



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 18-1603, **Version:** 1

DATE: January 29, 2019

TO: Board of Supervisors

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

SUBJECT: Board Appointments of Sierra Resource Conservation District Directors

RECOMMENDED ACTION(S):

Consider and appoint candidate Peter Lassotovitch and candidate Alan Fry (each full term) to the Sierra Resource Conservation District Board of Directors.

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint two directors to the Sierra Resource Conservation District (Sierra RCD) Board. The Sierra RCD is 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 Sierra RCD. On October 25, 2016, a Board Briefing Report was provided by the Fresno County Clerk/Registrar of Voters to the Board of Supervisors that explained the process for making RCD board appointments. The Fresno County Clerk/Registrar of Voters has worked with County Counsel to ensure that all of the requirements as required by the PRC have been satisfied. The conservation district listed above timely submitted an executed board resolution 125 days prior to the November 6, 2018 election, to the Fresno County Clerk, requesting the Board of Supervisors to appoint its directors up for election at the November 2018 election. The resolution also requested for the Fresno County Board of Supervisors to appoint RCD directors instead of holding elections for any future expired term positions. There is no Net County Cost associated with the recommended action.

ALTERNATIVE ACTION(S):

Decline to appoint directors and request the Sierra Resource Conservation District to make appointments sixty days after expiration of terms.

If the recommended action is not approved, it would be the responsibility of the board of the Sierra RCD to appoint directors. PRC 9314(b) 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, (expiration of term is November 30, 2018, for the listed RCD directors) the responsibility to make appointments will revert back to Sierra RCD board of directors. The Fresno County Clerk/Registrar of Voters will work with the Sierra RCD if assistance is requested.

FISCAL IMPACT:

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

DISCUSSION:

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 Sierra Resource Conservation District (3 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. The aforementioned RCD timely submitted an executed board resolution 125 days (July 3, 2018) prior to the November 6, 2018 election, to the Fresno County Clerk, requesting the Board of Supervisors to appoint its directors up for election at the November 2018 election.

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.

Pursuant to Government Code §54974, a Notice of Vacancy for the Sierra RCD board positions was timely posted by the Fresno County Clerk on November 13, 2018. The notice is to be posted at the Fresno County Clerk's Office, Library, and Clerk to the Board's Offices, no earlier than 20 days before the term expiration or not later than 20 days after the expiration of term. The Sierra RCD Board of Directors term expired on Friday, November 30, 2018. Upon approval of the recommended action, the Fresno County Board of Supervisors must either conduct interviews of potential candidates or appoint the Sierra RCD directors by January 29, 2019 or the duty to appoint directors goes back to the Sierra RCD board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Candidate applications:

Sierra RCD: Peter Lassotovitch, Alan Fry

On file with Clerk - Board Briefing Report, October 25, 2016

CAO ANALYST:

Yussel Zalapa