

LAFCO

Santa Barbara Local Agency Formation Commission

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Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

Options for Appointing Public Members

Dear Members of the Commission:

RECOMMENDATION

It is recommended the City, County and Special District members discuss procedures to recruit and appoint Public Members and Alternate Public Members of the Commission.

DISCUSSION

At the August meeting Commissioner Tom Umenhofer informed the Commission of his intention to resign from the Commission, to be effective prior to the end of this calendar year. Tom has served as the Public Member of the Commission for 12 years, since being appointed in 1993.

Statutes Governing Membership on LAFCO

LAFCO's governing statute, the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.), sets forth the authority to select LAFCO members. It includes the following provisions.

- Terms of Office - Section 56334 states:

“The term of office of each member shall be four years and until the appointment and qualification of his or her successor.”

“The expiration date of the term of office of each member shall be the first Monday in May in the year which the term of the member expires, unless procedures adopted by the commission specify an alternate date to apply uniformly to all members.”

The Commission has adopted procedures so the term of office of each member will expire on March 1 rather than the first Monday in May.

“The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years.” [Incumbent members and alternate members may be reappointed to subsequent terms of office on the Commission.]

“Any member may be removed at any time and without cause by the body appointing that member.”

- County members of LAFCO – Section 56325 (a) provides that

Two regular County members and one alternate member are appointed by, and serve at the pleasure of the Board of Supervisors. They must be County Supervisors when they serve.

- City Members of LAFCO – Section 56325 (b) provides that

Two regular City members and one alternate member are chosen by, and serve at the pleasure of, the City Selection Committee, which consists of each mayor. [In the absence of the Mayor another member of that City Council may be appointed to attend and vote in place of the Mayor.] They are chosen and must be members of a city council while they serve.

Meetings of the City Selection Committee are open to the public. The Clerk of the Board of Supervisors serves as the secretary and recording officer.

- Special District Members of LAFCO – Section 56325 (c) provides that

Two regular Special District members and one alternate member are chosen by the Special District Selection Committee, which consists of the presiding officer of each independent special district in the County. [In the absence of the presiding officer another member of that district board may be appointed to attend and vote in place of the presiding officer.] They must be members of the governing board of an independent special district while they serve.

Meetings of the Selection Committee are open to the public. The LAFCO Executive Officer calls meetings and serves a secretary and recording officer of the Committee.

- Public Members of LAFCO – Section 56325 (d) provides that

One regular Public Member and one Alternate Public Member are chosen by the other voting members of the Commission. A least four votes are required and there must at least one vote from each of the other categories: City, County and Special District.

The method of selecting public members is left to each individual LAFCO, specifically to the City, County and Special District members. The method of selection and policies regarding service by public members is a matter of local choice.

The Santa Barbara LAFCO has adopted the following procedure for selecting public members as set forth in the Commissioner Handbook.

- “Selection of Public members

“Government Code Section 56325 requires that the selection of the public and alternate public members be supported by at least one of the members in each of the other categories, i.e., City, County and Special District members.

“The method of selecting Public members is determined by the regular City, County and Special District members. They may reappoint incumbent public members and alternate public member without recruitment.

“If they choose to recruit for a public member or alternate public member the following procedure is used:

- a. There is a public announcement of the vacancy to solicit letters of interest.
- b. A committee appointed by the Chairman consisting of a City member, County member and Special District member screens applications and letters of interest.
- c. The finalists are interviewed by the Commission.

The current Public Member, Tom Umenhofer, was first appointed to the Commission in 1993 and has been reappointed to subsequent four-year terms of office. His present term of office is scheduled to expire in March 2009.

The current Alternate Public Member, Penny Leich, was first appointed in 1991 and has also been reappointed to subsequent four-year terms. Her present term is scheduled to expire in March 2008.

- Alternate members of LAFCO

Having alternate members assures qualified Commissioners are available and entitled to vote if regular members are disqualified or absent. The alternate member votes in place of a regular member in that category, i.e., the alternate City member votes only in the place of a regular City member, and so forth.

In Santa Barbara County alternate members participate fully in LAFCO proceedings, with the exception they vote only in the absence or disqualification of a regular member. To remain effective members, alternates are encouraged to attend and participate in LAFCO meetings and CALAFCO conferences.

Policies and Procedures for Appointing Public Members

Serving as a public member of LAFCO is a unique opportunity. It allows residents who are not elected officials to serve as equal members on a Commission with elected county supervisors, mayors or city council members and special district board members.

How the public member and alternate public member are chosen and whether they are reappointed or the position is rotated among other members of the public is a matter of local policy for the city, county and district members to decide.

It appears there are two general approaches to appointing public members:

- Allow Multiple Terms of Office

Public members can serve multiple four-year terms, an approach that has been used by Santa Barbara LAFCO. Alternate public members may also serve for multiple terms.

In some LAFCOs the public member has become an institution, with some serving 20 years or more on the Commission.

- Regular Rotation of Public Members

In some LAFCOs the public member position is seen as an opportunity for service by the general public, an opportunity that is moved around the county, thereby allowing a larger number of individuals to serve as LAFCO commissioners.

Some LAFCOs have adopted rules that the public member shall serve only one four year term and is thereafter replaced by the alternate public member in a normal rotation, that then sees the appointment of a new alternate member to serve four years until before being “elevated” to the regular public member position.

The Ventura LAFCO is an example. Its adopted regulations for rotation of the public member are enclosed for reference. These procedures have been in place for at least twenty years and allow service on LAFCO to be experienced by a number of county residents. It also reflects the fact that through the natural course of political events there is a rotation among city, county and special district members due to terms of service on local agencies.

Another benefit of regular rotation is that alternate public member can look forward to serving as public member prior to leaving the Commission, and it provides time for newly appointed alternates to become familiar with Commission policies and procedures before becoming the voting public member.

In the final analysis, the procedures for appointing public members is the responsibility of the city, county and special district members of each Commission.

I am available if you have any question about this matter prior to the meeting.

Sincerely,

BOB BRAITMAN
Executive Officer

Enclosure - Ventura LAFCO Public Member Procedures