



**BOARD OF DIRECTORS
SPECIAL MEETING**

Pursuant to the State of California Executive Order N-29-20, and in the interest of public health, the District is temporarily taking actions to mitigate the COVID-19 pandemic by holding Board Meetings by teleconference or videoconference. The general public may not attend this meeting at the District's office due to social distancing requirements.

To join this meeting via Teleconference please dial: 1 (669) 900-6833
Meeting ID: 884 1519 2065 **Password:** 725791

Public Participation/Comment: Members of the public can participate in the meeting by emailing comments to the Executive Assistant at tbaity@lwwd.org by 4:00 p.m. the day of the meeting. The subject line of your email should clearly state the item number you are commenting on. If you desire to have your comment read into the record during the meeting, please note that in the email subject line. All comments will be emailed to the Board of Directors prior to the start of the meeting. Finally, comments may be mailed to the District, but to be considered, must be received on or before the meeting date. Written comments should be mailed to: Leucadia Wastewater District, c/o Executive Assistant, 1960 La Costa Avenue, Carlsbad, CA 92009.

DATE: Wednesday, July 29, 2020
TIME: 1:00 P.M.
PLACE: VIA VIDEOCONFERENCE ONLY

AGENDA

Items on the agenda may be taken out of sequential order as their priority is determined by the Board of Directors. In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. Also, items that arise after posting of the Agenda may be added, per Government Code Section 54954.2, by a 2/3 vote of the Board.

Any writings or documents provided to a majority of the members of Leucadia Wastewater District regarding any item on this Agenda will be made available for public inspection in the Administration Office located at 1960 La Costa Avenue, Carlsbad, CA 92009 during normal business hours. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Executive Assistant at (760) 753-0155. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **General Public Comment Period**

5. Approval of Agenda

6. Board of Directors Vacancy

A. Discuss options for filling Board vacancy. (Pages 4-6)

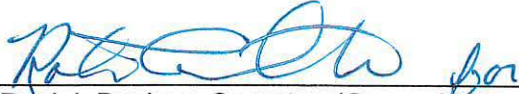
B. Board of Directors Committee Assignments. (Pages 7-9)

7. Adjournment

AFFIDAVIT OF POSTING

I, Paul J. Bushee, Secretary of the Leucadia Wastewater District, hereby certify that I posted a copy of the foregoing agenda in the lobby of the District office at 1960 La Costa Avenue, Carlsbad, California at least 72 hours prior to the meeting, in accordance with Govt. Code Section 54954.2(a).

Date: July 23, 2020



Paul J. Bushee, Secretary/General Manager

MEMORANDUM

DATE: July 23, 2020
TO: Board of Directors
FROM: Paul J. Bushee, General Manager
SUBJECT: Board of Directors Vacancy



RECOMMENDED:

It is recommended by staff that the Board of Directors:

1. Discuss and take action as appropriate

DISCUSSION:

As a result of the sudden and unfortunate passing of Director Kulchin, there is a vacant seat on the Leucadia Wastewater District (District) Board of Directors. Under County Water District regulations, the District has the following options for filling the vacant position (see attached memo from GC Brechtel):

1. Appointment of a New Director:

The Board may appoint a new director by September 11, 2020 (within 60 days from July 13, 2020). This approach requires a notice of the vacancy to be posted in at least three "conspicuous" places within District's service area at least 15 days before the appointment. Because Director Kulchin was serving a term that was elected at-large, his successor may be chosen from the District at-large. At the end of Director Kulchin's current term in 2022, the position will be elected by-district.

2. Call for an Election:

The Board may choose to call for an election to fill the vacant Director's seat. The election cannot be held any sooner than November 20, 2020 (130 days after July 13, 2020). Therefore, the election cannot be held with the upcoming November 3, 2020 General Election. Thus, the election to appoint a new director would not be held until the next established election date after the November 2020 General Election. As with the appointment process, the election would be at-large. Election by district would not start until 2022.

If the District Board fails to appoint a new director or call for an election within the required 60 days, the County Board of Supervisors would have the authority to appoint a new director.

Staff is seeking direction from the Board as to its preferred approach for filling the vacant Director position.

tb:PJB

MEMORANDUM

To: Paul Bushee, General Manager

From: D. Wayne Brechtel, General Counsel *WB*

Date: July 13, 2020

Re: Director Vacancy

This Memorandum provides a quick overview of the process that has been triggered by the Board of Director vacancy resulting from the passing of Director Kulchin.

Notification of County Elections Official.

The District must notify the County Registrar of Voters of the vacancy no later than 15 days after it received notice of the vacancy¹. The District learned of the vacancy today, so notice must be given by the close of business on July 28, 2020.

Appointment of New Director.

The Board of Directors may appoint someone to fill Director Kulchin's position.

- The Board has 60-days to make the appointment, specifically until Friday, September 11, 2020.
- The District must post a notice of the vacancy in three or more conspicuous places at least 15 days before the Board makes the appointment.
- The District must notify the County Registrar of Voters within 15 days after the appointment².

Appointment May be from the District At-Large.

Because Director Kulchin was serving a term that was elected at-large, his successor may be chosen from the District at-large³. At the end of Director Kulchin's current term in 2022, his position will be elected by-district.

The Appointed Director Would Serve Out Director Kulchin's Term.

If there were more than 130 days until the upcoming general election on November 3, 2020, the appointed director's term would only last until the general election, and a vote at the general election would decide who serves out the balance of Mr. Kulchin's term. However, Because there is less than 130 days until the next general election (113 days), the appointed director would hold office until the expiration Mr. Kulchin's term, i.e. until after the 2022 general election.

Areas Of Practice

Real Estate

Estate Planning &
Administration

Business

Land Use &
Environmental

Litigation

Public Agency

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¹ Cal. Gov. Code § 1780(b).

² Cal. Gov. Code § 1780(d)(1).

³ District Ordinance 138 Establishing a District Based Election Process, Section 5.



Call for an Election.

In lieu of making an appointment, the Board could call for an election to fill the vacancy⁴. The election would not be held at the upcoming general election because there is not enough time. The election cannot be any sooner than 130-days after the date of vacancy⁵. Thus, the election to appoint a new director would not be held until the next established election date after the November 2020 General Election⁶. As with the appointment process, the election would be at-large. Election by district would not start until 2022⁷.

Appointment by the County Board of Supervisors.

If the District Board fails to appoint a director or call for an election within the required 60-days, the County Board of Supervisors would have authority to appoint a director⁸.

Please feel free to contact me if you have any questions or would like to discuss the process outlined above in more detail.

⁴ Cal. Gov. Code § 1780(e)(1).

⁵ Cal. Gov. Code § 1780(e)(2).

⁶ Cal. Gov. Code § 1780(e)(1 and 2).

⁷ District Ordinance 138, Section 5.

⁸ Cal. Gov. Code § 1780(f)(1).

MEMORANDUM

DATE: July 23, 2020
TO: Board of Directors
FROM: Paul J. Bushee, General Manager 
SUBJECT: Board of Directors Committee Assignments

RECOMMENDATION:

1. Discuss and take action as appropriate.

DISCUSSION:

At the request of President Juliussen this item has been added to the agenda to discuss filling vacancies on the Engineering Committee (EC) and the Community Affairs Committee (CAC) due to the sudden passing of Director Kulchin.

To facilitate this discussion, a summary of current committee assignments and appointments is attached.

This item has been placed on the agenda for discussion by the Board of Directors. Staff has no recommendation on this matter. Staff will incorporate any revisions to LWD committees and respond to other public agencies as appropriate.

Attachment

tb:PJB



Board of Directors' Committee Assignments

Engineering Committee

President Allan Juliussen, Chair
Vacant

Investment & Finance Committee

Director Judy Hanson, Chair
Vice President Donald Omsted

Community Affairs Committee

Director Elaine Sullivan, Chair
Vacant

Human Resource Committee

Director Judy Hanson, Chair
Vice President Donald Omsted



Board of Directors' and Manager Appointments and Assignments

Encina Wastewater Authority (EWA) Board of Directors/Joint Advisory Committee (JAC)

Director Elaine Sullivan
President Allan Juliussen
Paul Bushee, GM (Alternate)

Other Assignments:

Director Judy Hanson

- CSRMA Board of Directors Board Member

President Allan Juliussen

- EWA Capital Improvement Committee (CIC) Member

Director Elaine Sullivan

- EWA Policy and Finance Committee (PFC) Member
- CSDA Professional Development Committee
- CSDA Member Services Committee
- CSDA San Diego Chapter (2nd Vice President)

General Manager Paul Bushee

- Encina Wastewater Authority Member Agency Managers Committee
- CSRMA Board of Directors (Alternate)
- CASA Board of Directors