

Wrightwood Community
Services District
August 20, 2024
Special
Board Meeting



WRIGHTWOOD COMMUNITY SERVICES DISTRICT

P.O. Box 218 Wrightwood, CA 92397

Special Meeting of the Board of Directors

Tuesday, August 20, 2024 – 5:45 p.m.

The Old Fire House

6000 Cedar St. Wrightwood, CA 92397

Agenda

5:45 P.M. – Call to Order

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Public Comments: *Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought to participate in the above-agenized public meeting, should be directed to the Chair at any time prior to the meeting. Under this item, any member of the public wishing to directly address the Board on any item of interest that is not within the subject matter jurisdiction of the Board may do so now. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. Pursuant to Section 2.3.2 of Ordinance No 2021-1 adopted by the Board on March 2, 2021, the Chair may limit each speaker to a comment period of three (3) minutes or less.*
5. Director Franklin Resignation: Discussion and Possible Action
6. Process to Fill Board Vacancy: Discussion and Possible Action
7. Directors Comments
8. Future Board Meeting – Tuesday September 3, 2024 – 5:30pm
9. Adjournment

Wrightwood Community Services District

THE VISION

To empower our community to have local control by serving as a platform for community discussion, cohesion and action in the areas of parks and recreation, street lighting, solid waste and recycling and wastewater planning and engineering.

To promote and grow a vibrant parks and recreation department for our community.

To maintain and enhance our current infrastructure

To economize our solid waste process and maximize our efficiency in executing them

To protect our natural resources through evaluating community wastewater needs

To meet all these ends in a fiscally responsible manner

Wrightwood Community Services District

The Mission

To provide local governance in the areas of parks and recreation, street lighting, solid waste and recycling and waste water planning and engineering in a fiscally responsible manner.

Item # 4

Public Comments



Item # 5

Director Franklin Resignation



To the Board of Directors,

Please let this letter serve as my voluntary resignation from the WCSD Board of Directors effective August 14, 2024.

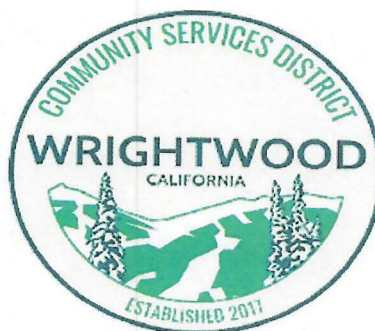
Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Franklin".

Charles Franklin

Item # 6

Process to Fill Board Vacancy



BRUNICK, MCELHANEY & KENNEDY

PROFESSIONAL LAW CORPORATION
1839 COMMERCENTER WEST

SAN BERNARDINO, CALIFORNIA 92408

TELEPHONE: (909) 889-8301
FAX: (909) 388-1889

WILLIAM J. BRUNICK
LELAND P. MCELHANEY
STEVEN M. KENNEDY

MAILING ADDRESS:
POST OFFICE BOX 13130
SAN BERNARDINO, CALIFORNIA 92423-3130

August 16, 2024

TO: Board of Directors
WRIGHTWOOD COMMUNITY SERVICES DISTRICT

FROM: Steven M. Kennedy, General Counsel

RE: Board Vacancy

The purpose of this memorandum is to provide the Board with information concerning the creation of a vacancy on the Board before the expiration of a director's term and the manner in which such a vacancy may be filled.

Under Government Code Section 1770(c), a director's seat becomes vacant upon his or her resignation from the Board prior to the expiration of the term of office. In this regard, Director Franklin notified the District in writing that he has resigned his position on the Board effective August 14, 2024. As a result, a vacancy on the Board currently exists.

Government Code Section 61042(c) provides the mechanism for filling vacancies on the Board and states that all such vacancies "shall be filled pursuant to Section 1780" of the Government Code. The text of Government Code Section 1780 is attached hereto.

In this regard, the District must first notify the county elections official of the vacancy no later than fifteen (15) days following either the date on which the Board is notified of the vacancy or the effective date of the vacancy, whichever is later. Government Code Section 1780(b). Therefore, the District should notify both the San Bernardino County and Los Angeles County Registrars of Voters of Director Franklin's resignation from the Board on or before August 29, 2024.

Pursuant to Government Code Section 1780(c), the remaining Board members of the District may fill the vacancy by either appointment or election. If the Board wishes to proceed by filling the vacancy by appointment, the District must post a notice of the vacancy at least fifteen (15) days before an appointment is made in at least three (3) conspicuous places within the District. The appointment to the vacancy must be made within sixty (60) days following the effective date of the vacancy. Government Code Section 1780(d)(1).

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In lieu of making an appointment, the Board may within sixty (60) days following the effective date of the vacancy call an election to fill the vacancy. Government Code Section 1780(e)(1). However, since any such election called by the Board to fill the vacancy must be held on the next established election date that is 130 or more days after the date that the Board calls the election [Government Code Section 1780(e)(2)], the Board would not be able add Director Franklin's seat to the next general district election scheduled to be held on November 5, 2024.

If the vacancy is not filled by the District either by appointment or by election in the manner discussed above, the San Bernardino County Board of Supervisors may fill the vacancy within ninety (90) days of the vacancy. Government Code Section 1780(f)(1).

With respect to the period of time in which any appointment to fill the vacancy shall be in effect, Government Code Sections 1780(d)(2) and (3) provide as follows:

"(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office."

In this case, Director Franklin's term of office on the Board is set to expire following the general District election to be held in November of 2026. Thus, since the vacancy occurred in the first half of Director Franklin's term of office, but less than 130 days prior to the next general District election scheduled for November 5, 2024, any person appointed to fill that seat would hold office for the full balance of the remaining term of office expiring in December of 2026 pursuant to Government Code Section 1780(d)(3).

If the Board has any questions or comments regarding this information, please feel free to address them to me as appropriate.

Enclosure

cc: Tamie Keen, WCSD General Manager

§ 1780. Special districts; vacancies in elective offices of governing board; election dates; term

- (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.
- (b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.
- (c) The remaining members of the district board may fill the vacancy either by appointment pursuant to the subdivision (d) or by calling an election pursuant to subdivision (e).
- (d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.
- (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- (3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
- (e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.
- (f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Election Code that is 130 or more days after the date the city council or board of supervisors calls the election.
- (g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections code that is 130 or more days after the date the district board calls the election.
- (h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.
- (2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.
- (3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- (4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
- (5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

Item # 7

Directors Comments



Item # 8

**Future Board Meeting
Tuesday September 3, 2024
5:30 pm**



Item # 9

Adjournment

