



Board Agenda Item 30

DATE: December 3, 2024

TO: Board of Supervisors

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

SUBJECT: Board Appointments of Resource Conservation Districts' Board of Directors in Lieu of Holding an Election

RECOMMENDED ACTION(S):

- 1. Consider and appoint Robert Barcellos and Robert Motte to the James Resource Conservation District Board of Directors to a full term set to expire November 24, 2028, in lieu of holding an election;**
- 2. Consider and appoint Anthony Borges, Stephan J. Shehadey, and Patrick Abercrombie to the Tranquillity Resource Conservation District Board of Directors to a full term set to expire November 24, 2028, in lieu of holding an election; and**
- 3. Consider and appoint Matthew Hurley and Joseph David Denham to the Sierra Resource Conservation District Board of Directors to a full term set to expire November 24, 2028, in lieu of holding an election.**

There is no additional Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the Fresno County Board of Supervisors to appoint two directors to the James Resource Conservation District (James RCD) board of directors, three directors to the Tranquillity Resource Conservation District (Tranquillity RCD) board of directors, and two directors to the Sierra Resource Conservation District (Sierra RCD) board of directors in lieu of holding an election. Resource Conservation Districts (RCDs) are governed by California Public Resources Code (PRC), section 9001 *et seq.* The three RCD boards timely submitted executed standing resolutions to the Fresno County Clerk/Registrar of Voters requesting the Board of Supervisors to appoint its directors as an alternative to holding elections in any election year. This item pertains to locations in Districts 1 and 5.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the responsibility to appoint directors would return to each of the respective boards. PRC 9314(a) states "The expiration of the term of any director does not constitute a vacancy, and the director shall hold office until his or her successor has qualified". If the Board of Supervisors does not conduct interviews of potential candidates or make an appointment within 60 days after the expiration of the term, the responsibility to make appointments will revert to each RCDs board of directors.

FISCAL IMPACT:

There is no increase in Net County Cost related to the recommended actions.

DISCUSSION:

RCDs are governed by PRC 9001 *et seq.* Their five (5) member board of directors are elected to serve a four-year term. PRC section 9314(b) provides RCDs the option of presenting a board resolution requesting the Board of Supervisors of the principal county to appoint directors as an alternative to holding elections for director positions. An RCD board'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.

Pursuant to California Government Code section 54974, if directors are to be appointed, a notice of vacancy shall be posted in the office of the clerk of the local agency (the County Clerk/Registrar of Voters' Office, in this instance), on either the local agency's Internet website or at the library, 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.

The James RCD submitted an executed standing resolution on May 31, 2018, the Tranquillity RCD submitted an executed standing resolution on June 30, 2020, and the Sierra RCD submitted an executed standing resolution on June 1, 2016. The resolutions of the three RCDs request the Fresno County Board of Supervisors to appoint its directors as an alternative to holding elections in any election year pursuant to PRC section 9314(b). Fresno County is the principal county for the previously mentioned RCDs.

The Fresno County Clerk/Registrar of Voters received Boards, Commissions, and Committee (BCC) application forms showing that the seven candidates are qualified to serve on the respective RCD boards.

On November 12, 2024, the Fresno County Clerk/Registrar of Voters posted a special notice of vacancy in its office, on the Internet website, and at the Fresno County Library.

ATTACHMENTS INCLUDED AND/OR ON FILE:

- On file with Clerk - BCC Application Robert Barcellos
- On file with Clerk - BCC Application Robert Motte
- On file with Clerk - BCC Application Anthony Borges
- On file with Clerk - BCC Application Stephen J. Shehadey
- On file with Clerk - BCC Application Patrick Abercrombie
- On file with Clerk - BCC Application Matthew Hurley
- On file with Clerk - BCC Application Joseph David Denham
- On file with Clerk - James RCD Resolution No. 2018-01
- On file with Clerk - Tranquillity RCD Resolution No. 20-01
- On file with Clerk - Sierra RCD Resolution No. 01-2016

CAO ANALYST:

Ahla Yang