



Board Agenda Item 18

DATE: September 22, 2020

TO: Board of Supervisors

SUBMITTED BY: Bernice E. Seidel, Clerk of the Board

SUBJECT: Appointment of a Director to the Broadview Water District in accordance with Government Code §1780(h)

RECOMMENDED ACTION(S):

Appoint Bill Pierce to the Broadview Water District Board of Directors, for the term expiring December 2021, to fill a vacancy.

As permitted by California Government Code section 1780, subdivision (h), approval of the recommended action will allow the Fresno County Board of Supervisors to provide the Broadview Water District (District) Board with a quorum by appointing a director without the District incurring the expense of an election. This item pertains to District 1.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, your Board may call an election to fill the vacancy.

FISCAL IMPACT:

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

DISCUSSION:

There are five (5) seats on the District Board. Bobbie Ormonde and Thomas Birmingham presently serve on the District Board. Their terms expired in 2017, but they continue to serve on the District Board until a successor qualifies and takes office. On October 27, 2015, Agenda Item Number 37, the Board of Supervisors appointed in lieu of an election Dan Pope and Susan Ramos to the District Board for two (2) full terms expiring in 2017. At that time, there were no candidates for a third director position, which has since remained vacant. In 2016, Mr. Pope and Ms. Ramos resigned from the District Board creating two (2) additional vacancies. Three (3) out of five (5) director positions remain vacant and the District Board does not have a quorum to conduct business.

The District is governed by the California Water Code (WC). Under WC section 34707.5, the Board of Supervisors has the authority to appoint directors to the District Board to fill a vacancy pursuant to California Government Code section 1780.

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

(h) (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, or may call an election 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.

On August 14, 2020, the District submitted an application from Bill Pierce to the Clerk of the Board's Office and requested the Board of Supervisors to appoint Mr. Pierce to the director position previously held by Mr. Pope to provide the District Board with a quorum. On August 20, 2020, it was determined Mr. Pierce was qualified to serve on the District Board. If the Board of Supervisors appoints Mr. Pierce to the District Board, the vacant seat will be filled without the District incurring the cost of an election.

California Government Code section 1780, subdivisions (h)(3) and (4) define the term of office for directors appointed by the Board of Supervisors in order to provide a district board with a quorum. Under subdivision (h)(3), which is applicable here, an appointed director will serve on a district board until the person elected to the position at the next general district election has been qualified. The next general district election for the District is scheduled for November 2, 2021. Accordingly, if appointed, the term of office for Bill Pierce will expire in 2021.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Request from District and BCC Application for Bill Pierce

On file with Clerk - October 27, 2015 Board Agenda Item Number 37 and Attachments

CAO ANALYST:

Ron Alexander