

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JUNE 25, 2008

REGULAR MEETING

TO: Francesca Loftis, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #5: SELECTION OF THE ALTERNATE PUBLIC MEMBER TO
LAFCO

RECOMMENDATION

Staff recommends that the Commission receive the following information relating to the selection of the Alternate Public Member to LAFCO and proceed accordingly.

REASON FOR RECOMMENDED ACTION

The Cortese-Knox-Hertzberg Act specifies that the Commission must have one member who represents the public at-large (Government Code §56331) and an alternate for that position. According to LAFCO Policies and Guidelines, all applicants for the Alternate Public Member position are to be interviewed by the Commission, followed by an open ballot vote by the Commission. Individuals serving in these positions must not be an officer or employee of the County or a city or district within El Dorado. The term of the new Alternate Public Member will be from May 2008 to May 2012.

BACKGROUND

At the May meeting, the Commission attempted to select an alternate public member to serve a new four-year term now that Commissioner Rowett's term has expired; however, neither candidate managed to receive at least one vote from the County, city and special district representatives in accordance with Government Code §56325(d), which reads in part, "Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities." The Commission continued this item and directed staff to provide alternatives to resolve the deadlock.

After further research on the topic, the process the Commission used in May is consistent with GC §56325(d). While the Commission has the discretion to adopt policies that are more detailed and/or further define its operations, they must be

consistent with State Law. Consequently, the Commission may not adopt another selection methodology that differs from the requirement that the successful candidate must garner at least one vote from the three appointing agency categories.

Options

Because the voting threshold was not met in May, the Commission may consider four options to resolve the deadlock:

1. Follow the same process as May, whereby each candidate makes a 2-3 minute opening statement about his qualifications and the Commission holds another voting round. The successful candidate should garner one vote from the three categories plus one. This process would be consistent with State Law.
2. The Chair appoints an ad hoc committee consisting of a city member, county member and special district member to review the applications and letters of interest, interview the candidates and recommend an appointment to the Commission. The Commission, in open session, considers the recommendation and appoints the individual as the Alternate Public Member. This process would also be consistent with State Law because the successful candidate would have the recommendation of at least one city, county and district vote.
3. Declare an impasse and direct staff to re-advertise the position and re-circulate the opening. The two candidates would be invited to re-apply; however, they would not be required to resubmit any new application materials. Instead, they would just have to indicate to the Executive Officer their continued interest in the position. This process would be consistent with State Law.
4. Declare an impasse and vote to extend Commissioner Rowett's term. Staff believes this extension is consistent with State Law.

Staff recommends that the Commission attempt Option #1. If a candidate is successful, then the person starts serving immediately. If the Commissioners deadlock again, then staff recommends Option #2 so that the appointment process moves forward without further inconveniencing Messrs. Harris and Rowett.

Recommended Voting Procedure

- 1) The voting members of the Commission fill out their ballots and pass them to the Chair (refer to Attachment C).
- 2) The Chair passes the ballots to the Policy Analyst to be tallied.
- 3) The Policy Analyst tallies the votes and hands them to the Chair, who announces whether a runoff vote is needed. The candidate who receives the most votes in the correct categories is appointed.

Attachments:

- Attachment A: Copy of the Commission's Policies Guidelines and Procedures Section 1.3.1
- Attachment B: Mark N. Harris Application
Norman R. Rowett Application
- Attachment C: Ballot