



OFFICE OF COUNTY COUNSEL
INTER-DEPARTMENT MEMORANDUM

2013 APR -4, PM 2:02

SUPHD OF SUPERVISORS
EL DORADO COUNTY

TO: Honorable Supervisors
FROM: Edward L. Knapp, County Counsel *EK*
DATE: April 4, 2013
RE: Appointments to Tahoe Resource Conservation District Board of Directors

At the April 2nd Board meeting, you requested information about the appointment process for the directors to the board of the Tahoe Resource Conservation District (TRCD).

Public Resources Code (PRC) §9314 requires that when making an appointment to fill a vacancy caused by expiration of the term of a member of a resource conservation district board, the El Dorado County Board of Supervisors must follow certain procedures:

1. A notice of vacancy must be posted for a minimum of 10 days pursuant to Government Code §54974 (which otherwise applies to posting notice of unscheduled vacancies in board appointed commissions or committee). PRC §9314(b)(1). It is our understanding that the TRCD advertised for the vacancy in December 2012, with the statutorily required notice of vacancy posted by the Clerk of the Board on April 4, 2013. Therefore, the Board cannot make an appointment until April 14, 2013.
2. Prior to making any appointments, the Board must consult with the board of supervisors of any other county which contains any part of the district, in this case Placer County. PRC §9314(b)(1). This consultation can be as formal or informal as the Board wishes. For example, the Board could appoint one of its members to “consult” with the Placer County board of supervisors and report-back to the Board. The Board cannot make an appointment until after the consultation has been completed.
3. The Board can select from among the candidates who have filed an application. There are no statutory time limits for applications to be submitted. PRC §9314(b)(1). To date, 3 applications have been submitted to the County for the vacancy on the TRCD board of directors.
4. If the Board does not conduct interviews of potential candidates or make an appointment within 60 days after the expiration of the term, the TRCD may make the

appointment. PRC §9314(b)(4). In this case, the term in question expired on November 30, 2012, so either the Board of Supervisors or the TRCD board of directors can now make the appointment.

5. There are no specific qualifications necessary in order to be appointed to the board of a resource conservation district, but the Legislature has expressed its intent that the appointing 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 demonstrated an interest in soil and water conservation. The Legislature has also stated that the board of supervisors shall “endeavor to achieve a balanced representation on the board of directors.” PRC §9314(c).