



Board Agenda Item 3

DATE: December 6, 2016

TO: Board of Supervisors

SUBMITTED BY: Brandi L. Orth, County Clerk/Registrar of Voters

SUBJECT: Board Appointments of Resource Conservation District Directors

RECOMMENDED ACTION(S):

- 1. Consider and appoint two directors (full term) and one director (short-term) to the Panoche Resource Conservation District Board.**
- 2. Consider and appoint two directors (full term) to the James Resource Conservation District Board.**
- 3. Consider and appoint two directors (full term) to the Sierra Resource Conservation District Board.**

Approval of the first recommended action will allow the Fresno County Board of Supervisors to appoint two directors (full term) and one director (short-term) to the Panoche Resource Conservation District (RCD). Approval of the second recommended action will allow the Fresno County Board of Supervisors to appoint two directors to the James RCD. Approval of the third recommended action will allow the Fresno County Board of Supervisors to appoint two directors to the Sierra RCD. RCDs are governed by California Public Resources Code (PRC). Their five (5) member board of directors is elected to serve a four year term. Fresno County is the principal county for the districts listed above. On October 21, 2016, a Board Briefing Report was provided by the Fresno County Clerk to the Board that explained the process for making RCD board appointments. The Fresno County Clerk/Registrar of Voters has worked with County Counsel to ensure that all of the requirements as required by the PRC have been satisfied. All three of the conservation districts listed above have timely submitted executed board resolutions 125 days prior to the November 8, 2016 election, to the Fresno County Clerk, requesting the Board of Supervisors to appoint its directors up for election at the November 2016 election. The resolutions also requested for the Fresno County Board of Supervisors to appoint RCD directors instead of holding elections for any future expired term positions. There is no net county cost associated with the recommended action.

ALTERNATIVE ACTION(S):

Decline to appoint directors and request the respective Resource Conservation Districts to make appointments sixty days after expiration of terms.

If the recommended actions are not approved, it would be the responsibility of the respective boards of the RCDs to appoint directors. PRC 9314(b) 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, (expiration of term is November 25, 2016, for the listed RCD directors except Panoche RCD's one short-term director's term expires November 8, 2016) the responsibility to make appointments will revert back to

each RCDs board of directors. Fresno County Clerk/Registrar of Voters will work with each of the RCDs if assistance is requested.

FISCAL IMPACT:

There is no increase in net county cost related to the recommended action.

DISCUSSION:

Resource Conservation Districts (RCD) are governed by California Public Resources Code ("PRC"). Their five (5) member board of directors is elected to serve a four year term. Fresno County is the principal county for the following active RCD's:

- Panoche Resource Conservation District (shares with Merced County) (2 full term seats and 1 short-term seat)
- James Resource Conservation District (2 seats)
- Sierra Resource Conservation District (2 seats)

PRC 9314(b) provides RCD's the option of presenting a board resolution requesting the Board of Supervisors of the principal county to appoint their directors, after consultation with the board of supervisors of any other county which contains any part of the district, as an alternative to holding elections for their director positions. All three of the aforementioned RCD's timely submitted executed board resolutions 125 days (July 6, 2016) prior to the November 8, 2016 election, to the Fresno County Clerk, requesting the Board of Supervisors to appoint its directors up for election at the November 2016 election.

PRC Section 9314(c) states: It is the intent of the Legislature to encourage districts to opt for the selection of directors by election, but where the directors are appointed pursuant to subdivision (b), it is the intent of the Legislature that the board of supervisors solicit recommendations from within the district, including public, private, and nonprofit entities, and appoint only applicants who are determined by the board of supervisors to have a demonstrated interest in soil and water conservation. In selecting directors pursuant to subdivision (b), the board of supervisors shall endeavor to achieve balanced representation on the board of directors. To avoid undue financial burdens to districts and to thereby promote the objectives of this division, the Legislature hereby encourages counties to waive or minimize the charges for costs of elections conducted pursuant to this division.

Pursuant to Section 54974 of the Government Code, a Notice of Vacancy for the RCD board positions was timely posted by the Fresno County Clerk on November 16, 2016. The notice will be posted at the Fresno County Clerk's Office, Library, and Clerk to the Board's Offices, no earlier than 20 days before the term expiration or not later than 20 days after the expiration of term. The RCD Board of Directors term for each of the districts listed above expires on Friday, November 25, 2016 except for Panoche RCD's short-term director expiring on November 8, 2016. Upon approval of the recommended actions, Fresno County must appoint the RCD directors by January 7, 2017 for Panoche RCD's short-term director and January 24, 2017 for all other applicable RCD directors or the duty to appoint directors goes back to the respective RCD board. The outcome of the recommended actions will be shared with Merced County.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Board Briefing Report, October 25, 2016

Candidate applications on file with Clerk to the Board as of writing of this agenda item. Any additional applications received will be provided to the Board of Supervisors:

- Panoche RCD (full term) - Sue Redfern-West, incumbent; Michael Stearns, incumbent
- Panoche RCD (short term) - Ross Koda, incumbent
- James RCD: Robert Barcellos, incumbent; Robert Motte, incumbent

Sierra RCD: Ted Kimbler, incumbent

CAO ANALYST:

Ronald Alexander