

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MAY 23, 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 #7: SELECTION OF THE PUBLIC MEMBER TO LAFCO

RECOMMENDATION

Staff recommends that the Commission select the Public Member to LAFCO.

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 Public Member position are to be interviewed by the Commission, followed by an open ballot vote by the regular members. Individuals serving as public members must not be an officer or employee of the County or a city or district within El Dorado. The term of the new Public Member will be from May 2018 to May 2022.

BACKGROUND

Commissioner Anderly's term as the Regular Public Member expires in May, 2018. The Commission must select a candidate to serve a new four-year term. The announcement of the opening for the Public Member was posted in accordance with the Commission's Policies and Guidelines.

Process

According to the Policies and Guidelines, the Commission selects the new member according to the following process (Section 1.3.1, please refer to Attachment A):

- 1) All applicants shall be interviewed by the full Commission during the next regularly scheduled LAFCO meeting for which notice can be given.... All applicants are expected to attend interview sessions.

- 2) Selection of the public member and alternate public member shall be subject to the affirmative votes of at least one City, County, and District member seated on LAFCO [Government Code §56325(d)].
- 3) A written ballot containing the names of all qualified applicants and the names of each Commissioner will be distributed to all voting members of the Commission. The applicant receiving four (4) or more votes in the correct categories shall be appointed.
- 4) If the alternate public member is selected as the new regular public member, the Commission has the discretion to fill the newly created vacancy in the alternate public member position by appointing someone from the pool of applicants who applied for the regular public member vacancy.

By the May 4, 2018 deadline, staff received three applications (one candidate withdrew). The applicants to be interviewed are Mr. Roger Berger and Mr. Michael Powell. Their applications are included as Attachment B to this report. Staff contacted all applicants to request their presence at the May meeting. Staff has prepared a list of questions based upon previous interviews, as well as questions used by other LAFCOs for selecting their public members. These questions are listed on Attachment C. Commissioners can use any of the questions listed in that attachment or use their own.

Because Government Code §56325(d) states that the public and alternate member is “appointed by the other members of the commission,” (emphasis added) it is staff’s opinion that Commissioner Anderly, as the current regular public member of the Commission, is not eligible to vote in this process.

Recommended Interview Procedure

LAFCO Policy does not specify a procedure for interviewing the Public Member applicants. Staff recommends the following procedure, which has been used in the past and has worked rather well:

- 1) The candidates are asked to wait in the lobby and will be called into the Hearing Room individually by the Chair in alphabetical order.
- 2) The Chair calls each applicant to the podium and asks the applicant to state his or her name and place of residence for the record.
- 3) The Commissioners and Alternates take turns asking the applicant questions relating to the Public Member position.
- 4) The applicant responds to each question individually before the next question is asked. A limit of five (5) questions per applicant is recommended by staff.

At the end of the interview, the Chair dismisses the applicant and calls the next applicant to the podium. The interviews will continue in this manner until all applicants have been interviewed.

Recommended Voting Procedure

After all applicants have been interviewed, the Chair recites the names of the eligible applicants on the ballot (omitting anyone who was not present for an interview).

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

Alternatives

The Commission has the discretion, provided that it finds sufficient cause to do so, to bypass the interview process and use one of the following methods:

- 1) Appoint an Ad Hoc Committee to interview the candidates and return to the full Commission with a recommendation at the next regular meeting; or,
- 2) The Commission may suspend Policy 1.3.1 and appoint one of the candidates as the Public Member based solely upon the submitted applications.

Attachments:

- Attachment A: Commission's Policies and Guidelines Section 1.3.1
Attachment B: Applicant Materials
Attachment C: Recommended Questions
Attachment D: Ballot