

**RULES FOR FILLING APPOINTED POSITIONS ON THE  
BOARD OF DIRECTORS OF THE  
CENTRAL BASIN MUNICIPAL WATER DISTRICT**

November 2016

New legislation effective January 1, 2017 will expand the membership of the Board of Directors of the Central Basin Municipal Water District. Until the directors elected at the November 8, 2022 election take office, the Board of Directors will be composed of eight directors. In addition to the five publically-elected directors, three additional directors will be appointed by the water purveyors within the District pursuant to Section 71267 of the Water Code. After 2022, the Board of Directors will be composed of seven directors, as one of the elected positions will be eliminated through redistricting.

These Rules establish the procedures by which the water purveyors will appoint members to the three seats allocated to them.

**Section 1: Authorization and Application**

1.1 Section 71267(c)(1) of the Water Code provides as follows:

*The three directors appointed by the water purveyors shall be selected by the water purveyors every four years as follows:*

*(A) One director shall be selected by all large water purveyors from the nominees of large water purveyors. Each large water purveyor shall have one vote.*

*(B) One director shall be selected by all cities that are water purveyors of the district from the nominees of cities. Each city shall have one vote.*

*(C) One director shall be selected by all of the water purveyors of the district from any nominee. The vote of each purveyor shall be weighted to reflect the number of service connections of that water purveyor within the district.*

1.2 Section 71267(c)(2) of the Water Code provides as follows:

*The appointment of directors pursuant to paragraph (1) shall not result in any of the following:*

*(A) The appointment of three directors that are all employed by or representatives of entities that are all large water purveyors.*

*(B) The appointment of three directors that are all employed by or representatives of entities that are all cities.*

*(C) The appointment of three directors that are all employed by or representatives of entities that are all small water purveyors.*

## **Section 2: Definitions**

- 2.1 “District” or “CBMWD” means the Central Basin Municipal Water District.
- 2.2 ”Purveyor Workshop” means a meeting called by CBMWD to which all Cities and Water Purveyors are invited following at least seven days’ notice.
- 2.3 “General Manager” means the General Manager of CBMWD.
- 2.4 “Water Purveyor” or “Purveyor” means an entity that operates a Public Water System. A list of all Water Purveyors is attached as Table A.
- 2.5 “Large Water Purveyor” means the operator of a Public Water System that is one of the top five purveyors of water as measured by the total number of acre-feet of potable and recycled water purchased from CBMWD during the three prior fiscal years.
- 2.6 “Small Water Purveyor” means the operator of a Public Water System with fewer than 5,000 Service Connections.
- 2.7 “Public Water System” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.
- 2.8 “Service Connections” means the number of active services last reported by the Water Purveyor on the Annual Report provided to the Division of Drinking Water of the California State Water Resources Control Board.
- 2.9 “Cities that are water purveyors” means a general law or charter city, any portion of which is within the boundaries of the District. A list of eligible cities is attached as Table B.

## **Section 3: Nomination and Selection of Appointed Directors**

- 3.1 Written notice of the opportunity to submit nominations for appointment to the CBMWD Board shall be sent by CBMWD to all entities eligible to vote no later than 95 calendar days prior to the date scheduled for appointment. The notice shall (1) inform each such entity of its right to nominate any number of eligible individuals for any office to be filled; and (2) inform each entity eligible to vote of the positions to be filled on the Board..
- 3.2 Nominations shall be made on nomination forms to be prepared by CBMWD, samples of which are to be disclosed and discussed at a Purveyor Workshop, the notice for which discloses such proposed action.

- 3.3 Nominations may be submitted at any time during the 60-day period defined by written notice by CBMWD, provided that the nomination period shall not begin earlier than 95 days before the date the seat is to be filled. Nominations shall be submitted on the form provided by CBMWD and shall be accompanied by the candidate's certification and statement of qualifications, which shall be limited to one page. Nominations received by CBMWD after the specified deadline will be deemed invalid.
- 3.4 Prior to appearing on a ballot, a nominee for appointment as a director shall certify in writing (i) that he or she does not hold elective office, (ii) that he or she does not hold more than 0.5 percent ownership in a company regulated by the California Public Utilities Commission, (iii) that he or she lives or works within the District, and (iv) that he or she has a minimum of five years' experience in one or more positions materially responsible for performing services relating to the management, operations, engineering, construction, financing, contracting, regulation or resource management of a Public Water System. For purposes of subsection ii above, a candidate shall be deemed to "work within the District" if he or she is primarily and directly responsible for the operation or management of one or more components of a Public Water System which component(s) are physically located within the boundaries of the District.
- 3.5 A form of mail ballot containing all qualifying mailed nominations for each category to be filled at the election, and including a copy of the candidates' certifications and statements of qualifications, shall be distributed by CBMWD by certified mail to each entity eligible to vote in that category no later than 30 days prior to the scheduled election. A separate ballot shall be provided for each office to be filled. An affidavit signed by the responsible CBMWD staff member stating that all eligible entities were sent a ballot shall be filed with the election information maintained by CBMWD. The mail ballot shall indicate that each eligible entity shall return the ballot as directed by the General Manager and that only those ballots physically received at the District's headquarters or postmarked on or prior to the close of business on the election date shall be considered valid and counted. Ballots received after the specified deadline will not be counted.
- 3.6 Seats shall be filled by tabulation of the separate written ballots submitted for each category in which a Water Purveyor is eligible to vote. All ballots shall remain sealed until opened and tallied by the General Manager at a Purveyor Workshop. The election results shall be certified by the General Manager and the results of the election shall be reported within 7 days of the election by posting the results on the CBMWD website.
- 3.7 In the event of a tie of successful candidates, a new ballot containing only the tied successful candidates shall be distributed by certified mail to each entity eligible to vote in the relevant category. The new ballot shall indicate that each entity eligible to vote shall return the completed ballot as directed by the General Manager, and only those ballots physically received at the District's headquarters or postmarked on or prior to the close of business on the date so designated shall be considered valid. The designated date shall be no earlier than 30 days and no later than 50 days from the date the ballot is mailed. In the event that there were only two original candidates, or if the second ballot also results in a tie, the

successful candidate shall be chosen by a drawing conducted by the General Manager at a Purveyor Workshop.

- 3.8 If the selection of a director under these procedures would result in a violation of the restriction in Section 1.2 of these rules (Wat. C. §71267(c)(1)(C)), the first eligible candidate receiving the next highest number of votes shall be selected.
- 3.9 In order to ensure continuity of knowledge, the directors first appointed by the Purveyors, at the time they are seated, shall classify themselves by lot so that two of them shall hold office until the selection of their successors at the first succeeding purveyor selection and one of them shall hold office until the selection of his or her successor at the second succeeding purveyor selection. The first succeeding purveyor selection shall be scheduled to coincide with the term of office of the next directors to be publically elected, and the second succeeding purveyor selection shall be scheduled for two years thereafter. An appointed director may not serve more than one consecutive term of office, whether or not his or her initial term is for two years or four years.
- 3.10 The above deadlines shall apply in the original nomination and selection process, where the normal expiration of the term of office occurs, and when it is necessary to fill a position following a vacancy, including a vacancy occurring as a result of the application of Wat. C. § 71267(f); where there is a term of office remaining, nominations for the balance of the term shall be valid if received by the District within 60 days of notice by CBMWD, and ballots shall be timely submitted within 30 days of the close of the nominations period, unless all Purveyors submit nominations or affirmatively decline to make a nomination within a shorter period of time.
- 3.11 Ballots are public information and shall be treated as public records within the meaning of Government Code §§ 6250 et seq.