



**TUALATIN VALLEY**  
WATER DISTRICT

## **TVWD BOARD OF COMMISSIONERS**

President Todd Sanders, PhD | Vice President Jim Duggan, PE  
Treasurer Bernice Bagnall | Secretary Jim Doane, PE | Acting Secretary Vacant

# **Special Board Meeting Agenda**

June 28, 2022

## **SPECIAL SESSION – 6:00 PM – MICROSOFT TEAMS MEETING\***

### **CALL TO ORDER**

#### **1. BUSINESS AGENDA**

- A. Consider and accept the resignations of Commissioners Schmidt and Bagnall.
- B. Consider appointment of Carl Fisher to Commissioner Position #2.
- C. Consider adopting a process for advertisement, recruitment and selection to fill vacant Commissioner Position #1.

### **ADJOURNMENT**

\*To slow the spread of COVID-19, this meeting is only available via phone or the web. It will not be held at a physical location. If you wish to attend, please email [katherine.desau@tvwd.org](mailto:katherine.desau@tvwd.org) or call 503-848-3078 by 4:00 p.m. on June 28, 2022.

The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the contact listed above.

For online meeting information, Commissioner bios and more, visit [tvwd.org](https://tvwd.org).





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## TUALATIN VALLEY WATER DISTRICT

**Date:** June 28, 2022  
**To:** Board of Commissioners  
**From:** Tom Hickmann  
**Subject:** Staff Report for Commissioner Vacancy Special Meeting Agenda Items

### **Requested Board Action:**

Consider and accept the resignations of Commissioners Schmidt and Bagnall.

Appoint Carl Fisher to Commission Position #2.

Consider adopting a process for advertisement, recruitment and selection to fill vacant Commissioner Position #1.

### **Key Concepts:**

- Commissioner Schmidt submitted his resignation from the Board of Commissioners on June 8, 2022.
- Commissioner Bagnall submitted her resignation from the Board of Commissioners, effective at the conclusion of the regular meeting on July 20, 2022.
- Upon appointment of new Commission members, they will serve until June 30, 2023, unless they run for election on the May 16, 2023 election. The winner of that election will serve from July 1, 2023 to June 30, 2025.
- The Board may choose to appoint Carl Fisher to Commissioner Schmidt's seat. If so, the Board needs to direct staff to implement the recruitment and selection process for Commissioner Bagnall's position.

### **Background:**

This staff report provides information for all three agenda items: (1) to accept the resignations of Commissioners Schmidt and Bagnall; (2) appoint Carl Fisher to Commissioner Schmidt's vacant seat; and (3) direct staff on the process to advertise, recruit and appoint the replacement for Commissioner Bagnall.

In the past, the Board of Commissioners adopted a process for advertisement, recruitment and appointment of a Board member to serve the remainder of a term vacated by resignation. Potential appointees have come from the Budget Committee, Rate Advisory Committee, and interested individuals. The process typically includes advertisement and a request for statements of interest.

Commissioner Schmidt has resigned; therefore, the Board needs to appoint his replacement. Commissioner Bagnall has resigned effective at the conclusion of the Board's regular meeting on July 20, 2022. Their four-year terms expire June 30, 2025. However, in these cases, when a vacancy occurs prior to the June 30, 2023 mid-point of the four-year term, the Board's appointment is valid until June 30, 2023, with a special election to be held May 16, 2023. The winner of that election will serve the remainder of the term to June 30, 2025. The person appointed for the next 11 months will need to file for election in March of 2023 to be on the May 2023 ballot.

There are no statutorily required processes or timelines to make the appointment. The Board has typically appointed a subcommittee to oversee the process. The process usually consists of advertisement and recruitment from interested individuals and those members of the public who respond. The Board subcommittee would review, interview and make a recommendation to the full Board for selection. The Board may also conduct its own interviews. The key point is that the Board has broad discretion to set its process for selection. The Board also has the discretion to end the process when

they believe they have found a qualified candidate, which would allow the Board to appoint that candidate at the next regular Board meeting. The Board could also call a Special Meeting.

That discretion also allows the Board to directly appoint, without process, a qualified candidate ready, willing and able to serve. The Board would need to articulate why this appointment is beneficial, reasonable and necessary. The Board has broad discretion when making the decision to direct appoint. In the case of Carl Fisher, the Board might point to his years of service to the District on the Budget Committee, his deeper knowledge of District finances and operations, his understanding of the status of the Willamette Water Supply System, and strategic issues facing TVWD. The Board may also be concerned that with the departure of Commissioner Bagnall, the appointment of Commissioner's Schmidt's replacement will help the District avoid lack of quorum issues until her replacement is found. Finally, the Board has expressed a desire for continuity by the appointee, and Mr. Fisher has indicated he will file for election in May 2023 to serve the final two years of Commissioner Schmidt's term expiring in 2025.

Staff has developed a Plan for Commissioner Bagnall's replacement. The Board needs to provide direction on the steps for advertisement, recruitment and appointment.

### **Budget Impact:**

Costs of advertisement, orientation of the new Commissioners and May 2023 election costs are accounted for in the budget.



### **Staff Contact Information:**

Tom Hickmann; Chief Executive Officer; 503-848-3088; [tom.hickmann@tvwd.org](mailto:tom.hickmann@tvwd.org)

### **Attachments:**

Proposed Work Plan and Schedule to Fill an Impending Vacancy for Commissioner Position #1

### **Leadership Team Initials:**

Chief Executive Officer		Customer Service Manager	N/A
Chief Operating Officer	N/A	IT Services Director	N/A
Chief Financial Officer	N/A	Human Resources Director	N/A
General Counsel		Water Supply Program Director	N/A





## MEMO

**Date:** June 28, 2022

**To:** TVWD Board of Commissioners

**From:** Tom Hickmann

**RE:** Work Plan and Schedule to Fill an Impending Vacancy for Commissioner Position #1

Commissioner Bagnall recently announced that she is resigning from the TVWD Board of Commissioners effective at the end of the July 20, 2022 Regular Meeting. Staff has developed the following DRAFT work plan for filling Position #1 on the TVWD Board.

Dates (2022)	Event	Activity	Notes
June 28	Board Special Meeting	Board reviews and adopts Work Plan and Schedule	Board input on objectives and evaluation criteria
June 29-July 29		Outreach	Commissioners and CEO contact possible candidates
June 29-July 29	Notice of Vacancy - Advertisement	Paid advertisement (July). Notice posted on TVWD website (June 29-July 29).	Online application. Process open until filled.
August 1		Recorder distributes applications to Evaluation Committee	
August 8	Committee Conference Call	Evaluation Committee identifies short list of candidates to interview	Recorder notifies candidates and schedules interviews
August 8 – August 11	Interviews	Evaluation Committee interviews short-listed candidates	Evaluation Committee identifies recommendation
August 11	Board Packet Distribution	Recommendation by Evaluation Committee and candidate's application included in Board Packet	CEO and Recorder to prepare staff report
August 17	Board Meeting	Board considers appointment of recommended candidate as new Commissioner. Board may conduct its own interview. New Commissioner sworn in.	Term of appointment for new Commissioner to be from 8/17/22 to 6/30/23. Election for Position #1 will be May 16, 2023 for term of 7/1/23 to 6/30/25.