

ERNIE WIPF  
CHAIR

CANDACE HORSLEY  
VICE-CHAIR

THERESA MCNERLIN  
DIRECTOR

DARWIN DICK  
DIRECTOR

VACANT SEAT  
DIRECTOR

UKIAH VALLEY SANITATION DISTRICT SPECIAL MEETING  
**WEDNESDAY January 25, 2023 AT 6:00PM**

LOCATION:

DISTRICT'S MEETING ROOM - 151 LAWS AVE., UKIAH, CA 95482

AND

THE PUBLIC MAY ALSO VIEW VIA ZOOM

Call in number: 1-669-900-6833

Meeting ID: 833 0860 2231

Zoom Link: <https://us02web.zoom.us/j/83308602231>

*The Board welcomes participation in the Board meetings. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press \*9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3 minutes. If you choose not to observe the meeting via Zoom and wish to make a comment on a specific agenda item, please submit your comment via email to the Board Secretary at [aa@uvsd.org](mailto:aa@uvsd.org) at least one hour before the meeting. All public comments submitted to the Board Secretary will be read verbatim for up to 3 minutes.*

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need disability-related modifications or accommodation to participate in this meeting, then please contact Chelsea Teague, Board Secretary at 707-462-4429. Requests must be made as early as possible, and at least one-full business day before the start of the meeting. The times indicated for agenda items are estimated and the Board reserves the right to address items either earlier or later than scheduled.*

**1. CALL TO ORDER**

**2. NEW BUSINESS**

- A. DISCUSSION AND POSSIBLE ACTION RE: Appointment to Fill Board Vacancy

Recommended Action: Review the application, hear a presentation or statement from the applicant, and appoint the applicant to the vacant District Board seat by adopting Resolution No. 2023-01.

**3. ADJOURNMENT**

Ukiah Valley Sanitation District  
151 Laws Avenue  
Ukiah, CA 95482

STAFF REPORT  
January 25, 2023

To: Board of Directors  
From: Wing-See Fox  
Meeting Date: January 25, 2023

Item #2A: Appointment to Fill Board Vacancy

**Background:**

Three Board seats, each a four-year term, were up for election on November 8, 2022. Chair Wipf and Vice Chair Horsley filed papers to run for reelection, and Director Bawcom did not run for reelection. No other District resident filed papers to run for the third seat. Since only two people filed to run for the three available Board positions, under Elections Code section 10515, those two were automatically appointed to the positions by the County. This resulted in the County Board of Supervisors appointing Chair Wipf and Vice Chair Horsley to another four-year term on October 4, 2022; and the November 8, 2022 District election was cancelled. The remaining third District Board seat for a four-year term became vacant on December 2, 2022, when the other Board members took office under the Uniform District Election Law.

State law provides that to fill the vacant seat, the District Board must, within 60 days from the commencement of the vacancy, or by January 31, 2023, either fill the vacancy by appointment or by calling a special election. At its December 14, 2022 meeting, the Board voted to fill the vacancy by appointment. The notice of the vacancy was posted at least 15 days before this meeting making the appointment.

**Discussion:**

The appointment method to fill a vacant District Board seat allows the Board to appoint a person to serve until the next general district election – i.e., November 5, 2024 (Gov. Code, § 1780(d)(2) [“[i]f the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy 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 who is elected at that election to fill the vacancy has been qualified.”]. Thus, at the November 2024 election, this seat would be up for election for a two-year term (i.e., the remainder of the four-year term for the seat). The person appointed to fill the vacant seat in the interim or any other person may seek election to the two-year seat. The Board position will resume its normal four-year cycle with the November 2026 election.

District staff posted the notice of vacancy and solicited applications for the vacant seat. As of the January 20, 2023 deadline to submit applications, the District has received one application. The applicant was notified and encouraged to participate in tonight’s meeting. The Board can review the submitted application, hear a presentation or statement from the applicant, and appoint the applicant to the District Board.

The criteria by which the Board chooses an appointee to fill a vacancy is at the Board's discretion. However, the deliberation, consideration and voting on an appointment to a vacant District Board seat must be done in an open session. The appointment can only be made by majority vote of the remaining Board members.

If appointed, the applicant will fill the seat beginning at the February 9, 2023 Regular District Board Meeting.

**Fiscal Effect:**

By filling the Board vacancy by appointment instead of holding a special election, the District is saving at least \$7,500-\$10,000.

**Recommendation:**

Staff recommends that the District Board review the application, hear a presentation or statement from the applicant, and appoint the applicant to the vacant District Board seat by adopting Resolution No. 2023-01.

**Attachments:**

1. Application Submitted by Bradley Best
2. Resolution No. 2023-01 Appointing Bradley Best to the Vacant District Board Seat Until the Next General District Election in November 2024

Respectfully submitted,



WING-SEE FOX  
Interim District Manager



APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS  
OF THE UKIAH VALLEY SANITATION DISTRICT

Applicants for appointment to the Board of Directors must reside within the boundaries of the Ukiah Valley Sanitation District and be a registered voter. Prior to taking the Oath of Office and being seated on the Board, residency of the appointed member will be verified. Appointment will be voided if appointed member is not a resident of the District.

Name of Applicant: Bradley O Best  
First Name Middle Initial Last Name

Resident Address of Applicant: [REDACTED]  
Provide address of physical location if different than mailing address

Why do you want to become a Board Member?

I am new to the area and would like  
to be involved in the community

Continue on separate page if necessary

What do you see as the critical issues facing the District?

I am not aware of specific issues  
facing the district but I feel it should  
serve the community in an efficient and  
cost effective way

Continue on separate page if necessary

Can you commit to attend regularly scheduled Board meetings on the second Wednesday of the month beginning at 6:00 pm and lasting about two to three hours?

YES OR NO (Circle)

APPLICATION FOR BOARD MEMBER APPOINTMENT CONTINUED

Have you previously served or are you serving on another Public Agency Board, and, if so, please name the Board:

Previously I served on a Fire Safe Council and a local municipal water district board.

What attributes or skills will you bring to the Board?

I am willing to attend monthly meetings. I am a thoughtful listener and a logical thinker.

What do you envision the role of a Board member to be?

To look at all information about an issue and come to a decision with other board member that is best for the community.

Any additional information about yourself you wish add?

My wife and I are retired and moved to Ukiah to be close to family.

Please submit to the District Office at 151 Laws Avenue, Ukiah CA, 95482 or email to [aa@uvsd.org](mailto:aa@uvsd.org) before 12pm on January 20, 2023.

## RESOLUTION NO. 2023-01

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE UKIAH VALLEY SANITATION DISTRICT APPOINTING BRADLEY BEST TO THE VACANT DISTRICT BOARD SEAT UNTIL THE NEXT GENERAL DISTRICT ELECTION IN NOVEMBER 2024

**WHEREAS**, the Ukiah Valley Sanitation District (“District”) district election scheduled for November 8, 2022 was cancelled because only two people filed to run for the three available Board positions and those two persons who filed were automatically appointed pursuant to Elections Code section 10515; and

**WHEREAS**, the third available Board position resulted in a vacancy which became effective December 2, 2022; and

**WHEREAS**, Government Code Section 1780 sets forth the procedure for filling Board vacancies and provides that the District Board shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

**WHEREAS**, at its December 14, 2022 meeting, the Board voted to fill the vacancy by appointment; and

**WHEREAS**, under Government Code Section 1780(d)(2), when a vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed holds office until the next general district election; and

**WHEREAS**, this vacancy occurs in the first half of a term of office and the next general district election is more than 130 days after the effective date of the vacancy; and

**WHEREAS**, the person appointed to fill the vacancy shall serve until the District’s next general district election in November 2024.

**NOW, THEREFORE**, the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California does hereby resolve as follows:

**SECTION 1.** The Board of Directors finds that the recitals above are true and correct and incorporated into this Resolution by reference.

**SECTION 2.** The Board of Directors hereby appoints Bradley Best to fill the Board seat vacant as of December 2, 2022.

**SECTION 3.** The person appointed as set forth in this Resolution shall serve on the District Board until the person who is elected by District voters at the November 5, 2024 general district election has been certified as the successor to serve on the Ukiah Valley Sanitation District Board of Directors.

**SECTION 4.** This Resolution shall take effect upon adoption, and the City Clerk shall certify to the adoption of this Resolution.

**PASSED AND ADOPTED** by said Board on this 25th day of January, 2023 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

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Ernie Wipf, Chair

ATTEST:

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Chelsea Teague, Secretary of the Board

STATE OF CALIFORNIA       )  
  )  
COUNTY OF MENDOCINO     )

I, Chelsea Teague, Secretary of the Board of Directors of the Ukiah Valley Sanitation District, do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by the Board of Directors of Ukiah Valley Sanitation District at a meeting of said Board held on the 25th day of January, 2023.

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Chelsea Teague  
Secretary of the Board of Directors of the  
Ukiah Valley Sanitation District