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

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**AGENDA ITEM No. 4**

**DATE:** May 11, 2016

**TO:** Fresno Local Agency Formation Commission

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

**SUBJECT:** Consider appointment of public member and alternate public member

**RECOMMENDATION:** Appoint a public member and alternate public member

**Summary**

The term of the public member and alternate public member is set by law to be four years and until a replacement is selected by the Commission. The statute states that the public member and alternate public members' term expires on the first Monday of the month of May.

The recommended action is consistent with the Commission's adopted procedure.

**Discussion**

Section 56334 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) states that "the term of office for each member shall be four years and until the appointment and qualification of his or her successor." The terms for the current public member and alternate public member expired on Monday, May 2, 2016. The Commission may wish to consider establishing a new four-year term to begin the first Monday in May, 2012, expiring on May 1, 2016.

The process for selecting a new member is guided by Section 520 of the Commission's Policies, Standards, and Procedures (see Exhibit "A"). Among the provisions of Section 520 is a requirement that the public member and alternate public member shall be selected at the regularly scheduled hearing date in May. Also attached (see Exhibit "B") is section 56334 of the CKH regarding commissioner terms.

At the March 9, 2016 hearing, staff recommended that the Commission form a subcommittee to review all of the applications and select the top candidates to be interviewed by the Commission. Commissioners Pacheco and Silva were appointed to the subcommittee.

A notice of the opportunity to submit applications for public member and alternate public member was published in the Fresno Business Journal on March 18, 2016 and was posted in the LAFCo office and outside the Commission hearing room. Staff received two applications, one for public member and one for alternate public member. In light of the number of applications, the subcommittee may wish to forego its meeting to review the applications and recommend that the Commission interview the two candidates prior to Commission selection. Attached as Exhibit "C" are copies of the candidates' applications for your review.

Section 56331 of the Cortese-Knox-Hertzberg Act states that no person appointed as a public member or alternate shall be an officer or employee of the County or any city or special district within the County.

The voting procedure adopted by the Commission consists of the following steps:

1. Each of the four City and County Commissioners may nominate an applicant.
2. In the event of a tie among two or more of the candidates another vote will be taken to select from the tied applicants. Each Commissioner has one vote. If no candidate receives three or more votes during that round, the alternate public member position would remain vacant until such time as three of the four voting Commissioners have reached a decision on the Public Member.

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# EXHIBIT A

Section 520  
Fresno Local Agency Formation Commission  
Policies, Standards, Procedures Manual

## 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

**EXHIBIT C**

**Applicant for Public Member**

**Mario Santoyo**

**Applicant for Alternate Public Member**

**Michael Lopez**