

**Borrego Water District
AGENDA
Special Meeting of the Board of Directors
June 9, 2010
11:00 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004**

I. OPENING PROCEDURES

A. Call to Order: Vice-President Smiley called the meeting to order at 9:15 a.m.

B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.

C. Roll Call: Directors: Present: President King (via teleconference), Vice-President Smiley, Secretary/Treasurer Andersen, Mendenhall, Shimeall

Staff: Richard Williamson, General Manager
Jerry Rolwing, Operations Manager
Kim Pitman, Administration Manager
Diana Del Bono, Administrative Assistant
Joe Adams, Stradling, Yocca, Carlson & Rauth (via teleconference)
Wendy Quinn, Recording Secretary

Public: Marshal Brecht Kathy Johnston
Judy Meier, *Borrego Sun* Bob McKee

D. Comments from the Public and Requests for Future Agenda Items: None

E. Comments from Directors and Requests for Future Agenda Items:

Director Andersen read her statement and requested it be included in the official record of the meeting. It is attached and incorporated herein by this reference.

II. CURRENT BUSINESS MATTERS

A. **CONSIDERATION AND ADOPTION OF RESOLUTION 2010-06-01, RESOLUTION OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT DECLARING A VACANCY BASED UPON A DIRECTOR CEASING TO DISCHARGE DUTIES OF OFFICE FOR THREE CONSECUTIVE MONTHS:** *A motion was made by Director Shimeall and seconded by Director Mendenhall to adopt Resolution 2010-06-01, Resolution of the Board of Directors of the Borrego Water District Declaring a Vacancy Based Upon a Director Ceasing to Discharge Duties of Office for Three Consecutive Months.* Bob McKee asked when Allison Burns was asked to prepare the proposed Resolution and why. Director Shimeall replied that the request was made at the last Board meeting. Director Smiley added that Director Andersen had been absent from all Board and Committee meetings during the last three months. Director Andersen stated that as of the last Board meeting, the three months had

not elapsed, and had the regularly scheduled Conservation Committee meeting not been postponed for a week, she could have attended that and not failed to discharge her duties for three consecutive months. Discussion followed regarding whose duty it was to ascertain the reasons for Director Andersen's absence or inform the District of same. Mr. McKee asked whether all Directors were qualified to vote, and Rich Williamson confirmed that they were. ***Resolution 2010-06-01 was adopted. RC: AYES – Shimeall, Mendenhall, Smiley, King; RECUSED – Andersen.***

III. CLOSING PROCEDURE

A. Adjournment: There being no further business, the meeting adjourned at 11:15 a.m. The next regular meeting of the Board of Directors is scheduled for June 23, 2010 at the Borrego Water District.

June 8, 2010

It was with great disappointment and surprise that I received the agenda for this Special Meeting of the Board of Directors, Borrego Water District and its sole matter of business, Resolution 2010-06-01 calling for my office on the Board to be declared vacant.

In a very literal sense, my presence here today represents an argument against the proposition that my office should be considered vacant. But there are a couple of other points I would like to make.

First of all, while clause 3 of the resolution states that "the Director has not *informed* the District or the Board of Directors that she has been prevented from discharging the duties of her office as described in the immediately preceding paragraph because of sickness," the fact of the matter is that the District has not *determined factually* that my absence from meetings was not in fact due to sickness. In point of fact, a significant portion of my absence from meetings has been due to sickness. I was not aware that a requirement of my office was to bring a note from the doctor.

I argue that before enacting a resolution like this, it is the responsibility of the District to engage in the necessary fact-finding and determination of the reasons for my absence. Otherwise, this resolution does not fulfill the stipulations of Section 1770(g) of the Government Code of the State of California.

Secondly, the resolution equates too rigidly my absence from meetings with an alleged failure to discharge the duties of my office. In point of fact, because the Board has been able to function during my absence, constituting a necessary majority quorum and conducting business, I am relieved to know that my absence has *not indeed* constituted a failure of responsibility that has impaired the work of the Board.

In short, the District has made *no good faith effort* to determine *why* I have been absent or to communicate with me at all regarding any duties it now alleges I have failed to discharge.

On one hand, the lack of any good faith effort at communication with me suggests poor management on the part of the District and the Board. In addition, I think that all of us who have worked in a professional capacity tend to believe that simple professionalism and collegiality should be part of how organizations function. Abruptly presenting me with a resolution for my removal without communication or fact-finding is at odds with those values.

I am willing to provide supporting documentation from my Provider to the Board of Directors *only*, but due to the confidentiality required, this must be in a closed session. My medical condition is NOT a matter of public record.

Therefore, I urge the Board not to adopt the proposed resolution and would consider such adoption a flagrant misuse of the power of the board contrary to the best interests of the district and its ratepayers.

Sincerely,
Rita Andersen