ITEM III-D.

SONOMA LOCAL AGENCY FORMATION COMMISSION

575 ADMINISTRATION DRIVE, ROOM 104A, SANTA ROSA, CA 95403
(707) 565-2577 FAX (707) 565-3778
www.sonoma-county.org/lafco

SWEETWATER SPRINGS WATER DISTRICT
MAR 12 2015
RECEIVED

DATE: March 2, 2015

TO: Board of Directors of Special Districts

FROM: Cynthia Olson, Commission Clerk

RE: Changes in the LAFCO Law for Special Districts

The purpose of this letter is to inform the boards of directors of the independent special districts of changes to the Cortese Knox Hertzberg Reorganization Act of 2000 (CKH) that took effect January 1, 2015. These changes relate to the election of district representatives to the Commission.

Section 56325 of the CKH states that the special district representatives to the Commission shall be selected by the Independent Special District Selection Committee ("the Committee") which consists of the presiding officer of the legislative body of each independent special district. The representatives are to be selected pursuant to Section 56332 which states that the executive officer shall call and hold a meeting of the Committee under any one of the following circumstances:

1. Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

2. Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

3. Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

This section also states that if the executive officer determines that a meeting of the Committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing. Due to the large number of special districts in the county and the difficulty of coordinating such a meeting, the previous executive officers of Sonoma LAFCO have chosen to exercise this option and conduct all elections by mail.

While the law that took effect in January continues to give the Committee the right to hold meetings to select representatives, it now provides the option for a majority of the Committee members to authorize the Executive Officer to hold all elections by mailed ballot (Section 56332(e)). The Commission is requesting that the districts support the continued practice of conducting elections by mail and provide that authorization by submitting the enclosed form to the Executive Officer.

The 2015 law also adds the requirement that a quorum, or majority, of the special districts must submit valid ballots in order for an election to be valid. This is an important change as the number of ballots cast in past elections has seldom reached a majority level. Sonoma LAFCO staff will remind the boards of this requirement in any future election process.

With regards to the selection of representatives to the Commission, the CKH encourages the Committee to "*make selections that fairly represent the diversity of the independent special districts in the county, with respect to population and geography.*"

In the 1990s, the Committee set forth the following policy which was then adopted as Commission policy:

> *The independent special district selection committee shall appoint two regular members and one alternate member, each of whom shall be a member of a board of directors of an independent special district in Sonoma County, to serve on the Commission. One member shall be a board member of a fire protection, community services, or life support district (Class I), and the other member shall be a board member of any other independent special district (Class II). The alternate member shall be a board member of any independent special district in the county. The appointments shall be made in accordance with the independent special districts' appointment policies and procedures.*

Sonoma LAFCO is requesting that each board consider this policy and notify the Commission as to whether the board wishes to continue with the policy as written. If the board wishes to amend the policy, please include an explanation of the reason for and nature of any proposed amendment. These responses will be directed to the Commission's Policy Committee for review and consideration.

I am attaching a response form as well as copies of the applicable sections of the CKT law, the Sonoma LAFCO Independent Special District Selection Committee Rules of Procedure and the current Sonoma LAFCO policy regarding election of independent special district representatives. Please review this information and return the completed form to the Sonoma LAFCO office at your earliest convenience.

If you have any questions or need additional information, please feel welcome to contact me at 707-565-2587 or by email at Cynthia.Olson@ Sonoma-county.org.

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Sonoma LAFCO is requesting that the Presiding Officer, on behalf of the District's Board of Directors, respond to the following questions:

1. Does the Board of Directors authorize the Sonoma LAFCO Executive Officer to conduct elections for district representatives by mail? Yes _____ No _____

2. Does the Board of Directors wish to continue the policy that one member representing independent special districts be a board member of a fire protection, community services, or life support district (Class I) and the other member be a board member of any other independent special district (Class II)?
   Yes _____ No _____

   If no, please explain: _____

   _____

   _____

   _____

   _____

   _____

   _____

Date: _____

Signed: _____

Name: _____

District: _____

Please return this form by mail to:

SONOMA LOCAL AGENCY FORMATION COMMISSION
575 ADMINISTRATION DRIVE, ROOM 104A
SANTA ROSA, CA 95403

on that site.

Purposes of commission

56301. Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities. When the formation of a new government entity is proposed, a commission shall make a determination as to whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose agency is deemed necessary, the commission shall consider reorganization with other single-purpose agencies that provide related services.

Determination for new agencies

CHAPTER 2. FORMATION OF COMMISSION AND SELECTION OF COMMISSIONERS

Creation; composition

56325. There is hereby continued in existence in each county local agency formation commission. Except as otherwise provided in this chapter, the commission shall consist of members selected as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of a regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

City members

(b) Two selected by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee. The city selection committee shall also designate one alternate member who shall be appointed and serve pursuant to Section 56335. The alternate shall also be a mayor or council member. The city selection committee is encouraged to select members to fairly represent the diversity of the cities in the county, with respect to population and geography.

District members

(c) Two presiding officers or members of legislative bodies of independent special districts selected by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also designate a presiding officer or member of the legislative body of an independent special district as an alternative member who shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to make selections that fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

Public member

(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. 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 in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

Independent judgment of members

56325.1. While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person.

Composition; Los Angeles County

56326. In Los Angeles County, the commission shall consist of nine members, selected as follows:

(a) Two appointed by the board of supervisors from its own membership. The board of supervisors shall also appoint a third supervisor who shall be an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of

Public member restrictions

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

Alternative member; one vote

56331.3. If two or more members are absent or disqualify themselves from participating in a meeting of the commission, any alternate member who is authorized to serve and vote in the place of a member shall only have one vote.

Independent special district selection committee

56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to *** **participate in** a meeting **or election** of the independent special district selection committee, the legislative body of the district may appoint one of its members *** **as an alternate to participate in the** selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer **or his or her alternate as designated by the governing body**. Members representing a majority of the eligible districts shall constitute a quorum.

Principal County

Meetings

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

Anticipated vacancy

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the *** **commission**.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

Appointment of special district members

*** **(c)** The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing

within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

District member disqualification

*** **(d)** If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

Elections by mailed ballot

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district members or filing vacancies, is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

Call for nominations

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

Ballot and voting instructions

(3) The call for nominations, ballot, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballot by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

Quorum

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension. The executive officer shall announce the results of the election within seven days of the date specified.

(7) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

"Executive officer"

*** (g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

(Amended by Stats. 2014, Ch. 112)

Representation of independent special districts

56332.5. If the commission does not have representation from independent special districts on January 1, 2001, the commission shall initiate proceedings for representation of independent special districts upon the commission if requested by independent special districts pursuant to this section. If an independent special district adopts a resolution proposing representation of independent special districts upon the commission, it shall immediately forward a copy of the resolution to the executive officer. Upon receipt of those resolutions from a majority of independent special districts within a county, adopted by the districts within one year from the date that the first resolution was adopted, the commission, at its next regular meeting, shall adopt a resolution of intention. The resolution of intention shall state whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of those districts shall be set forth. The commission shall order the

Proceedings

SONOMA LAFCO INDEPENDENT SPECIAL DISTRICT
SELECTION COMMITTEE RULES OF PROCEDURE

1. Purpose
The purpose of the Independent Special District Selection Committee shall be to appoint the regular and alternate special district members of the Local Agency Formation Commission (LAFCO), to fill unexpired terms when vacancies occur.

2. Membership
The Independent Special District Selection Committee shall be composed of the presiding officer of the legislative body of each independent special district either located wholly within the County or containing territory within the County that represents 50% or more of the assessed value of taxable property of the district. However, if the presiding officer of an independent special district is unable to attend a meeting of independent special district selection committee, the legislative body of the district may appoint one of its members to attend and represent the district at the meeting of the selection committee in the presiding officer's place.

3. Meetings

Notification and Solicitation of Nominations
The Executive Officer of the Commission shall give written notice to all eligible independent special districts of any meeting of the Independent Special District Selection Committee, specifying the date, time and place. Each district shall be encouraged to submit nominations, accompanied by a brief resume on the form provided by LAFCO. All nominations must be received by a specified date that shall be at least 6 weeks from the date of notification. Facsimile (FAX) copies of nominations may be submitted, if necessary, to meet the established deadline; however, replacement originals must be submitted as soon thereafter as possible.

Nominating Committee
All nominations received by the deadline shall be submitted for review of eligibility by a Nominating Committee appointed by the chairperson of the Special Districts Selection Committee. The Nominating Committee shall be composed of Selection Committee members whose terms will not expire until the following year. Copies of the Nominating Committee's report and all nominations received by the deadline shall be sent to all eligible districts at least 6 weeks prior to the meeting.

Registration
Each member of the Selection Committee shall be entitled to 1 vote for each independent special district of which he or she is the presiding officer. In the event that the presiding officer is unable to attend a meeting of the Committee, the legislative body may appoint one of its members to attend in the presiding officer's place. Such a designated member shall submit written authorization at the time of registration.

Each voting member shall register and complete a declaration of qualification . The voting member will then be given the required number of ballots and other voting materials.

Quorum
Members representing a majority of the eligible districts shall constitute a quorum for the conduct of Committee business. No meetings shall be called to order 1) earlier than the time specified in the notice, and 2) until a quorum has been declared to be present. Before calling the meeting to order, the Executive Officer shall announce that a quorum is present and request that any voting members who has not registered do so at that time. Only those eligible members registered and present when a quorum has been declared and the meeting call to order shall be allowed to vote.

Voting
Shall be done using the ballots distributed to each eligible representative at the time of

registration. The ballots shall include the names of all nominees, with the incumbents and Nominating Committee's recommendations identified. Spaces also shall be provided for "write-in" votes. Voting representatives must be present at the time ballots are marked and collected. A candidate for a regular or alternate member of the Commission must receive al least a majority of the votes cast in order to be selected. In the event that no candidate receives the required number of votes, a run-off balloting shall be held between the two candidates receiving the highest and next highest number of votes. In case of a tie in the "next highest" category, the tied candidates will both (all) be included in the run-off balloting. Balloting will continue until one candidate receives at least a majority of the vote cast.

4. Composition of Special District Representation On LAFCO

It is desirable that the special district members on LAFCO have a broad cross-section of duties and experience in district matters. Therefore, the following two classes of districts are established:

Class I. Fire Protection Districts, Community Services Districts and Life Support Districts.

Class II. All other districts.

At no time shall the two regular special district members on LAFCO come from the same class of districts. Where feasible, nominations for vacancies on LAFCO may not come from the class of district that already has a regular member on LAFCO. Any election that would result in the two regular special district members being from the same class of district may be deemed invalid, and a subsequent ballot will be prepared, excluding the conflicting class of candidates, and voted upon.

5. Mailed-Ballot Elections

Authority
A mailed-ballot election may be conducted if the Executive Officer has determined that a meeting of the Special District Selection Committee is not feasible.

Notification and Solicitation of Nominations
The Executive Officer of the Commission shall give written notice to all eligible independent special districts of the intention to conduct a mailed-ballot election. Each district shall acknowledge receipt of the Executive Officer's notice. Each district shall be encouraged to submit nominations, accompanied by a brief resume on the form provided by LAFCO. All nominations must be received by a specified date that shall be at least six weeks from the date of notification. Facsimile (FAX) copies of nomination may be submitted, if necessary, to meet the established deadline; however, replacement originals must be submitted as soon thereafter as possible.

Nominating Committee
All nominations received by the deadline shall be submitted for review of eligibility by a Nominating Committee appointed by the chairperson of the Special Districts Selection Committee. The Nominating Committee shall be composed of Selection Committee members whose terms will not expire until the following year.

Distribution and Return of Ballots
All eligible districts shall be sent, by certified mail, return receipt requested, the following materials: 1) copies of all nominations received by the deadline, 2) a copy of the Nominating Committee's report and recommendations, 3) ballot(s) as required to vote for Commission and/or Special District Selection Committee members, and 4) voting instructions.

The ballots shall include the names of all nominees, with the incumbents and the Nominating Committee's recommendations identified. Spaces also shall be provided for "write-in" votes. Each ballot shall be accompanied by a certification sheet to be

completed by the presiding officer or designated alternate who cast that district's vote.

A specified period of time, not less than six weeks, shall be allowed for the districts to cast their votes and return their ballots. Ballots shall be sent be certified mail, return receipt requested. Facsimile (FAX) copies of ballots may be submitted, if necessary, to meet the established deadline; however, replacement originals must be submitted as soon thereafter as possible. All ballots received by the deadline shall be counted and the results announced within 7 days. Certified ballots representing a simple majority of the eligible districts must be returned for a valid election.

A candidate for a regular or alternate member of the Commission must receive at least a majority of the votes cast in order to be selected. In the event that no candidate receives the required number of votes, a run-off election shall be conducted, whether by a second mailed ballot or by a meeting of the Independent Special District Selection Committee, at the discretion of the Executive Officer.

Nothing in these Rules of Procedure shall supersede Section 56332 of the California Government Code, which governs the establishment of the Independent Special District Selection Committee.

SECTION II

COMMISSION MEMBERSHIP, MEETINGS AND BUDGET

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PURPOSE AND AUTHORITY

These rules are adopted pursuant to the authority vested in the Commission by Section 56375(i) of the Government Code, permitting the Commission to make and enforce regulations for the fair and orderly conduct of Commission hearings.

MEMBERSHIP

Commission

Sonoma LAFCO shall consist of seven regular members and four alternate members, appointed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended. The term of office of each regular and alternate member shall be four years and until the appointment and qualification of his or her successor. The expiration date of the term of office of each regular and alternate member shall be the first Monday in May in the year in which the term of the regular or alternate member expires. Any regular or alternate member may be removed at any time and without cause by the body appointing that regular or alternate member. If a county, city, or special district regular or alternate member ceases to hold his or her office during his or her term as a commissioner, that regular or alternate member's seat on the Commission shall be considered vacant.

Selection and Appointment of Members

A. County Members and Alternates

The Sonoma County Board of Supervisors shall appoint two regular members and one alternate member from its membership to serve on the Commission. The appointments shall be made in accordance with the Board of Supervisors' appointment policies and procedures.

B. City Members and Alternates

The City Selection Committee of the Mayors and Councilmembers' Association shall appoint two regular members and one alternate member, each of whom shall be a mayor or council member from one of the county's incorporated cities,

to serve on the Commission. The appointments shall be made in accordance with the City Selection Committee's appointment policies and procedures.

C. Independent Special District Members and Alternates

The independent special district selection committee shall appoint two regular members and one alternate member, each of whom shall be a member of a board of directors of an independent special district in Sonoma County, to serve on the Commission. One member shall be a board member of a fire protection, community services, or life support district (Class I), and the other member shall be a board member of any other independent special district (Class II). The alternate member shall be a board member of any independent special district in the county. The appointments shall be made in accordance with the independent special districts' appointment policies and procedures.

D. Public Member and Alternate

A public member and an alternate public member shall be appointed by the other regular members of the Commission. Selection of the public member and alternate public member shall require the affirmative vote of a majority of all the other regular members, including the affirmative vote of at least one regular member selected by each of the other appointing authorities. The public member/alternate public member cannot be a current officer or employee of the County of Sonoma or of any city or special district located in Sonoma County.

Alternate Members

Each category of membership (county, city, special district, and public) has an alternate member. Alternate members serve when a regular member, in the membership category he or she represents, is absent or chooses not to participate in a matter before the Commission. Alternate members are a valuable resource and are encouraged to attend and participate in Commission meetings and committees. Alternate members may provide comment on proposals coming before the Commission during public hearings on those proposals. Alternate members may participate in deliberations but may vote on proposals and participate in closed sessions of the Commission only when a regular member of the same category is absent or disqualifies him or herself from participating.

Member Vacancies

For the purposes of this policy, a vacancy is a position or office that is unfilled or unoccupied. A vacancy occurs if a commissioner resigns or otherwise leaves office during his or her term. Any vacancy in the membership of the Commission shall be filled for the unexpired term as follows:

A. County Members and Alternates

On behalf of the Commission, the Executive Officer shall notify the clerk of the Sonoma County Board of Supervisors requesting appointment of a replacement member to complete the term of office. The Executive Officer shall provide updated information to the Commission as to the status of the selection. Until a regular member is selected and qualified, the alternate member in that category shall serve on the Commission.

B. City Members and Alternates

On behalf of the Commission, the Executive Officer shall notify the clerk of the City Selection Committee of the Mayors and Councilmembers' Association requesting appointment of a replacement member to complete the term of office. The Executive Officer shall provide updated information to the Commission as to the status of the selection. Until a regular member is selected and qualified, the alternate member in that category shall serve on the Commission.

C. Independent Special District Members and Alternates

On behalf of the Commission, the Executive Officer shall notify the independent special districts of the vacancy and request selection of a replacement member to complete the term of office. If the Executive Officer determines that a meeting of the special district selection committee for this purpose is not feasible, the Executive Officer may conduct the business of the committee in writing, including notification to districts of the vacancy, call for nominations, and provision of a mail-ballot election. The Executive Officer shall provide updated information to the Commission regarding the status of the election process. Until a regular member is selected and qualified, the alternate member shall serve on the Commission.

D. Public Member and Alternate *(Note: All references to "public member" apply also to "alternate public member")*:

1. Unless the vacancy is announced at a Commission meeting, the Executive Officer shall notify Commissioners of the vacancy as soon as possible after notice is provided.

2. The Executive Officer shall place on the next Commission agenda consideration of filling the vacancy.

3. The Commission shall direct staff to give notice of the vacancy to the clerk or secretary of the legislative body of each local agency within the county. The Executive Officer shall provide notice to at least one newspaper of general circulation and to community and other organizations, as is deemed appropriate. The Executive Officer shall also cause notice to be posted outside the Commission's office and on the Commission's website.

4. The Executive Officer shall, unless otherwise directed by the Commission, establish an application period of 30 days from the date of the posting of the notice, for acceptance of applications. The Executive Officer shall review all applications received within the established time period, for completeness. The alternate public member may apply for the position of public member by submitting an application.

5. The Commission shall appoint an ad hoc subcommittee consisting of one regular county member, one regular city member, and one regular independent special district member. The Commission, at its discretion, may appoint an alternate county, city, or special district member, in lieu of appointing a regular member. The ad hoc subcommittee shall screen applications, interview applicants, and make a recommendation to the Commission. In selecting a candidate, the ad hoc subcommittee shall consider the applicant's qualifications as described in his or her application and the reasons he or she wishes to serve as a member of the Commission.

6. The ad hoc subcommittee shall present its findings and recommendation at a regular Commission meeting.

7. After considering the ad hoc subcommittee's recommendation, the Commission may appoint the recommended candidate or refer the matter to the ad hoc subcommittee for further review and recommendation. The Commission shall not fill the vacancy prior to the end of the application period.

8. The public member may participate as a commissioner as soon as he or she has been qualified.

9. Until the public member is selected and qualified, the alternate public member shall serve on the Commission.

Member Expiration of Term of Office

A. County Members and Alternates

In accordance with Board of Supervisors policies and procedures, the chair of the Board appoints county members in January of each year.

B. City Members and Alternates

At least 90 days prior to the expiration of the term, the Executive Officer shall notify the clerk of the City Selection Committee of the Mayors and Councilmembers' Association of the term expiration. The City Selection Committee shall appoint city regular members and alternates, according to its appointment policies and procedures. Until a regular member is selected and qualified, the alternate member shall serve on the Commission.

C. Special District Members and Alternates

At least 90 days prior to the expiration of the term, the Executive Officer shall notify the independent special district selection committee of the term expiration. If the Executive Officer determines that that a meeting of special district selection committee for this purpose is not feasible, the Executive Officer may conduct the business of the committee in writing, including notification to districts of the expiration of term, call for nominations, and provision of a mail-ballot election. The Executive Officer shall provide updated information to the Commission regarding the status of the process. Until a regular member is selected and qualified, the alternate member shall serve on the Commission.

D. Public Member and Alternate: (*Note: All references to "public member" also apply to "alternate public member").*

1. At or near the end of the public member's *first* term of office:

a. At least 90 days prior to the expiration of the term of office, the public member shall notify the Commission whether he or she wishes to continue service on the Commission. If the public member wishes to continue to serve on the Commission, the Executive Officer shall place on the Commission's next agenda for which notice can be given consideration of re-appointment of the public member.

b. The Commission may re-appoint the incumbent public member or may begin a recruitment process.

c. If the Commission authorizes a recruitment process:

(1) It shall direct the Executive Officer to notify the clerk or secretary of the legislative body of each local agency within the county. The Executive Officer shall provide notice to at least one newspaper of general circulation and to community and other organizations, as deemed appropriate. The Executive Officer shall also cause notice to be posted outside the Commission's office and on the Commission's website.

(2) The Executive Officer shall, unless otherwise directed by the Commission, establish an application period of 30 days from the date of the posting of the notice, for acceptance of applications. The Executive Officer shall review all applications received within the established time, for completeness. The alternate public member may apply for the position of public member by submitting an application.

(3) The Commission shall appoint an ad hoc subcommittee consisting of one regular county member, one regular city member, and one regular independent special district member. The Commission, at its discretion, may appoint an alternate county, city, or special district member, in lieu of appointing a regular member. The ad hoc subcommittee shall screen applications, interview applicants, and make a recommendation to the Commission. In selecting a

candidate, the ad hoc subcommittee shall consider the applicant's qualifications as described in his or her application and the reasons he or she wishes to serve as a member of the Commission.

(4) The ad hoc subcommittee shall present its findings and recommendation at a regular Commission meeting.

(5) After considering the ad hoc subcommittee's recommendation, the Commission may appoint the recommended candidate or refer the matter back to the ad hoc subcommittee for further review and recommendation. The Commission shall not fill the vacancy prior to the end of the application period.

d. When a public member does not seek re-appointment or has served two or more consecutive terms of office, the Commission shall conduct a recruitment process, following the same steps as outlined in Section D (1) c above. The incumbent public member may apply for the position by submitting an application.

e. Selection of the public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

f. The public member may participate as a commissioner as soon as he or she has been qualified.

Member Voting

A Commission member, or alternate member when sitting as a Commissioner, may not be disqualified from voting on any matter pertaining to his or her area or political jurisdiction (Section 56336). All Commissioners shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole and not solely the interests of the appointing authority (Section 56325.1).