

AVILA BEACH COMMUNITY SERVICES DISTRICT

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AGENDA

“SPECIAL” BOARD MEETING

1:00 PM Thursday, April 25th, 2019

**BOARD MEETING LOCATION
100 SAN LUIS STREET
AVILA BEACH, CALIFORNIA**

1. **CALL TO ORDER: 1:00 P.M.**

2. **ROLL CALL: Board Members:**

Pete Kelley, President
Lynn Helenius, Vice President
Ara Najarian, Director
Kristen Berry, Director

3. **PUBLIC COMMENT**

Members of the public wishing to comment or bring forward any items concerning District operations **which do not appear on today's agenda** may address the Board now. Please state name and address before addressing the Board and **limit presentations to 3 minutes**. State law does not allow Board action on items not appearing on the agenda.

4. **INFORMATION AND DISCUSSION ITEMS**

Items of District interest which may be placed on later agendas, or where staff needs to inform Board.

5. **BUSINESS ITEMS:** Items where Board action is called for.

A. **Resolution Calling for a Special Election to Fill a Vacancy on the District Board.**
(Action Required: Receive Staff Report and Consider Adopting Resolution No. 2019 -02 replacing Resolution 2019-01.)

6.. **ADJOURN**

Next regularly scheduled meeting is on Wednesday, May 8th, 2018 at 11:00 a.m.


Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the Board after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the District Administration Office, 100 San Luis Street, Avila Beach, CA during normal business hours. Consistent with the Americans with Disabilities Act and California Government Code Section 54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the above referenced public meeting by contacting the District at 805-595-2664.

**AVILA BEACH
COMMUNITY SERVICES DISTRICT**

Post Office Box 309, Avila Beach, CA. 93424

MEMORANDUM

TO: Board of Directors

FROM: Brad Hagemann, General Manager 

DATE: April 25, 2019

SUBJECT: Revised Resolution Calling for a Special Election to Fill a Vacancy on the District Board. Resolution No. 2019-02

Recommendation:

Approve Resolution No. 2019-02

Funding:

Costs for District elections will be funded out of the Administration budget. The cost of an election will vary depending upon the number of candidates filing for election, but have ranged from a few hundred dollars to several thousand dollars. The FY 2019-20 Administrative Budget will include sufficient funds to cover the costs.

Discussion:

The County Clerk's office contacted staff on April 3, 2019 advising us that the State Elections Code requires the County to hold a Special Election for Board of Director vacancies that are not filled within a certain time frame. The Clerk's office requested District staff prepare a Resolution requesting the County hold a Special Election to fill the vacancy. The Board approved Resolution No. 2019-01 at their April 10, 2019 Board meeting. However, the County Counsel's office requested the Resolution be revised to include more specific information and citations. With County Counsel's Office input, staff prepared attached Resolution No. 2019-02 to replace previously adopted Resolution No. 2019-01.

Attached for Board consideration is Resolution No. 2019-02. If adopted, staff will send the Resolution to the County and they will schedule for Board of Supervisors approval.

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2019-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT CALLING A SPECIAL ELECTION TO FILL AN UNANTICIPATED VACANCY ON THE DISTRICT BOARD

WHEREAS, on or about August 22, 2018, former Director Eric DeWeese announced his resignation from the District Board; and

WHEREAS, upon learning of the vacancy, the District Board caused to be posted a notice of vacancy seeking interested applicants for appointment to the Board; and

WHEREAS, thereafter, no one submitted an application to the District Board seeking an appointment within the time frame permitted for the District Board to appoint pursuant to Government Code section 1780, subdivision (d)(1); and

WHEREAS, no appointment to fill the vacancy has been made by the County Board of Supervisors within the time prescribed by Government Code section 1780, subdivision (f)(1); and

WHEREAS, Government Code section 1780, subdivision (g) provides that if no appointment is made by the District Board or the Board of Supervisors within 90 days of the District Board's notice of vacancy or the effective date of the vacancy, whichever is later, then the District Board shall call an election to fill the vacancy; and

WHEREAS, subdivision (g)(2) of Government Code section 1780 requires that the election to fill the vacancy be held on the next established election date as provided in the applicable provisions of the Elections Code; and

WHEREAS, pursuant to Elections Code section 4108, the District Board may conduct an election by all-mailed ballots pursuant to Elections Code section 4000; and

WHEREAS, Elections Code section 10002 authorizes the District Board, by resolution, to request that the Board of Supervisors permit the county elections official to render specified services to the District relating to the conduct of the elections, provided the district reimburses the county in full for such services;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors as follows:

1. Pursuant to Government Code section 1780, subdivision (g)(1), a special election is hereby called to fill a vacancy for the unexpired term of the director's seat left vacant by the resignation of former District Board Director Eric DeWeese;
2. Said special election shall be held on August 27, 2019, pursuant to Government Code section 1780, subdivision (g)(2) and Elections Code section 1500;
3. The special election called herein shall be conducted by all-mailed ballot election pursuant to the provisions of Elections Code section 4108;
4. Pursuant to Elections Code section 10002, the District requests that the San Luis Obispo County Board of Supervisors permit the elections official of the county to conduct said election;
5. All costs incurred by the county related to the conduct of this special election shall be paid in full by the District upon presentation of a bill by the elections official.

ON MOTION of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:

The foregoing resolution is hereby adopted this ____ day of April, 2019.

Peter Kelly, President

Attest:

SECRETARY TO THE BOARD