

**MINUTES OF THE
SPECIAL BOARD OF DIRECTORS MEETING OF THE
OTAY WATER DISTRICT
June 17, 2010**

1. The meeting was called to order by President Bonilla at 11:35 a.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

Directors Present: Bonilla, Breitfelder, Croucher, Lopez and Robak

Staff Present: General Manager Mark Watton, Asst. GM Administration and Finance German Alvarez, Asst. GM Engineering and Water Operations Manny Magana, General Counsel Yuri Calderon, Chief Financial Officer Joe Beachem, Chief of Engineering Rod Posada, Accounting Manager Rita Bell, Engineering Manager Jim Peasley, Engineering Manager Ron Ripperger and District Secretary Susan Cruz and others per attached list.

4. APPROVAL OF AGENDA

A motion was made by Director Breitfelder, seconded by Director Croucher and carried with the following vote:

Ayes:	Directors Bonilla, Breitfelder, Lopez and Robak
Noes:	None
Abstain:	None
Absent:	None

to approve the agenda.

5. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

No one wished to be heard.

6. ACCEPTANCE OF RESIGNATION TENDERED BY DIRECTOR LARRY BREITFELDER

Director Breitfelder indicated that in the last forty-eight hours he has been hearing from many people through email, telephone calls and blogs asking him to reconsider resigning from his seat on the Otay Water District board. He stated that they have presented some very good arguments, however, he felt very strongly that the public and the members of the board deserve someone who can give their undivided attention to the duties of this office. He stated that it is with a

heavy heart that he tenders his resignation and he trusts that the members of the board will appoint, in the interim, an individual to fill his seat who will make good decisions in the publics' interest until a replacement can be elected in November.

Director Croucher indicated that he appreciated the time he served on the board with Director Breitfelder and that he has learned from him. He stated that it has been a pleasure working together as a group and focusing on the right things for the District and he felt that Director Breitfelder would do the same for the City.

Director Lopez indicated that he has seen Director Breitfelder's political growth and development. He indicated that he felt that the experience he has received at the District has prepared him for a seat on the City of Chula Vista's Council. He stated that the board has always been able to work together as a team and doing what was best for the District and he felt that Director Breitfelder would do the same as a member of the City's Council. He wished Director Breitfelder good luck in the elections in November.

Director Robak congratulated Director Breitfelder on his primary victory and wished him success in the November elections. He indicated that he appreciated his focus as a member of the Otay board and wished him success with the broader perspective of the City of Chula Vista.

President Bonilla indicated that he was sorry to see Director Breitfelder go. He indicated that he has seen his growth and he has shown maturity and the ability to be impartial and a team player. Through his experience with the District, he has developed a confidence that he can be helpful to the City of Chula Vista on a larger scale and that he appreciated the work he did for the District. He indicated that Director Breitfelder had his personal support in his campaign for a Council seat and congratulated him for his success in the primaries.

A motion was made by Director Bonilla, seconded by Director Lopez and carried with the following vote:

Ayes:	Directors Bonilla, Breitfelder, Croucher, Lopez and Robak
Noes:	None
Abstain:	None
Absent:	None

to accept Director Breitfelder's resignation from the District's Board of Directors.

General Manager Watton invited Larry Breitfelder to the July 7, 2010 board meeting for a reception in his honor to thank him for his service to the District.

7. DISCUSSION ON APPOINTMENT TO VACANCY ON THE BOARD OF DIRECTORS, DIVISION 1

General Counsel Yuri Calderon indicated that he had prepared a brief presentation for the Division 1 seat appointment process. He indicated that the District has three options under California statute:

1. Appoint a new director to serve the remaining time of the Division 1 seat term.
2. The District can call a special election.
 - a. He noted that in this case this option would not be appropriate as the regular election is coming up in a very short period of time.
3. If the District does not take action within 60 days of the vacancy, the County Board of Supervisors will either appoint an individual on behalf of the District or order a special election. The seat cannot sit vacant for more than 60 days.

General Counsel Calderon indicated that when a vacancy occurs, the District must notify the County elections officer, the Voter of Registrar, and the clerk of the San Diego County Board of Supervisors within 15 days of the vacancy that the District intends to make an appointment to fill the seat. He stated that he has prepared a letter and will send it immediately.

He stated that the appointment must be made within 60 days of the date the District received notice of the vacancy or the effective date of the vacancy, whichever is later. He indicated that in this situation, it is the same date, June 17, 2010. He stated that before the District can make an appointment, it must post a Notice of Vacancy in three places within the District for at least 15 days. He stated a copy of the notice has been placed on the dias for each member to review. The District will also distribute press releases indicating the vacancy on the District's board.

He indicated that after an appointment is made, the District must notify:

- Secretary of State within 10 days
- County Registrar of Voters within 15 days
- County Clerk within 15 days
- Clerk of the Board of Supervisors within 15 days

He presented the proposed timeline to fill the vacancy:

June 17: Effective date of resignation; Board accepts resignation and approves process; notifies agencies; posts notice.

July 2: Deadline to submit applications; qualify candidates.

July 5-7: *Ad Hoc* Committee of the Board screens written applications and interview applicants for vacancy.

July 7: *Ad Hoc* Committee presents finalists for the vacancy. Board interviews and makes appointment at Board meeting.

July 17: Deadline to notify Secretary of State.

July 22: Deadline to notify County Registrar of Voters, County Clerk (within 15 days), and Clerk of the Board of Supervisors.

General Counsel Calderon stated that candidates must be at least 18 years of age, registered to vote, a U.S. citizen and resident of the State and Division 1. He stated that if there are few candidates, the candidates would be moved forward to the full board to be interviewed. If there are a large number of candidates that will require interviews and screening, the District could implement an Ad Hoc Committee to handle the screening and narrow the pool that will be interviewed by the full board. The board could make an appointment at the beginning of the July 7, 2010 board meeting, which would allow the District to have a full board at that meeting. He stated that the board could also hold a special meeting to appoint the candidate. He noted that this is a suggested timeline for the board's consideration and was a happy to answer questions or comments on modifications to the timeline.

President Bonilla indicated that should there be a large number of candidates, he would like to propose that an Ad Hoc Committee prescreen the candidates. He noted that with Larry Breitfelder's resignation, there will be vacancies in the committee and organizational appointments and he would be contacting each of the Directors to discuss appointments along with appointments to the Ad Hoc Committee to screen candidates for the Division 1 seat.

Director Croucher indicated that he was supportive of the timeline and process proposed by Counsel. Director Lopez stated that he also concurred. Director Robak indicated that if there was a lack of candidates, he would like to keep the option open to allow more time to make the appointment so more candidates can be gathered. Counsel noted that the schedule proposed would provide the board the option to gather additional candidates if needed. The District's deadline to make an appointment is August 16, so there is time in the proposed schedule to further publicize the vacancy. It was also noted that a map showing the boundaries of Division 1 will be attached to the notice.

A motion was made by Director Croucher, seconded by Director Lopez and carried with the following vote:

Ayes:	Directors Bonilla, Breitfelder, Croucher, Lopez and Robak
Noes:	None
Abstain:	None
Absent:	None

to approve the proposed timeline and review process for the appointment to the Division 1 seat.

8. ADJOURNMENT

With no further business to come before the Board, President Bonilla adjourned the meeting at 12:03 p.m.

President

ATTEST:

District Secretary