
**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM No. 12

DATE: July 17, 2013

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, LAFCo Executive Officer

SUBJECT: Consider taking the following action to facilitate the selection of an Alternate Public Member:

- A. **Consider Revision:** Consider revising Section 520 (Selection of Public Member) of the Commission's Policies, Standards and Procedures.
- B. **Provide Direction:** Direct staff to begin recruitment for Alternate Public Member; approve notice, application form, and description of duties and responsibilities of the public member; and appoint subcommittee to make recommendations to the Commission.

RECOMMENDATION:

Revise Section 520 (Selection of Public Member) of the Commission's Policies, Standards, and Procedures; Direct staff to begin recruitment for an Alternate Public Member; Approve notice, application form and description of duties and responsibilities of the public member; and Form a subcommittee consisting of one County member and one City member to review applications, interview candidates, and make recommendations to the Commission.

BACKGROUND:

On July 11, 2012, Rich Braun was selected as Alternate Public Member to serve a four-year term ending on May 1, 2016. Shortly after his selection, Mr. Braun notified the Commission that he had just been diagnosed with cancer. Although he was very ill at the time, Mr. Braun was able to serve the Commission as Alternate Public Member on April 10, 2013. Mr. Braun passed away on June 11, 2013, creating a vacancy in this position.

DISCUSSION:

Section 56325 of the CKH states "...the Commission shall consist of members selected as follows: 564325(d) One representing the general public appointed by the other members of the Commission. The other members of the Commission may also designate one alternate member who shall be appointed and serve pursuant to Section 56331. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities..."

Section 520 (Selection of Public Member) of the Commission's Policies, Standards, and Procedures, gives further direction for selecting a public member. Staff recommends an alternative policy that the Commission may choose to follow at its discretion depending on the current situation (see attached revision to Section 520).

The notice, application form, and description of duties and responsibilities of the public member are attached for the Commission's review and approval.

Staff recommends that the Commission form a subcommittee to assist in the selection of the new alternate public member and specify the duties of the subcommittee to accomplish its task. For instance, some LAFCOs form subcommittees to review applications, interview candidates, and then make a recommendation to the Commission for public members, who then either accept or reject the candidate. This is the process that was followed last year when the current public member was selected. This process may also be beneficial if the Commission receives numerous applications as in the past.

Staff recommends the following schedule in general conformance with Section 520:

No later than July 26, the Executive Officer shall:

- Publish a notice in a newspaper of general circulation in the County, stating the vacancy of the public member position. The notice shall conform to that notice approved by the Commission.
- Post a notice outside the Commission hearing room, being the same notice as published.
- Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.

No application shall be accepted if received after 4:00 p.m., August 23, 2013.

A roster of all applicants and their applications shall be mailed on August 26, 2013 to the Commissioners (or subcommittee).

A public hearing shall be held on the regularly scheduled hearing date in September, for the purpose of making the selection.

DEF:cf

520 **SELECTION OF PUBLIC MEMBER**

The term of public member is set by law to be four years, to expire the first Monday of the month of May. However, his or her term shall continue until the appointment and qualification of his or her successor. Prior to the expiration date, no later than March 20, the Executive Officer shall:

- 01 Publish a notice in a newspaper of general circulation in the County, stating the coming vacancy of the public member position. The notice shall conform to that notice approved by the Commission.
- 02 Post a notice outside the Commission hearing room, being the same notice as published.
- 03 Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.
- 04 No application shall be accepted if received after April 20, preceding the term expiration. A roster of all applicants and their application shall be mailed to the Commissioners making the selection at least ten days prior to the date of the selection.
- 05 A public hearing shall be held on the regularly scheduled hearing date in May, for the purpose of making the selection.
- 06 Each applicant shall be invited to an interview at the hearing by the Commissioners making the selection. The interview shall be for an approximate duration of five minutes. Each Commissioner may question the applicant directly.

As an alternative to step 06 above, the Commission may, at its sole discretion, form a subcommittee to review all applications received, select the top candidates to be interviewed by the Commission, and make recommendations to the Commission.

The public member and alternate public member shall be selected by the Commission as follows:

- 07 Each Commissioner, other than the public member and alternate public member, shall have the right to nominate one candidate from among the applicants.
- 08 Selection shall be by majority affirmative vote of the Commission (excluding the public member and alternate public member), which shall include an affirmative vote by at least one of the members selected by each of the appointing authorities.
- 09 If no candidate should receive the required votes, one or more additional sets of nominations and votes may be conducted from among the candidates, with nominations and voting being conducted in the same manner as provided above, if such is supported by a majority of the Commissioners authorized to vote. If no candidate should receive the required votes, then a new recruitment shall be conducted.

The new public member and alternate public member shall begin their terms immediately. No public member or alternate public member may serve more than two consecutive terms (eight years).

Revised: February 24, 1988
December 20, 2000
July 17, 2013

**NOTICE OF VACANCY
FRESNO LOCAL AGENCY FORMATION COMMISSION
ALTERNATE PUBLIC MEMBER**

NOTICE IS HEREBY GIVEN that the Fresno Local Agency Formation Commission is now accepting applications for the Commission's Alternate Public Member to complete the remainder of a four-year term that ends **May 1, 2016**.

To obtain a copy of the application and see a description of the duties and responsibilities of the Commission's Public Member and Alternate Public Member, please go to our website at www.fresnolaftco.org.

You may also call the LAFCO office at (559) 600-0604 to arrange to pick up an application.

PLEASE BE INFORMED THAT the public member and alternate public member must be residents of Fresno County. Neither person serving as public member or alternate public member may serve on the Commission who at the same time is an officer or employee of a local public agency or who is a member of a public board, commission, or committee that has the authority to make advisory or final decisions relative to the use of land or the provision of services thereto. Such persons may be eligible for appointment but upon appointment, must resign any conflicting position. Application must be received no later than 4:00 p.m., August 23, 2013, in order for you to be considered for this position.

For additional information, contact the Fresno LAFCo Commission Office at 2607 Fresno Street, Suite B, Fresno, CA 93721. Telephone: (559) 600-0604, e-mail: dfey@co.fresno.ca.us.

DATED: July 18, 2013

DUTIES AND RESPONSIBILITIES OF THE PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER

A description of the duties and responsibilities of the Public Member and Alternate Public Member is listed below:

The Commission is composed of five regular members and three alternate members. Two regular members and one alternate are elected County Supervisors appointed by the Fresno County Board of Supervisors. Two regular members and one alternate are elected city officials appointed by the Cities Selection Committee. The public member and alternate public member are citizens appointed by the other four regular members of the Commission.

As a member of the Commission, the public member is responsible for making decisions on such processes as annexations, reorganizations, formation of districts, detachments of land, and so on in Fresno County. As part of the Commission the public member may also be responsible for reviewing periodic sphere of influence updates and approving service plan reviews for all legal entities in the County. The Commission is also responsible for processing and considering the proposed formation of new cities and special districts.

The alternate public member is an alternate member of the Commission with all the rights and duties thereof. The alternate public member may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the Commission.

If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member has been made to fill the vacancy. Both the public member and alternate public member are responsible for becoming familiar with the policies, procedures, and responsibilities of the Commission. The office of public member and alternate public member requires the incumbent to complete and file an annual State of Economic Interest form pursuant to State law.

The alternate public member is encouraged to attend all LAFCo meetings, and is responsible for attending meetings when the public member is unable to participate. LAFCo meetings are generally held once a month on Wednesdays. Meetings take place beginning at 1:30 p.m. in the Fresno County Hall of Records, Room 301, located at the Corner of Tulare and "M" Streets in Fresno.

For additional information, please contact Executive Officer David Fey at (559) 600-0604 or dfey@co.fresno.ca.gov.

**FRESNO LOCAL AGENCY FORMATION COMMISSION
APPLICATION FOR POSITION OF PUBLIC MEMBER
AND/OR ALTERNATE PUBLIC MEMBER**

If you are interested in serving as the Alternate Public Member on LAFCO, please complete the following application and return it to LAFCO, 2607 Fresno Street, Suite B, Fresno, CA 93721. The application deadline is 4 p.m. on August 23, 2013. Faxes and emails will NOT be accepted.

Please note that if you are now an officer or employee of the County or any city or district with territory in the County, you are not eligible to be a Public Member on the Commission.

Thank you for your interest in the Local Agency Formation Commission.

NAME: _____

MAILING ADDRESS: Street _____

City _____ State _____ Zip _____

PHONE Home: _____ Business: _____

Cell Phone: _____

EMAIL: _____

LENGTH OF RESIDENCE IN AREA: _____ ARE YOU A REGISTERED VOTER? _____

PRESENT OCCUPATION: _____

ARE YOU A U.S. CITIZEN? _____

HAVE YOU EVER BEEN CONVICTED OF A FELONY? _____

PREVIOUS ELECTED POSITION, BOARD, COMMISSION, OR COMMITTEE SERVED:

Organization

Term

WORK / VOLUNTEER EXPERIENCE:

Organization

Term

BRIEFLY STATE WHY YOU WISH TO SERVE ON LAFCO:

PLEASE STATE EDUCATIONAL AND EMPLOYMENT BACKGROUND CONSIDERED PERTINENT:

IF YOU WISH, YOU MAY LIST REFERENCES IN THE SPACE PROVIDED BELOW:

STATEMENT OF QUALIFICATIONS:

Please attach a brief statement indicating why you are interested in serving on the Local Agency Formation Commission and why you are qualified for the appointment.

CERTIFICATION:

I certify that I am not an officer or employee of the County of Fresno, any city in Fresno County, or any district in Fresno County.

I certify that this information is true and correct and I authorize the verification of the information in the application in the event I am a finalist for the appointment.

Signature

Date