



# County of Fresno

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

## Legislation Text

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**File #:** 20-0332, **Version:** 1

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**DATE:** April 28, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Board Appointment to the Sierra Resource Conservation District Board of Directors

**RECOMMENDED ACTION(S):**

**Consider candidate and appoint a director to the Sierra Resource Conservation District Board of Directors. Gary L. Temple term expiring in 2022.**

Approval of the recommended action will allow the Fresno County Board of Supervisors to appoint a director to the Sierra Resource Conservation District (Sierra RCD) Board. The Sierra RCD is governed by California Public Resources Code (PRC). The Sierra RCD forwarded Gary L. Temple's application to the Clerk of the Board of Supervisors on March 9, 2020. The Sierra RCD five (5) member board of directors are elected to serve a staggered four-year term. This item pertains to District 5.

**ALTERNATIVE ACTION(S):**

If the recommended action is not approved, the seat will remain vacant.

**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). PRC 9314(b) provides RCDs the option of presenting a board resolution requesting the Board of Supervisors of the principal county to appoint directors as an alternative to holding elections for director positions. A RCD board's resolution requesting appointment of directors shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official.

If directors are to be appointed, a notice of vacancy shall be posted pursuant to section 54974 of the California Government Code (GC). GC section 54974 provides that a special vacancy notice be posted "in the office of the clerk of the local agency," (County Clerk in this instance), on "the local agency's Internet Web site," 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. Final appointment to the board... shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office."

The Sierra RCD submitted an executed standing resolution on June 1, 2016 to the Fresno County Clerk/Registrar of Voters, requesting the Fresno County Board of Supervisors appoint its directors in lieu of 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.

On October 7, 2014, agenda item number 12, the Board of Supervisors appointed in lieu of election Sherman Pennebaker to a four-year term. Mr. Pennebaker's term expired in 2018. At that time, no one applied to the new term and no successor has been seated. Although under PRC 9314, a director serves until a successor qualifies for office, the above-mentioned previously appointed Board member has been inactive since 2018.

On March 9, 2020, the Sierra RCD submitted an application from Gary L. Temple to the Clerk of the Board of Supervisors. The applicant is qualified to serve on the Sierra RCD's Board. The Sierra RCD's five (5) member board of directors are elected to serve a staggered four-year term. If the Board of Supervisors appoints the applicant to this District's board, the applicant will serve a two-year term set to expire December 2, 2022. The Sierra RCD is wholly within Fresno County.

On April 13, 2020, the Fresno County Clerk/Registrar of Voters posted a notice of vacancy in its office and on its Website. A notice was also posted in the lobby of the Clerk of the Board's Office.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Gary L. Temple's BCC Application  
On file with Clerk - District's Executed Resolution, June 1, 2016  
On file with Clerk - Board Agenda Item 12, October 7, 2014

CAO ANALYST:

Raul Guerra