



Board Agenda Item 27

DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: James A. Kus, County Clerk/Registrar of Voters

SUBJECT: Board Appointment to the Panoche Resource Conservation District
Board of Directors

RECOMMENDED ACTION(S):

Consider and appoint candidate Michael Stearns to the Panoche Resource Conservation District Board of Directors, effective November 28, 2020 through November 29, 2024.

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint a director to the Panoche Resource Conservation District (Panoche RCD) Board. The Panoche RCD is governed by California Public Resources Code (PRC), section 9151 et. seq. On February 11, 2021, the Panoche RCD contacted the Clerk of the Board of Supervisors regarding the appointment. The Panoche RCD five-member board of directors are elected to serve a staggered four-year term. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the seat will remain vacant.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action.

DISCUSSION:

Resource Conservation Districts are governed by PRC, section 9151 et. seq. Specifically, section 9314(b) (1) provides RCDs the option of presenting a resolution to the board of supervisors of the principal county 125 days prior to the election requesting to appoint directors as an alternative to holding elections for director positions. The RCD's resolution requesting appointment of directors shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official.

If directors are to be appointed, a notice of vacancy shall be posted pursuant to section 54974 of the California Government Code (GC). Section 54974 provides that a special vacancy notice be posted in the office of the clerk of the local agency, for example County Clerk in this instance, on the local agency's Internet Web site, and in other places as directed by the legislative body, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board shall not be made by the legislative body for at least 10 working days after the posting of the notice in the Fresno County Clerk's Office.

The Panoche RCD submitted an executed standing resolution on May 10, 2016, to the Fresno County

Clerk/Registrar of Voters, requesting the Fresno County Board of Supervisors appoint its directors in lieu of election. The resolution also requested for the Board of Supervisors to appoint RCD directors instead of holding elections for any future expired term positions.

On November 28, 2020, the seat became vacant due to the expired term. On February 23, 2021, the Fresno County Clerk/Registrar of Voters posted a notice of vacancy in its office and on its website. The notice was also posted in the lobby of the Clerk of the Board of Supervisors' Office.

On March 5, 2021, the Panoche RCD submitted an application from Michael Stearns. The applicant is qualified to serve on the Panoche RCD's Board. The Panoche RCD's five-member board of directors are elected to serve a staggered four-year term. If your Board appoints the applicant to this District's board, the applicant will serve a four-year term set to expire November 29, 2024. The Panoche RCD is a shared district with Merced County; while, Fresno County is the principal county. The Fresno County Clerk's Office has consulted with the Merced County Registrar of Voters regarding this appointment.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - BCC Application - Stearns
On file with Clerk - District's Executed Resolution No. 248-16

CAO ANALYST:

Raul Guerra