

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF FEBRUARY 28, 2007

REGULAR MEETING

TO: Ted Long, Chairman, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #2e: COMMISSIONERS' TERMS OF OFFICE REALIGNMENT

RECOMMENDATION

Staff recommends that the Commission adopt the Terms of Office Realignment as depicted in Attachment A.

REASON FOR RECOMMENDED ACTION

At the September 2006 meeting, the Commissioners discussed their LAFCO terms of office and were concerned that these did not match their respective jurisdictions' terms of office. The Commission directed staff to review the terms and recommend changes, if any, to ensure conformity. This item was continued in January to this meeting for consideration and possible adoption.

BACKGROUND

Based on the Commission's direction, staff researched the options for a different start date for the LAFCO term. Specifically, the Commission was interested in a LAFCO term that coincided with the realities of the Commissioners' terms in their originating office. Currently, all of the Commissioner's terms of office begin in January. While that LAFCO term start date works well for County members, the month of January does not align well with the terms of office for either special district representatives or city council members. Placerville City Council Members assume office in November. South Lake Tahoe City Council Members and special district board directors usually assume office in December.

Despite the differences in the start date of the originating office, the start date of the LAFCO term of office is normally not a problem for either the city or County representatives because of their respective appointment process. County assignments for the Board of Supervisors are usually determined in January, but the Board may amend its appointments if circumstances warrant. The City Selection Committee

designates city members and, like the County, it can name a new LAFCO representative if the circumstances warrant. Because the governing boards of the special districts countywide elect LAFCO special district representatives, the appointment start date may not coincide with the Commission's term start date.

Consequently, adjusting the LAFCO terms for representatives that conform to the terms of the originating office has proven to be challenging since State Law indicates that the term of office must "apply uniformly to all members." State Law suggests a start term date of "the first Monday in May in the year in which the term of the member expires, unless procedures adopted by the commission specify an alternate date."

The options for the Commission are either to leave the term start date as January as is or to utilize the state default term date of May. For that reason, staff recommends a new term start date of May and the adoption of the Terms of Office as depicted in Attachment A. Utilizing the default term date of May, while not conforming to the term start term for any elected official, should provide sufficient time for the Board of Supervisors or the City Selection Committee to adjust to any changes in the electoral cycle. It should also provide sufficient time for the Executive Officer to request that the Special District Selection Committee hold an election to fill any vacant special district seat.

The Commission may note the following:

- The seat currently held by Commissioner Baumann extends beyond her ability to serve on the Board of Supervisors, as the County has term limits for supervisors.
- Commissioner Briggs was appointed to LAFCO by the Board of Supervisors to succeed former Commissioner Dupray. His appointment indicates that it is for a term that expires in January 2010, which more or less coincides with former Commissioner Dupray's term.
- The new calculation of the terms of office for Commissioners whose terms ended in January 2007 would push their expiration term date to May 2007.
- As part of a comprehensive review of the Commission's Policies and Guidelines, staff found that the second sentence in the paragraph addressing the LAFCO term of office was inconsistent with the requirements in State Law. The recommendation below better reflects the language in State Law.

Should the Commission approve these changes to the terms of office, the Commission will also be amending Policy and Guideline 1.3.3, which will read:

- 1.1.3 **Term of Office:** The term of each member shall be four years. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body (§56334). A Commissioner is required to vacate their seat if he or she ceases to hold their originating office *be an officer of a city, county or district during his or her term* (§56337). Terms begin on the first Monday of ~~January~~ *May* (approved ~~1/24/02~~ *2/28/07*).

Attachment:

Attachment A: Recommended El Dorado LAFCO Terms of Office