



## BIGHORN-DESERT VIEW WATER AGENCY

*"To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."*

### BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. CHEROKEE TR.  
LANDERS, CALIFORNIA 92285

January 23, 2024  
Time – 6:00 P.M.

MEETING ROOM IS OPEN FOR IN-PERSON ATTENDANCE  
PUBLIC WISHING TO PARTICIPATE REMOTELY

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86735931469?pwd=bjRXeks4TFM3eUNRMFJkbVBpckh6UT09>

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**Discussion and Action Items** - The Board of Directors and Staff will discuss the following items and the Board will consider taking action, if so inclined. The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

**1. Resignation of Director Craig A. Dicht and Process for Filling Vacant Board Seat**

That the Board take the following action:

1. Receive and file letter of resignation from Director Craig A. Dicht; and
2. Direct staff on one of the following procedures for filling a vacancy on the Board of Directors within sixty (60) days of the date notified of the resignation;
  - a. Direct staff to call for an election; OR
  - b. Determine to fill the vacancy by appointment; OR
  - c. Do nothing, thereby leaving decision to San Bernardino County Board of Supervisors, either to appoint or to order the agency to call an election, within ninety (90) days of the date on the notice of resignation.

**2. Public Comment Period**

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

**3. Adjournment**

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above. As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

**Internet:** Once uploaded, agenda materials can also be viewed at [www.bdvwa.org](http://www.bdvwa.org)

**Public Comments:** You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

**BIGHORN-DESERT VIEW WATER AGENCY  
AGENDA ITEM SUBMITTAL**

**Meeting Date:** January 23, 2024

**To:** Board of Directors

**Budgeted:** No

**Budgeted Amount:** \$0

**Cost:** \$0 (if no special election requested)

**Funding Source:** Operating Budget

**From:** Daniel Best

**General Counsel Approval:** N/A

**CEQA Compliance:** N/A

**Subject:** Resignation of Director Craig A. Dicht and Process for Filing Vacant Board Seat

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**SUMMARY**

Director Dicht has resigned from the Agency Board of Directors effective January 21, 2024 effective at the adjournment of the special Board of Directors meeting. His correspondence is attached.

The Board should “receive and file” the notice of resignation.

The vacancy is filled according to the procedure set forth in Government Code Section 1780.

**RECOMMENDATION**

That the Board take the following action:

1. Receive and file letter of resignation from Director Craig A. Dicht; and
2. Direct staff on one of the following procedures for filling a vacancy on the Board of Directors within sixty (60) days of the date notified of the resignation;
  - a. Direct staff to call for an election; OR
  - b. Determine to fill the vacancy by appointment; OR
  - c. Do nothing, thereby leaving decision to San Bernardino County Board of Supervisors, either to appoint or to order the agency to call an election, within ninety (90) days of the date on the notice of resignation.

**BACKGROUND/ANALYSIS**

The process for filling a vacancy on the Board of Directors is outlined in Government Code section 1780, which states that the Board can fill by appointment, call for an election or do nothing. In either event, the Board must make a decision within 60 days of the date on which the Agency was notified. The effective date of resignation is January 21, 2024. Sixty days thereafter falls on March 21, 2024

**“Do Nothing”:**

The “do nothing” option results in the decision about which process to follow being forfeited to the Board of Supervisors. Should the Board not take action within 60 days of the resignation, then the Board of Supervisors has 90 days from the date of resignation to either appoint a person to fill the

vacancy or order the Agency to call an election. If the County Board takes no action, the Agency Board must thereafter call an election.

Staff has not investigated the date that such a Special Election would have to occur.

Call for Election:

A candidate selected mid-term for a vacancy filled by (a call for) election shall hold office for the unexpired balance of the term of office. In this case the “special” election would be called in 2024 with the term then expiring in 2026 when the next general election occurs.

Staff has not investigated the date that such a Special Election would have to occur nor has the cost of a Special Election been verified.

Appointment to Vacancy:

Filling the vacancy by appointment is the final choice. Should the Board decide that it should proceed with an appointment then staff recommends the following course of action be taken:

- Post a “Notice of Vacancy of Directorship” at the Agency routine posting locations
  - Accept applications from interested members of the community with the Board Secretary verifying candidate requirements such as residency and voter registration.
- Final candidate selection following oral interviews at a full Board meeting prior to the March 21, 2024 deadline to appoint.

A candidate appointed by the remaining Board in 2024 shall hold office until the next general election which is scheduled for November 5, 2024.

*1780. (a) If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor.*

If no applications are submitted or the Board fails to reach a majority decision on the appointment of one particular candidate then the Board can revert back to the other two choices as long as its decision is made by the March 21, 2024 deadline. In order to prevent any misunderstanding, under the appointment option, it is the Board’s sole discretion as to whether a candidate is appointed or not. In other words, if only one candidate applies the Board still has to cast a majority vote for that person to actually be appointed.

Attached is a copy of Government Code Section 1750-1752 and 1770-1782.

**PRIOR RELEVANT BOARD ACTION(S)**

The Board of Directors experienced mid-term vacancies in 2008, 2010, 2011, 2013 and 2021, in all cases opted to fill the vacancy by appointment.

**Craig Dicht**

56822 Lilac Ln  
Landers, CA 92285  
cdicht@bdvwa.org



19th January 2024

**JoMarie McKenzie**

President, Board of Directors  
Bighorn-Desert View Water Agency  
622 S. Jemez Trail  
Yucca Valley, CA 92284

Dear President McKenzie and Members of the Board,

As of January 22nd, 2024, I will no longer reside within the Bighorn-Desert View Water Agency special district boundaries. Please accept this as my letter of resignation effective on that date.

I was raised to believe in public service. It has been a great source of motivation and meaning in my life to work for the health and betterment of my community. I'm grateful for the honor of serving the residents of our little slice of desert these past three years.

My first objective as a Director has always been to model being an engaged, informed citizen: paying attention, asking questions, trying my best to understand the legal, financial, and organizational realities facing the agency. It's one thing to have ideas about how things ought to be. It's another to spend hours reading by-laws, regulations, financial documents, and water quality reports, having conversations with staff and other officials, touring infrastructure, listening, and then working to balance current needs and constraints against preparations for an uncertain future.

I'm proud to say that during my service the Agency provided safe, clean, reliable drinking water at rates our district residents can afford, and took important steps to continue providing this level of service into the future. This included securing over \$11 million in grants for water system improvements and playing an important role in the eradication of illegal marijuana grow operations within the district.

It's easy to take for granted that drinkable water will come out of the tap, food will be on grocery shelves, lights will turn on with the flip of a switch. In all these things, our lives benefit from the durable work of past generations and the constant, responsible efforts of

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people we may never see or get the opportunity to thank. I've been lucky in my role to meet and appreciate the Agency staff responsible for running this high quality organization. They are hard-working, knowledgeable, creative problem-solvers. The field operations team is out there every day of the year without concern for weather, maintaining and improving our infrastructure, diagnosing and fixing problems. The office staff manages the ever-increasing complexity of technological and regulatory demands while providing personalized customer service.

Bighorn-Desert View Water Agency is especially fortunate to have Marina West as General Manager. Marina is a true "buck stops here" leader who models accountability, fiscal responsibility, and high standards. She's been instrumental in securing resources for our small district and has worked to connect and give voice to other small districts. Over the last decade, GM West and the Board have worked together to make this a model special district agency.

Thanks to these responsible, diligent people, Bighorn-Desert View is in a much better position than many similar districts. The work never stops, however. In the near future both predictable issues and new, emergent challenges will face the Board.

One of these is the bitter irony that successful water conservation efforts across the district have the potential to constrain Agency finances. In the 2020-21 rate setting process, the Board established a rate structure that anticipated providing 40% of operating revenue from water sales, with 60% from fixed service charges. Eradication of the marijuana operations and other consumption changes resulted in a drop in water use—and sales—of about 100 acre feet last year. Some of the decrease in revenue has been offset by the increase in property tax receipts. In water-conscious California conservation improvements should be celebrated, not force rate-payers to spend more in the future for less water.

Whatever revenue and funding solutions can be found, agency expenses can be expected to increase. Inflation may have slowed, but prices for materials, equipment, energy will all continue to cost more than projected in the previous rate study. As cost of living goes higher, the Agency must also ensure that employee salaries remain competitive. Of course, higher salaries in the present also means more future CalPERS pension liability. Financial health for an agency is never as simple as balancing the budget this year.

Adding to these financial constraints is the certainty that California's regulatory climate will become more stringent. Well-intentioned new directives on water quality, per capita water consumption, electric vehicle adoption, and others will be promulgated in hopes of improving the health of Californians and the state's long-term sustainability. My personal beliefs tend to align with these objectives, but as a Director I have to point out the disproportionate burden to benefit ratio if districts with limited funding, personnel, and

access to resources are expected to speedily comply without regard to our particular situations.

Our commitment to be stewards of our place and to serve our residents transcends common political discourse. My greatest satisfaction as Director has been to build trust and work alongside my fellow Directors and Agency staff, knowing that we're united in caring for this often-overlooked part of the desert, the water below it, and the lives depending on it. I will always be thankful for this opportunity to give back in some small way to the place I've lived most of my adult life.

Sincerely,

A handwritten signature in cursive script that reads "Craig Dicht". The signature is written in a dark grey or black ink on a white background.

Craig Dicht

Director, Bighorn-Desert View Water Agency

2021-2024

## GOVERNMENT CODE

### SECTION 1750-1752

1750. Resignations shall be in writing, and made as follows:

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district or special district other than an air pollution control district which includes territory in more than one county or a school district, not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than the board of supervisors, in which case the resignation shall be submitted to the appointing body.

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

1750.5. The Speaker of the Assembly and the Chairman of the Senate Rules Committee shall immediately inform the Governor in writing whenever a resignation has been made to them, pursuant to subparagraph (f) of Section 1750 of this chapter, from any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee and whenever an appointment has been made by them to any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee.

1751. In all cases not otherwise provided for in this article or elsewhere, a resignation is made by filing the resignation in the



office of the Secretary of State.

1752. (a) Except as provided in subdivision (b), no person elected or appointed to the governing body of any city, county, or district having an elected governing body, shall be appointed to fill any vacancy on that governing body during the term for which he or she was elected or appointed.

(b) With respect to a general law city, if a vacancy in the elected office of mayor occurs, the council may fill that vacancy by appointing a member of the council to the office of mayor. Any person appointed to fill the vacancy shall hold the office of mayor for the unexpired term of the former mayor. Any vacancy created in the membership of a city council as the result of an appointment of a member to the office of mayor shall be filled in accordance with Section 36512.

## **GOVERNMENT CODE**

### **SECTION 1770-1782**

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) His or her resignation.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal-declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

1770.1. The disqualification from holding office upon conviction, as provided in Section 1021, or the forfeiture of office upon conviction, as provided in subdivision (h) of Section 1770 and Section 3000, is neither stayed by the initiation of an appeal from the conviction, nor set aside by the successful prosecuting of an appeal from the conviction by the person suffering the conviction.

1770.2. Upon the entry of a plea of guilty, the entry of a plea of nolo contendere, or the rendering of a verdict of a guilty either by a jury or by the court sitting without a jury of a public offense, the conviction of which would invoke the provisions of Section 1021, subdivision (h) of Section 1770, or Section 3000, the person found

guilty shall not assume the office for which the person is otherwise qualified or shall be suspended immediately from the office the person then holds. During the time of inability to assume an office or of suspension from office, the person shall not be entitled to receive the emoluments of the office, including, but not limited to, the exercise of the powers of the office, the rights to be seated in the office, and the compensation, including benefits, prescribed for the office.

In the event the trial court sets aside or otherwise nullifies the plea or verdict before the trial court judgment is entered, the inability to assume office or the suspension from holding office shall be lifted, and the person suspended from office shall be restored to office with its emoluments, including those that would have otherwise accrued during the suspension, excluding, however, interest on any monetary payment.

1771. When an officer is removed, declared insane, or convicted of a felony or offense involving a violation of his official duty, or when his election or appointment is declared void, the body or person before whom the proceedings are had shall give notice thereof to the officer empowered to fill the vacancy.

1772. When any office becomes vacant and no mode is provided by law for filling the vacancy, the Governor shall fill the vacancy by granting a commission, to expire at the end of the next session of the Legislature or at the next election by the people.

1773. When a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor shall within 14 calendar days after the occurrence of the vacancy issue a writ of election to fill the vacancy; provided, that when such vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, a special election may be held, at the Governor's discretion; and provided, further, that when a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

The Governor shall issue the election proclamation under his hand and the Great Seal of the state, and transmit copies to the board of supervisors of the counties in which the election is to be held.

1773.5. In addition to any other applicable provision of law, a vacancy occurs in the office of Representative in Congress in the event of his or her disappearance, as defined in subdivision (c) of Section 10731 of the Elections Code.

1774. (a) When an office, the appointment to which is vested in the Governor and Senate, either becomes vacant or the term of the incumbent thereof expires, the Governor may appoint a person to the office or reappoint the incumbent after the expiration of the term. Until Senate confirmation of the person appointed or reappointed, that person serves at the pleasure of the Governor. If the term of office of an incumbent subject to this section expires, the Governor shall have 60 days after the expiration date to reappoint the incumbent. If the incumbent is not reappointed within the 60-day period, the office shall be deemed to be vacant as of the first day following the end of the 60-day period.

(b) With respect to the appointment or reappointment by the Governor of a person to an office subject to confirmation by the Senate, the Governor shall submit the name of the person appointed, or the name of the incumbent reappointed, and the effective date of the appointment or reappointment to the Senate or, if the Senate is in recess or has adjourned, to the Secretary of the Senate, within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent, within 90 days after the expiration date of the term. If the Governor does not provide the required notification within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent to an office after the expiration date of the term, within 90 days after the expiration of the term, the office shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(c) If the Senate either refuses to confirm, or fails to confirm within 365 days after the day the person first began performing the

duties of the office, or, with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, within 365 days after the expiration date of the term, the following shall apply:

(1) If the Senate refuses to confirm, the person may continue to serve in that office until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first, or with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, until 60 days have elapsed since refusal or until 365 days after the expiration date of the prior term, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(2) If the Senate fails to confirm within the applicable 365-day period, the person may not continue to serve in that office, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the 365-day period.

1774.1. Notwithstanding any other provision of law, whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate confirms the appointment within the applicable period described in Section 1774, and the term of office is at the pleasure of the Governor, such confirmation shall be deemed the last act necessary for appointment and the Governor shall not be required to issue another commission to complete the act of appointment.

1774.2. (a) For any person whose term of office expires prior to Senate confirmation and who is reappointed to that office, the time served prior to, as well as subsequent to, the expiration date of the prior term shall be counted for purposes of Section 1774.

(b) For any person who resigns an office prior to Senate confirmation and who is reappointed to that office at any time within 365 days of the resignation, the time served prior to, as well as subsequent to, the resignation shall be counted for purposes of

Section 1774.

(c) The subsequent appointment of a person to an office 365 days or more after the date the person last served in that office shall be considered a new appointment, and not a reappointment, for purposes of Section 1774.

1774.3. With respect to any body or entity having more than one member, including, but not limited to, a board, commission, or committee, "office" includes every position on the body or entity, regardless of qualifications, expiration date of the term, or duties and responsibilities of the position.

1774.5. Notwithstanding any other provisions of law, no person holding an office which is deemed to be vacant pursuant to Section 1774 may, after the time the office has been deemed to be vacant pursuant to those provisions, continue to discharge the duties of the office, and no warrant shall be drawn by the Controller for the payment of any salary or expenses of that person attributable to the discharge of the duties of the office after that time. In addition, the Governor shall not reappoint the person to the same office for a period of 365 days after the time the office has been deemed to be vacant.

1774.7. (a) Sections 1774, 1774.2, 1774.3, and 1774.5 shall apply to any person appointed, or reappointed, prior to, or on or after, January 1, 1981, except as follows:

(1) With respect to any person appointed prior to January 1, 1981, the 365-day period specified in Section 1774 shall not commence to run until January 1, 1981.

(2) With respect to the term of office of an incumbent which expires during the period from the first Monday after January 1 of the year a newly elected Governor takes office for the first time, until January 31 of that year, inclusive, the 60-day period specified in subdivision (a) of Section 1774 and the 90-day period specified in subdivision (b) of Section 1774 shall not commence to run until February 1 of that year.

(b) It is the intent of the Legislature that Sections 1774,

1774.2, 1774.3, and 1774.5 shall prevail over any contrary special or general provision of this code, any other code, or any uncodified statute of this state. These sections shall be construed as superseded by another statute only if that statute specifically provides that these sections shall not apply and expressly refers to the numbers of the sections superseded.

1775. Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

After a vacancy has occurred in an office specified in this section and prior to the time such vacancy is filled as provided in this section, the chief deputy to the above constitutional officers shall discharge the duties of the office.

1776. Except as otherwise provided in the Constitution, when a person is appointed by the Governor, or by the Governor by and with the advice and consent of the Senate, either to fill a vacancy in any office or to fill an office when the appointment is not made until after the expiration of the preceding term, the appointee holds office only for the balance of the unexpired term as provided by the law creating the office.

1777. After filing his official oath and bond, any person elected or appointed to fill a vacancy possesses all the rights and powers and is subject to all the liabilities, duties, and obligations of the

officer whose vacancy he fills.

1778. A vacancy in any appointive office on the governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided.

1779. A vacancy on any appointed governing board of a special district shall be filled by the appointing authority within 90 days immediately subsequent to its occurrence. If no action is taken for a period of 90 days immediately subsequent to a vacancy on such a board, the board of supervisors of the county in which the larger portion of the district is located shall have authority to fill the vacancy by appointment.

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled as provided in this section. The district shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The remaining district board members may fill the vacancy by appointment. The person appointed shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor. Appointments pursuant to this subdivision shall be made within a period of 60 days immediately subsequent to either the date on which the district board is notified of the vacancy or the



effective date of the vacancy, whichever is later, and a notice of the vacancy shall be posted in three or more conspicuous places in the district at least 15 days before the appointment is made. The county elections official shall be notified of the appointment no later than 15 days after the appointment. In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, 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 130 or more days after the date the district board calls the election.

(b) If the vacancy is not filled by the district board as specified, or if the board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or county supervisors may order the district to 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 130 or more days after the date the city council or board of supervisors calls the election.

(c) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, the district shall 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 130 or 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.

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.

1781. The provisions of Section 1780 shall not apply to a school district, a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, or a district subject to the provisions of Chapter 5 (commencing with Section 22825) of Part 5 of Division 11 of the Water Code.

1782. Notwithstanding any other provision of the law, whenever a vacancy occurs on a state board or commission, or a seat on a board or commission is abolished by statute, the board or commission shall notify the appropriate appointing authority of this occurrence and the appropriate appointing authority shall notify the person occupying the vacated or abolished seat that the person may no longer serve on the board or commission. Except as provided in Section 1774, the person occupying the vacated or abolished seat on the board or commission shall continue to serve until notified by the appropriate appointing authority.