



# MARIPOSA COUNTY

Clerk of the Board of Supervisors ·



## **RESOLUTION - ACTION REQUESTED 2013-355**

MEETING: August 20, 2013

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Accept Mariposa County Resource Conservation District Resolution  
Requesting Appointment of Directors

---

### **RECOMMENDATION AND JUSTIFICATION:**

Approve making future director appointments to the Mariposa County Resource Conservation District (MCRCD) by the Board of Supervisors in Lieu of Election as requested by the MCRCD Board.

Under California Public Resources Code (PRC) §9314, a resource conservation district may opt to have a board of supervisors appoint directors in lieu of election if the positions being filled were not originally elected; after consultation with the board of supervisors of any other county which contains any part of the district; and with certain time constraints if it is an election year. No MCRCD directors have ever been elected as it was originally formed from two consolidated districts with directors already in place; the district lies entirely within Mariposa County; and no time constraints apply as this is not an MCRCD election year.

There will be no change to the status of the MCRCD as an independent special district with the Board of Supervisors as its appointive body. There will be a negligible increase in the workload of the Clerk of the Board as Maddy Act provisions will apply.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The MCRCD is an independent special district that was created on April 6, 1976 when the Mariposa Resource Conservation District and the Coulterville-Greeley Resource Conservation District were consolidated via Local Area Formation Commission (LAFCo) Resolution 76-1. It is administered by a five member board of directors, and operates under Division 9 of the PRC.

The Board of Supervisors has made appointments of past MCRCD directors, but the arrangement was never formalized.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do not approve making appointments by the Board of Supervisors in lieu of election. The MCRCD cannot bear the costly burden for public elections.

**ATTACHMENTS:**

**MCRCD Res 4-13 - requesting BOS as appointive body (PDF)**  
**PRC 9314 (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

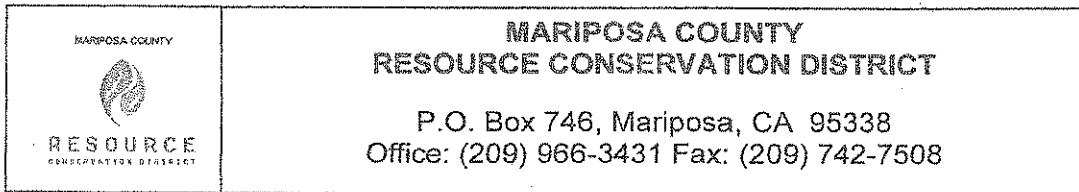
  
Rick Benson, County Administrator/Office

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier



**MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT RESOLUTION NO. 4-13**

**RESOLUTION REQUESTING APPOINTMENT OF DIRECTORS OF THE MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT BY THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY IN LIEU OF ELECTION**

**WHEREAS**, the Mariposa County Resource Conservation District is an independent special district managed by a board of directors who serve staggered four (4) year terms of office; and

**WHEREAS**, Section 9314(b) of Division 9 of the Public Resources Code of the State of California allows as an alternative to the election of directors, that a resource conservation district board of directors may, by a resolution presented to the board of supervisors of the principal county, request the board of supervisors to appoint directors, except those first elected; and

**WHEREAS**, Section 9314(b)(2) provides that said resolution shall remain in effect until rescinded by the board of directors, or until a rescission is requested of the elections official via a petition process by the electorate; and

**WHEREAS**, the Board of Directors of the Mariposa County Resource Conservation District, lacking funds to pay for a public election, desires the Mariposa County Board of Supervisors to make appointments in lieu of public elections; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Mariposa County Resource Conservation District as follows:

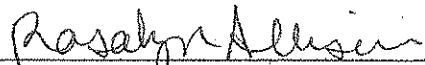
The Mariposa County Resource Conservation District Board of Directors ("The Board") hereby requests the Mariposa County Board of Supervisors appoint directors, in lieu of public election, as permitted by Public Resources Code Sections 9301 and 9314, with said appointment responsibility remaining in effect until rescinded by the Mariposa County Resource Conservation District Board of Directors, or until a petition requesting the rescission is received pursuant to Section 9314(b)(2);

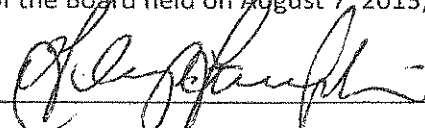
**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Directors of the Mariposa County Resource Conservation District at a regular meeting of the Board held on August 7, 2013, by the following vote:

**APPROVED**

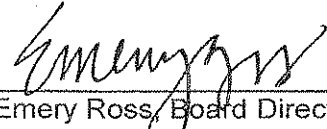
**AYES:** Franklin, McKenzie, Ross  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**ATTEST**

  
Rosalyn Allison, Office Manager

  
Glenn Franklin, Board President

  
Len McKenzie, Board Treasurer

  
Emery Ross, Board Director

**PUBLIC RESOURCES CODE - PRC**

**DIVISION 9. RESOURCE CONSERVATION [9001. - 9978.]** (*Division 9 repealed and added by Stats. 1975, Ch. 513.*)

**CHAPTER 3. Resource Conservation Districts [9151. - 9491.]** (*Chapter 3 added by Stats 1975, Ch. 513.*)

**ARTICLE 7. District Directors [9301. - 9317.]** (*Article 7 added by Stats. 1975, Ch. 513.*)

9314. (a) The term of office of the directors, except those first elected, shall be four years. 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.

(b) (1) As an alternative to the election of directors, the board of directors may, by a resolution presented to the board of supervisors of the principal county, request the board of supervisors to appoint directors, except those first elected. In any election year, the board of directors shall file its request with the board of supervisors not later than 125 days prior to the election. A copy of the resolution shall be furnished to the official responsible for conducting the election at the time it is presented to the board of supervisors of the principal county. The board of supervisors shall appoint directors, after consultation with the board of supervisors of any other county which contains any part of the district, from those candidates who have filed an application with the board of supervisors, as prescribed by the board of supervisors. If the directors are to be appointed, a notice of election shall not be published, but a notice of vacancy shall be posted pursuant to Section 54974 of the Government Code.

(2) The resolution shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official. The petition shall be signed by 5 percent of the registered voters in the district, and shall be received not later than the 120th day before the election. Upon verification by the elections official that the petition contains the requisite number of signatures, the resolution shall be rescinded.

(3) The appointment of directors by the board of supervisors does not affect the status of a district as an independent special district.

(4) 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, the board of directors may make the appointment.

(c) It is the intent of the Legislature to encourage districts to opt for the selection of directors by election, but where 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.

*(Amended by Stats. 1994, Ch. 939, Sec. 19. Effective September 28, 1994. Operative January 1, 1995, by Sec. 29 of Ch. 939.)*