



BOARD OF DIRECTORS

Raynette Gregory, Vice-President

Anthony Kalvans, Director

Owen Davis, Director

Rod Smiley, Director

SPECIAL MEETING AGENDA

Open Session 6:00 PM - then convene to Closed Session

601 12th Street San Miguel, CA Date: 06-29-2023

Cell Phones: As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Boardroom.

Americans with Disabilities Act: If you need special assistance to participate in this meeting, please contact the CSD Clerk at (805) 467-3388. Notification 48 hours in advance will enable the CSD to make reasonable arrangements to ensure accessibility to this meeting.

Public Comment: Sign in sheet at podium for public comment. Comments are **limited to three minutes**, unless you have registered your organization with CSD Clerk prior to the meeting. If you wish to speak on an item not on the agenda, you may do so under item "Public Comment and Communications for items not on the agenda". Person(s) who wish to submit written correspondence, may do so at www.sanmiguelcsd.org. All correspondence is distributed to each Board Director and will become part of the record of that board meeting. Any member of the public may address the Board of Directors on items on the consent calendar.

Meeting Schedule: Regular Board of Director meetings are held on the fourth Thursday of each month at 7:00 P.M. Agendas are also posted at: www.sanmiguelcsd.org

Agendas: Agenda packets are available for public inspection 72 hours prior to the scheduled meeting at the Posting Board/ San Miguel CSD office, during normal business hours. Any agenda-related writings or documents provided to a majority of the Board of Directors after distribution of the agenda packet are available for public inspection at the same time.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Special Meeting Agenda**
4. **Pledge of Allegiance**

5. **Public Comment and Communications for items not on the agenda** *Persons wishing to speak on a matter not on the agenda may be heard at this time; however, no action will be taken until placed on a future agenda. Speakers are **limited to three minutes**. Please sign in with name and address at podium.*

6. **Board Action Items**

1. Discussion and possible action to fill the current Board vacancy by appointment or by calling a special election.

Discuss options for filling the current Board vacancy either by appointment or by calling a special election:

1. Fill the vacancy by appointing one of the two applicants interviewed on June 22, 2023.
2. Adopt Resolution 2023-33 calling a special election and approving a budget adjustment to cover the cost of the special election. Provide direction to the General Manager and Legal to take all necessary steps to place the Vacant Board position on the next San Luis Obispo County general election ballot.
3. Direct the General Manager to request the San Luis Obispo County Board of Supervisors fill the vacancy by appointment at their next regular Board meeting.
4. Continue the item for further consideration at the next regular Board meeting on July 26, 2023.

7. **Board Comment** *This section is intended as an opportunity for Board members to make brief announcements, request information from staff, request future agenda item(s) and/or report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.*

8. **Adjournment to Next Regular Meeting**

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) SS.
COMMUNITY OF SAN MIGUEL)

I, Tamara Parent, Board Clerk of San Miguel Community Services District, hereby certify that I caused the posting of this agenda at the SMCSO office.

Date:

Board of Directors Staff Report

June 29, 2023

AGENDA ITEM: 6.1

SUBJECT: Discussion and possible action to fill the current Board vacancy by appointment or by calling a special election.

SUGGESTED ACTION: Discuss options for filling the current Board vacancy either by appointment or by calling a special election:

1. Fill the vacancy by appointing one of the two applicants interviewed on June 22, 2023.
 2. Adopt Resolution 2023-33 calling a special election and approving a budget adjustment to cover the cost of the special election. Provide direction to the General Manager and Legal to take all necessary steps to place the Vacant Board position on the next San Luis Obispo County general election ballot.
 3. Direct the General Manager to request the San Luis Obispo County Board of Supervisors fill the vacancy by appointment at their next regular Board meeting.
 4. Continue the item for further consideration at the next regular Board meeting on July 26, 2023.
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DISCUSSION:

The resignation of Ward Roney in May 2023 left a vacancy on the Board of Directors for the remaining term of office that expires in December 2024.

A Notice of Vacancy was posted in public locations within the community and posted on the District's web site on May 30, 2023. Notice of the vacancy was also posted on Facebook, a banner was put up downtown, and notices were posted at the District Fire Station and San Miguel Post Office.

Two (2) letters of interest and qualifications were submitted to the Board for consideration at the June 22, 2023 regular Board of Directors meeting. Following interviews of each applicant, the Board voted on a motion to appoint Berkley Baker, resulting in a 2-2 vote by the Board. The Board also voted on a motion to appoint Ashley Sangster, which resulted in a 2-2 vote. With no majority vote for either applicant, the Board discussed their options for filling the vacancy, in consultation with legal counsel, which options include the following:

1. Pursuant to Government Code section 1780, subdivision (d), fill the vacancy by appointing one of the two applicants interviewed on June 22, 2023.
2. Pursuant to Government Code section 1780, subdivision (e), call a special election to fill the vacancy.
3. Direct the General Manager to request the San Luis Obispo County Board of Supervisors fill the vacancy by appointment at their next regular Board meeting.

Directors Davis and Kalvans expressed interest in calling a special election and the Board voted by consensus to continue the item for further consideration at a special meeting to be held prior to the next regular Board meeting. The Board further directed the Board Clerk to obtain the cost of holding a special election from the County Registrar of Voters.

If the Board elects to call a special election, it must be held on the next regularly established election date not less than 130 days from the call of the special election. (Gov. Code, § 1780(e)(2).) The next regularly established election date that allows at least 130 days notice between this special meeting and holding the special election is Tuesday November 7, 2023. If the Board continues the item for further consideration after June 30, 2023, the next regularly scheduled election which allows at least 130 days notice between calling and holding the special election is the March 4, 2024, Presidential Primary Election.

FISCAL IMPACT:

Should the Board fill the vacancy by appointment, expenses associated with minor staff time to work with the appointee to complete the necessary paperwork to be submitted to the County will be incurred. Should the Board call a special election to be held on November 7, 2023, the County Registrar of Voters has estimated the cost to the District to be approximately \$273,600.00.

Should the Board continue the item for consideration and, ultimately, call a special election to be held on March 4, 2024, the County Registrar of Voters has estimated the cost to the District to be approximately \$6,250.00.

Should the Board direct the General Manager to request that the Board of Supervisors fill the vacancy by appointment at their next regular Board meeting, expenses associated with minor staff time to work with the Board of Supervisors' staff and, subsequently, the appointee to complete the necessary paperwork to be submitted to the County will be incurred.

PREPARED BY: Christina Pritchard

RESOLUTION NO. 2023-33

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT CALLING AND GIVING NOTICE FOR A SPECIAL ELECTION TO FILL THE VACANCY ON THE BOARD OF DIRECTORS TO BE HELD ON NOVEMBER 7, 2023, REQUESTING THAT THE COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER NECESSARY ELECTION SERVICES FOR THE SPECIAL ELECTION, AND APPROVING A 2023-2024 BUDGET AMENDMENT

WHEREAS, the San Miguel Community Services District ("District") received a letter of resignation from former Director Ward Roney on May 7, 2023; and

WHEREAS, as a result of Mr. Roney's resignation, there is a vacancy on the District Board of Directors ("Board"); and

WHEREAS, to fill the vacancy, Government Code section 1780, subdivision (e), allows the Board to call a special election to be held on the next regularly established election date that is at least one hundred thirty (130) days after the Board calls for the special election; and

WHEREAS, the next regularly established election that the Board can conduct the special election to fill the Board vacancy is November 7, 2023; and

WHEREAS, the Board desires to call a special election to be held on November 7, 2023 to fill the vacancy; and

WHEREAS, in the course of conducting the special election it is necessary that the Board request election services be rendered by the County of San Luis Obispo ("County") Registrar of Voters; and

WHEREAS, pursuant to Elections Code section 10002, the Board is authorized to request the County Board of Supervisors permit the County Registrar of Voters to render election services to the District relating to the conduct of the special election; and

WHEREAS, a Fiscal Year 2023-2024 budget amendment is necessary for the costs associated with the County Registrar of Voters rendering election services to the District.

NOW THEREFORE, BE IT RESOLVED, that the San Miguel Community Services District Board of Directors does hereby declare, determine, and order as follows:

1. Pursuant to Government Code section 1780, subdivision (e), the Board calls and orders a special election to be held in San Miguel, California, on Tuesday, November 7, 2023, for the purpose of the election of an at-large Director of the San Miguel Community Services District Board of Directors to fill the vacancy created by the resignation of Ward Roney.
2. Pursuant to Government Code section 1780, subdivision (d)(3), the candidate elected at the special election shall serve until the next general election, scheduled for November 5, 2024.
3. Pursuant to Elections Code section 10002, the Board requests that the County Board of Supervisors permit the County Registrar of Voters to provide all necessary services to properly and lawfully conduct the special election.

4. The District shall reimburse the County for services performed to conduct the special election upon presentation of a bill to the District.
5. The Board authorizes a Fiscal Year 2023-2024 budget amendment in the amount of Two Hundred Seventy-Three Thousand Six Hundred Dollars (\$273,600.00) to effectuate the special election and the purposes of this Resolution.
6. The ballots to be used at the special election shall be in a form and content as required by law.
7. The General Manager is authorized, instructed, and directed to coordinate with the County Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the special election.
8. In all particulars not recited in this Resolution, the special election shall be held and conducted as provided by law for holding special district elections.
9. The General Manager and District staff are hereby authorized to take all necessary steps to effectuate the special election and the purposes of this Resolution.
10. The Board authorizes the General Manager to administer the special election. All reasonable and actual election expenses shall be paid by the District upon presentation of a properly submitted bill.
11. The notice of time and place of holding the special election is given and the General Manager is authorized, instructed, and directed to give further or additional notice of the special election, in time, form, and manner, as required by law.
12. The General Manager is directed to file a certified copy of this Resolution with the County Registrar of Voters and the County Board of Supervisors.

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

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby passed and adopted this 29th day of June 2023.

 _____, President
 Board of Directors

ATTEST:

APPROVED AS TO FORM:

 Kelly Dodds, General Manager

 Douglas L. White, District General Counsel