



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

4C

AGENDA REPORT
 Consent | Information

March 20, 2025

TO: Cities Advisory Committee

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

SUBJECT: Approved Policy on Public Member Appointments

SUMMARY

The Cities Advisory Committee (“Committee”) will receive an update on a new policy that establishes rules and procedures for appointing regular and alternate public members to the Commission. The policy ties to the adopted workplan and aims to create a standardized process for public member appointments as well as setting related consideration priorities. Notable provisions in the policy that were not included in the draft presented to the Committee at its last meeting includes requiring one member—whether regular or alternate—be selected from the unincorporated community and another from an incorporated community. Another late revision added to the approved policy allows the Commission to draw from a pool of candidates from a previous recruitment under certain conditions. The Commission also considered a recommendation by the Committee to establish term limits but deferred any action for future consideration. Information only.

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 Diego, cities less City of San Diego, City of San Diego, special districts, and the public – and

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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 special priority projects. This includes scheduling a policy project to establish protocols with respect to rules and procedures involving public member appointments.

Initial Draft Policy on Public Member Appointments and Public Comment Period + Committee Presentations

LAFCO staff prepared an initial draft policy on public member appointments for Commission discussion in December 2024. The draft formalized recent practice applied in conducting the appointment of the alternate public member in August 2024 and related Commission feedback. Following the draft presentation, staff incorporated comments from the Commission and initiated a published public review and comment period.¹ Staff also made presentations to both the Special Districts and Cities Advisory Committees in December 2024. Key feedback from these committees included a request from the Special Districts for clarifying language on eligibility for advisory planning group appointees and a recommendation from the Cities to include term limits at the Commission's discretion.

The Commission approved the final version of the policy, with an effective date of May 5, 2025, aligning with the vacancy of the Regular Public Member seat. In doing so, the Commission directed the adoption of a provision requiring one member to be from the unincorporated area and one from an incorporated area, as the current position holders were both from incorporated areas.

DISCUSSION

This item is for the Committee to receive an update on the policy establishing Commission protocols with respect to rules and procedures involving public member appointments for information only. The approved policy is structured around five key sections with summary of all key provisions reflected in the approved policy as follows.

- **Goals and Priorities:**
 - Clarify the Commission's policy preference to ensure balanced and inclusive outreach in making public member appointments.

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.

- Prioritizes candidates with experience in local government or community advocacy along with lived diversities relative to existing Commission members to ensure balanced decision-making.
- Prioritizes geographic diversity by dividing the two positions – regular and alternative – to ensure representation from the incorporated communities and unincorporated communities.
- **Candidate Eligibility:**
 - Requires appointees to be residents of San Diego County, excluding current officers or employees of the County, cities, or special districts.
 - Allows elected officials serving on County advisory planning groups, or public members appointed to positions within the County or local jurisdictions may concurrently serve as public members on LAFCO
- **Options for Full Term Appointments:**
 - Specifies the process for appointments, including options for open recruitment, expedited reappointments, or limited recruitment from a prior candidate pool within the last six months.
 - Appointments are subject to a majority vote and must include affirmative votes from each of the four membership categories.
- **Options for Mid Term Appointments:**
 - Specifies if a mid-term vacancy occurs in the regular public member position, the Commission may appoint the alternate, proceed with open recruitment, or conduct a limited recruitment using a prior candidate pool within six months of the last recruitment.

The complete copy of the approved policy is provided as Attachment One.

ANALYSIS

None.

RECOMMENDATION

This item is presented to the Committee for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the Committee's agenda for information as part of the consent calendar.

On behalf of the Executive Officer,

A handwritten signature in black ink that reads "Priscilla Mumpower". The signature is written in a cursive style with a large initial "P".

Priscilla Mumpower
Assistant Executive Officer

Attachment:

- 1) Approved Policy on Making Public Member Appointments

Subject:

PUBLIC MEMBERS APPOINTMENTS

Purpose:

Provide rules and procedures to guide the appointment of public members to the Commission in an inclusive, clear, and fair process.

Background:

State law specifies the composition of the Commission shall include one member representing the general public with the option to also designate an alternate (Government Code Section 56325).

Policy:

It is the policy of the Commission:

A. Goals and Priorities:

- 1) The Commission shall appoint both regular and alternate public members. One member shall reside in the unincorporated area and the other member shall reside in the incorporated area.
- 2) The Commission shall prioritize experience in local government and/or community advocacy in considering public member appointments.
- 3) The Commission shall consider geographic and other lived diversities in appointing public members to help advance balanced decision-making.
- 4) The Commission tasks the Executive Officer to exercise their best judgement in ensuring robust and inclusive outreach is performed anytime an open recruitment is conducted under this policy.

B. Appointment Eligibility:

- 1) As required under State law, public member appointees shall be residents of San Diego County. Appointees shall not be current officers or employees of the County of San Diego or local cities and special districts.
- 2) Elected officials serving on any of the County of San Diego advisory planning groups retain appointment eligibility to concurrently serve as public members on LAFCO.

- 3) Appointees may concurrently hold other appointed positions with the County of San Diego or local cities and special districts (e.g., art commissions, measure oversight committees, advisory planning groups).

C. Appointment Terms:

- 1) All public member terms are four years and begin on the first Monday of May in the year appointed. Any mid-term vacancies shall be filled with appointees assuming the unexpired terms.
- 2) There are no term limits for public members.

D. Full Term Appointments

- 1) No less than 90 days in advance, the Executive Officer shall provide notice to the Commission on the agenda advising of any pending term expirations involving the public member positions - regular or alternate.
- 2) At the time of receiving notice of a pending term expiration involving a public member position, the Commission shall provide direction to LAFCO staff to proceed either with an open recruitment, an expedited reappointment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has occurred within the past six (6) months to expedite the filling of the vacancy.
- 3) The following appointment procedures are specific to Commission direction to proceed with an open recruitment process.
 - a) LAFCO staff shall perform outreach on the open recruitment and prepare an advertisement for local publication (print and media) and posting inviting eligible applicants to submit a letter of interest.
 - b) The application period shall extend to no less than 30 days and may be extended as needed until two or more letters of interests are submitted by eligible applicants.
 - c) All submitted letters of interests received by the close of the application period shall be immediately transmitted to the full Commission.
 - d) The Executive Committee (Chair, Vice Chair, and Immediate Past Chair) will screen all applicants, select applicants to interview, and conduct interviews of selected applicants at a noticed special meeting.

- e) The Executive Committee will nominate two or more applicants for consideration by the full Commission at a future meeting for which LAFCO staff can provide legally required notice. The list of the nominations from the Executive Committee shall be provided to all Commissioners no less than 10 days prior to the noticed meeting.
 - f) Any Commissioner may also nominate an applicant for consideration by the full Commission at the noticed meeting no later than five (5) days prior to the noticed meeting. Notice shall be given to the Executive Officer.
 - g) At a noticed meeting, with the opportunity to continue, the full Commission will consider all nominated applicants, and at the discretion of the Chair this may include inviting presentations and/or conducting interviews.
 - h) A successful appointment shall achieve no less than four (4) affirmative votes from voting Commissioners and include therein at least one affirmative vote from each of the following four membership categories:
 - County of San Diego
 - Cities Less San Diego
 - Special Districts
 - City of San Diego
 - i) In the event no candidate receives both a majority vote and an affirmative vote from each of the four membership categories, the Commission shall conduct a run-off vote of two candidates receiving the most votes. In the event that neither candidate receives a majority vote and an affirmative vote from all four membership categories, the Chair shall either continue consideration to a future meeting or provide direction to restart the recruitment process in the manner prescribed under this policy.
- 4) The following procedures are specific to Commission direction to proceed with an expedited reappointment of the incumbent.
- a) The Commission will take up the expedited reappointment at the next regular meeting for which LAFCO staff can provide legally required notice.
 - b) A successful reappointment is subject to the same voting thresholds identified in the preceding subsection.

- 5) The following procedures are specific to Commission direction to proceed with a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided that the recruitment occurred within the past six (6) months.
 - a) LAFCO staff shall conduct outreach to candidates who were not selected during the prior recruitment but remain eligible for reconsideration at the discretion of the Commission.
 - b) The recruitment shall follow the same procedures as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.

E. Mid Term Vacancy Appointments

- 1) If the regular public member position becomes vacant prior to the term expiration, the Executive Officer shall provide notice to the Commission on the agenda at the next regular meeting. The Commission may proceed thereafter in providing direction to LAFCO staff of its intentions to either appoint the alternate, proceed with an open recruitment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has occurred within the past six (6) months to expedite the filling of the vacancy.
 - a) Any direction to proceed with appointing the alternate to fill a mid-term vacancy shall be considered for action at the next regular meeting in which LAFCO staff can provide legal notice.
 - b) Any direction to proceed with an open recruitment to fill a mid-term vacancy shall follow the same procedures for full term appointments.
 - c) Any direction to proceed with a limited recruitment to fill a mid-term vacancy shall follow the same procedures outlined for full term appointments.