



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

|  |   |
|--|---|
| <b>Federal Glover</b><br><i>County Member</i>              | <b>Dwight Meadows</b><br><i>Special District Member</i> |
| <b>Michael R. McGill</b><br><i>Special District Member</i> | <b>Rob Schroder</b><br><i>City Member</i>               |
| <b>Martin McNair</b><br><i>Public Member</i>               | <b>Don Tatzin</b><br><i>City Member</i>                 |
| <b>Gayle B. Uilkema</b><br><i>County Member</i>            |   |

**ALTERNATE MEMBERS**

**Sharon Burke**  
*Public Member*

**Tom Butt**  
*City Member*

**George H. Schmidt**  
*Special District Member*

**Mary N. Piepho**  
*County Member*

January 11, 2012 (Agenda)

January 11, 2012  
 Agenda Item 10

Contra Costa Local Agency Formation Commission  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

**Commissioner Terms**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission review the existing policies, provide input and direct LAFCO staff regarding filling the upcoming Commission vacancies.

DISCUSSION

This is an update regarding upcoming Commission appointments and the process for filling vacancies.

The authority and procedures for appointing members of the Commission are set forth in the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) contained in Government Code §56000 et seq. All terms of office on LAFCO are four years, expiring on the first Monday in May, unless otherwise specified.

In addition, the Commission has its own local policies regarding membership (attached).

In May 2012, the terms of five Commissioners will expire: City Member Don Tatzin, County Member (Alternate) Mary Piepho, Special District Member Mike McGill, Public Member Martin McNair, and Public Member (Alternate) Sharon Burke.

The selection processes for the various members are summarized below.

*City Members* – Per the CKH Act and Commission policies, City Members are selected by the City Selection Committee through the Mayor’s Conference. LAFCO staff will coordinate with the Contra Costa Mayor’s Conference regarding the upcoming City vacancy and report back to the Commission following the selection of a City Member.

*County Members* - Per the CKH Act and Commission policies, County Members are selected by the County Board of Supervisors. LAFCO staff will coordinate with the County regarding the upcoming County vacancy, and report back to the Commission following the selection of a County Member.

*Special District Members* - Per the CKH Act and Commission policies, Special District Members are selected by the Special District Selection Committee through the local chapter of the Special Districts Association. LAFCO staff will coordinate the election with the Contra Costa County Special Districts Association, and report back to the Commission following the selection of a Special District Member.

*Public Members* - Per the CKH Act, the Commission appoints the Public Members. Selection of the public members is subject to an affirmative vote of at least one Commissioner from each appointing authority (i.e., county, city, special district). The public member must be a resident of the County, and cannot be a current board member, officer, or employee of the County, a city or special district located in this county. The CKH Act provides that whenever a vacancy occurs in the public member or alternate public member position, the Commission shall cause a notice of vacancy to be posted as provided per §56158.

The Commission's current policies include provisions for recruiting and selecting Public Members (see attached).

We anticipate initiating the recruitment for the Public Member seats in March 2012.

## **RECOMMENDATION**

Provide comments and direction to LAFCO staff regarding the upcoming vacancies as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Commission Policies - 1.2 Membership

## 1.2 MEMBERSHIP

### A. Selection and Terms of Office

The authority and procedures for appointing members of the Commission are set forth in the CKH Act. All terms of office on LAFCO are for four years, expiring on the first Monday in May, unless procedures adopted by the Commission specify an alternative date to apply uniformly to all members.

#### 1) City Members

The two regular City members and one alternate member must be members of a city council during the time they serve. They are chosen by, and serve at the pleasure of, the City Selection Committee. (§§56325, 56335)

The Committee consists of the mayor of each city. In the absence of the mayor another member of that city council may be appointed to attend and vote in place of the mayor.

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

#### 2) County Members

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

#### 3) Special District Members

The two regular special district members and one alternate member must be members of the governing board of an independent special district while they serve. They are chosen by, and serve at the pleasure of, the Special District Selection Committee.

The Committee consists of the presiding officer of each independent special district in the county, and its meetings are open to the public. The LAFCO Executive Officer calls and gives notice of these Committee meetings, per statute.

4) Public Members

The one regular public member and one alternate member are appointed by, and serve at the pleasure of, the regular city, county and special district members of the Commission.

5) Selection of Public and Alternate Public Members

The method for selecting public members is determined by the City, County and Special District members. At least four affirmative votes are required to appoint the public members, and there must be at least one vote from each of the other member categories: City, County and Special District.

Unless the Commission gives alternative direction, the following procedure is used to recruit and select public members of the Contra Costa LAFCO:

- Public announcement of the vacancy.
- Committee appointed by the Chair, consisting of a City member, County member and Special District member, screens applications and letters of interest.
- A committee composed of part or all of the Commission conducts interviews of selected applicants.
- The committee makes recommendations to the Commission.
- The Commission may conduct subsequent interviews and make a selection.

Any alternative selection process requires at least four affirmative votes, and there must be at least one vote from each of the other member categories: City, County and Special District.

Re-appointment of a public member under an alternative procedure is limited to two consecutive terms. Following two consecutive terms, the Commission shall follow the recruitment procedure set forth above.

B. Alternate Members

1) Alternates are entitled to vote when regular members are disqualified or absent.

- The alternate City member may vote only in the place of a regular City member.

- The alternate County member may vote only in the place of a regular County member.
  - The alternate Special District member may vote only in the place of a regular Special District member.
  - The alternate Public member may vote only in the place of the regular Public member.
- 2) Alternate members participate fully in LAFCO proceedings except they vote only in the absence or disqualification of a regular member.
  - 3) Alternate members are authorized to receive the same per diem stipend and expense reimbursement as regular members.
  - 4) Alternates are encouraged to attend and participate in LAFCO meetings and CALAFCO conferences and workshops.

C. Disqualification of Commissioners from Participating

1) Disqualified Commissioners

A disqualified member is prohibited from voting or discussing the matter at the Commission meeting as a member of the Commission and must leave the room during consideration of the affected item.

2) Voting Conditions – City Members

The City Selection Committee, at the time it appoints a City member or alternate to LAFCO, may disqualify such members from voting on annexations to their cities, or adopt other conditions specific to their representatives.

3) Voting Conditions – Special District Members

The Special District Selection Committee, at the time it appoints a Special District member or alternate to LAFCO, may disqualify such members from voting on annexations or other proposals affecting their individual districts, or adopt other conditions specific to their representatives.

4) Voting Conditions – County Members

The County Board of Supervisors, when appointing County members to LAFCO, may adopt conditions specific to its representatives.

5) Local Disqualification Rules and Regulations

Each LAFCO may adopt local rules and regulations with respect to disqualification of members, provided such rules do not provide for automatic disqualification of City or Special District members from matters affecting their own individual agencies.

6) Removal of Members

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

The Commission may recommend to the appointing authority that a member be removed for the following reasons:

- The absence of that member from three consecutive meetings or more than one quarter of the meetings in any 12-month period.
- Malfeasance of office or dereliction of duty by that member.
- Failure to complete the required financial disclosure documents in a timely manner.