



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

June 3, 2022

Presiding Officer, Members

Mission Springs Water District Board

Dear Board Members:

The Riverside County District Attorney's Office has received a request to investigate a substantial violation by Director Randy Duncan of the residency requirements of a Mission Springs Water District Board director pursuant to California Water Code §30508. The complaint alleges that Mr. Duncan no longer lives in the division he was elected to represent. Such a violation may jeopardize the finality of actions taken by the Board since the violation occurred.

According to the Mission Springs Water District's website, Mr. Duncan was most recently appointed to the Board of Directors October 7, 2014, after having served on the board a few years prior. The website also mentions that Mr. Duncan "has lived in Desert Hot Springs for more than 25 years." (<https://www.mswd.org/mswd/directory-listing/randy-duncan>)

Our office recently learned that Mr. Duncan no longer resides within the Mission Springs Water District, having purchased a home outside of California in November of 2020. While Mr. Duncan used to live in Desert Hot Springs within the District, we determined that he sold that residence upon purchasing a new home out of state. We have also discovered that Mr. Duncan stays with a friend in Desert Hot Springs about 4 days per week, but that friend's residence is not within Mr. Duncan's Water Board district.

Mission Springs Water Board directors must reside within their respective divisions. If the director moves out of their division, then they are deemed to have vacated their position if they fail to reestablish proper residency within 180 days. This is codified in Water Code §30508:

If a director's place of residence, as defined in Section 244 of the Government Code, is moved outside district boundaries or outside the boundaries of that director's division where elected from a division, and if within 180 days of the move or of the effective date of this section the director fails to reestablish a place of residence within the district or within the director's division, *it shall be presumed that a permanent change of residence has occurred and that a vacancy exists on the board of directors pursuant to Section 1770 of the Government Code. (emphasis added)*

A place where one remains for "labor or other special or temporary purpose" does not qualify as a place of residence, and a person may only have one residence. (Govt. Code §244(a) & (b)) Therefore, neither Mr. Duncan's out of state residence nor his temporary stays at a friend's residence outside of his district would constitute qualifying residences for purposes of compliance with Water Code Section §30508.

Without a qualifying residence within his district, Mr. Duncan vacated his position as a Director on the Mission Springs Water District Board. According to Government Code §1770(e), Mr. Duncan's position became vacant when he ceased to be an inhabitant of the district for which he was appointed, and within which the duties of his position are required to be discharged. Based upon the facts as we understand them, our legal analysis has concluded that Mr. Duncan's current position as a Director on the Mission Springs Water District Board constitutes a clear violation of Water Code §30508.

The District Attorney of the County of Riverside is committed to the objective of ensuring that the Board of Directors of public agencies are qualified to hold their position of office and uphold the integrity of the Board's actions. To that end, we respectfully request that the Board comply with the law by officially vacating Mr. Duncan's position as of the date that he moved outside of

his district. We also request that the Board review prior Board actions that were taken during the violation period to ensure that you were in compliance with quorum/majority requirements set forth in Water Code §30525 and §30523. Failure to appropriately remedy this matter may result in further action taken by the District Attorney's Office.

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney



By: Elaina Bentley  
Assistant District Attorney

EB/jm



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**SHAWN DEGRUY**  
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