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**AGENDA REPORT**
Business | Discussion

December 20, 2024

**TO:** Special Districts Advisory Committee

**FROM:** Keene Simonds, Executive Officer
Priscilla Mumpower, Assistant Executive Officer

**SUBJECT:** **Draft Policy on Public Member Appointments**

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## SUMMARY

The Special Districts Advisory Committee ("Committee") will review a draft policy to establish rules and procedures in making regular and alternate public member appointments. The item ties to the adopted workplan and presented in advance of the current regular public member's four-year term expiring in May 2025. The draft builds on recent practice and feedback provided by the Commission and collectively aims to create a clear and known process as well as the Commission's feedback at its December 2, 2024 meeting. Central provisions include tasking the Executive Committee to screen nominate two or more applicants for full Commission consideration while also allowing nominations from individual Commissioners. The draft also provides for expedited reappointments. Staff anticipates drawing on the Committee feedback in presenting a final draft version to the Commission for action in February 2025.

## BACKGROUND

### Membership Composition + Terms

San Diego LAFCO's membership is prescribed under State law to include 13 appointed Commissioners. Commissioners are divided between five distinct categories – County of San

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Diego, cities less City of San Diego, City of San Diego, special districts, and general public – and further distinguished between regular and alternate members. Only appointees from the public member category (regular and alternate) are made by LAFCO; appointments for the other four categories are externally determined under statute. All terms are four-years and commence on the first Monday in May in the affected year. There are no term limits involving LAFCO appointments in statute or under local policy.

## Annual Workplan & Direction to Prepare Policy on Public Member Appointments

LAFCO's current annual workplan was adopted at a noticed public hearing in May 2024 and includes 30 specific projects. The policy review focused on establishing Commission protocols with respect to rules and procedures involving public member appointments is prioritized as the 30th project on the Commission's workplan.

## DISCUSSION

This item is for the Committee to review a draft policy establishing Commission protocols with respect to rules and procedures involving public member appointments. The draft builds on recent practice applied to conducting the appointment of the alternate public member in August 2024 and feedback provided by the Commission. LAFCO staff prepared an initial draft policy on public member appointments for discussion by the Commission in December 2024 and ahead of initiating a public review and comment period – including presentations to the Special Districts and Cities Advisory Committee's.[1] The draft version presented to the Committee incorporates Commission feedback with a key provision ensuring candidates appointed to local government commission and committees remain eligible to serve irrespective of whether they make land use decisions.

The draft follows the Commission's standard policy format and divided into five parts with their key provisions summarized below.

- **Goals and Objectives**
  Prioritizes local government and/or community advocacy backgrounds in considering public member appointments. Commits the Commission to also consider diversity – geographic and other – in making appointments.

- **Appointment Eligibility**
  Addresses statutory requirements (county resident and not local government officers or employees) while clarifying eligibility for elected officials with County Planning Groups as well as appointees to local government commissions and committees.

- **Appointment Terms**
  Addresses statutory provisions (four-year terms) while confirming no local term limits.

[1] The public review and comment period was initiated and noticed in the San Diego Union Tribune on December 16, 2024, and a deadline of January 10, 2025.

- **Full Term Appointments**
  Provides an initial decision point to either proceed with an open recruitment or expedited reappointment of the incumbent:

  - Should the Commission choose an open recruitment, the Executive Committee (Chair, Vice Chair, and Immediate Past Chair) would take lead and nominate two or more candidates for full Commission consideration. A list of all candidates would also be transmitted to the Commission and Commissioners could also nominate candidates for consideration after notice from the Executive Committee.

  - Should the Commission choose to proceed with an expedited reappointment of the incumbent, the item would return to the Commission for action after legal notice is provided.

  - Irrespective of procedure (open recruitment or expedited reappointment), any appointment requires both a majority vote and at least one vote from each of the four membership categories on LAFCO (County, cities less San Diego, San Diego, and special districts).

- **Mid Term Vacancies**
  Allows the Commission to fill any unexpired term for the regular public member by directly appointing the alternate after legal notice is provided. Any actual appointment under this provision requires majority vote and at least one vote from each of the four membership categories on LAFCO as provided above.

The complete draft is provided as Attachment One.

## ANALYSIS

The draft policy before the Committee represents an update to existing practices for making public member appointments and aimed at increasing process predictability while maintaining the Commission's ultimate discretion over outcomes. The policy designates the Executive Committee – Chair, Vice Chair, and Immediate Past Chair – to nominate at least two candidates for the full Commission's consideration, while still allowing individual Commissioners to propose additional candidates from the applicant pool. Other refinements include provisions for expedited reappointments, reducing the need for open recruitment, and for appointing alternates to serve unexpired terms in regular positions. Additionally, the draft reflects the Commission's past approach of prioritizing appointments based on candidates' qualifications and backgrounds.

## RECOMMENDATION

Review and discuss, as requested.

## ALTERNATIVES FOR ACTION

None. Any related action by the Committee – including making formal recommendations to the Commission and/or LAFCO staff – can be accommodated through a successful motion.

## PROCEDURES

This item has been placed on the Committee's agenda for discussion and possible action as part of the business calendar. The following procedures are recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
2) Invite comments from interested audience members.
3) Discuss and provide feedback, as requested.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachment:

1) Draft Policy on Making Public Member Appointments