



**Montara Water  
and Sanitary District**  
*Serving the Community of Montara and Moss Beach*

P.O. Box 370131  
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Montara, CA 94037-0131  
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*To sensitively manage the natural resources entrusted to our care, to provide the people of Montara - Moss Beach with reliable, high – quality water, wastewater, and trash disposal at an equitable price, and to ensure the fiscal and environmental vitality of the district for future generations. Be open to providing other services desired by our community.*

## **NOTICE OF SPECIAL MEETING**

# **AGENDA**

### **District Board of Directors**

8888 Cabrillo Highway  
Montara, California 94037

**November 5, 2019 at 7:30 p.m.**

**CALL TO ORDER**

**ROLL CALL**

**PRESIDENT'S STATEMENT**

**ORAL COMMENTS** (Items other than those on the agenda)

**PUBLIC HEARING**

**CONSENT AGENDA**

**OLD BUSINESS (none)**

**NEW BUSINESS**

1. [Review and Possible Action Concerning Vacant Position for Board of Directors.](#)

**FUTURE AGENDAS  
CONVENE IN CLOSED SESSION**

**REPORT OF ACTION TAKEN IN CLOSED SESSION, IF ANY**

**ADJOURNMENT**

The District has a curfew of 10:30 p.m. for all meetings. The meeting may be extended for one hour by vote of the Board.

NOTE: In accordance with the Government Code, members of the public may address the Board on specific agenda items when the matter is discussed by the Board. Any other items of interest that is within the subject matter jurisdiction of the District may be addressed during the Oral Comments portion of the meeting. Upon request, this Agenda will be made available in appropriate alternative formats to persons with a disability. Request for a disability-related modification or accommodation in order to participate in the public meeting should be made at (650) 728-3545. Materials related to an item on this Agenda submitted to the Board after distribution of the Agenda Packet are available in the District Clerk's office during normal business hours. Such documents may also be available on the District's web site ([www.mwsd.montara.org](http://www.mwsd.montara.org)) subject to staff's ability to post the documents before the meeting.



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Special Meeting Of: **November 5, 2019**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

**SUBJECT: Review and Possible Action Concerning Vacant  
Position for Board of Directors.**

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Director Eric Marshall notified the District Board of his resignation from the Board of Directors on October 16, 2019, effective immediately. His resignation creates a vacancy on the Board which the remaining members may fill either by appointment or calling a special election within sixty (60) days of the vacancy (by December 16, 2019) as provided under Government Code (Gov't. Code) Section 1780. As required by Gov't. Code § 1780(b), the District notified the County Elections Office of the vacancy within fifteen (15) days of the vacancy date.

Should the Board decide to fill the vacancy by appointment, the person appointed will hold office until the next District election cycle. This is so because the vacancy occurred within the first half of Director Marshall's term of office (elected November, 2018) and at least 130 days (i.e., 4 ½ months) before the next general district election cycle in Nov. 2020), so the person appointed will hold office until the next general District election that is scheduled 130 days or more after the vacancy (again, November 2020). Gov't Code §1780(d)(2). Once a person is elected to fill the vacancy in the November 2020 election, he/she shall hold office for the unexpired balance of the term of office that was vacated which, in this case, would be the 2-year unexpired term of Director Marshall.

Should the Board decide to fill the vacancy by calling a special election, then the election is required to be held on the next established election date that is 130 days or more after the date the Board calls for the election; the next established election date that would be 130 days or more is the next general election in November, 2020. If Board decides to call special election, the District must notify the County elections office of its decision within 60 days of vacancy (no later than December 16, 2020).

If Board chooses appointment, the appointment must be made no later than December 16, 2019. The District must also post a public notice of the vacancy in three (3) conspicuous places within the District at least 15 days prior to making the appointment. The notice may include an invitation for interested persons to submit a letter of interest to the President of the Board and/or other specifics about the appointment process. The recommended schedule calls for making the



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appointment at the Regular Meeting of the Board on November 21, 2019 or, if necessary, on December 5, 2019.

If the Board fails to make the appointment or call a special election within the time required, the County Board of Supervisors may make the appointment prior to ninety (90) days after the vacancy occurred.

## RECOMMENDATION:

Decide how to fill vacancy, either by appointment or by calling a special election

If the Board decides to fill the vacancy by appointment, 1) authorize staff to immediately post the Notice of Vacancy in three (3) conspicuous places within the District, including the HMB Review and District Website; and 2) fill the vacancy no later than December 16, 2019

If the vacancy will be filled by calling a special election, authorize staff to notify the San Mateo County Election Official of the Board's intent to fill the vacancy by special election no later than December 16, 2019

Attachments

**MONTARA WATER AND SANITARY DISTRICT**  
**NOTICE OF VACANCY ON BOARD OF DIRECTORS**

**AND**

**INVITATION TO APPLY FOR APPOINTMENT AS A MEMBER OF  
THE BOARD**

**NOTICE IS HEREBY GIVEN** that a vacancy has occurred on the Montara Water and Sanitary District (MWSD) governing Board by resignation of a member effective October 16, 2019. The remaining members of the Board intend to fill the vacancy by appointment pursuant to Government Code Section 1780(d). The person appointed will serve for the remaining three (3) years of the term of the vacated position.

Persons interested in serving on the five (5) – member MWSD Board are invited to apply by mailing or delivering a letter of interest addressed to the President, Montara Water and Sanitary District Board, P.O. Box 370131, 8888 Cabrillo Highway, Montara, CA 94037-0131 on or before 5:00 p.m. November 21, 2019. Under the law, only electors who are registered voters residing within the District boundaries are eligible for appointment to the Board.

**NOTICE IS FURTHER GIVEN** that the MWSD governing Board will consider the appointment at a regular Board meeting to be held at 7:30 p.m. on November 21, 2019.

Dated: \_\_\_\_\_

Clemens Heldmaier  
General Manager