

# *Local Agency Formation Commission*

## *STAFF REPORT*

### *Agenda of March 26, 2003*

**AGENDA ITEM 9:**

**SEATING ARRANGEMENT FOR LAFCO  
ALTERNATES**

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#### ***BACKGROUND***

The commission has discussed participation of alternates twice in the last 3-4 years without changing the current practice. Alternates participate as equals to voting members. Alternates sit together with commissioners in no particular order at the dias.

The Policy Committee considered these problems and the commission subsequently directed staff to research alternatives and place this issue on the agenda. There are both functional problems and questions about the appropriate level of participation by alternates when the voting member is also participating. These topics are discussed below.

#### ***STAFF RECOMMENDATIONS***

- 1) Transfer the regular meeting of LAFCO to the Board of Supervisors Chambers and seat alternates at the desk/table area to the right of the podium.
- 2) Refer the question of alternate participation to the Policy Committee for consideration.

#### ***A. Functional Problems with the Current Arrangements:***

- Sound system and recording problems; commissioners comments, motions and voting are not clearly picked up by the microphones when alternates are seated closer to the microphone.
- Confusion about who is voting and who is not voting; the clerk announces the voting members at the beginning of the meeting, but speakers, the press and others continue express difficulty tracking who is eligible to vote once the meeting is underway.
- Crowded seating at the dias when many alternates are in attendance.

In prior discussions about these issues, the commission agreed to encourage alternates to cluster to the left end of the dias. Staff usually places alternate name tags there. This could help distinguish non-voting members. The problems persist, in part because different arrival times and variations in attendance also determine the seating.

### ***Alternative Arrangement Possibilities***

Staff has evaluated several alternatives for physical changes to improve recording clarity and to differentiate who is voting.

***Alternative #1*** – Reconfigure Seating in Building C Hearing Room. This room is designed for the Planning Commission and set up for the Courts.

#### ***Pros and Cons:***

There are currently too few microphones for commissioners and alternates. The dias is crowded. Use of low audience chairs for commissioners to add seating is uncomfortable. Other than the audience, there are no obvious places for alternates to sit. The table/desk space adjoining the dias (seat where the clerk sits) is not large enough for staff members and up to 4 alternates, although the space now has microphones.

#### ***Possible Solution:***

Seat the alternates at the table/desk area, add an additional table to lengthen the space for up to 4 alternates. Cons: Alternates share the microphone. Pros: Continued easy meeting set up for staff. Relieves crowding on the dias, enough regular seats and microphones for voting members, non-voting members are seated off dias, clearly showing the public which commissioners are voting.

***Alternative #2*** - Change regular LAFCO meetings to the Board of Supervisors Chambers.

#### ***Pros and Cons:***

Staff setup for meetings will be slightly more difficult for meetings in another building. Once LAFCO moves out of Building C, this advantage will disappear. The Board Chambers are larger. There is adequate room and 2 microphones at the desk/table areas (to the sides of the podium) to accommodate staff and up to 4 alternates.

The Clerk to the Board indicates that LAFCO is welcome to use the room. The Civil Service Commission meets once per month from 8-5 on a Wednesday-Thursday. They meet on the third full week of the month, and it appears that about half of the meetings this year occur on the 4<sup>th</sup> Wednesday. On those occasions when Civil Service might run late, there might be a delay for the start of the LAFCO meeting. Their staff advises that they go past 5PM only very infrequently.

### ***B. Alternate's Participation in Meetings***

The role of LAFCO alternates varies among LAFCOs. The law provides that alternates vote in place of Commissioners in their absence or in the event of a conflict. Whether alternates may appropriately participate in meetings when the voting member is present is not addressed in LAFCO statutes. An Attorney General Opinion found that alternates may participate in public hearings (many LAFCO discussion items are not formal public hearings) but alternates may not attend or

participate in closed sessions unless they are seated and voting.

Alternates who are not seated and voting do not have the same participation status as voting members in the meetings. LAFCO practice varies widely on the level of participation. Few LAFCOs allow co-equal participation of alternates as is done here, although many allow alternates to speak without time limits. El Dorado LAFCO alternates also participate in discussions with voting commissioners after the close of the public hearing and ask questions of speakers and staff.

There are potential benefits from having alternates present at all meetings and closed sessions so they are fully informed on matters which may be continued to a subsequent meeting. They may later be called upon to vote on that item. Elsewhere, alternates and their commissioners are expected to communicate sufficiently to fill each other in on continued items and closed session items if the alternate will "cover" an absence. Often here and elsewhere the Executive Officer provides pre-meeting catch-up sessions to bring commissioners or alternate up to speed. All these practices can work successfully.

It is important to note that many other LAFCO's are currently reviewing changes to the level of participation afforded alternates. Some have requested legislation to clarify that alternates may participate in all closed sessions. Others are considering changes to define the best role of alternates, in light of the Attorney General Opinion. The Policy Committee is the logical forum for reviewing the details, including current practices, the Attorney General's Opinion and other legal responses to the question.

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