



Legislation Details (With Text)

File #: 19-0826

On agenda: 7/9/2019

Final action: 7/9/2019

Enactment date:

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Title: Consider candidates and appoint directors to the Tranquillity Resource Conservation District Board of Directors. Thomas J. Fairless and Jerry Radinoff terms expiring in 2022, and Anthony Borges term expiring in 2020

Attachments: 1. Agenda Item, 2. BCC Applications for Tranquillity RCD, 3. January 13, 2009 Action Summary Item 12

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|---------------------------|--------|
| 7/9/2019 | 1 | Board of Supervisors | Approved (Consent Agenda) | Pass |

DATE: July 9, 2019

TO: Board of Supervisors

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

SUBJECT: Board Appointments to Tranquillity Resource Conservation District Directors

RECOMMENDED ACTION(S):

Consider candidates and appoint directors to the Tranquillity Resource Conservation District Board of Directors. Thomas J. Fairless and Jerry Radinoff terms expiring in 2022, and Anthony Borges term expiring in 2020.

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint three directors to the Tranquillity Resource Conservation District (Tranquillity RCD) Board. The Tranquillity RCD is governed by the California Public Resources Code ("PRC"). The District informed the County Clerk on July 26, 2012 that the District was inactive and the five (5) prior board of directors members' terms have since expired. The Tranquillity 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 Tranquillity 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 California Public Resources Code (“PRC”). Under PRC section 9314 and 9416, the Board of Supervisors has the authority to appoint directors to the Tranquillity RCD’s board, including filling vacancies. The conservation district listed above submitted applications from Thomas J. Fairless, Jerry Radinoff and Anthony Borges for their board of directors to the Clerk to the Board on June 19, 2019. All three applicants are qualified to serve on the District’s Board. The Tranquillity 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 Thomas J. Fairless and Jerry Radinoff will expire in 2022 and the term for Anthony Borges will expire in 2020. The Tranquillity Resource Conservation District 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. On January 13, 2009, agenda item number 12, the Board of Supervisors appointed in lieu of election, William Pucheu, George Ayerza Jr., Jermone F. Salvador, Anthony Carvalho and Thomas J. Fairless. Since then, all terms have expired and the board has been inactive since 2012. However, no successors have been seated, and Board members Fairless, Pucheu, Ayerza, Salvador, and Carvalho have all ceased to discharge the duties of their offices for a period of three consecutive months. Although under PRC section 9314, a director serves until a successor qualifies for office, the above-mentioned previously appointed Board members have been inactive since 2012 and it appears all five (5) director positions are now vacant. The County Clerk has been informed that prior Board members Pucheu, Ayerza, Salvador, and Carvalho do not wish to continue serving as members of the Tranquillity RCD Board of Directors.

ATTACHMENTS INCLUDED AND/OR ON FILE:

- On file with Clerk - BCC Applications for Tranquillity RCD: Thomas J. Fairless, Jerry Radinoff, and Anthony Borges
- On file with Clerk - January 13, 2009 Action Summary Item 12

CAO ANALYST:

Yussel Zalapa