

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF DECEMBER 5, 2018*

### *REGULAR MEETING*

**TO:** Shiva Frentzen, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**AGENDA ITEM #10:** **CONSIDER AND PROVIDE DIRECTION TO STAFF ON A  
PROPOSAL REGARDING THE VACANT SPECIAL DISTRICT  
REPRESENTATIVE SEAT**

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#### **RECOMMENDATION**

Staff recommends that the Commission consider the following information regarding the special district election process and provide direction to staff on a proposal on how to fill the vacancy on former Commissioner Humphreys' seat.

#### **REASON FOR RECOMMENDED ACTION**

Ken Humphreys chose not to run for another term on the Rescue Fire Protection District Board of Directors in this year's election. As a result, he cannot continue to serve on LAFCO as he is no longer a director on his home agency. This is because when a commissioner leaves the office of his/her home agency, the seat held on LAFCO is considered vacant and can only be filled through an election.

#### **BACKGROUND**

As indicated above, the special district representative seat on LAFCO previously occupied by former Commissioner Humphreys is now vacant. As specified in Government Code 56332 (please refer to Attachment A), the vacancy must be filled either by convening the special district selection committee meeting, composed of representatives of all special districts in El Dorado County, or by election. In the past, vacancies were filled via election because convening the special district selection committee has proven to be infeasible [for the special district selection committee to be able to appoint someone, a quorum of special district presidents (or appointed delegates) must be present].

Any person elected to fill former Commissioner Humphreys' seat may only serve until the expiration of his term, which is May 2019. As the Commission is well aware, special district elections are time consuming (the average election lasts about six months) and costly. This means that if an election is started next January (the earliest possible date given staff workload), the successor will not be named until June 2019, well past the natural end date for this seat's term.

Staff was already planning on starting the election for former Commissioner Humphreys' seat in January. With the average staff time to administer the election being almost 24 hours, resulting in average agency costs of over \$2,000, staff wonders whether having an election at this point is the best use of resources. Since LAFCO's budget is partially supported by special districts, it may be in their best fiscal interest to postpone the election up until it is time to fill the seat for May 2019.

There is precedent with keeping one of the regular seats "open" until the next regular election cycle. LAFCO asked the special districts whether they consented to postponing the election of a regular member to finish former Commissioner Norris' term back in 2011. No district objected. Until then, Alternate Commissioner Morrison can participate and vote, so that special districts still have a second representative on LAFCO in addition to Commissioner Palmer.

#### Attachments

Attachment A: Government Code Section §56332