



Agenda Item: 7.A.

MEETING: February 18, 2020
TO: Trinity LAFCo Commissioners
FROM: Colette Metz Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Special district Member Appointment Process Update

Background:

The Commission consists of seven regular and three alternate members as follows:

- County** - Three regular members and one alternate appointed by the Board of Supervisors;
- Special Districts** - Two regular members and one alternate appointed by the Independent Special Districts; and
- Public Members** - Two regular members and one alternate appointed by the Commission.

The term of office for each member pursuant to CKH Act § 56334 is four years and until the appointment of a successor. Pursuant to CKH Act § 56332, Special Districts Members are appointed by the Independent Special District Selection Committee.

Discussion:

Due to the resignation of Bill Britton in September 2019 and the resignation of Clarence Rose in February 2020, both of the regular Special District Member positions have become vacant. The term of office for that position began May 1, 2018 and will end April 30, 2022 and any newly appointed regular Special District Member will serve the remaining of the four-year term. The term of office for Clarence Rose, Regular Special District Member will end April 30, 2020.

As there are two vacant positions, Trinity LAFCo will need to fill two Special District Member positions. The terms of office for Special District Member positions are as follows:

- Vacant (previously held by Clarence Rose), Regular Special District Member, term ends 4/30/2020
- Vacant, (previously held by Bill Britton), Regular Special District Member, term ends 4/30/2022
- Pat Frost, Alternate Special District Member, term ends 4/30/2022

In order to fill these vacancies, it is necessary to hold a Joint Meeting of all Independent Special Districts in which a nomination and election is held. A draft Call for Nominations is included as Attachment 1.

It is important to note that the CKH Act does include a provision for a mailed ballot election process should the Executive Officer determine that a meeting of the Independent Special District Selection Committee for this purpose is not feasible due to the likelihood that a quorum would not be achieved. In this case, 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. For an election to be valid, at least a quorum of the independent special districts must submit valid ballots.

Recommendation:

Staff is seeking approval to proceed with contacting the Special Districts to schedule and hold a Joint Meeting of all Independent Special Districts to nominate and elect two Regular Special District Members to sit on the Trinity LAFCo Commission or provide further direction to staff.

Attachments.

1. Announcement of Upcoming Special District Vacancies on LAFCo, Call for Nominations and for Names of Voting Delegates



TRINITY LAFCo

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 1125 – 16th Street, Suite 200
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January 19, 2020 [TO BE MAILED]

To: Each Presiding Officer, Board Member, and General Manager/Clerk of Each Independent Special District in Trinity County

From: Colette Metz Santsche, LAFCo Executive Officer

Subject: Announcement of Upcoming Special District Vacancies on LAFCo Call or Nominations and Voting Delegates

This is to advise all independent special districts that the term of office for two regular special district members on the Trinity Local Agency Formation Commission (LAFCo) are currently vacant. We are currently accepting nominations for these seats as shown in the following table.

Designation	Current Member	Term of Office
Regular Member (Seat 1 - Enterprise District)	Vacant	4/30/2020
Regular Member (Seat 2 - Non-Enterprise)	Vacant	4/30/2022
Alternate Member (Enterprise or Non-Enterprise)	Pat Frost, Trinity Center CSD	4/30/2022

Pursuant to Government Code Section 56332 and the Procedures for the Special District Selection Committee (Attachment A), I am announcing the election and calling for nominations for the vacancies to be submitted to the LAFCo office by **April** - please see attached 2020 Election Schedule.

The following summarizes the process:

- 1) Selection Committee: The Independent Special District Selection Committee consists of the presiding officer (or his/her designee) of the legislative body of each independent special district. This group appoints the special district members to serve on LAFCo.
- 2) Voting Delegate: Attached please find a list of the independent special districts eligible to vote in this election (Attachment A). **Please provide us with the name of your District's presiding officer or voting designee** (must be a board member) for the Selection Committee meeting. Board action is not necessary to name your voting representative. Please provide this information by April 3, 2020.
- 3) Nominations: If your District would like to nominate a candidate to serve on LAFCo, please schedule this item on the Board's agenda and obtain consent from the Director you intend to nominate. **A nomination must be approved by the District's Board.** Each candidate must be a board member/trustee of an independent special district. *Please note: Based on past practice, one Regular Member seat is designed as an "Enterprise District" seat, whereas the second Regular Member seat is designated as a "Non-Enterprise District" seat (see attached Procedures for more information on seating designations).*

- 4) **Nominations are required to be submitted by : pm April** . Late nominations will not be considered. The completed and signed nomination form (attached) may be submitted to the LAFCo office via mail, fax 0 -825-9181, or e-mail to colette@trinitylafco.org. The form must be signed by the General Manager or Board President, and the Nominee.
- 5) Election Procedures: A publicly noticed meeting of the Independent Special District Selection Committee is scheduled for April 21, 2020 at 5:30 p.m. (after the LAFCo meeting) at the Library Meeting Room in Leaverville. Prior to the meeting, a list of candidates and nominating resolutions will be sent to each special district.

Official ballots will be distributed at the meeting on April 21. Please ensure that the presiding officer/designated alternate for your district will attend this meeting. Only the presiding officer, or his/her Board designee can vote; staff members/counsel are not authorized to vote. ***Without a quorum of Independent Special Districts, no action can be taken at the meeting to fill the vacancy, which would delay the election and require the election process to be conducted by email/U.S. mail.***

Prior to or at the election meeting, eligible nominated candidates may circulate a statement of qualifications. At the Selection Committee meeting, each candidate will be given an opportunity to make a brief presentation to the Selection Committee.

- 6) Majority Vote: For the Selection Committee to transact business, a quorum (50 plus one) of independent special districts must be present to cast a vote. Each district is entitled to one vote. We encourage presiding officers or his/her designee to attend in order to assure a quorum. There is a total of 18 districts eligible to vote; thus, we need at least 10 districts to be present and cast a vote in order to achieve a quorum.

If you have any questions, please feel free to contact the LAFCo Office at: (0) 825-8260; or e-mail: colette@trinitylafco.org.

Attachments:

- A. List of Independent Special Districts Eligible to Vote in the 2020 Election
- B. Nomination Form
- C. Election Procedures for the Special District Selection Committee

INDEPENDENT SPECIAL DISTRICTS

Community Services Districts

Douglas City CSD
Hyampom CSD
Lewiston CSD
Ruth Lake CSD
Salyer CSD
Trinity Center CSD
eaverille CSD

Sanitary Districts

eaverille Sanitary District

Public Utility Districts

Post Mountain PUD
Trinity PUD

Fire Protection Districts

Coffee Creek VFD
Hayfork FPD
Junction City FPD
eaverille FPD

Recreation and Park Districts

reater Hayfork Valley Park & Recreation District
eaverille/Douglas City Park & Recreation District

Other Districts

Mountain Communities Healthcare District (Trinity Hospital)
Trinity County Resource Conservation District

NOMINATION FOR AFCA
REGULAR SPECIAL DISTRICT MEMBER

The _____
(Insert Name of Special District)

Hereby nominates _____ to serve as the
(Insert Name of Nominee)

Regular Special District Member on the Trinity Local Agency Formation Commission (LAFCA)
for the following seat: (pick one)

Regular Member (enterprise) expiring 4/30/2020

Regular Member (non-enterprise) expiring 4/30/2022

Board of Director's action in the nomination was taken on:

Insert Date of Board Action

General Manager or Chair/President

Consent of the Nominee - Signature

Independent Special District Selection Committee Election Procedures

1. **Purpose.** The purpose of the Independent Special District Selection Committee (Selection Committee) shall be to appoint the regular and alternate special district members to the Trinity Local Agency Formation Commission (LAFCo) whenever a vacancy exists among members representing independent special districts (Government Code Section 56332).
2. **Meetings.** The LAFCo Executive Officer shall give written notice to the presiding officer of each eligible independent special districts that a meeting of the Selection Committee will be held on a specified date and at a specified time and place. All meetings of the Selection Committee shall be open meetings and comply with all applicable provisions of the Ralph M. Brown Act.
3. **Quorum.** Members representing a majority of the eligible districts shall constitute a quorum for the conduct of the Selection Committee business. No meeting shall be convened by the LAFCo Executive Office prior to establishing a quorum.
4. **Voting.** Each member of the Selection Committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer (Government Code Section 56332).
5. **Eligibility.** To be eligible for nomination and selection to Trinity LAFCo, an individual:
 - a. Must be an elected or appointed independent special district officer within Trinity County (Government Code Section 56332(c));
 - b. Must be a resident of Trinity County (Government Code Section 56332(c));
 - c. Must not be a member of the legislative body of a city or county (Government Code Section 56332(c));
 - d. Must act in such a manner so as to represent the diverse interests of all agencies, not his or her individual district; and
 - e. Must be willing to make a time commitment to fulfilling his or her countywide role representing all special districts.

Note: An elected or appointed independent special district board member who is an employee of the State of California, the county, or a special district is eligible for nomination and selection to the Commission as a special district representative. (Government Code Section 56332(c))

6. **Seating Designation.** The seating of special district representatives on Trinity LAFCo shall be in accordance with the following designations:
 1. One regular seat shall be designated as an Enterprise District seat;
 2. One regular seat shall be designated as a Non-Enterprise District seat; and
 3. One alternate seat shall be designated from either an enterprise or non-enterprise district.

An Enterprise district is defined as any jurisdiction that derives the majority of its total revenues from user fees and/or service charges. A Non-Enterprise district is defined as any jurisdiction that derives the majority of its total revenues from property taxes.

- . **Designate Voting Delegates.** Special Districts shall designate the presiding officer or another board member as the voting delegate for the Selection Committee meeting. Board action is not necessary to name your voting representative.
- 8. **Nomination Procedure.** Each independent special district is entitled to nominate a maximum of one board member, either from its own district or another, if so desired. A nomination must be approved by the District's Board. Each candidate must be a board member/trustee of an independent special district. An eligible district nominee may circulate a statement of his/her qualifications prior to the date of the Selection Committee meeting. Nominations may be received from the floor during the Selection Committee meeting. If nominations are received for only one candidate by the end of the nominating period, the candidate shall be deemed appointed and the meeting may be cancelled.
- 9. **Alternate Position.** If the Alternate LAFCo Commissioner is elected to the Regular position, nominations from the floor for filling the term of the vacated Alternate may be considered and a vote conducted at the meeting.
- 10. **Election and Balloting Process.** At the Selection Committee meeting, the balloting shall be conducted in accordance with the following:
 - a. A notice of nomination is mailed by the LAFCo Executive Officer to the Special Districts requesting that nominations be submitted within 45 days.
 - b. A candidate's information package is emailed to all Special Districts prior to the Selection Committee meeting. It shall include a list of the nominees for each vacant seat. The package would be emailed as soon as the nomination period ends and the package can be compiled.
 - c. At the Selection Committee meeting, Special District Roll Call is conducted to determine if the Selection Committee has a quorum. Ballots would be distributed at the meeting.
 - d. Each candidate shall be given up to five minutes at the Selection Committee meeting to present his/her qualifications.
 - e. The District representatives in attendance complete and submit ballots and the election is conducted.
 - f. The ballots shall be counted by three reviewers appointed by the Selection Committee.
 - g. Results shall be announced at the Selection Committee meeting.
 - h. If a quorum is not achieved at the meeting, the voting period will be extended for 45 days. Districts that were not present would be emailed a ballot and instructions. Districts in attendance at the meeting may submit ballots at that time if they choose.
- 11. **Terms of Office.** Regular representatives shall serve staggered four-year terms. The alternate representative shall serve a four-year term. The expiration date of the term of office of each member shall be the first day in May in the year in which the term of the member expires (Government Code Section 56334).
- 12. **Removal.** Any district member may be removed at any time and without cause by a majority vote of the Selection Committee, as the appointing body (Government Code Section 56334).