



Board Agenda Item 27

DATE: September 10, 2019

TO: Board of Supervisors

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

SUBJECT: Board Appointments to Firebaugh Resource Conservation District's Board of Directors

RECOMMENDED ACTION(S):

Consider candidates and appoint directors to the Firebaugh Resource Conservation District Board of Directors. Wyatt McBee and Wayne Gowens terms expiring in 2022, and Wayne Western term expiring in 2020.

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint three directors to the Firebaugh Resource Conservation District (Firebaugh RCD) Board. The Firebaugh Resource Conservation District (RCD) is governed by the California Public Resources Code ("PRC"). Records indicate the District has been inactive since at least 2007, and possibly as far back as 2002. The five (5) prior board of directors members' terms have since expired. The Firebaugh RCD five (5) member board of directors are elected to serve a staggered four-year term. This item pertains to District 1.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Firebaugh RCD would be unable to conduct business due to lack of quorum. California Government Code section 1780, subdivision (h)(1)(2), which provides, in relevant part: (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of ... a remaining member of the district board, the appropriate board of supervisors ... shall promptly appoint a person to fill the vacancy. (2) The board of supervisors ... shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

FISCAL IMPACT:

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

DISCUSSION:

Resource Conservation Districts are governed by the California Public Resources Code ("PRC"). Under PRC section 9314 and 9316, the Board of Supervisors has the authority to appoint directors to the Firebaugh RCD's Board. The conservation district listed above submitted applications from Wayne Western, Wyatt McBee, and Wayne Gowens for their board of directors to the Clerk to the Board on August 1, 2019. All three applicants are qualified to serve on the District's Board. The Firebaugh RCD's five (5) member board of directors are elected to serve a staggered four-year term. If the Board of Supervisors appoints all three applicants to this District's board, the terms for Wayne Gowens and Wyatt McBee will expire in 2022 and the term for Wayne Western will expire in 2020. The Firebaugh RCD is wholly within

Fresno County.

California Government Code section 1780, subdivision (h) (1)-(2), which provides, in relevant part:

(1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of ... a remaining member of the district board, the appropriate board of supervisors ... shall promptly appoint a person to fill the vacancy.

(2) The board of supervisors ... shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

California Government Code section 1770 defines the circumstances when a vacancy occurs. Subdivision (g) of that section provides that a vacancy occurs when the holder of an office "ceases to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law."

There are five seats on the board of directors for the District. All terms have expired and the board has been inactive since 2007. No successors have been seated, to replace Narval Davis, Richard Giffen, Clarence Jones, John Britton, and Richard Fourchy. Although under PRC section 9314 a director serves until a successor qualifies for office, the above-mentioned Board members have ceased to discharge the duties of his or her office and it appears all five (5) member board of directors positions are now vacant. The Fresno County District 1 Supervisor supports these appointments.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - BCC Applications for Wayne Western, Wayne Gowens, and Wyatt McBee

CAO ANALYST:

Yussel Zalapa