



Agenda Date: December 6, 2016

Board Briefing Report

DATE: October 25, 2016
TO: Board of Supervisors
FROM: Brandi L. Orth, Fresno County Clerk/Registrar of Voters
SUBJECT: Resource Conservation Districts

Brandi Orth

EXECUTIVE SUMMARY/BACKGROUND:

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) (3 seats)
- James Resource Conservation District (2 seats)
- Sierra Resource Conservation District (shares with Tulare County) (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. Once the resolution is presented to the Board of Supervisors, PRC 9314 subsections (b)(1) and (b)(4) provide that the Board of Supervisors shall appoint the director(s), or, if the Board of Supervisors does not interview candidates or make an appointment within 60 days after the expiration of term then the RCD board may make the appointments. If the directors are to be appointed, a notice of vacancy shall be posted pursuant to Section 54974 of the Government Code.

Government Code 54974 states "... a special vacancy notice shall be posted in the office of the clerk of the local agency (*County Clerk in this instance*), the library designated pursuant to Section 54973, 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."

A RCD board's resolution requesting appointment of directors shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official.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 9314(b) also 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 RCD's board of directors may make the appointment.

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".

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. These three RCD boards' resolutions requesting appointment of directors instead of holding elections will also apply to any future expired term positions on their respective boards.

Each RCD submitted candidate applications to the Clerk to the Board for these positions.

In accordance with Government Code 54974, the following timeline will be followed:

1. Tuesday, November 8, 2016: A Notice of Vacancy for these RCD districts will be posted at the Fresno County Clerk, Library and Clerk to the Board's offices (17 days before term expiration).
2. Tuesday, November 8, 2016: expiration of Panoche RCD Director Koda seat.
3. Friday, November 25, 2016: expiration of balance of current board of directors' term (last Friday of November).
4. Tuesday, December 6, 2016: Agenda item brought before the Fresno County Board of Supervisors for consideration of appointing board of directors.
5. Tuesday, January 24, 2017: 60 days from expiration of term by which Board of Supervisors must appoint the directors or the authority to appoint director(s) may be exercised by the RCD board.

This Board Briefing Report will be shared with Merced and Tulare Counties and with the Resource Conservation Districts.

CONTACT PERSON:

Please contact Brandi Orth, Fresno County Clerk at 559-600-3013 for any additional information.