

# AGENDA STAFF REPORT

MEETING NAME: REGULAR BOARD MEETING

MEETING DATE(S): JULY 18, 2022

FROM: LEGAL COUNSEL

FOR: ACTION  X  DIRECTION \_\_\_\_\_ INFORMATION \_\_\_\_\_



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## RESOLUTION NO. 2022-21

**RESOLUTION OF THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT,  
DIRECTING THE DISTRICT'S GENERAL COUNSEL TO PREPARE, SERVE AND FILE  
APPLICATION FOR LEAVE TO SUE AND COMPLAINT IN QUO WARRANTO ON BEHALF  
OF THE DISTRICT, BASED ON THE VERIFIED STATEMENT OF FACTS OF THE DISTRICT'S  
GENERAL MANAGER  
[STEVEN ALAN GRASHA]**

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### STAFF RECOMMENDATION

It is recommended that the Board consider and take action to approve Resolution No. 2022-21, a Resolution of the Board of Directors of Mission Springs Water District, Directing the District's General Counsel to Prepare, Serve and File Application for Leave to Sue and Complaint in Quo Warranto on Behalf of the District, Based on the Verified Statement of Facts of the District's General Manager [Steven Alan Grasha].

### SUMMARY

At the meeting on June 20, 2022, the Board discussed two matters of potential litigation, one of which involved President Martin's request that the District initiate an application to the Attorney General, seeking leave to sue in quo warranto, for a determination whether Director Grasha was lawfully elected to office and/or vacated his office by failing to reside within the District at the time of his election, or for a period exceeding 180 days during his present term, as set forth in Water Code section 30508. The Board's action, as reflected in the minutes of the June 20, 2022 meeting, was that the District should initiate Quo Warranto proceedings with respect to Director Duncan and Director Grasha, to determine whether they satisfy residency requirements within the District and divisions that elected them. Legal counsel was directed to prepare the necessary application and pleadings for consideration by the Board at its next regular meeting in July.

On June 14, 2022, Director Duncan submitted his resignation from office, effective August 16, 2022, rendering moot the previously approved quo warranto proceedings related to his residence.

The attached resolution reflects the Board's direction that the Application for Leave to Sue and Complaint in Quo Warranto be prepared, served and filed with the California Attorney General, to initiate the process for obtaining leave to sue in the name of the People of the State of California, for a judicial determination whether Director Grasha was lawfully elected to office, and whether the office presently held by Director Grasha has been vacated, because he failed to maintain his residence within the District.

**ANALYSIS**

If approved by the Board, Resolution No. 2022-21 will initiate the process by which Director Grasha will be served with the Quo Warranto application, and it will be filed with the Attorney General for a preliminary opinion regarding the questions of Director Grasha's residency and vacancy of office, and determination whether leave to sue in quo warranto will be granted.

**ATTACHMENTS**

Resolution No. 2022-21