

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
**1112 I Street, Suite #100**  
**Sacramento, California 95814**  
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September 3, 2014

TO: Sacramento Local Agency Formation Commission

FROM: Mike Singleton, Chairman

RE: Public Member/ Alternate Public Member (M-039):  
A. Term Limit Policy

**DISCUSSION**

This item is before your Commission at the direction provided to staff by the Chairman at the regular meeting of August 6, 2014. Adopted policies are to be followed but may be amended or otherwise modified. The current policy may only be considered by your Commission in open session. The sitting Public Commissioner is recused from this policy discussion.

On **February 2, 2011**, with a unanimous vote of 6-0, (Public Member recused,) the Commission adopted a Policy regarding the future tenure of both the Public Member, and the Alternate Public Member. (Please see the attached February 2, 2011 staff report, and related Meeting Minutes.) At the recommendation of the appointment Sub-Committee, the Commission adopted the following policy:

**Public & Alternate Public Member Term Limits**

*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.*

The Commission provided consideration to the current Public Member at that time of reappointment, by agreeing to waive the new Term Limit Policy to allow for one more four-year term of service.

The current Public Member was initially appointed June 3, 1998, and has served continuously since that appointment. The incumbent Public Member may continue to serve until the new nominations are approved by the Commission.

The terms of both the Public Member and Alternate Public Member end on December 31, 2014. The appointment of the public member and alternate public member must be approved by the Commission. Government Code 56325(d) provides that the vacancies must be approved by the affirmative vote of at least one of the members selected by each of the other appointing authorities. **In other words the Public and Alternate Public Member appointments must be confirmed by at least one county, one city, and one special district representative. (Note: Four votes are necessary to approve any action.)**

Further, pursuant to Government Code 56334. the term of office of each member shall be four years and until the appointment and qualification of his or her successor... Any member may be removed at any time and without cause by the body appointing that member... Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The Commission Bylaws establish written policies and procedures, adopted pursuant to Government Code 56300. Pursuant to the Bylaws:

RULE 21. Any rule may be altered, amended, or repealed by majority vote of the Commission, except that such alteration, amendment, or repeal shall not affect any pending matter. (Note: The Public & Alternate Public Member appointments are not yet a pending matter before your Commission.)

RULE 22. Any rule may be temporarily suspended by unanimous consent of the Commission.

RULE 24. A majority of the members of the Commission shall constitute a quorum for the transaction of business. No act of the Commission shall be valid unless a majority of the members concur therein. (Four votes are necessary to approve any action. [The Public Member need not vote.]) Less than a quorum may adjourn from time to time until a quorum is present.

#### Attachments

February 2, 2011 Staff Report  
Minutes of the February 2, 2011 meeting  
Various recently received public comments regarding this item.

DL:dl

(Public Member Appointment 5A\_ M-039 Sept. 2014)