

**MINUTES OF THE BOARD OF DIRECTORS  
MESA CONSOLIDATED WATER DISTRICT  
1965 Placentia Avenue, Costa Mesa, CA  
Tuesday, July 14, 2009  
7:00 p.m. Special Board Meeting**

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**CALL TO ORDER**

The Special meeting of the Board of Directors was called to order on July 14, 2009 at 8:15 p.m. by President Dewane at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, California.

**ROLL CALL**

Directors Present

Shawn Dewane, President  
Fred R. Bockmiller, First Vice President  
James F. Atkinson, Vice President  
Trudy Ohlig-Hall, Vice President

Directors Absent

None

Staff Present

Lee Pearl, General Manager  
Coleen L. Monteleone, Administrative Services Manager/  
District Secretary  
Victoria L. Beatley, Financial Services Manager/Treasurer  
Robert R. McVicker, District Engineer  
Jerry Vilander, Water Operations Manager  
Barbara Wiseman, Human Resources Manager  
Rob Anslow, Attorney, Bowie, Arneson, Wiles & Giannone

Others Present

Paul Flanagan, Mesa Customer  
Jim Fisler, Mesa Customer

**PUBLIC COMMENTS**

President Dewane invited members of the public to address the Board of Directors (Board) on matters that were not on the agenda. There being no public comments, President Dewane proceeded with the meeting.

**ITEMS TO BE WITHDRAWN OR REORDERED ON THE AGENDA**

**I. ACTION ITEMS:**

**A. DIRECTOR VACANCY:**

President Dewane acknowledged that the Board of Directors (Board) had received a letter from Paul Shoenberger stating that he was resigning his position on Mesa's Board of Directors, Division II, effective July 13, 2009.

Attorney Anslow provided legal information under the provisions of the Government Code when an elected public office becomes vacant.

*Mission: Dedicated to satisfying our community's water needs*

Mr. Anslow discussed the options and procedures for filling the vacancy on the Board of a county water district as set forth in the Water and Government Codes including:

1. Appoint a successor, within 60 days from the date of resignation;
2. In lieu of appointment, call for a special election. The Code specifies that the election be conducted at the next General Election more than 130 days after the vacancy occurred. The next available date to hold an election is April 2010; or
3. Take no action, in which case the appointment power passes to the County Board of Supervisors (Supervisors). The Supervisors may appoint a successor or call for an election.

The Board asked Mr. Anslow for clarification on the term of the appointed Director and whether the Board had the option of changing the term. Mr. Anslow noted that since the vacancy occurred in the first half of the 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 the general election, which is November 2010 at which time the Director would occupy the seat until 2012 in order for the position to be back on its four-year term. Mr. Anslow noted that the Board is not able to change the term of office.

#### MOTION 2009-62

Motion by Director Bockmiller, seconded by Director Ohlig-Hall, to fill the Director vacancy by appointment rather than an election. Motion passed 4-0.

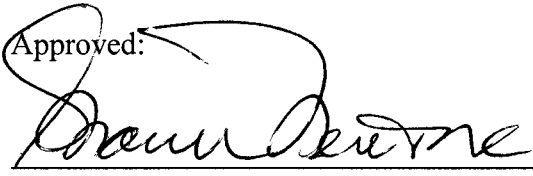
Attorney Anslow offered that the District has until September 11, 2009 to make the appointment before the power passes to the Supervisors. He suggested that staff draft a notice to be posted and published in the local newspaper stating the Board's direction to fill the vacancy by appointment. The notice would include the deadline for the submittal of applications and then look at late August for interviews by the Board of Directors.

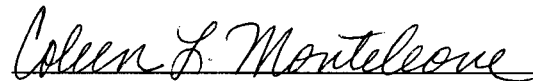
Director Bockmiller recommended that the letter of notice be sent to all Mesa customers within the division.

#### MOTION 2009-63

Motion by Director Bockmiller, seconded by Director Ohlig-Hall, to direct staff to begin the process to fill the vacancy and delegate authority to the Executive Committee to set the schedule for meetings necessary to fill the vacancy. Motion passed 4-0.

President Dewane adjourned the Special Board meeting at 8:30 p.m. to the July 14, 2009 regular Board, which was in recess during this Special meeting.

Approved:   
Shawn Dewane, President

  
Coleen L. Monteleone, District Secretary