

NOTICE AND CALL OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN, pursuant to section 54956 of the California Government Code, a special meeting of the Santa Margarita Water District is hereby called by Sandra Jacobs, Vice President of the Board for:

Date/Time: Wednesday, May 1, 2013 at 4:00 p.m.

Location: Santa Margarita Water District
26111 Antonio Parkway
Rancho Santa Margarita, CA 92688

Notice

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the District Parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the District at (949) 459-6400. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

SPECIAL MEETING AGENDA

1. Call to Order.
2. Roll Call.
3. **Public Forum** – *Persons wishing to address the Board of Directors on matters not listed on the Agenda may do so at this time. "Request To Be Heard" forms are available at the entrance to the Board Room. Comments are limited to three minutes, unless further time is granted by the Presiding Officer. Please submit the form to the Recording Secretary prior to the beginning of the meeting.*

Those wishing to address the Board of Directors on any item listed on the Agenda should submit a "Request To Be Heard" form to the Recording Secretary before the Presiding Officer announces that agenda item. Your name will be called to speak at that time.

4. Consideration and Action on Selection of Board Officers for remainder of current term ending December 6, 2013.

Staff Recommendation: Appoint a District President and other officers as required.

5. Consideration and Action on Process to Fill Vacant Board Seat

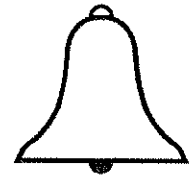
Staff Recommendation: Authorize process for appointment of new Board Member

6. Adjournment.

Dated: April 30, 2013 /s/


Joyce Crosthwaite
Board Secretary

Santa Margarita Water District



MEMORANDUM

TO: Board of Directors **DATE:** May 1, 2013
FROM: Dan Ferons
SUBJECT: Consideration and Action on Selection of Board Officers for Remainder of Current Term Ending December 6, 2013.

SUMMARY

Issue: The office of President is currently open with the resignation of Director Faubel. If the Board does not take action, the duties fall to Director Jacobs, the current Vice President.

Recommendation: Appoint a District President and other officers as required.

Fiscal Impact: No impact to the District.

Previous Related Action: The rotation of Board officers occurs annually in December.

DISCUSSION

The current Board officers are:

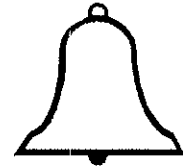
- Open – President
- Sandra Jacobs – Vice President
- Betty Olson – Treasure
- Charley Wilson – Engineering Meeting Chairman

Under the typical rotation pattern, in December of 2013 the Board Officers would be:

- Sandra Jacobs – President
- Betty Olson – Vice President
- Charley Wilson – Treasure
- Charles Chuck Gibson – Engineering Meeting Chairman

Since it is not an election year, any changes to the rotation could be effective through December 2014.

Santa Margarita Water District



MEMORANDUM

TO: Board of Directors **DATE:** May 1, 2013
FROM: Dan Ferons
SUBJECT: Consideration and Action on Process to Fill Vacant Board Seat

SUMMARY

Issue: The District has sixty (60) days from April 26, 2013 to call a special election or appoint a replacement for the vacancy due to the resignation of Director Faubel. The term of the open seat is until the first Board meeting in December 2014. The new Board member will be required to run for election to stay beyond that time regardless of appointment or special election.

Recommendation: Discuss the options for filling the seat and provide direction to staff for starting the process for appointment of new Board Member.

Fiscal Impact: The Orange County Registrar of Voters estimates a special election would cost over \$300,000. The staff time will be the same for either option.

Previous Related Actions: The District has appointed individuals to fill vacant Board seats.

DISCUSSION

As required by Government Code §1780, the District has notified the Orange County Registrar of Voters that Director Roger Faubel resigned from the Board, effective April 26, 2013. Within 60 days of that effective date, or no later than June 25, 2013, a majority of the remaining Board must affirmatively vote to:

1. Appoint a new director to fill the vacancy;
2. Call an election to fill the vacancy; or
3. Allow the Board of Supervisors to fill the position.

The Board is required to consider filling the vacancy at a regularly scheduled Board meeting. The purpose of calling a special Board meeting is to provide an opportunity to discuss the options, provide direction to staff while maximizing the time allotted for interested persons to submit an application if the Board chooses to appoint a new director. The next regularly scheduled Board meeting is May 10th.

The recommendation is fill the vacancy by appointment. The process for each option is discussed below:

Option 1--Filling a Vacancy by Appointment

At the May 10 meeting, the Board may consider directing the District to file a "Notice of Vacancy" which must be posted in three or more conspicuous places in the District at least 15 days before the appointment is made. The notice may request that:

- a. Interested individuals submit a letter of interest and/or a resume summarizing the person's interest, qualifications and background.
- b. Identify a Board Meeting at which the Board will consider the appointment. This may be done either before posting the notice or after receipt of applications.
- c. Ask each applicant to attend the Board Meeting and be prepared to make a brief presentation and perhaps answer questions.
- d. After all presentations have been heard, deliberate in open session.
- e. Make an appointment by a motion and a second.

Persons appointed to fill a vacancy hold office for the unexpired balance of the term of office. If the Board chooses to appoint a new director, it is anticipated that the appointment would occur at the June 14th Board meeting.

Option 2--Calling an Election to Fill the Vacancy

At the May 10, 2013 meeting, instead of an appointment, the Board may consider calling for an election. The election would be held on the next established election date that is at least 130 days *after* the date the election is called. The District would work with the Orange County Registrar of Voters to determine the election date if the Board chooses to fill the seat by calling an election. The District would be responsible for the cost of the election. Persons elected to fill a vacancy hold office for the unexpired balance of the term of office.

Option 3--Filing of Vacancy by Orange County Board of Supervisors.

If the vacancy is not filled by appointment and an election is not called within 60 days of the vacancy, then the Orange County Board of Supervisors may fill the vacancy within 90 days of the vacancy or may order the District to call an election to fill the vacancy. If within 90 days of the vacancy, the Orange County Board of Supervisors has not filled the vacancy or called for an election, the District must call an election to fill the vacancy which shall be held at the next established election date that is 130 days or more after the date the District calls for the election.