission
23 (“LAFCo”) can be found in Exhibit 7.

24 10. The Fire District is governed by a Board of Directors that currently has five elected seats,
25 each serving a four-year term. (Exhibit 7)

26 11. The San Mateo County Harbor District was founded in 1933 under the statutory authority
27 of CA Harbors and Navigations Code Section 6000 *et seq*. The Harbor District serves the entirety of San
28 Mateo County and has a territorial area of 455 square miles. The Harbor District serves approximately

1 735,678 people and maintains two permanent Harbor facilities currently, one at Oyster Point Marina in
2 South San Francisco, the other at Pillar Point Harbor in Half Moon Bay. A true and correct copy of
3 Harbors and Navigation Code sections 6000-6002 can be found in Exhibit 8. A true and correct map of
4 the Harbor District and its jurisdiction can be found in Exhibit 9, and a true and correct summary of the
5 District as created by LAFCo can be found in Exhibit 10.

6 12. Both the Harbor District and the Fire District Boards are statutorily empowered to use
7 eminent domain at the discretion of the respective Boards. Exhibit 11 is a true and correct copy of
8 Health and Safety Code section 13681 (b) and (c), and Exhibit 12 is a true and correct copy of Harbors
9 and Navigation Code section 6076.

10 13. The Harbor District Board of Commissioners is statutorily empowered to “pass all
11 necessary ordinances for the regulation of the district, including, but not limited to, ordinances to
12 provide for the protections and safety of persons or the property of persons using district facilities, and
13 persons and property in and upon waters subject to the jurisdiction of the district, and adjacent property
14 owned or controlled by the district. Exhibit 13 is a true and correct copy of Harbors and Navigation
15 Code section 6070.

16 14. The Menlo Park Fire District Board of Directors is statutorily empowered to “have the
17 power to provide the following services:... (b) Rescue services... (f) Any other services relating to the
18 protection of lives and property.” A true and correct copy of Health and Safety Code section 13862 (b),
19 (f) is found in Exhibit 14.

20 15. Each District is statutorily empowered to sue and/or be sued. A true and correct copy of
21 Health and Safety Code section 13681 (a) is found in Exhibit 11, and a true and correct copy of Harbors
22 and Navigation Code section 6072 may be found in Exhibit 15.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct and that this declaration is executed on the 7th of February, 2017 at Half Moon Bay,
25 California.

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John C. Ullom *in pro per*

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EXHIBIT 1

1 League of Women Voters of California Education Fund
San Mateo County, CA November 8, 2011 Election

2 **Board Member; Menlo Park Fire Protection District**
3 **Voter Information**

4 4 Year Term.

5 Results as of Jan 20 12:04pm, 100.0% of Precincts Reporting (47/47)
28.7% Voter Turnout (95,664/333,407)

6 **Candidates** (Vote for 2)

7 Click on highlighted name for additional information supplied by candidate. Contact nonhighlighted
8 candidates and
9 encourage them to provide information for voters.

10 **Virginia Chang Kiraly 3,464 votes27.0%**

11 Occupation: Community Volunteer/Silicon Valley Red Cross Board Member
12 Commissioner, CA Commission for Economic Development
13 Silicon Valley Red Cross Board Member

14 San Mateo County Civil Grand Jury Foreperson, 20082009

15 15 years of corporate financial analysis, planning, and investments

16 San Mateo County Community College District Measure G Parcel Tax Oversight Committee member
17 University of Texas at Austin, BA Government, Minor Economics

18 *Priorities:*

19 Financial stability, sustainability, accountability

20 Better strategic planning for more efficient operations

21 Installation of school fire alarms in portable classrooms and connection of school fire alarms to fire stations

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EXHIBIT 2

1 *Virginia Chang Kiraly, Vice President*

2 At a special meeting on November 16, the Board of Commissioners interviewed six candidates
3 seeking to
4 fill the vacancy on the Board. Virginia Chang Kiraly was appointed by the Board to fill the vacancy,
5 and will
6 serve as a Commissioner until January 2, 2017. There will be an election for this position on
7 November 8,
8 2016.

9 Virginia earned her B.A. in Government with a minor in Economics from the University of Texas at
10 Austin.

11 In 2007, she was appointed by Governor Arnold Schwarzenegger to the California Commission for
12 Economic Development and served seven years on the commission under three California
13 Lieutenant

14 Governors. She served on the San Mateo County Civil Grand Jury for two years from 2007-2009
15 and as
16 Foreperson from 2008-2009.

17 During her time on the Civil Grand Jury, she led an effort to connect public
18 school fire alarms to first responders, such as fire departments (2008-2009)

19 ; curb public employee
20 pensions in San Mateo County cities and special districts (2008-2009)

21 ; and discourage public agencies from
22 using cash out refunding

23 of their general obligation bonds (2007-2008)

24 a
25 practice that has since been

26 deemed illegal in California. She has been a leader on redistricting in San Mateo County.

27 Upon her appointment to the San Mateo County Harbor District Board of Commissioners, Virginia is
28 the

29 first Asian-American

30 woman to serve on the harbor district board. She is also a director and the past
31 president of the Menlo Park Fire Protection District Board of Directors. Upon her election to the fire
32 board

33 in 2011, Virginia is the second woman in the 100-year

34 history of the Menlo Park Fire Protection District to

35 serve on the fire board. In 2015, she had an uncontested race and is currently serving her second
36 term on

37 the fire board.

38 Virginia has fifteen years of professional experience in corporate financial analysis, planning, and
39 investments. She is a former Senior Director of the Nasdaq Stock Market and has worked at some
40 of the

41 country's leading financial institutions.

42 In 2015, Virginia was named by the Silicon Valley Business Journal as a "Woman of Influence." She
43 serves

44 on the boards of the California State Parks Foundation, the Silicon Valley Chapter of the American
45 Red

46 Cross, and as president of the El Camino Youth Symphony. She was a member of the San Mateo
47 County

48 Community College District's Measure G Parcel Tax Oversight Committee. Virginia has been a guest
49 lecturer on "Women & Management" at Notre Dame de Namur. She is a member of the Peninsula

50 Volunteers and a sustainer of the Junior League of Palo Alto*MidPeninsula.

51 A daughter of Chinese immigrants, Virginia was born and raised in Austin, Texas. She is a former
52 concert

53 pianist. For fun, she likes to knit, stitch, run, read, and write. Virginia and her husband live in

54 unincorporated West Menlo Park and are the proud parents of two sons and an adopted family dog.

55 Contact information for Virginia Chang Kiraly:

1 Email: [vchangkiraly@](mailto:vchangkiraly@smharbor.com)

smharbor.com

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EXHIBIT 3

Board Director Virginia Chang Kiraly

Virginia earned her B.A. in Government with a minor in Economics from the University of Texas at Austin. In 2007, she was appointed by Governor Arnold Schwarzenegger to the California Commission for Economic Development and served seven years on the commission under three California Lieutenant Governors. She served on the San Mateo County Civil Grand Jury for two years from 2007-2009 and as Foreperson from 2008-2009. During her time on the Civil Grand Jury, she led an effort to connect public school fire alarms to first responders, such as fire departments (2008-2009); curb public employee pensions in San Mateo County cities and special districts (2008-2009); and discourage public agencies from using cash out re-funding of their general obligation bonds (2007-2008)-- a practice that has since been deemed illegal in

California. She has been a leader on redistricting in San Mateo County.

Upon her election to the fire board in 2011, Virginia is the second woman in the 100-year history of the Menlo Park Fire Protection District to serve on the fire board. In 2015, she had an uncontested race and is currently serving her second term on the fire board. In November 2015, Virginia was appointed to the San Mateo County Harbor Board of Commissioners. Upon her appointment to the harbor district board, Virginia became the first Asian- American woman to serve on that board.

Virginia has fifteen years of professional experience in corporate financial analysis, planning, and investments. She is a former Senior Director of the Nasdaq Stock Market and has worked at some of the country's leading financial institutions.

In 2015, Virginia was named by the Silicon Valley Business Journal as a "Woman of Influence." She serves on the boards of the California State Parks Foundation, the Silicon Valley Chapter of the American Red Cross, and as president of the El Camino Youth Symphony. She was a member of the San Mateo County Community College District's Measure G Parcel Tax Oversight Committee. Virginia has been a guest lecturer on "Women & Management" at Notre Dame de Namur.

1 She is a member of the Peninsula Volunteers and a sustainer of the Junior League of Palo
2 Alto*Mid-Peninsula.

3 A daughter of Chinese immigrants, Virginia was born and raised in Austin, Texas. She is a
4 former concert pianist. For fun, she likes to knit, stitch, run, read, and write. Virginia and her husband
5 live in unincorporated West Menlo Park and are the proud parents of two sons and an adopted family
6 dog.

7 Virginia Chang

8 Kiraly

9 virginiack@menlofire.org

10 650-688-8400

11 Term: 12/15 to 12/19

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EXHIBIT 4

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Virginia Chang Kiraly

128,148 votes (26.3%) **Winning**

[Add candidate to my list](#)

Appointed Incumbent

My Top 3 Priorities

Fiscal responsibility, accountability, transparency, and planning

Economic development balanced with environmental stewardship, including dredging for beach

replenishment and repairing and maintaining Mavericks coastal trail

Community partnerships: publicprivate partnerships for ferry

transportation; educational opportunities for STEM subjects and farm-to-table culinary arts

Experience

[Candidate has provided information.](#)

Thank candidate for sharing their information on Voter's Edge.

Professional Experience

Education

Community Activities

Political Beliefs

Candidate Contact Info

Elected Officials (4)

Organizations (4)

Individuals (1)

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EXHIBIT 5

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CA HSC § 13800

This part shall be known and may be cited as the Fire Protection District Law of 1987 or as the Bergeson Fire District Law. - See more at: <http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-13800.html#sthash.syQg1LLD.dpuf>

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EXHIBIT 6



MENLO PARK
FIRE PROTECTION DISTRICT

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SCALE

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EXHIBIT 7

Menlo Park Fire Protection District

Profile

Date of Formation: May 16, 1951 (reorganized)

Enabling Legislation: Section 13800 et seq. of the CA Health and Safety Code

Services Provided: Fire suppression, emergency medical service, and fire prevention/public education

Area: 30 square miles

Population: 90,000

Sphere of Influence: Status quo

Communities Served: Atherton, East Palo Alto, Menlo Park, Menlo Oaks, University Heights, North

Fair Oaks south of the Southern Pacific Railroad line, San Francisco Bay east to the middle of the

Dumbarton Bridge.

View [District Website](#)

View [District Map](#)

View [District Budget](#)

Board of Directors

Menlo Park Fire Protection District is governed by a five-member board of directors elected to four-year terms.

PETER CARPENTER (President) 2017

REX IANSON (Vice President) 2017

CHUCK BERNSTEIN 2017

VIRGINIA CHANG KIRALY 2019

ROBERT J. SILANO 2019

The board of directors meets regularly the third Tuesday of every month.

All meetings are held at the classroom at the District Headquarters, 300 Middlefield Road, Menlo

Park, CA 94025.

Meeting time is 7:00 pm unless otherwise noted in the agenda. Future agendas are posted at least 72

hours prior to regular meetings and 24 hours prior to special mee

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EXHIBIT 8

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HNC Section 6000

“Harbor,” as used in this part, includes any bay, harbor, inlet, river, channel, slough, or arm of the sea, in which the tides of the Pacific Ocean ebb and flow or in which tides are affected by the Pacific Ocean.

– See more at: <http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6000.html#sthash.aeWqMbcD.dpuf>

HNC Section 6001

“Board,” as used in this part, means the commission or board having the management or control of the improvements, development, protection and maintenance of any harbor district established or formed pursuant to this part. – See more at: <http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6001.html#sthash.qgjCkR6d.dpuf>

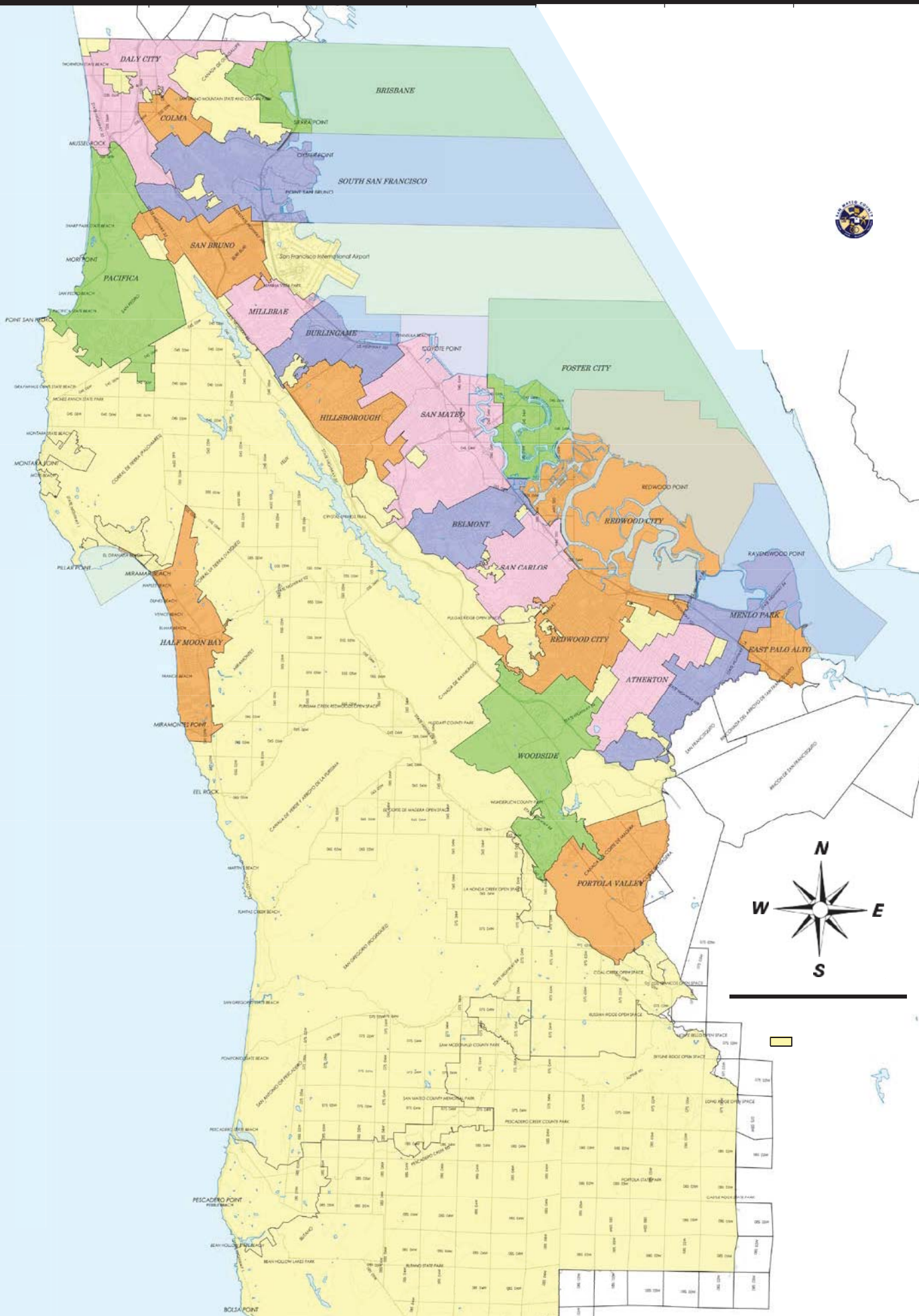
HNC Section 6002

“District,” as used in this part, refers to a district formed pursuant to this part. – See more at:

<http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6002.html#sthash.FUZ8Agrm.dpuf>

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EXHIBIT 9



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EXHIBIT 10

San Mateo County Harbor District

Profile

Date of Formation: 1933

Enabling Legislation: Section 6000 et seq. of the CA Harbors and Navigation Code

Services Provided: Builds, operates, and maintains harbor and marina facilities at Pillar Point Harbor and Oyster Point Marina; provides search and rescue facilities at Pillar Point Harbor and

Oyster Point Marina/Park

Area: 455 square miles

Population: 735,678 (CA Department of Finance 2013)

Sphere of Influence: Zero (dissolution)*

Communities Served: San Mateo County Midcoast, South San Francisco, visitors to Pillar Point and

Oyster Point Facilities, San Mateo County and other San Francisco Bay Area boaters who berth

vessels at District facilities, and business owners or others who use District facilities

View [District Website](#)

View [District Map](#)

View [District Budget](#)

Board of Commissioners

San Mateo County Harbor District is governed by a five-member board of commissioners elected to

four-year terms.

TOM MATTUSCH (President) 2020

VIRGINIA CHANG-KIRALY (Vice President) 2020

ROBERT BERNARDO (Secretary) 2019

EDMUNDO LARENAS 2019

SABRINA BRENNAN 2020

The board of commissioners meets regularly the first Wednesday of every month at Sea Crest School, Multi-Purpose Room, 901 Arnold Way, Half Moon Bay, CA 94019 and the third Wednesday

at the Municipal Services Building, 33 Arroyo Drive, South San Francisco, CA 94080. Meetings are

televised live and available to stream on Pacific Coast TV's [Cable Channels 26/27](#) and [YouTube](#)

[Channel](#), and at [CitizenAccess.tv](#).

Meeting time is 6:00 pm unless otherwise noted in the agenda. Future agendas are posted at least 72

hours prior to regular meetings and 24 hours prior to special meetings.

Contact

General Inquiries: (650) 583-4400

District Office:

504 Avenue Alhambra, 2nd Floor

El Granada, CA 94018

Hours: 6:00 am – 10:00 pm daily

1 mhadden@smharbor.com
2 www.smharbor.com/harbordistrict

3 Mailing Address:

4 P.O. Box 1449

5 El Granada, CA 94018

6 **STEVE McGRATH, General Manager**

7 smcgrath@smharbor.com

8 Phone: (650) 583-4400

9 Fax: (650) 583-4611

10 *LAFCo sphere policy indicates: "An existing local agency may be allocated a zero sphere of influence, which
11 encompasses no territory. Such may be the case where LAFCo determines, after due consideration of all factors,
12 that the
13 public service responsibilities and functions of one local agency should be reallocated to some other unit of
14 government
15 and that, ultimately, the local agency which has been assigned a 'zero sphere of influence' should cease to exist."
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EXHIBIT 11

4 California Health and Safety Code Section 13861

5 Search California Codes

6 Enter Keyword or Citation [Search](#)

7 A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the
8 purposes and intent of

9 this part, including, but not limited to, the following powers:

10 (a) To sue and be sued.

11 (b) To acquire any property, including water facilities for providing fire protection, within the district by any
12 means, to hold, manage,

13 occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the
14 benefit of the district.

15 (c) To acquire by eminent domain any property necessary to carry out any of its powers or functions.

16 (d) To appoint necessary employees, to define their qualifications and duties, and to provide a pay schedule for
17 performance of their
18 duties.

19 (e) To employ counsel.

20 (f) To enter into and perform all necessary contracts pursuant to Article 53 (commencing with Section 20810) of
21 Part 3 of Division 2

22 of the Public Contract Code.

23 (g) To adopt a seal and alter it at pleasure.

24 (h) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of
25 Part 2 of Division 2 of

26 Title 3 of the Government Code.

27 (i) To establish and enforce rules and regulations for the administration, operation, and maintenance of the
28 services listed in Section
13862.

(j) To enter joint powers agreements pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title
1 of the

Government Code.

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the
Government Code.

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[Search by Keyword or Citation](#)

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EXHIBIT 12

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HNC Section 6076

It may exercise the right of eminent domain to take any property necessary or convenient to the exercise of its powers. - See more at: <http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6076.html#sthash.SI4IP22t.dpuf>

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EXHIBIT 13

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HNC Section 6070

Except as otherwise provided in Section 660, the board may pass all necessary ordinances for the regulation of the district, including, but not limited to, ordinances to provide for the protection and safety of persons or the property of persons using district facilities, and persons and property in and upon waters subject to the jurisdiction of the district, and adjacent property owned or controlled by the district. - See more at:

<http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6070.html#sthash.FIlynX9M.dpuf>

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EXHIBIT 14

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A district shall have the power to provide the following services:

- (a) Fire protection services.
- (b) Rescue services.
- (c) Emergency medical services.
- (d) Hazardous material emergency response services.
- (e) Ambulance services, pursuant to Division 2.5 (commencing with Section 1797).
- (f) Any other services relating to the protection of lives and property.

- See more at: <http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect->

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EXHIBIT 15

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HNC Section 6072

It may sue and be sued in the name of the district in all courts and tribunals of competent jurisdiction. - See more at: <http://codes.findlaw.com/ca/harbors-and-navigation-code/hnc-sect-6072.html#sthash.f6TYfm4E.dpuf>