

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF MAY 23, 2012*

### *REGULAR MEETING*

**TO:** Ron Briggs, 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

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#### **RECOMMENDATION**

Staff recommends that the Commission utilize the attached questions to interview and 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 Alternate 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 2012 to May 2016.

#### **BACKGROUND**

Commissioner Rowett's term as the Alternate Public Member expires in May, 2012. In addition, he has opted not to seek re-appointment to LAFCO. Consequently, the Commission must select a candidate to serve a new four-year term. The announcement of the opening for the Alternate 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. **Please note: This section is not applicable for this selection.**

By the April 13, 2012 deadline, staff received six applications; however, one candidate is unavailable to interview on May 23<sup>rd</sup> due to already-scheduled travel plans. The remaining five candidates would trigger the application process specified in Section 1.3.1 in which the six Regular Commissioners are asked to select up to three applicants to invite to the interview. However, not all responses with invitees were received by the time the packet needed to be distributed. Consequently, the remaining five applicants were invited to interview: Ms. Sharlene McCaslin and Messrs. Ken Deibert, Michael Drobesh, Niles Fleege, and Michael Powell. Their applications are included as Attachment B to this report. All applicants were notified that they must attend the May meeting for interviews. 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.

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 Vice Chair Mette, 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 process for interviewing the Alternate Public Member applicants. Staff recommends the following procedure:

- 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.

*Interview Questions*

In the past, staff provided up to five questions to use during the interview. At the direction of the Commission, instead of recommending questions, staff compiled a list of potential questions that the Commission may choose to use. This new process is more free-flowing. The Commission may choose to ask the same questions to all of the applicants or select different questions for each applicant. Commissioners may also choose to create their own question or combine several, depending on the information the Commission seeks to gain from the candidate.

*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 Policy Analyst tallies the votes and announces whether a runoff vote is needed. The candidate who receives four votes in the correct categories is appointed.

Please note that because of the number of candidates, the Commission may have to conduct one or two runoff votes before it can appoint a candidate.

*Alternative Process*

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 August 22, 2012 regular meeting; or,
- 2) The Commission may appoint one of the candidates as the Public Member based upon the submitted applications.

Attachments:

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