

WALNUT VALLEY WATER DISTRICT
271 South Brea Canyon Road
Walnut, California 91789

SPECIAL BOARD MEETING
THURSDAY, JUNE 4, 2020 – 4:00 P.M.
AGENDA

Pursuant to the provisions of Executive Order N-25-20 Issued by Governor Gavin Newsom on March 12, 2020, any Board member and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Webex link below without otherwise complying with the Brown Act's teleconference requirements:

https://wwvd.webex.com/join/board_room

(Computer and Telephone Audio Accessible)

Any member of the public wishing to make any comments to the Board may do so by accessing the above-referenced link where they may select the option to join via webcam or teleconference. The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making his or her comment. Members of the public will be disconnected from the meeting prior to a Closed Session being held.

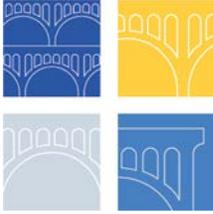
NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the General Manager's office at least 4 hours prior to a Board meeting to inform the District of your needs and to determine if accommodation is feasible.

Each item on the agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item.

Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review during regular business hours at the District office, located at 271 S. Brea Canyon Road, Walnut, California.

1. Flag Salute
2. Roll Call: Mr. Hilden____ Ms. Kwong____ Ms. Lee____ Mr. Tang____
3. Public Comment President Lee
The Presiding Officer may impose reasonable limitations on public comments to assure an orderly and timely meeting.
 - A. **Agenda Items** - Any person desiring to address the Board of Directors on any Agenda item may do so at the time the item is considered on the Agenda by requesting the privilege of doing so at this time and stating the Agenda item to be addressed. At the time the item is discussed, those requesting to speak will be called to do so.
 - B. **Non-Agenda Items** - At this time the public shall have an opportunity to comment on any non-agenda item relevant to the jurisdiction of the District. Reasonable time limits on each topic and on each speaker are imposed in accordance with Board policy.
4. Consideration and Possible Action to Determine Process and Timing to Fill Division IV Board Vacancy
 - A. Discussion
 - B. Board Action
5. Other

Adjournment



MEMORANDUM

To: Board of Directors, Walnut Valley Water District

From: Jim Ciampa

Date: June 4, 2020

Re: Filling of Board Vacancy

As you are now aware, Director Ted Ebenkamp has resigned from his position as a director at the District, by letter dated May 29, 2020. Per Director Ebenkamp's letter, his resignation is effective immediately. The vacancy created by Director Ebenkamp's resignation must be filled in the manner provided in Government Code Section 1780.

Following is an outline of the required procedures under Government Code Section 1780 that must be followed to fill this vacancy.

1. **Effective Date of Vacancy (Govt. Code Section 1770)** – As applicable here, under Govt. Code Section 1770(c)(1), Director Ebenkamp's position as a director became vacant upon the effective date set forth in his letter of resignation (i.e, May 29, 2020).
2. **Notify County Clerk of Vacancy (Govt. Code Section 1780(b))** – The District must notify the Los Angeles County Clerk of the vacancy within 15 days after the later of: (i) the date on which the Board is notified of the vacancy, or (ii) the effective date of the vacancy. Here, because the Board was notified of the vacancy today, June 4, which is later than the May 29 effective date of the resignation, that 15 day period begins to run tomorrow, June 5, and the County Clerk must be notified by June 19, 2020.
3. **Board Action to Fill Vacancy (Govt. Code Section 1780(c) &(d))** - The remaining Board members may fill the vacancy by appointment (Govt. Code Section 1780; Water Code Sections 34707 and 34707.5). An appointment to fill the vacancy must be made within 60 days immediately after the later of: (i) the date on which the Board is notified of the vacancy, or (ii) the effective date of the vacancy (alternatively, within that 60 day period, the Board may

call for an election instead of filling the vacancy by appointment). As discussed in Item 2, above, that 60 day period would begin to run June 5, the day after the Board was notified of the vacancy, and would end on Tuesday, August 4.

4. **Process of Fill Vacancy (Govt. Code Section 1780(d)(1)** – The Board has much flexibility in determining the process by which it will fill the vacancy. The only statutory requirement is that a notice of the vacancy must be posted in 3 or more conspicuous places in the District at least 15 days before the appointment is made. The District must notify the L.A. County Clerk of the appointment within 15 days after the appointment is made.

If the vacancy is not filled within the 60 day period (i.e., by August 4), or if the Board has not called for an election to fill the vacancy within that 60 day period, then the Los Angeles County Board of Supervisors may fill the vacancy within 90 days after the later of: (i) the date on which the District's Board is notified of the vacancy, or (ii) the effective date of the vacancy, or the Board of Supervisors can order the District to call an election to fill the vacancy.

5. **Length of Term to Fill Vacancy (Govt. Code Section 1780(d)(3))** – Because the vacancy occurred during the second half of Director Ebenkamp's term of office, if the Board appoints someone to fill the vacancy, that person will fill the balance of Director Ebenkamp's unexpired term; i.e., through the November 3, 2020 election. Thus, the person appointed to fill Director Ebenkamp's seat would need to run for election in November in connection with the new term for that seat.

Please let me know if you have any questions about this process.

May 29, 2020

Mr. Erik Hitchman
General Manager
Walnut Valley Water District
271 S. Brea Canyon Road
Walnut, CA 91789

As you know, a recent injury left me with some health issues that make it difficult for me to adequately perform my responsibilities as the director represent Division IV of the WVWD. Effective immediately please accept my resignation of that position.

I have enjoyed working with you, your entire staff and my fellow board members for the last 12+ years. WVWD is proof that a well-managed, local public agency can deliver an important community service in a fiscally responsible manner at a fair price.

Best wishes,



Theodore L. Ebenkamp Division IV