# SWEETWATER SPRINGS WATER DISTRICT

**TO:** Board of Directors **AGENDA NO. V-D.**

**FROM:** Steve Mack, General Manager

**Meeting Date : June 2, 2011**

**Subject: REPLACEMENT OF BOARD MEMBER WANDA SMITH**

**RECOMMENDED ACTION:** Receive and discuss a report on procedures for replacing Board Member Smith.

**FISCAL IMPACT:** none

**DISCUSSION:**

At the May 5, 2011 meeting Board Member Wanda Smith announced her intention to resign because she was shortly moving out of the District. Board Member Smith requested District Legal Counsel, Mike Gogna, to clarify the residency requirements of being a Director of the District which he did in a later email to Board Member Smith. Subsequently, Board Member Smith sent an email to the General Manager on May 13, 2011, confirming her resignation.

Government Code Section 1780 provides the framework for replacing a resigning Board Member. Important elements include:

- The District must notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. Since the effective date of the vacancy, May 13, 2011, is the same as when the District was formally notified, the county elections official must be notified by May 28, 2011, which District staff has done.

- The remaining Board Members must make the appointment within 60 days of the date the board was notified of the vacancy or effective date of the vacancy, whichever is later. Since May 13 is the effective date, the appointment must be made by July 12, 2011, if the Board is to make the appointment.

- The district must post notice of the vacancy in at least three conspicuous places within the district at least 15 days before the district board makes the appointment. The district board must notify the county elections official of the appointment no later than 15 days after the appointment.

- The code provides that if the vacancy occurs in the first half of a term in office but more than 130 days prior to the next general district election (which in

this case is in November 2012), the person appointed to fill the vacancy shall fill the position until the next general election and thereafter until the person elected in that general election is seated on the Board (at the December Board Meeting). The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. Board Member Smith was just reelected in November 2010 and, as such, the appointee would serve until the general election of 2012 and the person elected to fill the balance of the term would serve in that term until the 2014 general election at which time the position would be up for election again.

- In the event the remaining district board members fail to either appoint or call for an election within the required 60 day period, the Sonoma County Board of Supervisors may appoint a person to the district board within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or order the district to call an election to fill the vacancy.

When the Board appointed a replacement for Board Member McLean in May 2009, we held a special meeting to do so. That seemed to work well. There is time available for this process and District staff is available to make it happen.