



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6a

TO: Local Agency Formation Commission

PREPARED BY: Peter Banning, Interim Executive Officer
Brendon Freeman, Analyst
Jennifer Gore, Legal Counsel

MEETING DATE: June 1, 2015

SUBJECT: Commission Policy Update: Appointment of Chair and Vice-Chair

RECOMMENDATION

By motion adopt the amended Policy on Appointment of Chair and Vice-Chair (Attachment One) and appoint Commissioner Inman as Chair through April 30, 2016.

BACKGROUND / ANALYSIS

At its April 6, 2015, meeting, staff provided the Commission with proposed amendments to the policy on appointment of the Commission's Chair and Vice-Chair. The proposed amendments were presented in response to the Commission's expressed dissatisfaction with the current policy, which automatically rotates the Chair and Vice-Chair positions each year on January 1st, potentially cutting short the offices for City members when the City Selection Committee makes its appointments. However, at the April meeting, the Commission also determined that the policy was unclear as to when a vacancy occurred and the impact of such a vacancy on the rotation of the offices. Therefore, the Commission directed staff to work with legal counsel in drafting new proposed amendments to the policy to better define and address membership vacancies, in addition to the start date for each term of office.

Because the current policy is unclear as to who became Chair effective May 1, 2015, staff has proposed to make the new policy effective May 1, 2015, allowing City Member I to serve as Chair from May 1, 2015, to April 30, 2016, at which time, the current Vice-Chair, County Member I would become Chair. Staff believes this is consistent with the Commission's prior discussion.

However, to avoid this issue in the future, and to address the concerns raised by the Commission in April, staff has included additional revisions to the policy to better define "vacancy." The attached draft includes the two options for defining a vacancy discussed at the April meeting (Options 1 and 2), as well as another alternative (Alternate Section 4). These two options and the new alternative, as well as the practical effects of each, are described as follows:

Juliana Inman, Chair
Councilmember, City of Napa

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Diane Dillon, Vice Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Keith Caldwell, Alternate Commissioner
County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Peter Banning
Interim Executive Officer

Option 1: Under Option 1, the offices of Chair and Vice-Chair would reside with the seat, such that a vacancy would not be created if the appointing authority changed its appointments or a Commission member otherwise resigned during that member's term in office. For example, if the Chair had to resign from the Commission, and the County appointed a new Commissioner to fill the County's seat, the County's new appointment would become the Chair of LAFCO.

Under this scenario, the County's appointment is not cut short, but it does create the potential for an inexperienced Commissioner to become the Chair or Vice-Chair of LAFCO, as noted by the Commission at the April meeting.

Option 2: Under option 2, the office would reside with the individual Commissioner. For example, if City Member I were Chair, and was removed from the Commission, the current Vice-Chair (County Member I) would become the Chair and would fulfill the remaining term, as well as the following term under the regular rotation.

Under this option, the Commission would avoid the potential problem of a new Commissioner fulfilling the remainder of a prior officer's term in office. But as noted by the Commission in April, it also cuts short the term in office for the appointing authority, plus it creates the potential for an officer to serve close to two years in an office if the seat is vacated early on in the prior officer's term.

Alternate Section 4: Alternate Section 4 attempts to address the shortcomings in Options 1 and 2. Under this alternative, the office would reside with the individual, but the policy also specifies that, in the event of a vacancy, the other member from the same appointing authority would fulfill the unexpired term, and then the regular rotation would resume the following May 1st.

For example, if City Member I were Chair, but City Member I was no longer appointed to LAFCO, City Member II would fulfill the remainder of the term as Chair, and on May 1st, County Member I would become Chair. This would also likely avoid having an inexperienced Commissioner serve as an officer.

ATTACHMENTS

- 1) Proposed Amended Policy on Appointment of Chair and Vice-Chair (Tracked Changes)
- 2) Proposed Amended Policy on Appointment of Chair and Vice-Chair (Clean Version)



Local Agency Formation Commission of Napa County
 Appointment of Chair and Vice-Chair

It is the policy of the Commission that:

~~1. This policy becomes effective January 1, 2005.~~

~~2.1. The terms of office of the Chair and Vice-Chair shall be for one calendar year, from May 1 to April 30 and shall begin on January May 1.~~

~~3.2. Upon the date of adoption of this policy, Pursuant to the chart below, the Commission or the purposes of hereby establishing a rotational system for the appointment of the Chair and Vice-chair, effective May 1, 2015, each regular member seat on the Commission shall have a designation as indicated in the following table:~~

<u>Chair Seat Designations</u>	<u>Vice-chair Designations</u>	<u>Occupant of Seat on April 1, 2015</u>
City Member I	<u>County Member I</u>	Jean Bennett
<u>County Member II</u>	<u>City Member II</u>	Greg Pitts
<u>City Member II</u>	<u>County Member II</u>	Diane Dillon
County Member II	<u>Public Member</u>	Brad Wagenknecht
Public Member	<u>City Member I</u>	Brian J. Kelly

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It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants.

~~4. Pursuant to the table in Section 2 above, The Chair on January 1, 2005 May 1, 2015, shall be the occupant of the seat designated City Member I.~~

~~5.3.~~

~~6. The Vice-Chair of the Commission shall be appointed according to the following:~~

<u>Seat Designation of the Chair</u>	<u>Seat Designation of the Vice-Chair</u>
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II
County Member II	Public Member
Public Member	City Member I

~~7. Upon completion of a term as Vice-Chair, that member shall be appointed to serve as the Chair of the Commission.~~

~~8.~~

~~4. If a vacancy should be created in the office of the Chair for any reason, the members shall, at the next regular meeting, appoint the Vice-Chair to fill the vacancy for the remaining unexpired term. If a vacancy is created in the office of the Vice-Chair for~~

Adopted: August 3, 2004

Updated: July 25, 2005; October 6, 2014; ~~April 6~~ June 1, 2015

any reason, the members shall, at the next regular meeting, appoint a new Vice-Chair to fill the vacancy for the remaining unexpired term.

A. [Option 1] The offices of Chair and Vice-Chair shall reside with the designated seat (e.g., City Member I, County Member II), rather than the particular individual assigned to a designated seat. Therefore, a vacancy shall only be created if a designated seat is vacant for a period of thirty days, except that a vacancy in the office of Vice-Chair shall be created immediately if the Vice-Chair is appointed to fulfill an unexpired term as Chair.

[Option 2] The offices of Chair and Vice-Chair shall reside with the particular individual assigned to a designated seat. Therefore, a vacancy shall be created if the individual assigned to a designated seat cannot fulfill the remainder of that individual's term.
~~If a vacancy should be created in the office of the Vice-Chair for any reason, the members shall, at the next regular meeting, appoint a Vice-Chair to fill the vacancy for the remaining unexpired term in accordance with the system set forth in Statement #54.~~

~~A-B.~~ On the following May 1, the established rotation schedule set forth in Section 2, above, shall resume.

[Alternative Section 4] The offices of Chair and Vice-Chair shall reside with the particular individual assigned to a designated seat. In the event that a Commissioner serving as Chair or Vice-Chair is no longer able to serve on the Commission for any reason, the remainder of that Commissioner's term in office shall be fulfilled by the other Commissioner from the same appointing authority. (For example, if the Commissioner designated as "City Member I" is removed from the office of Chair in January, the Commissioner designated "City Member II" shall serve as Chair until April 30.)

A. On the following May 1, the established rotation schedule set forth in Section 2, above, shall resume.

B. Should the office of Chair or Vice-Chair be vacated by the Public Member, the alternate Public Member shall fulfill the remainder of the officer's unexpired term. In the absence of an alternate Public Member, the Commission shall appoint another Commissioner at its next meeting to serve on an interim basis until a new Public Member is appointed to fulfill the remainder of the officer's unexpired term.

~~B. If a member fulfills an unexpired term of the Chair, he or she shall be appointed to fulfill the subsequent full term of the office.~~

9-5. The Commission may create temporary changes to the schedule in Section ~~statement~~ #52 as part of an action item placed on the agenda.

Adopted: August 3, 2004

Updated: July 25, 2005; October 6, 2014; ~~April 6~~ June 1, 2015



Local Agency Formation Commission of Napa County
Appointment of Chair and Vice-Chair

It is the policy of the Commission that:

1. The terms of office of the Chair and Vice-Chair shall be for one year, from May 1 to April 30.
2. Pursuant to the chart below, the Commission hereby establishes a rotational system for the appointment of the Chair and Vice-chair, effective May 1, 2015:

<u>Chair Designations</u>	<u>Vice-chair Designations</u>
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II
County Member II	Public Member
Public Member	City Member I

It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants.

3. Pursuant to the table in Section 2 above, the Chair on May 1, 2015, shall be the occupant of the seat designated City Member I.
4. If a vacancy should be created in the office of the Chair for any reason, the members shall, at the next regular meeting, appoint the Vice-Chair to fill the vacancy for the remaining unexpired term. If a vacancy is created in the office of the Vice-Chair for any reason, the members shall, at the next regular meeting, appoint a new Vice-Chair to fill the vacancy for the remaining unexpired term.
 - A. [Option 1] The offices of Chair and Vice-Chair shall reside with the designated seat (e.g., City Member I, County Member II), rather than the particular individual assigned to a designated seat. Therefore, a vacancy shall only be created if a designated seat is vacant for a period of thirty days, except that a vacancy in the office of Vice-Chair shall be created immediately if the Vice-Chair is appointed to fulfill an unexpired term as Chair.

[Option 2] The offices of Chair and Vice-Chair shall reside with the particular individual assigned to a designated seat. Therefore, a vacancy shall be created if the individual assigned to a designated seat cannot fulfill the remainder of that individual's term.
 - B. On the following May 1, the established rotation schedule set forth in Section 2, above, shall resume.

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[Alternative Section 4] The offices of Chair and Vice-Chair shall reside with the particular individual assigned to a designated seat. In the event that a Commissioner serving as Chair or Vice-Chair is no longer able to serve on the Commission for any reason, the remainder of that Commissioner's term in office shall be fulfilled by the other Commissioner from the same appointing authority. (For example, if the Commissioner designated as "City Member I" is removed from the office of Chair in January, the Commissioner designated "City Member II" shall serve as Chair until April 30.)

- A. On the following May 1, the established rotation schedule set forth in Section 2, above, shall resume.
 - B. Should the office of Chair or Vice-Chair be vacated by the Public Member, the alternate Public Member shall fulfill the remainder of the officer's unexpired term. In the absence of an alternate Public Member, the Commission shall appoint another Commissioner at its next meeting to serve on an interim basis until a new Public Member is appointed to fulfill the remainder of the officer's unexpired term.
5. The Commission may create temporary changes to the schedule in Section 2 as part of an action item placed on the agenda.