

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF DECEMBER 2, 2020*

### *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 #6:** SELECTION OF THE ALTERNATE PUBLIC MEMBER TO  
LAFCO

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#### **RECOMMENDATION**

Staff recommends that the Commission select the Alternate 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 2020 to May 2024.

#### **BACKGROUND**

Commissioner Anderly's term as the Alternate Public Member expired in May, 2020. In addition, Commissioner Anderly chose not to seek re-appointment. The selection of a new alternate public member was complicated by the Covid lockdown, a general lack of interest from the public and packed Agendas for the past three Commission meetings. Commissioner Anderly graciously offered to continue serving until the Commission had time to select her successor.

The Commission must select a candidate to serve a new prorated 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 alternate 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.

Beginning in March 2020, staff circulated two Notices of a Position Vacancy with deadlines that passed without anyone applying for the position. The third Vacancy Notice was circulated in July 2020 and simply stated the position would be “open until filled” without an associated deadline. Ultimately, staff received two applications. The applicants to be interviewed are Ms. Sita Burgess and Ms. Holly Morrison. Their applications are included as Attachment B to this report. Staff contacted all applicants to request their presence at the December 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 members are “appointed by the other members of the commission,” (emphasis added) it is staff’s opinion that Commissioner Powell, 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. The process used in the past would also not work because it relied on the utilization of a physical space. Since this meeting is virtual, staff recommends:

- 1) The candidates are asked to mute their microphone and speaker when it is not their turn to be interviewed.
- 2) The Chair asks the applicant being interviewed 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.
- 5) At the end of the interview, the Chair dismisses the applicant and the Executive Officer will hold up a sign when it is the time for the other applicant to be interviewed.

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 to be voted on (omitting anyone who was not present for an interview). A voice vote will be held.

#### *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