

To: Olin Woods, Chair, and Members of the
Yolo Local Agency Formation Commission

From: Terri Tuck, Commission Clerk

Date: March 28, 2011

Subject: Yolo LAFCO Policy and Procedure for the Appointment and Selection of the
Regular Public Member and Alternate Public Member

Recommended Action

Amend the Yolo LAFCO Policy and Procedure for the selection and appointment of the Yolo LAFCO Regular Public Member and Alternate Public Member to allow the Commission to reappoint an incumbent before a term of office expires. The proposed amendment is shown in the attached policy. Additions are underlined.

Reason for Recommended Action

The Policy for the selection and appointment of a Regular Public Member and Alternate Public Member does not specifically allow the reappointment of an incumbent without solicitation of new candidates. Staff believes it was the intent of the Policy to provide the Commission this option. The amendment clarifies and provides greater flexibility in the Commission's ability to reappoint an incumbent.

Background

This policy was adopted on December 16, 2002. This recommended amendment will make the policy consistent with LAFCO law and current practice.

Staff intends to return to the Commission later in the year to review the integration of this policy, and several others adopted by the Commission, into the Rules of LAFCO.

COMMISSIONERS

*★ Public Member Olin Woods, Chair ★
★ County Member Matt Rexroad, Vice Chair ★
★ City Members Stephen Souza, Skip Davies ★ County Member Don Saylor ★*

ALTERNATE COMMISSIONERS

★ Public Member Robert Ramming ★ City Member Bill Kristoff ★ County Member Jim Provenza ★

STAFF

*★ Executive Officer Elizabeth Castro Kemper ★ Assistant Executive Officer Elisa Carvalho ★
★ Commission Clerk Terri Tuck ★ Commission Counsel Robyn Truitt Drivon ★*

Fiscal Impact

There should be no fiscal impacts from the proposed selection process.

Attachment:

Policy and Procedure for Appointment of the Regular and Alternate Public Member

YOLO COUNTY LOCAL AGENCY FORMATION COMMISSION

Policy and Procedure for appointment of the LAFCO Regular Public Member and Alternate Public Member

(Approved by Minute Order #2002-30)

Policy: Whenever a vacancy occurs, or may occur, in the positions of regular public member or alternate public member, as a result of resignation, death, termination or expiration of term of office, or any other cause provided by law, it shall be the policy of the Local Agency Formation Commission to advertise that a vacancy exists or may exist in either or both of these positions and solicit all interested persons to apply for consideration as appointee(s). Final appointment to the vacant position(s) shall not be made for at least 40 days after an announcement of vacancy(ies) occur(s). The Yolo LAFCO may reappoint the incumbent at its pleasure.

Criteria:

- ▶ The applicants and successful candidate(s) shall meet the criteria set forth in the applicable provisions of the Government Code.
- ▶ No person appointed as a public member or alternate public member shall be an officer or employee of the county or any city or district with territory in the county (Government Code Section 56331).
- ▶ Both the regular and alternate public member of the Yolo County LAFCO shall be a registered voter in Yolo County.

Procedures:

1. Whenever a vacancy occurs, or may occur, in either or both the positions of regular public member or alternate public member, as a result of resignation, death, termination or expiration of term of office, or any other cause provided by law,¹ the Chair shall direct the Executive Officer to prepare and post a special vacancy notice advertising that such a vacancy(ies) currently exist(s) or may exist and soliciting interested persons to submit their résumés for consideration to the Executive Officer within 30 days after the announcement of the vacancy occurs. The special vacancy notice shall be posted at the following locations:
 - a. At the LAFCO staff office, and
 - b. On the bulletin board outside the Board of Supervisors' hearing room, and
 - c. On the bulletin board outside the County Administration Building, and
 - d. Any other place as directed by the Commission.

¹ In any Calendar year in which the term of office of the regular public member or alternate member is to expire, the Executive Officer will inform the commission at the first regular meeting in March that such expiration is effective the first Monday in May. The Commission may decide to advertise this fact in advance and encourage persons to submit their résumés for consideration prior to the expiration of the respective term. In such event, notice and selection will be in the manner specified in these procedures.

2. The Executive Officer shall mail a copy of the special vacancy notice to all city clerks; to all independent special districts; and to the clerk of the Board of Supervisors.
3. The Executive Officer shall have an announcement prepared and released to the press to the effect that a vacancy exists or may exist in either or both position(s) of regular public member or the alternate public member and all interested persons are encouraged to apply by submitting their résumés to the Commission's Executive Officer within 30 days after the announcement occurs.
4. 30 days after the announcement occur(s), no further applications for the vacant position(s), shall be accepted by the Executive Officer, who then shall place on the agenda at the Commission's next regular scheduled meeting for discussion the consideration of these same applications for appointment to the vacant position(s).
5. The Commission may select a personnel committee from their membership for the purposes of reviewing all applications and nominating the best-qualified candidates for the Commission's consideration.
6. When a personnel committee is used for the purpose set forth in section 5 of these procedures, then the personnel committee may recommend to the commission the name or names of applicants for nomination(s) to the vacant position(s) at the next regularly scheduled meeting. However, any eligible commissioner may nominate a candidate from the applications submitted.
7. Whenever a personnel committee is not used for purpose set forth in section 5 of these procedures, then any eligible commissioner may nominate a candidate from the applications submitted to the vacant position(s).
8. Upon receipt of the names of the nominees for consideration to the vacant position(s), the Chair shall declare the nominations closed and shall direct the Commission Clerk to call a vote of members eligible first for one candidate, then the other. The nominee(s) receiving a majority shall be appointed to the vacant position(s) for the un-expired term of the regular public member or alternate public member, except when the vacancy is the result of expiration of term of office, then the appointment shall be for four-years and until the appointment and qualification of his/her successor. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his /her term is to expire.
9. In the event no candidate from the applicants submitted receives a majority, the Commission shall direct the Executive Officer to re-advertise that a vacancy(ies) exist(s) in the manner set forth in these procedures.
10. Final appointment to fill any vacancy in either the position of regular public member or alternate public member shall not be made by the Commission for at least 40 days after the announcement occurs.

Any other provision of this Policy notwithstanding, the Commission may, by a majority vote of its then-existing membership, waive any provision of this Policy as it deems necessary or appropriate in its sole discretion.