

**EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
Meeting of February 6, 2007**

AGENDA TITLE: Appointment to the Cameron Estates Community Services District Board

DEPARTMENT: Board of Supervisors

DATE: 01/30/07

CAO USE ONLY

CONTACT: Chairman Helen Baumann

PHONE: 621-5651

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

Supervisor Baumann requests that the Board approve the appointment of Dana Murphy to the Board of Trustees for the Cameron Estates Community Services District. The Cameron Estates Community Services District Board has requested, upon the advice of legal counsel, that the Board of Supervisors appoint a trustee for their Board under the provisions of Government Code 1780. The position has been vacant since November of 2006 causing some difficulties for the District Board to achieve a quorum and to conduct business. The appointment under the Government Code provision will fill the position immediately and will save the district the financial burden of a special election. The letter of request and the text of the Government Code are attached.

CAO RECOMMENDATION:

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other

BUDGET SUMMARY:

Total Est. Cost \$ _____

Funding

Budgeted \$ _____

New Funding \$ _____

Savings* \$ _____

Other \$ _____

Total Funding Available \$ _____

Change in Net County Cost \$ _____

* Explain

CAO Office Use Only:

4\5's Vote Req'd. () Yes () No

Change in Policy () Yes () No

New Personnel () Yes () No

CONCURRENCES:

Risk Management

County Counsel

Other

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Date:

Attest: CINDY KECK, Board of Supervisors Clerk

By:

Cameron Estates Community Services District

P.O. Box 171 Shingle Springs CA 95682

Phone and FAX: 530.677.5889 Email: cecsd@sbcglobal.net

January 19, 2007

Helen Baumann, Supervisor
El Dorado County Board of Supervisors
360 Fair Lane
Placerville, CA 95667

Dear Supervisor Baumann:

I hope you are well and had a nice holiday with your family

The Board of Cameron Estates CSD is seeking your consideration and assistance with a CSD Board matter.

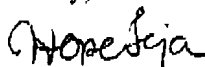
On November 16, 2007, one of our Board members, Mark Miller, resigned leaving a vacancy on the Board. The District posted notices and advertised that there was a board vacancy. We did not receive any response of interest until January 16th, 2007, when Mr. Dana Murphy sent a resume and letter expressing interest in the position. By this time, sixty days had elapsed since Mr. Miller's resignation.

On January 18, 2007 the Cameron Estates CSD was prepared to appoint Mr. Murphy to fill the Board position at a regular Board meeting. A member of the audience challenged the Board's intended action at this meeting, stating the appointment time period had lapsed. Since our Board's intention is to follow the word of the law, the Board postponed this appointment until the matter was further researched.

Government Code 1780 states that if the vacancy is not filled within 60 days, then the County Board of Supervisors may fill the vacancy (by appointment) within 90 days. The other option is to order the CSD to hold an election to fill this position. Our District finds the election option not very practical, as only one person is willing to fill the position, the Board will be short a director for an extended period of time (until the next election) and the financial burden of an election will be considerable.

Our Board is asking the Board of Supervisors to appoint Mr. Murphy to fill the CSD board vacancy. Our District would like to be operating at full capacity as soon as possible. There is an urgency to this matter as we have less than 30 days to appoint Mr. Murphy.

Thank you so much for your time and consideration in this manner.
Sincerely,



Hope Leja
General Manager/Secretary

EXCERPT FROM GOVERNMENT CODE 1780

more days after the date the district board calls the election.

(2) If the number of remaining members of the board falls below a quorum, at the request of the district secretary, or a remaining board member, the board of supervisors or the city council may waive the 60-day period provided in subdivision (a) and appoint immediately to fill the vacancy as provided in subdivision (a), or may call an election to fill the vacancy. The election 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.

X The board of supervisors or the city council shall only fill enough vacancies to provide the board with a quorum.

(d) Persons appointed to fill a vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the county elections official is notified of the vacancy and thereafter until the person elected at that election to fill the vacancy has been qualified, but persons elected to fill a vacancy shall hold office for the unexpired balance of the term of office.