

# Guidelines for the Appointment of OC LAFCO's Regular and Alternate Public Members and Commissioners' Terms of Office

## I. PURPOSE

To establish policy and procedural guidelines for the appointment of OC LAFCO's regular and alternate public members and for the expiration of Commissioners' terms of office.

## II. POLICY STATEMENT

Whenever a vacancy exists or may exist in the positions of regular public member and/or alternate public member, it shall be the OC LAFCO policy to advertise that a vacancy exists or may exist in either or both of these positions and solicit all interested persons to apply for consideration as appointee(s) to such vacant position(s). Final appointment to the vacant position(s) shall not be made for at least 40 days after an announcement of the vacancy(ies) occur(s).

## III. PROCEDURAL GUIDELINES

1. Whenever a vacancy exists or may exist in either or both positions of regular public member or alternate public member, the Executive Officer will inform the Commission at the first available regular meeting. The Chair shall direct the Executive Officer to prepare and post a special vacancy notice advertising that such vacancy(ies) exist(s) or may exist and solicit interested persons to submit their resumes for consideration to the Executive Officer within 30 days after the announcement of the vacancy occurs. The special vacancy notice shall be posted at the following locations:
  - OC LAFCO staff office.
  - County of Orange digital kiosk located at 601 North Ross Street, Santa Ana, CA 92701.
  - Other places, as directed by the Commission.
2. Per Government Code Section 56325(d), the Executive Officer shall distribute a copy of the special vacancy notice to: city clerks, independent special districts' board secretaries, and the Clerk of the Board of Supervisors.
3. The Executive Officer shall have an announcement prepared and released to the press to the effect that a vacancy exists or may exist in either or both position(s) of regular public member or the alternate public member, and all interested persons are

encouraged to apply by submitting their resumes to the Commission's Executive Officer within 30 days after the announcement occurs.

Thirty (30) days after the announcement occur(s) no further applications for the vacant position(s) shall be accepted by the Executive Officer, who then shall forward all applications to the Executive Committee.

4. The Executive Committee will complete the application screening of applications received and nominate the best qualified candidates for full Commission consideration. The Executive Committee shall recommend to the Commission the names of at least two applicants for nominations to the vacant position(s). However, any eligible Commissioner may nominate a candidate from applications submitted.
5. Upon Commission consideration of the applicants for the vacant position(s), the Chair shall declare the nominations closed and shall direct the clerk to call a vote of members eligible first for one candidate, then the other. The nominee(s) receiving a majority vote and an affirmative vote of at least one county, city, and special district member, shall be appointed to the vacant position(s) for the unexpired term of the regular public member or alternate public member, except when the vacancy is the result of an expiration of term of office, then the appointment shall be for four years and until the appointment and qualification of his/her successor. The expiration date of the term of office of each member shall be the 30th of June in the year in which his/her term is to expire.
6. In the event no candidate from the applicants submitted receives a majority vote and an affirmative vote of at least one county, city, and special district member, 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 of at least one county, city, and special district member, the Chair shall direct the Executive Officer to re-advertise that a vacancy(ies) exists(s) in the manner set forth in these procedures.
7. Final appointment to fill any vacancy in either the position of regular public member or alternate public member shall not be made by the Commission for at least 40 days after the announcement occurs.
8. As stipulated in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, if the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.
9. No applicant for a public member or alternate public member shall be an officer or employee of the county or any city or special district with territory in the county.

#### **IV. COMMISSIONERS' TERMS OF OFFICE**

In accordance with Government Code 56332, the term of office of each member of the Commission shall be four years until the appointment and qualification of his or her successor. Effective 2002, the expiration date of the term of office of each member of the Commission shall be June 30th in the year in which the term of the member expires.

##### ***Appointment Guidelines***

**Originally Adopted:** 9/14/1977

**Last Reviewed:** 3/8/2023

**Last Revised:** 10/14/2015

##### ***Terms of Office***

**Originally Adopted:** 4/10/2002

**Last Reviewed:** 3/8/2023

**Last Revised:** 8/13/2014