

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
1112 I Street #100
Sacramento, California 95814
(916) 874-6458

February 2, 2011

TO: Sacramento Local Agency Formation Commission

FROM: Public Member Nomination Sub-Committee
(Commissioners Cohn, Peters and Rose)

RE: **REVISED Sub-Committee Recommendation – Commission Adoption of Term Limits for Public Member Positions**

RECOMMENDATION

This report is prepared by staff, at the direction of the Sub-Committee. The Sub-Committee recommends that your Commission adopt the following policy:

No Public Member, and no Alternate Public Member, appointed by the other six members of the Commission, shall be appointed to serve more than two consecutive terms. A Public Member, or Alternate Public Member, appointed to complete less than one (1) calendar year of an unexpired term shall be eligible to serve up to two consecutive terms in addition to the partial unexpired term.

DISCUSSION

The Sub-Committee has met and discussed this matter. The proposed policy is similar to that which is imposed upon Board and Commission appointees of the Sacramento City Council. That policy limits appointees to a maximum of two consecutive terms, as follows: (Please see Attachment A.)

Each of the state's 58 counties has a LAFCo, and each reflects local culture and dynamics. At the direction of the Sub-Committee, staff polled other LAFCOs throughout the state regarding the imposition of term limits on any offices. Of the 58 LAFCOs e-mailed, 17 replied. The majority of responses (15) indicated no term limits in place. The poll results are provided in Attachment B.

ATTACHMENT A

Sacramento City Code

2.40.120 Limitation on number of consecutive terms served.

A. No person appointed to any board or commission by the mayor with the concurrence of the city council or by the city council shall be appointed to serve more than two consecutive terms.

B. Subsection A of this section shall not apply:

1. If the appointee is the mayor or a member of the city council;

2. If the appointee is appointed jointly by the mayor or city council and any other appointing authority;

3. To the administration, investment and fiscal management board of the city employee's retirement system.

C. A member appointed to complete seventy-five (75) percent or more of an unexpired term shall be eligible to serve up to two consecutive terms; the unexpired term will be considered as the first full term of the two consecutive full terms.

A member appointed to complete less than seventy-five (75) percent of an unexpired term shall be eligible to serve up to two full consecutive terms in addition to the partial unexpired term.

D. If an ordinance creating a board or commission specifies a more restrictive limitation on length of service than is set forth in this section, the more restrictive provision shall apply. If an ordinance creating a board or commission is less restrictive, the two-term limitation of this section shall apply.

E. A person shall be eligible for reappointment to a board or commission two years after the last date the member served on the board or commission. (Ord. 2002-033 § 1; prior code § 60.04.017)

ATTACHMENT B

The following term limits are imposed by various other LAFCOs:

Santa Barbara LAFCo: "It is the intent of the ...members that the position of Public Member be rotated on a regular basis to allow qualified members of the community to serve on the Commission." The intent is that an individual not hold two consecutive terms.

Contra Costa LAFCo: Re-appointment of a Public Member without public announcement of vacancy is limited to two consecutive terms.

Ventura LAFCo: Neither the Public Member; nor the Alternate Public Member, may serve more than one term consecutively. However, the Member may "rotate" among the two positions, and is eligible for re-appointment to the previous position upon expiration of the term. (telephone communication DL 1/28.11)

Sacramento Commission Policies and Guidelines do not explicitly address the matter of term limits. The Public and Alternate Public Member are currently appointed pursuant to the following Sacramento Commission adopted Guidelines:

IV. A(3) Public Members

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

The public member and alternate serve a four year term...

The manner of recruiting and selecting the public member is a policy decision for the regular city, county, and special district members...

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MINUTES OF THE MEETING OF
Wednesday February 2, 2011

The Sacramento Local Agency Formation Commission met the first day of December 2010, at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California 95814.

PRESENT:

Commissioners:

Christopher Tooker, Chair
Gay Jones, Vice Chair
Linda Budge
Steve Cohn
Susan Peters
Charles Rose
Jimmie Yee

Staff:

Peter Brundage, Executive Officer
Donald Lockhart, Assistant Executive Officer
Diane Thorpe, Commission Clerk
Nancy Miller, Commission Counsel

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Duane Anderson, Chair of Rio Linda Recreation and Park District, asked if there is a timeline for the Panhandle project.

Peter Brundage responded that the pending application is on hold. LAFCo is awaiting further notice from the City of Sacramento.

CONSENT CALENDAR

1. Approve the Meeting Minutes of
 - a. December 1, 2010
 - b. January 19, 2011 (Special Meeting)
2. Claims dated thru January 26, 2011
3. Monthly Budget Report
4. Legislation Status Report
5. North Highlands Recreation And Park District Final MSR (CEQA Exempt) (LAFC 02-10)
Motion: To approve the Consent Calendar
Moved: Commissioner Rose
Second: Commissioner Peters
Passed: Unanimous

BUSINESS ITEMS

6. Rio Linda/Elverta Community Water District (RLECWD) Municipal Service Review (MSR) - Report Back (LAFC 07-10)
Motion: To approve recommendations and direct Commission Chair and Executive Officer to meet with the California State Department of Public Health.
Moved: Commissioner Peters
Second: Commissioner Cohn
Passed: Unanimous

7. Carmichael Water District Draft MSR (L AFC 08-10)
Direct Staff to circulate for Public review

PUBLIC HEARINGS

8. Public and Alternate Public Member Appointment
Motion: To confirm Commission appointment of Christopher Tooker as Public Member and John Messner as Alternate Public Member
Moved: Commissioner Budge
Second: Commissioner Rose
Recuse: Tooker
Passed: Unanimous
9. Proposed Term Limits for Public and Alternate Public Members
Motion: To adopt a term limits of a maximum of 2 consecutive terms, for both Public Member and Alternate Public Member, effective after current appointments made February 2011.
Moved: Commissioner Budge
Second: Commissioner Cohn
Recuse: Tooker
Passed: Unanimous
10. Special District Risk Management Authority (SDRMA) Notification of Call for Nominations -
2011 Election SDRMA Board of Directors
No Action

REPORTS/QUESTIONS/ANNOUNCEMENTS

None

The meeting adjourned at 7:48 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Diane Thorpe
Commission Clerk



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August 28, 2014

Chair and Members
Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Agenda for September 3, 2014
Item 5

Dear Mr. Chairman and Members:

We urge you to rescind the current policy limiting the terms of the public member appointed by the LAFCo board. The public deserves to be represented on LAFCo by the most qualified applicant available. The current policy arbitrarily excludes qualified candidates because of past service.

Please vote to return to an open process for recruiting and considering candidates for LAFCo service.

Sincerely,

Jude Lamare, President, Friends of the Swainson's Hawk
swainsonshawk@sbcglobal.net

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August 28, 2014

Sacramento Local Agency Formation Commission
1112 "I" Street, Suite 100
Sacramento, CA 95814

Via Email

SUBJECT: Agenda Item 5 - Your Meeting of September 3, 2014
Public Member/Alternate Public Member

Dear LAFCo Commission Members:

Your Commission appears to be scheduled to consider two matters: (a) continuation of the existing Term Limit Policy for the Public Member/Alternate Public Member appointed by your Commission and (b) Initiation of the Nomination Process and a schedule for appointing the Public Member/Alternate Public Member. I appreciated the opportunity to address these matters at your September 3, 2014 meeting and continue to appreciate the opportunity to provide these comments and recommendations for your consideration.

As I stated at your meeting last month, I am opposed to continuing the existing Term Limit Policy for the Public Member/Alternate Public Member. First, based upon information available to me, other LAFCo Commissioners are NOT subject to term limits. Therefore limiting the tenure of the Public Member/Alternate Public Member is not consistent with the rules governing other LAFCo Commissioners. Second, the existing Term Limit Policy is arbitrary and precludes the incumbent(s) from reapplying for appointment by your Commission.

The incumbent Public Member, Mr. Chris Tooker has performed the duties of a LAFCo Commissioner in a way that I believe exceeds the standards of the position. By his actions on the Commission, Mr. Tooker has demonstrated that he is thoroughly familiar with LAFCo law and the intricacies of LAFCo policies and procedures. It is outrageous if he is precluded from applying for reappointment as the Public Member because of an ill conceived policy that is not applicable to all LAFCo Commissioners.

Accordingly, your Commission is urged to rescind the existing Term Limit Policy for the Public Member/Alternate Public Member so that ALL qualified candidates may apply for appointment.

In closing, I would point out that the Public Member/Alternate Member is appointed by your Commission. It would seem, therefore, that if the Public Member/Alternate Member was deemed to not be performing the duties of the position, the Commission, as the appointing power, could initiate proceedings to remove or not reappoint the person.

Thank you for your kind consideration of my comments and recommendations.

Sincerely,

Original signed by:

Bill Davis

August 27, 2014

Sacramento Local Agency Formation Commission
1112 "I" Street, Suite 100
Sacramento, CA 95814

via E-mail

**SUBJECT: - LAFCO Meeting of September 3, 2014: Agenda Item 5
Public Member/Alternate Public Member**

Dear LAFCO Commission Members:

Your Commission appears to have scheduled for consideration two matters: (a) Continuation of the existing Term Limit Policy for the Public Member/ Alternate Public Member appointed by your Commission and (b) Initiation of the Nomination Process and a schedule for appointing the Public Member/ Alternate Public Member.

I recommend terminating the Term Limit Policy for the Public Member/ Alternate Public Member. Other LAFCO Commissioners are NOT subject to these term limits, thus limiting the tenure of the Public Member/ Alternate Public Member is not consistent with the rules governing other LAFCO Commissioners. In addition, the existing Term Limit Policy is arbitrary and precludes the incumbent(s) from reapplying for appointment by your Commission.

The incumbent Public Member, Mr. Chris Tooker has performed his duties as a LAFCO Commissioner in an exemplary way. Based on his Commission actions, Mr. Tooker has demonstrated that he is thoroughly familiar with LAFCO law and LAFCO policies and procedures. It is inappropriate if he is precluded from applying for reappointment due to a poorly conceived policy not applicable to ALL LAFCO Commissioners.

I am suggesting that LAFCO rescind the existing Term Limit Policy for the Public Member/ Alternate Public Member so that ALL qualified candidates may apply for appointment.

Based on LAFCO policy, it appears that if the Public Member/ Alternate Member was deemed to not be performing the duties of the position, the Commission, as the appointing power, could initiate proceedings to remove or not reappoint the person.

Thank you for taking my comments into consideration.

Very truly yours,

Warren V. Truitt

