



North Santa Clara Resource Conservation District

(formerly the Guadalupe-Coyote RCD)

An independent special district of the State of California

Susan Hare
President

Gail Bautista
Vice-President

Frank Maitski
Director

Cynthia McColl
Director

Paula Quintero
Director

Larry Johmann
Associate Director
Director Emeritus

Rick Lanman, MD
Associate Director
Director Emeritus

Bill Leikam
Associate Director
Director Emeritus

Brian Schmidt
Associate Director

Mel Sarmiento
Associate Director

Kat Wilson
Associate Director

Stephanie Moreno
Executive Director &
District Clerk

Julie Gantenbein
District Counsel

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March 7, 2024

The Honorable Susan Ellenberg, Board President
Santa Clara County Board of Supervisors
70 West Hedding Street, 10th Floor, East Wing
San Jose, CA 95110

Re: NSCRCD Director Appointment Process

Dear President Ellenberg:

I am writing on behalf of the North Santa Clara Resource Conservation District (NSCRCD or District) to establish a process for appointing a successor for the remainder of the term of District Director Cynthia McColl, who is tendering her resignation. We are requesting a meeting at your earliest convenience, prior to the initiation of the recruitment process.

Background

NSCRCD is an independent special district of the State of California. At the District's request, District Directors have been appointed by the Board to save on the cost of elections. This arrangement does not affect the District's independent status, *see* Public Resources Code § 9314(b). District Directors, whether elected or appointed, are subject to the District's policies and procedures and do not report to the Board of Supervisors, unlike appointees to County advisory boards and commissions.

Minimum qualifications for the position of Director are specified in the Public Resources Code, *see id.* at § 9352, and summarized in the Santa Clara County's Maddy Report. Public Resource Code section 9314(c) describes the Board of Supervisors' responsibilities for the appointment process, including consultation with districts and other interested entities to recruit qualified candidates interested in conservation:

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 [emphasis added]. In selecting directors pursuant to subdivision (b), the board of supervisors shall endeavor to achieve balanced representation on the board of directors.

Throughout California, Boards of Supervisors coordinate with their local resource conservation districts to recruit candidates, and with their Elections offices to verify candidates' qualifications to serve. San Diego County, for example, has adopted a formal policy clarifying the roles of the County and the District in making appointments (see Attachment A). Prior to 2017, the Santa Clara Board of Supervisors followed a similar, informal process, working through the District to recruit and vet eligible candidates. However, the Board has since departed from that historical practice for several appointments, and even appointed individuals that did not meet minimum legal qualifications, creating potential liability for our District.

Next steps

We believe it is in the best interest of both the County and the District to establish a formal written policy to ensure future appointments are made consistent with the Public Resources Code, including that candidates have a demonstrated interest in the District's mission for resource conservation. We are therefore requesting a meeting to discuss that possibility prior to your Board selecting Director McColl's successor.

In the interest of efficiency, I would appreciate it if your staff would reach out directly to Executive Director Stephanie Moreno (smoreno@gcrccd.org) with your response, potential dates, and/or any follow-up questions you may have.

Respectfully,


Susan Hare (Mar 11, 2024 16:09 EDT)

Susan Hare
NSCRCD Board President

Attachments:

Attachment A: San Diego County Policy A-134 *Procedures for Appointment to Resources Conservation District Board of Directors*

Cc: Santa Clara County Board of Supervisors

COUNTY OF SAN DIEGO, CALIFORNIA
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Purpose

To provide a procedure for the Board of Supervisors to make appointments to Resource Conservation District boards of directors. There are three Resource Conservation Districts in San Diego County: The Resource Conservation District of Greater San Diego County; Upper San Luis Rey Resource Conservation District; and Mission Resource Conservation District. These districts work in conjunction with the Soil Conservation Service to provide erosion control information to local landowners.

Background

Public Resources Code Section 9314 allows, as an alternative to the election of directors, that the board of directors of a Resource Conservation District may, by a resolution presented to the Board of Supervisors, request the Board to appoint directors. On January 22, 1986 (#11), the Board of Supervisors accepted resolutions submitted by the boards of directors of all of the Resource Conservation Districts within San Diego County indicating their desire that all future members of their boards of directors be appointed by the Board of Supervisors.

The Resource Conservation Districts chose to have members of their boards of directors appointed by the Board of Supervisors to avoid election costs.

Since 1986, candidates for the boards of directors of the Resource Conservation Districts have submitted their applications through the Registrar of Voters office. Since no elections are ever held for these districts, it is more practical and efficient, and less confusing for the applicants, if this process is managed by the Clerk of the Board of Supervisors along with its other appointment responsibilities.

Policy

It is the policy of the Board of Supervisors that:

1. No election shall be held to fill vacancies on Resource Conservation District boards of directors when the district has on file an effective resolution requesting all vacancies be filled by appointment by the Board of Supervisors.
2. In-lieu of elections, the Board of Supervisors shall make appointments from a list of qualified applicants established by the Resource Conservation District where the vacancy has occurred.

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3. Upon receipt of a list of applicants from the board of directors of a Resource Conservation District, the Clerk of the Board of Supervisors shall timely submit such list to the Board of Supervisors. This list shall include the name of the district affected, the seat/term vacant, the number of vacancies to be filled, the names of the applicants. The Clerk of the Board shall further notify the member or members of the Board whose supervisorial district or districts encompass the district and advise such member or members that a request to fill vacancies as herein prescribed will be presented to the Board.

4. Interim vacancies may be filled by the board of directors of the Resource Conservation Districts pursuant to Government Code Section 1780.

Sunset Date

This policy will be reviewed for continuance by 12-31-27.

Board Action

3/12/2002 (10)

12/9/08 (33)

11/5/13 (19)

12/08/20 (25)

CAO Reference

1. Clerk of the Board