



Board Agenda Item 25

DATE: July 18, 2023

TO: Board of Supervisors

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

SUBJECT: Board Appointments to the Tranquillity Resource Conservation District Board of Directors

RECOMMENDED ACTION(S):

Consider and appoint candidates Matthew Hurley and Patrick Abercrombie to the Tranquillity Resource Conservation District Board of Directors to terms set to expire on November 27, 2026, and November 29, 2024.

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint two directors to vacancies on the Tranquillity Resource Conservation District (Tranquillity RCD) Board of Directors. The Tranquillity RCD is governed by California Public Resources Code (PRC), section 9001 *et seq.* On April 20, 2023, the Tranquillity RCD contacted the Clerk of the Board of Supervisors regarding the appointments. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

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

FISCAL IMPACT:

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

DISCUSSION:

Resource Conservation Districts (RCD) are governed by PRC section 9001, *et. seq.* 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 An RCD board's resolution requesting appointment of directors shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official.

PRC section 9316 states "[I]n case of a vacancy in the office of director appointed pursuant to Section 9314, the vacancy shall be filled, as provided in Section 9314, by appointment for the unexpired term by the Board of Supervisors of the principal county".

If directors are to be appointed, a notice of vacancy shall be posted pursuant to Government Code section 54974, which provides that a special vacancy notice 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 Tranquillity RCD submitted an executed standing resolution on June 30, 2020, to the Fresno County Clerk/Registrar of Voters, requesting the Fresno County Board of Supervisors to appoint its directors in lieu of an election pursuant to PRC section 9314(b).

On December 15, 2020, the Board of Supervisors appointed Thomas J. Fairless and Mahmood Dean as directors of the Tranquillity RCD Board of Directors pursuant to PRC section 9314(b). Mr. Fairless was appointed to a two-year term that expired on November 25, 2022. Mr. Dean was appointed to a four-year term set to expire on November 29, 2024. Mr. Fairless resigned on February 8, 2021 and Mr. Dean resigned on November 18, 2022. At that time, no one applied to serve the unexpired terms and there were no successors.

The Tranquillity RCD contacted the Clerk of the Board and the County Clerk/Registrar of Voters' Office on April 20, 2023 requesting the Board of Supervisors appoint Matthew Hurley and Patrick Abercrombie pursuant to PRC sections 9314(b) and 9316 to fill the vacancies and serve the remainder of the terms set to expire November 27, 2026, and November 29, 2024, respectively. The Clerk of the Board received applications from Matthew Hurley and Patrick Abercrombie, showing that both candidates qualify to serve on the Tranquillity RCD's Board of Directors.

On May 22, 2023, the Fresno County Clerk/Registrar of Voters' Department posted a special notice of vacancy in its office, on the Internet Website, at the Fresno County Library, and at the Clerk of the Board's Office.

ATTACHMENTS INCLUDED AND/OR ON FILE:

- On file with Clerk - Tranquillity RCD Resolution No. 20-01
- On file with Clerk - BCC Application for Matthew Hurley
- On file with Clerk - BCC Application for Patrick Abercrombie

CAO ANALYST:

Ahla Yang