

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

534A



FROM: Office of County Counsel

SUBMITTAL DATE:
March 27, 2015

SUBJECT: Reappointment of Donna Harrington to the Banning Library District Board of Trustees; [\$0];
5th District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the reappointment of Mrs. Donna Harrington to serve as Trustee on the Banning Library District Board of Trustees.

BACKGROUND:

Summary

On February 10, 2015, the Board of Supervisors appointed Donna Harrington to a full four-year term to serve as a Trustee on the Banning Library District Board of Trustees. The Board of Supervisors' appointment was made pursuant to and in compliance with California Education Code Section 19426.

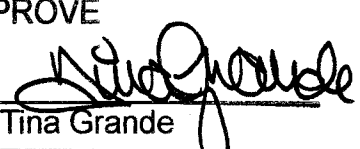
Departmental Concurrence

(Continued next page)


GREGORY P, PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	


SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE
BY: 
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 7, 2015
xc: Co.Co., Appointee, District, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: | District: 5 | Agenda Number:

2-5

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Reappointment of Donna Harrington to the Banning Library District Board of Trustees**

DATE: March 27, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

By way of background, in November 2014, the voters elected two appointed incumbents and newcomer Chris McElroy to serve on the Library District. Unfortunately, Mrs. McElroy was unable to take her oath of office for health reasons. She was never sworn in and she never served a day in office. As a result of the vacant seat, the Board appointed Donna Harrington to serve as Trustee for the Library District.

Ms. Harrington was appointed to the vacant seat since she received approximately 2,071 votes and, thus, was the fourth highest vote-getter in a crowded field of candidates.

Following the Board of Supervisors' February 10th appointment of Ms. Harrington, the Library Director and the Board President refused to recognize Ms. Harrington as a Trustee. The Library Director and Board President further refused to allow her to be seated at a regularly scheduled Library District Board meeting and adjourned the meeting to prevent Ms. Harrington from taking part in said meeting. This behavior continued at the March 2015 meeting. As a result of these actions, the Banning Library District Board of Trustees is at a stalemate and is unable to conduct business without a fifth member. The current impasse among Trustees of the Banning Library District is detrimentally affecting the Board's ability to perform the important business of the District and may continue for months if the Board of Supervisors does not take further action as recommended.

The current dispute involves whether Education Code section 19426 or Government Code section 1780 governs the appointment to fill the vacancy. It is our opinion that The Board of Supervisors' appointment of Donna Harrington on February 10, 2015 was a lawful and valid appointment under Education Code Section 19426. However, even if the Government Code controls, the Banning Library District Board of Trustees was required to make an appointment or call an election to fill the vacancy by March 16, 2015. The Board failed to make any such appointment or call an election within the sixty (60) day period allowed by law and such time has now lapsed. As a result, the Board of Supervisors is vested with the authority to appoint an individual to fill the vacancy pursuant to Government Code 1780.

In order to allow the Banning Library District Board of Trustees to function and carry out regular and orderly business, it is recommended that the Board of Supervisors re-appoint Donna Harrington to serve as Trustee under Government Code Section 1780. If the Board of Supervisors were to make the re-appointment, then Ms. Harrington's appointment would be valid under either statute and allow the Library District Board to serve the patrons of Library District and conduct the business of the District.

The remaining issue will be the length of Ms. Harrington's term depending upon which statute governs the appointment. To resolve this issue, the County Counsel's Office intends to seek a judicial determination to identify the appropriate term of office.

Impact on Citizens and Businesses

This reappointment is necessary to ensure that the will of the voters is respected and that the Library District Board of Trustees can serve its constituents and conduct the business of the District.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Donna Harrington

Address: 5393 Riviera
(only if follow-up mail response requested)

City: Banning **zip:** 92226

Phone #: _____

Date: 4/1/2015 **Agenda #** 2.5

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below.

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

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Addressing the Board & Acknowledgement by Chairman:

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SPEAKER'S NAME: GAIL PAPARIAN

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 4-7-15 **Agenda #** 2-5

PLEASE STATE YOUR POSITION BELOW:

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Support **Oppose** **Neutral**

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SPEAKER'S NAME: Victoria Hatch

Address: 1095 Dyna Rd Banning
(only if follow-up mail response requested)

City: Bng **Zip:** 92220

Phone #: 951-849-8522

Date: 4/7/15 **Agenda #** 2.5

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Support **Oppose** **Neutral**

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SPEAKER'S NAME: Linda Page

Address: _____
(only if follow-up mail response requested)

City: Banning **Zip:** _____

Phone #: _____

Date: 04/07/15 **Agenda #** 2.5

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