

SB 1266's New Filing Requirements Apply Only to JPAs Providing Municipal Services

Legal Alerts

Failure to File may Preclude JPAs from Issuing Bonds or Incurring Indebtedness

OCTOBER 13, 2016

Gov. Jerry Brown recently signed into law Senate Bill 1266, which will require joint powers agencies and joint powers authorities that provide municipal services to file copies of specific documents with local agency formation commissions. Effective January 1, 2017, SB 1266 will require JPAs to file a copy of the full text of its joint powers agreement, and any amendments to the agreement, with the LAFCO in the county within which any part of a local agency member's territory is located, whenever it is required to file its agreement (or amendment) with the State Controller. JPAs that fail to make the required filings will be precluded from issuing bonds or incurring indebtedness of any kind.

These new requirements apply only to a JPA that: 1.) meets the statutory definition of a JPA formed for the purpose of providing municipal services, as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act; and 2.) includes any agency member that is a city, county or district. The Act defines a JPA as "an agency or entity formed pursuant to the Joint Exercise of Powers Act (Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1) that is formed for the local performance of governmental functions that includes the provision of municipal services." (Gov. Code § 56047.7.)

SB 1266 only applies to JPAs formed to provide municipal services—"boots on the ground" services such as water, wastewater, fire protection, police protection, healthcare, etc.—and therefore excludes administrative pooling functions, such as risk management, group financing, insurance and debt-financing.

Although LAFCOs already possessed the authority to request joint powers agreements from JPAs that provide municipal services, some LAFCO officials still

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found it difficult to obtain sufficient information about the activities of JPAs because there was no means of direct notice between the JPAs and LAFCOs. In some cases, LAFCOs were unaware of the formation of new of JPAs or amendments to existing agreements, and therefore were unable to request the necessary information. This bill creates a formal communication connection between municipal serving JPAs and LAFCOs.

As set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCOs are responsible for coordinating changes in governmental boundaries and overseeing the establishment, expansion and organization of cities and special districts, and their municipal services. (Gov. Code § 56000 et seq.) The Joint Exercise of Powers Act allows two or more public agencies to use their powers in common by entering into a joint powers agreement, thereby forming an entity that may be a joint powers agency or a joint powers authority. Existing law requires a JPA to file a notice of its joint powers agreement, or any amendment to the agreement, with the Secretary of State's Office within 30 days after the agreement or amendment takes effect. (Gov. Code § 6503.5.) Under current law, the JPA must also file a copy of the full text of the original joint powers agreement, and any amendments to the agreement, with the State Controller. (Gov. Code § 6503.6.)

If you have any questions about this new law or how it may impact your organization, please contact the attorney authors of this Legal Alert listed to the right in the firm's [Special Districts](#) and [Municipal](#) practice groups, or your [BB&K attorney](#).

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RECEIVED

SEP 26 2016

LAFCO
San Bernardino County

Memorandum

To: PUBLIC AGENCY CLIENTS
From: BEST BEST & KRIEGER LLP
Date: SEPTEMBER 22, 2016
Re: ANALYSIS AND GUIDANCE ON THE CALIFORNIA VOTING RIGHTS ACT

Information presented to the Commission during
the OCT. 19, 2016 LAFCO hearing.

I. Background

The California Voting Rights Act (Elections Code sections 14025 *et seq.*) (“CVRA”) became law on January 1, 2003. The CVRA is intended to prevent the disenfranchisement of protected classes. A “protected class” is defined as including members of a race, color, or language minority group. For reasons discussed further below, most often, public agencies threatened with a CVRA challenge change their election system from an “at large” system (where the entire population votes for the legislative body) to a “by-district” or “by-division” system (one where members of the legislative body are elected from specific geographic areas only by voters who live in those areas).

Importantly for compliance and implementation purposes, the CVRA does not require a plaintiff to show the public agency has a discriminatory intent, or that minority voters live in a geographically compact area of the jurisdiction. Rather, the standard, is whether “racially polarized voting” has occurred. “Racially polarized voting” occurs when there is a difference between the choice of candidates preferred by voters in a protected class and the choice of candidates preferred by voters in the rest of the electorate.

Since its enactment and seemingly more frequently recently, many public agencies in California have been threatened with litigation under the CVRA, or have been sued for alleged CVRA violations. These agencies include cities, school districts, and even smaller water and other special districts.

The CVRA creates a “private right of action,” enforceable by any voter who is a member of a “protected class” and who resides in the jurisdiction (referred to in the law as “standing”). Where public agencies’ jurisdictions overlap (as is often the case with cities and school districts, for example), CVRA plaintiffs’ attorneys may end up targeting each jurisdiction in succession. For this reason, it is prudent for public agency governing bodies and staff to quickly note and address any public concerns related to claimed violations of the CVRA within its immediate or surrounding jurisdiction. Accordingly, if a public agency is being targeted for potential CVRA violations, then neighboring public agencies will want to take notice and determine if action might be warranted.

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Because the CVRA allows a prevailing plaintiff to recover reasonable attorneys' fees and expert witness fees (Elections Code section 14030), a number of attorneys have specialized in locating a representative plaintiff and then threatening or bringing CVRA litigation on behalf of that qualified voter. To date, most targeted agencies have settled CVRA lawsuits rather than risk having to pay significant legal costs. As part of most settlements, the public agency agrees to transition from at large elections to by-district or by-division elections. With such a change in election systems, a public agency's geographic territory is divided into voting districts that comply with state and federal law, and one candidate is elected to a governing body (i.e. city council or governing board) from a particular district and only by the voters in that established district.

If a public agency decides to transition from "at-large" elections to "district-based" elections, it is important to understand the legal steps required, as there are slight variations depending on what type of public entity is making the change in the election process— i.e. city, school district, or special district. We provide a summary of these steps below. (Note: Depending on what type of public agency the reader is from, focus should be directed to the rules affecting that type of agency upon reaching Section IV below.)

II. Purpose of this Memo

This memo is designed to inform and prepare your agency for potential or threatened CVRA litigation, as well as to provide guidance in undertaking voluntary compliance with the CVRA. By taking a proactive approach, a public agency might prevent a lawsuit, ensure control over any transition to a new election system, and avoid paying attorneys' and expert witness fees to a CVRA plaintiff. Also, due to the sensitive issues surrounding "protected classes" that can arise when dealing with the CVRA, either proactively or defensively, it is important to establish a public outreach strategy that helps constituents understand a potential transition from an "at large" to a "district-based" election process, and to allow for public input in the preparation of new district voting area maps.

III. The Law and Applicable Cases

A. The California Voting Rights Act

Under California Elections Code section 14027, an "at-large method of election" may not be imposed or applied in a manner that impairs the ability of a "protected class" to elect candidate(s) of its choice or its ability to influence the outcome of an election as a result of proven vote dilution.

Section 14028 of the CVRA then provides that a violation of section 14027 is established if it is shown that "racially polarized voting" has occurred in either elections for members of the governing body or in elections incorporating other electoral choices by the voters, such as ballot measures. As previously noted, "racially polarized voting" means voting in which there is a



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difference in the choice of candidates or other electoral choices that are preferred by voters in a “protected class,” and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.¹ As a more simplistic example, if a candidate preferred by voters in a protected class, comprised of thirty percent (30%) of the electorate, fails to be elected because their vote for such a candidate in an “at large” election is diluted by the majority, then “racially polarized voting” may have occurred.

As might be expected, the CVRA was patterned after the federal Voting Rights Act. An important distinction from the federal Voting Rights Act, however, is that the CVRA does not require the plaintiff to show the ability to create a majority-minority voting area². (Elections Code section 14028(c).) Additionally, proof of intent to discriminate against a protected class is not required. (Elections Code section 14028(d).) Due to the broad language of the CVRA, it is easier to prevail in a lawsuit under the CVRA than the federal Voting Rights Act.

To date, we are unaware of any public agency that has successfully defended itself against a CVRA lawsuit. As many public agencies have decided against fully litigating CVRA lawsuits for a number of reasons, including the broad language of the CVRA and the risk of having to pay significant attorneys’ and expert witness costs to a prevailing plaintiff, there is little case law interpreting the CVRA. That being said, two well-known and relevant CVRA cases are worth mention.

B. CVRA Cases

1. *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660

In defense to a lawsuit alleging the city violated the CVRA, the city challenged the CVRA itself as unconstitutional. While the trial court agreed, the court of appeal disagreed. The court of appeal found that since the law is race neutral, it was subject to only rational basis review, which is the lowest level of judicial review. Typically, public agencies on the defense side receive deferential treatment under rational basis review. Under this lower threshold, the court of appeal concluded that the CVRA “readily passes” such review. The conclusion that the CVRA is race neutral was based on the court’s finding that the CVRA provides voters of any race the right to bring a lawsuit claiming racially polarized voting. The court sent the case back to the trial court to consider whether there was a violation of the CVRA by the city. Rather than continue the litigation, the city settled the case, which involved submitting the matter to voters to decide whether to change to a district based voting system. It has been reported that under the

¹ Elections Code section 14026(e).

² *Thornburg v. Gingles* (1986) 478 U.S. 30, 51, n. 17.



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settlement, the city paid \$3 million in attorneys' fees to the plaintiff, in addition to spending approximately \$1.7 million on its own attorneys³.

2. *Jauregui v. City of Palmdale* (2014) 226 Cal.App. 4th 781

The court found that despite the City of Palmdale being a charter city, the CVRA applies to charter cities. Such a finding was made following the completion of the recognized four-step analysis⁴ under which the court concluded that the CVRA and its goal of preventing voter dilution is a matter of statewide concern. Further, the court found that CVRA remedies do not unnecessarily interfere with municipal governance. (Note: This finding was codified into law in 2015 by AB 277, which added "charter city" to Elections Code section 14026(c).)

IV. Preparing for and Dealing with a Potential CVRA Claim

While the facts and circumstances of each public agency will undoubtedly differ, the following is intended to provide a general summary of steps that can be considered in dealing with legal issues associated with the CVRA.

A. Demographics Analysis

A demographics analysis allows decision-makers to get a "snapshot" of its citizens and their voting patterns based on established data, including national census data. (Note: The last census was completed in 2010, and the next census will occur in 2020.) There are a number of qualified demographics firms that are experienced in completing such an analysis in consideration of the CVRA. Due to potential liability associated with the CVRA, a public agency should consult with legal counsel before deciding to undertake such an analysis and maintain the relationship with counsel throughout the process in order to maintain attorney-client confidentiality in anticipation of litigation.

In addition to providing a tool for assessing potential liability under the CVRA, a demographics analysis can also help decision-makers better understand the make-up of their constituency, which can benefit a public agency in a variety of ways beyond assessing the potential risk of a CVRA lawsuit. If a public agency is sued under the CVRA, completing a demographics analysis will become a key element of any defense should a public agency choose to defend against a CVRA lawsuit.

³ *Rey v. Madera Unified School District* (2012) 203 Cal.App.4th 1223. In this case, the court confirmed that while attorneys' fees and costs may be awarded to a prevailing plaintiff, they have to be "reasonable."

⁴ *See State Building & Construction Trades Council of California v. City of Vista* (2012) 54 Cal. 4th 547, 558-59.



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B. Voluntary or Agreed to Transition to a “District-Based” Election Process

If a public agency determines it is in its best interests to transition from an “at-large” election process to a “district-based” system, then certain procedural requirements will apply depending on the type of entity. The processes for municipalities, school districts, community college districts, and special districts are set forth below with each being slightly different.

1. *Municipalities*

Optional Initial Step: Complete Demographics Analysis: As noted above, the city may complete a demographics analysis. Such a study is not required to initiate a transition to a “district-based” election process, but will likely be necessary in the event a city chooses to defend itself in a CVRA lawsuit. Further, if a public agency decides to transition to a new election system, then such an analysis will be a necessary part of the process of drawing voting districts.

Step 1: Adopt Ordinance: A city can initiate a transition to a “district-based” election process by adopting an ordinance that sets forth the following information: (1) the number of voting districts; (2) the boundaries of each voting district; and (3) appointing a term for each voting district. (Government Code sections 34871 and 34872). An ordinance initiating a transition to a “district-based” election process may also qualify via an initiative. (Government Code section 34871.) The City Council may also wish to consider whether it wants to have a mayor elected at large and the remaining seats through a by-district election process.

Step 2: Draw Voting Districts: If a lawsuit has not been filed, then as part of Step 1, a city will work with a demographer to prepare voting districts that comply with state and federal requirements (discussed in further detail below). In the event a city has been sued, then this process will be influenced by any settlement agreement or court decision.

Step 3: Public Outreach and Voter Approval: As part of Step 2, a city should engage in public outreach as part of the preparation and approval of voting district maps (also discussed in further detail below). Once the voting districts are approved by the city council, they are then placed on the ballot for approval by the municipality’s electorate⁵. **However, if a city has a population of less than 100,000**, then the ordinance to transition to a “district-based” election process can be approved without having to place it on the ballot, as long as the ordinance expressly declares that the change is being made in furtherance of the purposes of the California Voting Rights Act. (Government Code section 34886.) (Note: Legislation (AB 278) is pending gubernatorial approval to allow all cities without regard to population to act without voter approval.) Even if a ballot measure is not required by law, a city may, if it chooses, still decide to

⁵ There are legal implications for enacting an ordinance without voter approval under the CVRA. This should be discussed with legal counsel as part of considering a transition to a new election process, in addition to potential liability should a ballot measure not be approved.



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put a measure on the ballot; however, we recommend discussing the benefits and risks of such a decision with legal counsel.

Step 4: File New Maps with Registrar of Voters: Upon final approval of the new voting district maps, the map must be filed with the Registrar of Voters. As part of this step, it is important to contact the Registrar of Voters early during the process to make sure all necessary deadlines for upcoming elections are understood, as adequate lead time is needed to prepare voter materials and ballots to accommodate a change in election systems, in addition to any modifications to candidate filing documents. We also recommend working with the Registrar of Voters early in the process to determine if the proposed district boundaries match up with existing election precincts and to discuss implementation of the new election system.

Step 5: Elections: Hold elections under the new voting process and make sure all applicable governing documents are updated, in addition to understanding any potential changes in procedure that may result from vacancies or resignations from office. It is also important to note that the boundaries for voting areas should be evaluated following each 10-year census to determine if modifications are needed.

2. *School Districts*

Optional Initial Step: Complete Demographics Analysis: A school district may complete a demographics analysis. Such a study is not required to initiate a transition to a new election process, but will likely be necessary in the event a school district chooses to defend itself in a CVRA lawsuit. Further, if a school district decides to transition to a new election system, then such an analysis will be completed as part of the process of drawing voting districts.

Step 1: Pass Resolution: A school district can initiate a transition to a “district-based” election process by adopting a resolution by majority vote of the governing board.

Step 2: Draw Voting Districts: If a lawsuit has not been filed, then as part of Step 1, a school district will work with a demographer to prepare voting districts that comply with state and federal requirements (discussed in further detail below). In the event a school district has been sued, then this process will be influenced by any settlement agreement or court decision. As part of this step, a school district should engage in public outreach as part of the preparation and approval of voting district maps (also discussed in further detail below).

Step 3: Approval by County Committee: Generally, upon approval by the governing board of the resolution to transition to a “district-based” election process and the proposed final voting area map, the proposal to change election systems and voting area maps must be approved by the County Committee on School District Organization during a public hearing. (Education Code section 5019.) Accordingly, it is important to communicate any plans to change election systems with staff from the County Committee.



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Step 4: Place on the Ballot or Seek SBE Waiver: Under Education Code section 5020, the proposal to transition to a new election process is to be placed on the ballot for approval by the electorate within the jurisdiction of the school district. However, it is also possible to seek a waiver of the ballot requirement through the State Board of Education (SBE) pursuant to Education Code section 33050. (Note: The SBE waiver process requires proper lead time and coordination with SBE staff.)

Step 5: File New Maps with Registrar of Voters: Upon final approval of the new voting district maps, the maps then need to be filed with the Registrar of Voters. As part of this step, it is important to contact the Registrar of Voters early during the process to make sure all necessary deadlines for upcoming elections are understood, as adequate lead time is needed to prepare voter materials and ballots to accommodate a change in election process, in addition to any modifications to candidate filing documents.

Step 6: Elections: Hold elections under the new voting process and make sure all applicable governing documents are updated, in addition to understanding any potential changes in procedure that may result from vacancies or resignations from office. It is also important to note that the boundaries for voting areas will need to be evaluated following each 10-year census to determine if modifications are needed.

(Note: For community college districts, only the following steps are required: 1) Pass a Resolution; 2) Prepare and approve voting districts; 3) Approval of the transition by the Board of Governors of the California Community Colleges; and 4) File new maps and hold elections. Pursuant to Education Code section 72036, there is no requirement to get approval of the change in election process by the electorate.)

3. *Special Districts*

Recognizing there is not a clear procedure in place for a special district to transition to a “district-based” election process, the California legislature passed Assembly Bill 2389. If signed by the Governor, special districts would be able to change to a “district-based” election process by passing a resolution and finalizing voting area maps that comply with state and federal requirements. There would be no requirement that the change in election process be submitted to the voters for approval; however, the resolution will need to expressly state that the change is being completed in furtherance of the purposes of the CVRA.

Notwithstanding there being no clear mandated process for special districts to change election systems, some special districts have still decided to move forward with a change in election systems to reduce any liability under the CVRA.

(Note: As part of the processes described above for changing election systems, it is important to be very cognizant of all open meetings and open records law requirements as a public agency considers any potential transition to a new election process in order to ensure compliance with



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the CVRA. The entity should consult with legal counsel before and during any transition to a new election process.)

C. Legal Requirements for Drawing Voting District Maps

Voting district maps must be prepared in compliance with certain state and federal requirements. Perhaps the most important is the long-recognized “one-person, one vote” standard, which requires all voting districts be as nearly equal in population as possible. While some minor deviation will be allowed depending on particular facts and circumstances, it is important to consult and work with an experienced demographer and knowledgeable legal counsel to ensure compliance with state and federal laws⁶.

Other factors that can be considered in preparing voting district boundaries are maintaining communities of interest, using identifiable geographic boundaries, ensuring districts are geographically contiguous, and ensuring geographical compactness. (See Article 21 of California Constitution.) Additionally, a public agency should avoid drawing any boundaries solely in consideration of the place of residence of any existing council or governing board member.

While the process of drawing voting districts can seem daunting, working with experienced demographers who have up to date software will make the process much easier and reduce any potential liability associated with claims of non-compliance or gerrymandering. Working with an experienced demographer is also important because all voter information should be considered when preparing maps and an experienced demographer will know how to access and analyze both raw census data and citizen voting age population data that is compiled through surveys separately and more frequently than the 10-year census.

Additionally, developing viable goals and a framework within the confines of the law early on, and with public input, can help with the process of preparing a final voting district map that reflects the interests of the community.

D. Public Outreach

Implementing the CVRA can be a sensitive and difficult process, marked with contentious and conflicting comments and concerns. Educating the public about the law and the potential legal exposure faced by a public agency for non-compliance can help foster an environment that produces productive discussions about whether and how to transition to a “district-based” election process.

Moreover, establishing a public outreach plan and holding community meetings during the process of drawing voting area maps will help ensure voting area maps are created that reflect

⁶ For now, the U.S. Supreme Court has held that total population is the appropriate district size comparison factor, rather the eligible voter population. *Evenwel v. Abbott* (2016) 578 U.S. ____; 136 S.Ct. 1120.



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the interests of the electorate. Doing so will also help in getting a plan approved if a ballot measure is required. In certain situations, holding a fixed or certain number of public hearings may be required by applicable law of the jurisdiction, or of the terms of a settlement agreement, as well.

Making a record of public outreach and transparent consideration of all public comments will also help reduce or eliminate liability in the event of a legal challenge to the final adopted voting district boundaries. Such diligence will also assist with obtaining any additional approvals from oversight bodies, particularly when a school district or community college district is seeking to change its election process.

Finally, demonstrating a willingness to work with the public and initiate a dialogue early on in the transition process can help avoid potentially divisive and contentious conversations related to race and representation that can sidetrack the overall goal of reducing potential liability under the CVRA.

VI. Conclusion

Determining whether the CVRA requires a change in a council or board member election process, and achieving compliance with state and federal law if it does, raises a host of difficult legal and sensitive community issues. Due to the potential liabilities created by the CVRA, public agencies should consider being as proactive as possible to ensure compliance with the law. If a public agency has any concerns about CVRA compliance, such proactivity can range from receiving a more detailed briefing on the CVRA, completing a demographics analysis, or transitioning to a new election system. There is no one-size-fits-all approach as each agency will have its own unique facts and circumstances impacting any decisions related to CVRA compliance.

Finally, it is important to set the tone early on that moving from an “at-large” election process to a “district-based” election process does not change the fact that all residents of the jurisdiction remain a part of one, unified city, school district, community college district or special district with common goals and interests, and responsibilities to all others, no matter which voting district a resident or elected official resides in.

Should you have any questions or concerns regarding the information contained in this memo or need guidance on the CVRA, please do not hesitate to contact one of the attorneys in our Public Policy & Ethics Group or your Best Best & Krieger attorney.

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Information presented to the Commission during
the 10/19/16 LAFCO hearing.

RECEIVED
OCT 18 2016

LAFCO
San Bernardino County

MEMORANDUM

To: PUBLIC AGENCY CLIENTS
From: BEST BEST & KRIEGER, LLP
Date: OCTOBER 11, 2016
Re: SUPPLEMENT – HOW NON-VOTING OFFICIALS, EMPLOYEES AND CONSULTANTS SHOULD RECUSE THEMSELVES WHEN THEY HAVE A CONFLICT UNDER THE POLITICAL REFORM ACT OR GOVERNMENT CODE § 1090

QUESTION PRESENTED

On September 29 we sent a memorandum addressing HOW TO PROPERLY DISCLOSE AND RECUSE UNDER THE POLITICAL REFORM ACT AND GOVERNMENT CODE § 1090. That memo focused on how the process should work for voting board and council members at meetings. And, while the memo generally discussed the applicability of the conflict of interest rules to non-voting officials, like general managers, legal counsel, and other executive officers, as well as employees and consultants, we wanted to clarify that their recusal may also be required in a non-meeting context. This memo addresses that aspect of recusal under the Political Reform Act (“the Act”) and Government Code § 1090 (“GC 1090”). Please consider this as a supplement to the earlier memo.

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Recusal of Non-Voting Officials, Employees & Consultants Under

The Act

The Act provides that “[n]o public official” shall make, participate in making or seek to influence a “governmental decision” in which he or she has a disqualifying personal financial interest. Under the Act, “public official” includes non-voting officers, employees and certain consultants employed by a local governmental entity. (FPPC Reg. §§ 18700(c)(1); 18219.) Therefore, when one of these individuals has a disqualifying personal interest, that person must recuse or withdraw from and have nothing to do with any aspect of the process of the entity involved in the making of a “governmental decision.”

FPPC Regulation § 18704 defines “making, participating in making, or using or attempting to use official position as:

(a) Making a Decision. A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency.

(b) Participating in a Decision. A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.



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(c) Using Official Position to Attempt to Influence a Decision. A public official uses his or her official position to influence a governmental decision if he or she:

(1) Contacts or appears before any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or

(2) Contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

The section also sets forth certain exceptions to these rules, including purely ministerial actions, an appearance by a public official as a member of the general public appearing before the same agency if the official is appearing on a matter solely related to certain designated personal interests, etc.

What this means is that a department head or management level employee or even a consultant who is a designated employee within the agency's conflict of interest code may also face situations in which he or she should not participate. For example, a planning director whose spouse works for a company that is applying for a land use entitlement may be prohibited from participating in the application review process as the director's recommendations may have a material financial effect upon the director's community property interest in a source of income.



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Although a written disclosure of the official's interest is not required, it may be a good practice to include a notation within the agency's files that the official has not been involved in the matter.

FPPC Regulation § 18707(b) lays out the process for recusal for public officials when not participating in or making a governmental decision that relates to an item on an agenda. In that case, if a public official determines not to act because of his or her financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest. And, during a closed meeting of the agency, a disqualified official must not be present when a decision is considered or knowingly obtain or review a recording or any other nonpublic information regarding the governmental decision.

Best practice suggests implementing the following measures when a non-voting official, employee or consultant has a disqualifying conflict:

- Identify and disclose the conflict as soon as it is known;
- The identification and disclosure should be made to a supervisor or supervising authority who has the responsibility to assure that the disqualified individual has no participation in the process leading up to the making of the "governmental decision."
- Document the conflict and recusal in writing in the event the issue arises or a challenge is lodged in the future;

Recusal of Non-Voting Officials, Employees & Consultants Under GC

1090

GC 1090 prohibits a board or council from making a contract in which any member of the board or council is “financially interested.” The law also prohibits any county, district or city officer or employee (and certain consultants) from making a contract in which they are “financially interested.” Thus, it will often be the case in which a council or board can make a contract because no member is “financially interested” in that contract, while an officer, employee or consultant of the government entity is “financially interested” in a proposed contract and may not, therefore, participate in the making of that contract.

“Making a contract” includes essentially any activity leading up to the making of a contract, including planning, negotiations, etc., and also prohibits influencing or attempting to influence the making of a contract---the very sort of things non-voting officers, employees and consultants do.

The “remote interest” provisions (Gov. Code § 1091) which bring up the recusal process for individual board and council members do not apply to non-voting officers, employees and consultants. The “non-interest” provisions of the law (Gov. Code § 1091.5) which act to obviate any disqualifying conflict altogether, do apply to all of those covered by the law, board and council members, as well as non-voting officers, employees and consultants.



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GC 1090 is silent as to the “recusal process” for non-voting officers, employees and consultants. The prohibitions of GC 1090 are strictly statutory, and unlike the Act, the FPPC has no authority to enact regulations to enforce the provisions of GC 1090. Therefore, each government entity is left to formulate its own policy and procedures for dealing with disqualifying conflicts under the law for non-voting officers, employees and consultants. As with the Act, best practice suggests the entity should require the following:

- Disclosure of the disqualifying conflict should be made to the person’s supervisor or supervising authority as soon as the individual or governmental entity recognizes the existence of the disqualifying conflict of interest; and,
- The disqualifying conflict and intent to recuse from the contract process should be made in writing to document, memorialize and preserve the recusal should an issue arise in the future.

Should you have any questions or concerns regarding the information contained in this memo or need guidance for determining any disqualification requirements, please do not hesitate to contact one of the attorneys in our Public Policy & Ethics Compliance Group or your Best Best & Krieger attorney.

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Information presented to the Commission during
the OCT. 19, 2016 LAFCO hearing.

Memorandum

To: PUBLIC AGENCY CLIENTS
From: BEST BEST & KRIEGER LLP
Date: SEPTEMBER 29, 2016
Re: HOW TO PROPERLY DISCLOSE AND RECUSE UNDER THE
POLITICAL REFORM ACT AND GOVERNMENT CODE SECTION 1090

When a public official determines that he or she has a disqualifying conflict of interest under either the Political Reform Act (Government Code § 87100 et seq., "the Act") or Government Code section 1090, the process of removing, or "recusing" from "consideration of the matter" can be about as welcome as a flu shot. However, once a disqualifying conflict exists, complying with the legal requirements for recusal is every bit as important to full compliance with the law.¹

The Fair Political Practices Commission ("FPPC") often gets complaints alleging a failure to properly and fully comply with the recusal process required by law. If a complaint is justified, the affected official could face a fine and/or the adverse publicity of an FPPC enforcement action, and possibly even criminal prosecution. Public officials who do the right thing by identifying a conflict of interest ahead of time and then comply with the law by refraining from influencing or making a decision are best served (as is the public) by properly and successfully recusing themselves. Specifically, they must complete the process of disclosure by "announcement and identification." This process must be understood by all public officials and those who advise them, the council or board clerk and its counsel.

It is important to remember that while this memorandum speaks to recusal under both the Act and section 1090, a conflict under section 1090 will rarely be cured by identification, announcement and/or recusal. More commonly, a section 1090 conflict will result in a void and unenforceable contract, but the law provides for very specific "remote interests" that will allow the contract to proceed once the conflicted member has properly recused.

¹ Often, whether a disqualifying conflict exists is a close call. This determination should always be made with the assistance and advice of counsel. However, once the public official decides to recuse, it serves no interest to go half way and suggest to the agency for its records, fellow officials, and the public that the recusal is "voluntary" or "erring on the side of caution." If so, that recusal may be challenged as not complying with the Act or Government Code § 1090. If the question is close enough that the official decides to recuse, the record should be clear that there is, in fact, a disqualifying conflict of interest and the recusal is required by the applicable law.



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Political Reform Act

What does the law require?

Government Code section 87105 requires the following steps when a disqualifying conflict of interest arises:

- First, determine if the public official is subject to this recusal provision. As listed in Government Code section 87200, this includes only specified *elected* state officials, county supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and city council members, and other public officials who manage public investments, and also candidates for any of these offices at any election. ***A special note for special district and school board members:*** although the statute does not specifically list these offices, many special district and school board elected officials will be subject to this statutory and regulatory regime by virtue of the fact that they usually are charged with managing or overseeing the investment of the special district's or school district's funds. Check with your legal counsel if you have any doubts about this issue.
- Next, "prior to the consideration of the matter," do all of the following:
 - *Publicly* identify the financial interest that gives rise to the conflict or potential conflict *in detail sufficient to be understood by the public*, except that disclosure of the exact street address of a residence is not required.
 - Recuse himself or herself *from discussing and voting on* the matter, or otherwise acting in violation of section 87100.
 - *Leave the room* until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

What does the FPPC require?

Discussion or voting on agenda items (open session)

FPPC Regulation 18707 lays out the process for recusal during a duly-noticed public meeting. First, and importantly, the regulation applies only to public officials both described in the statute *and* faced with participating in or making a governmental decision on an agenda item during a meeting subject to the provisions of the Brown Act



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(Gov. Code § 54950 et seq.). In other words, it usually will apply only to members of the board of supervisors and city council, and officers working directly with those bodies, such as county counsel or city attorney, and managers, mayors and chief administrative officers. Additionally, as noted above, special and school district board members may be subject to these requirements by virtue of their roles in managing or overseeing the investment of public funds.

Second, the regulation is in some respects more specific in its requirements than the statute. The regulation requires:

- Timing: The “announcement and identification” must follow the announcement of the agenda item to be discussed or voted on, but must be made before either the discussion or vote commences;
- Content: *The public official must publicly* identify each type of financial interest that gives rise to the disqualifying conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and the following details identifying each interest:
 - (i) If an investment, the name of the business entity in which each investment is held;
 - (ii) If a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;
 - (iii) If real property, the address or location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;
 - (iv) If income or gifts, the identification of the source; and
 - (v) If personal financial effect, the identification of the expense, liability, asset or income affected.
- Form: If the governmental decision will be made during an open session of a public meeting, the public identification must be made *orally and be made part of the official public record*.
- Recusal: The public official must recuse himself or herself and *leave the room* after the identification required by this regulation is made. He or she will not be counted toward achieving a quorum while the item is discussed.

As written, the regulation requires the public official to *personally* make the “announcement and identification” *orally and on the record*. In practice, the announcement is sometimes made by counsel to the board, albeit in the member's presence, likely to ensure complete compliance with the law. Whether this complies with the statute is a matter of interpretation by the FPPC.



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Some public officials question whether they really must leave the meeting room when they recuse themselves. However, that requirement is absolutely clear from both the statute and the regulation. The only exceptions to this particular requirement are for a "matter [that] has been placed on the portion of the agenda reserved for uncontested matters" and a matter that may affect certain, specialized "personal interests" of the official, as discussed in further detail, below. Thus, if the public official has a financial interest in a matter on the consent calendar, the public official must comply with the "announcement and identification" provisions, and recuse himself or herself from discussing or voting on that matter, but may remain in the room during the vote on the consent calendar.

Because recusal affects a quorum, a recusal will sometimes prevent action for lack of a quorum at the meeting. If more than one member of the body is recused, eliminating even the possibility of a quorum, then the rules for "legally required participation," (discussed below) come into effect.

Finally, if the public official is absent from the meeting where the matter as to which he or she has a conflict is discussed or voted on, there are no public identification duties on the public official for that item at that meeting.

Discussion or voting on agenda items (closed session)

According to the regulation, when the matter that presents a conflict is to be considered at a closed session, the public identification must be made orally during the open session before the body goes into closed session, but may be limited to a declaration that his or her recusal is because of a conflict of interest under Section 87100. That is to say, the announcement need not identify the type of financial interest that is involved in the decision. That declaration must be made part of the official public record and the public official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

Participating in deciding non-agenda matters

The regulation makes the following provision for all other public officials, i.e., when not participating in or making a governmental decision that relates to an agenda. In that case, if a public official determines not to act because of his or her financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest. When an official with a disqualifying conflict of interest abstains from making a governmental decision in an open session of the agency and the official



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remains on the dais or in his or her designated seat during the discussion and vote, his or her presence may not be counted toward achieving a quorum. And, during a closed meeting of the agency, a disqualified official must not be present when the decision is considered or knowingly obtain or review a recording or any other nonpublic information regarding the governmental decision.

Participation of a recused public official as a "member of the public" for certain, specified interests

The regulations recognize limited exceptions that allow a disqualified official to remain in the room and provide input as a member of the public on matters related solely to the official's "personal interests." These include:

- Interests in real property wholly owned by the official or his or her immediate family;
- Interests in a business entity wholly owned by the official or his or her immediate family; and
- Interests in a business entity over which the official (or the official and his or her spouse or domestic partner) exercises sole direction and control.

Even though the regulation allows the public official to remain in the room when these interests are at stake, some officials balance their rights as individuals with their responsibility to maintain the public's trust in both their leadership and the agency they serve by leaving the room after providing input related to their personal interest.

"Legally required participation"

In the relatively rare circumstance where the disqualification of one or more members of a body precludes a quorum, the rule of "legally required participation" stated in Government Code section 87101 comes into play. The rule is not activated to break a tie vote or where the lack of a quorum is due to absence(s); only where disqualification of one or more members prevents a quorum and thereby prevents the body from acting at all. When the vote of a supermajority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption, if unanimous.

The selection process

If more than one member of a body is disqualified, preventing the formation of a quorum, then the chair or acting chair, clerk or attorney for the body will use some random process of selection (drawing a ballot or straws) to identify the member(s)



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required to achieve a quorum. This “legally required participation” permits only the smallest number of otherwise disqualified members to participate to achieve a quorum. When an official is selected, he or she is selected for the duration of the proceedings in all related matters until his or her participation is no longer legally required, or the need for invoking the exception no longer exists.

Establishing “legally required participation”

The rule is articulated in FPPC regulation 18705, which provides that a public official who has a financial interest in a decision may establish that he or she is legally required to make or to participate in the making of a governmental decision if there exists no alternative source of decision (quorum of the body) consistent with the purposes and terms of the statute authorizing the decision.

Required disclosures for “legally required participation”

Whenever a public official who has a financial interest in a decision is legally required to make or to participate in making such a decision, he or she shall state and disclose the existence of the conflict and describe with particularity the nature of the economic interest, as discussed above.

Additionally, the public official or another officer or employee of the agency shall summarize the circumstances under which the conflict arises, i.e., the relationship between the economic interest and the matter to be considered creating the disqualifying conflict. This is a more thorough-going requirement than that required for a recusal. And, either the public official or another officer or employee of the agency shall disclose the legal basis for concluding that there is no alternative source of decision.

If the governmental decision is made during an open session of a public meeting, the disclosures shall be made orally before the decision is made, by either the public official or by another officer or employee of the agency. The disclosures shall be made part of the official public record either as a part of the minutes of the meeting or as a writing filed with the agency. The writing shall be prepared by the public official and/or any officer or employee and shall be placed in a public file of the agency within 30 days after the meeting.

If the governmental decision is made during a closed session of a public meeting, the disclosures shall be made orally during the open session either before the body goes into closed session or immediately after the closed session. The disclosures shall be made part of the official public record either as a part of the minutes of the meeting or as a writing filed with the agency. The writing shall be prepared by the public official



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and/or any officer or employee and shall be placed in a public file of the agency within 30 days after the meeting.

If the government decision is made or participated in other than during the open or closed session of a public meeting, the disclosures shall be made in writing and made part of the official public record, either by the public official and/or by another officer or employee. The writing shall be filed with the public official's appointing authority or supervisor and shall be placed in a public file within 30 days after the public official makes or participates in the decision. Where the public official has no appointing authority or supervisor, the disclosure(s) shall be made in writing and filed with the agency's custodian of statements of economic interests, or other designated office for the maintenance of such disclosures, within 30 days of the making of or participating in the decision.

Government Code section 1090

What does the law require?

When a member of a legislative body has a financial interest in a proposed or prospective contract (this a narrower class of decisions than the "governmental decision" covered by the Act) section 1090 prevents the entire body from making that contract. Thus, there is no recusal that cures the conflict; the entire body or board is effectively "disqualified." However, section 1091 provides a host of circumstances, sixteen in all, in which the member of a body or board has a financial interest in a contract that the law classifies as a "remote interest." In that circumstance, the body or board may proceed to consider and make the contract, but the member with the "remote interest" must disclose the specific remote interest and neither make nor influence or attempt to influence the board or a member of the board to enter into the contract. (Gov. Code § 1091 (c).)

Disclosure and notation in the official record

Section 1091(a) provides that the "public officer who has a remote interest" in a contract must disclose "to the body or board of which the officer is a member" and that disclosure must be "noted in its official records." Thereafter, the contract can be made by a vote of the membership sufficient to make the contract without counting the vote of the officer or member with the "remote interest." Strictly speaking, this is not a recusal provision; it is more in the nature of a disqualified vote provision. However, best practices suggest that a member with a "remote interest" should simply disclose and recuse, as that member's vote would not be counted in any event, and disclosure is otherwise required. The Supreme Court has stated that the law (§ 1091) has both



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“disclosure and recusal requirements.” (*Lexin v. Superior Court* (2010) 47 Cal. 4th 1050, 1081.)

Recusal

Section 1091 has a specific recusal requirement as to only two of the sixteen specified “remote interests,” namely the “litigation remote interest” (§ 1091 (b) (15)) and the “investor-owned utility regulated by the PUC remote interest” (§ 1091 (b) (16)). The “litigation remote interest” provisions specifically requires the interested member to recuse himself or herself from all participation, direct or indirect, in the making of the agreement (litigation settlement) on behalf of the body or board. The “investor-owned utility regulated by the PUC remote interest” requires that the person has recused himself or herself from all participation in making the contract on behalf of the state, county, district, judicial district, or city body or board of which he or she is a member. Obviously, the general disclosure provision applies in these circumstances.

The failure to disclose a “remote interest” has serious consequences. Section 1091(d) provides: “The willful failure of an officer to disclose the fact of his or her interest in a contract pursuant to this section is punishable as provided in Section 1097,” which provides for criminal penalties and disqualification from office.

Finally, section 1091.5 describes a number of circumstances in which an official is deemed not be interested at all in a contract. These circumstances, defined by the statute, are commonly referred to as “non-interests.” If a “non interest” exists, there is no requirement for disclosure or recusal. Examples of non-interests specified in section 1091.5 include:

- Ownership of less than 3 percent of the shares of a for-profit corporation, provided that the total annual income from the corporation does not exceed 5 percent of the official’s annual income;
- That of a recipient of public services generally provided by individual’s agency on the same terms and conditions as a general member of the public;
- That of a spouse of an officer or employee of a public agency in his or her spouse’s employment or officeholding if his or her spouse’s employment or officeholding has existed for at least one year prior to his or her election or appointment.



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- That of a nonsalaried member of a nonprofit corporation, provided that this interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that this interest is noted in its official records.

As with all questions related to conflicts of interest, we encourage you to consult your local agency counsel as soon as any potential conflict under sections 1090, 1091 or 1091.5 becomes evident.

Should you have any questions or concerns regarding the information contained in this memo or need guidance for determining any disqualification requirements, please do not hesitate to contact one of the attorneys in our Public Policy & Ethics Group or your Best Best & Krieger attorney.

GARY W. SCHONS
RUBEN DURAN

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

CALAFCO

Sharing information and resources

CALAFCO 2016 Annual Meeting

Thursday, October 27, 2016

REGIONAL CAUCUSES

8:00 a.m. to 8:45 a.m.

ANNUAL MEETING

9:00 a.m. to 10:15 a.m.

Fess Parker DoubleTree by Hilton

633 E. Cabrillo Blvd.

Santa Barbara, CA 93103

Santa Ynez/San Rafael Ballrooms

ANNUAL MEETING AGENDA

1. Call to Order/Roll Call of the LAFCOs John Leopold, Chair
2. Approve Minutes from the September 3, 2015 CALAFCO Business Meeting at the Hyatt Regency, Sacramento, CA.
3. Introduction of Board Members elected by regional caucuses James Curatalo
Nominations Committee Chair
4. Election for any at-large seats to the Board of Directors James Curatalo
Nominations Committee Chair
 - 4.1. Nominations from the Floor
 - 4.2. Candidates Forum
 - 4.3. Voting Process
5. New Business
6. Introduction of Associate Members Pamela Miller, Executive Director
7. Report from the Board of Directors on significant Association activities in 2016 John Leopold, Chair
8. Comments from CALAFCO Member
9. Adjourn to the 2017 Annual Business Meeting, Thursday, October 26, 2017, at the Bahia Hotel, Mission Bay, CA.

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**2015 Annual Business Meeting
DRAFT MINUTES**

**Meeting of September 3, 2015
Hyatt Regency – Sacramento, CA**

1. Call to Order/Roll Call.

John Leopold, Chair of the CALAFCO Board of Directors, called the meeting to order at 9:15 a.m. He asked Stephen Lucas, CALAFCO Executive Officer to call roll. The following CALAFCO Member LAFcos were in attendance for roll call:

Alameda	Mendocino	Santa Barbara
Amador	Merced	Santa Clara
Butte	Modoc	Santa Cruz
Calaveras	Napa	Solano
Colusa	Nevada	Sonoma
Contra Costa	Orange	Stanislaus
El Dorado	Placer	Sutter
Glenn	Plumas	Tehama
Humboldt	Riverside	Tulare
Imperial	Sacramento	Tuolumne
Kern	San Benito	Ventura
Kings	San Bernardino	Yolo
Lake	San Diego	Yuba
Los Angeles	San Luis Obispo	
Marin	San Mateo	

With **43** member LAFcos in attendance, a quorum was present.

2. Approve Minutes from October 16, 2014 CALAFCO Business meeting (DoubleTree by Hilton, Ontario, CA).

Upon a motion from Mendocino LAFco and second from Orange LAFco, the October 16, 2014 Business meeting minutes were unanimously approved.

3. Introduction of Board Members Elected by Regional Caucuses.

Nominations Committee Chair Elliot Mulberg congratulated the regional caucuses and announced the newly elected members of the Board of Directors as follows:

SOUTHERN REGION	CENTRAL REGION
Michael Kelley*, Imperial	William Kirby*, Placer
James Curatalo*, San Bernardino	Anita Paque, Calaveras
COASTAL REGION	NORTHERN REGION
John Marchand, Alameda	Bill Connelly, Butte
Sblend Sblendorio, Alameda	Larry Duncan*, Butte

* Incumbent

Elliot also thanked the members of the committee and CALAFCO staff who facilitated the elections.

4. Election of any At-Large Seats to the Board of Directors.

No action required.

5. New Business.

None.

6. Introduction of Associate Members.

Executive Director Pamela Miller introduced the Associate Members, including the new Gold and Silver members. She thanked all of our Associate Members for their partnership and support of the Association.

7. Report from the Board of Directors on Significant Association Activities in 2015.

Chair Leopold introduced the members of the Executive Committee and thanked the Board for their hard work this past year. He noted that the Board's Vice-Chair, Stephen Tomanelli, resigned earlier in the year due to health reasons and Jim Curatalo stepped in to represent the southern region on the executive committee.

Director Curatalo reported to the membership on the Association's educational and communication activities. He noted the 2015 Staff Workshop was held in Grass Valley and hosted by Nevada LAFCo, and he announced the next Staff Workshop is scheduled for March 30 – April 1, 2016, hosted by Los Angeles LAFCo and held in Universal City.

Director Curatalo also reported at this year's annual conference there are approximately 250 people in attendance. He announced next year's conference will be October 26 - 28, 2016 and will be at the Fess Parker hosted by Santa Barbara LAFCo.

Director Curatalo also reported on the CALAFCO University courses, noting that based on feedback from the membership we have reduced the number of annual offerings from four to two.

He noted all CALAFCO's educational sessions are accredited by APA and we provide AICP credits, and the attorneys receive MCLE credits for the legal-specific sessions.

Director Curatalo closed by sharing CALAFCO is working on the development of a new website and stating that we continue to produce the Quarterly Reports for the membership, which detail organizational activities, Board actions, and highlight Associate Members and member LAFCo activities. He also noted the annual edition of The Sphere.

Secretary Gay Jones outlined the legislation reviewed by the CALAFCO Board for 2016 and all of the legislative matters addressed by CALAFCO and the Legislative Committee (Committee) this year, noting that all critical bills will be addressed in detail at tomorrow's Legislative Update session, and CALAFCO positions on bills can be found in the Annual Report inside The Sphere.

She started by thanking all of the legislative committee for their hard work and responsiveness this past year, noting the work began in November 2014 and monthly meetings were held through August. She reported we began the year sponsoring two pieces of legislation, which were our annual Omnibus bill and another bill to clean up the disincorporation statutes, and thanked Kathy Rollings-McDonald of San Bernardino LAFCo for taking the technical lead on the disincorporation bill. She added that along the way we found ourselves responding to a host of bills introduced that impacted LAFCo in one form or another.

Secretary Jones also reported on CALAFCO's involvement on SB 239 (Hertzberg), AB 402 (Dodd) and AB 3 (Williams). She talked about the role CALAFCO had as a conversation partner with the administration this year on the topic of water consolidations.

She closed by noting this year we tracked a total of 26 bills, took formal positions on 11 of those bills, and acted as a technical advisor to the authors for two other bills.

Treasurer Josh Susman presented the Association's current financial report, noting we are in strong financial health. He reported we began the 2015-16 fiscal year with a healthy Reserve Fund and a healthy net balance carryover, due in large part to a financially successful 2014 Annual Conference (due to amount of sponsorship revenue realized and lower facility costs), a profitable Staff Workshop in 2015 and diligent fiscal management by staff.

Treasurer Susman reported some of the Contingency funds were spent this year on planned projects including office equipment upgrades, records retention work for the Association and additional legal expenses. He noted all of these were approved by the Board.

He closed by announcing the reinvestment by the Association of some of this money will come in the form of a new, more robust and stable website along with the proper technical support, the production of several White Papers over the next several years, and collaborative projects with the Special Districts' Association.

Chair Leopold reported in January of this year the Board met in their biennial strategic planning retreat to discuss how the organization needs to evolve at this point in time. He noted that during our 44 years in existence, we've transitioned from an all-volunteer organization to a fully professional organization. He reported the Board had two primary areas of focus in their deliberations: (1) the annual conference model and the need for it to evolve; and (2) the structure of our part-time contractual staff support and the need for that structure to evolve. He stated there were two subcommittees formed by the Board to address each of these issues.

With respect to the Annual Conference, Chair Leopold reported the organization will be transitioning away from a local LAFCo hosted model to a CALAFCO hosted model, with three anchor sites and one at-large site, rotated every four years. The goal with this change is to develop long-term relationships with facilities to help us keep costs down. He also noted the Association will hire a firm to help CALAFCO generate a more robust sponsorship donation program. He also reported CALAFCO will implement a phased approach of the reduction of registration costs for some LAFCo staff who volunteer to help CALAFCO staff the Conference.

Chair Leopold reported after long deliberations the Board unanimously approved to increase the compensated hours for the Executive Director from 24 to 32 hours per week effective January 1, 2016. He noted this requires a modest dues increase over the next two years by seven percent per year, and that each LAFCo received a letter from CALAFCO detailing all of these changes. He noted the dues had not been raised in any significant way since 2006.

Chair Leopold thanked the Board for their hard work in looking at these critical matters of the organization, and stated how proud he was that all of these decisions were support unanimously by the Board.

A question was raised from the floor by Roger Anderson of Santa Cruz LAFCo about the projected revenue/expenses to the organization as a result of the changes. Executive Director Miller responded a detailed letter with all of that information was sent out to the Executive Officers via the list serve for distribution to their LAFCos and that copies are currently being made so that members would have them during the regional meetings.

A question was raised from the floor by Carole Cooper of Sonoma LAFCo about how the complimentary registrations would work and if there would still be committees to plan the Conference. Chair Leopold and Executive Director Miller responded this will be done incrementally as a way to best manage the budget, and that the program planning committee would remain in place.

A question was asked from the floor by Placer LAFCo about considering other locations such as Redding or Fresno. Chair Leopold responded the location needs to have easy accessibility and that by having a free year every four years would allow for a rotation to locations that could accommodate the size of our Conference at an affordable price.

A comment was made from the floor by Kathy Rollings-McDonald of San Bernardino LAFCo that she supports the new model and changes to the Annual Conference as she knows first-hand the amount of work required for the local LAFCo to host.

Chair Leopold closed by thanking all of the members for their support as the Board and staff continue to lead the efforts to evolve and transform the Association to a more mature and viable statewide organization. He offered himself, other Board members and staff as resources to answer any other questions the membership may have.

8. Adjourn.

Chair Leopold adjourned the meeting at 10:00 a.m. to the 2016 Annual Business Meeting on Thursday, October 27, 2016 at the Fess Parker DoubleTree in Santa Barbara, CA.

12 October, 2016

TO Regional Representatives and Member LAFCos

FROM James Curatalo, Committee Chair
CALAFCO Recruitment Committee

RE Recruitment Committee Report for 2016 CALAFCO Board Elections

In accordance with the CALAFCO Bylaws and Nomination and Election Procedures, the CALAFCO Recruitment Committee has solicited nominations for the regional election of the eight open director positions on the CALAFCO Board of Directors. The elections will be conducted in regional caucuses to be held at the annual conference on Thursday, October 27, 2016 from 8:00 to 8:45 a.m. Any seat not filled through the regional caucus election process in accordance with CALAFCO Bylaws will be filled through an at-large election for one term at the Annual Meeting on Thursday, October 27, 2016, beginning at 9:00 a.m.

Attached is a list of the candidates nominated within each of the four regions (Northern, Central, Coastal and Southern) for their respective city, county, special district and public member seats. Nominations from the floor will also be solicited during the caucus election process. All terms are two years.

Those member LAFCos not in attendance at the annual meeting may vote by electronic ballot in advance of the meeting. They may only vote for those candidates nominated by the Recruitment Committee and listed on the ballot. Please make sure if you are voting via electronic ballot that you follow the instructions located on the ballot.

Pursuant to Section 4.2.2 of the CALAFCO Bylaws, the Board has determined that a quorum of a region's LAFCos must be present during the caucus election. In the event that less than 50% of a region's LAFCos are present in the regional caucus (including electronic ballots) to vote for the purpose of filling an open director position, it becomes at-large for one term and shall be elected at the Annual Meeting.

The CALAFCO Recruitment Committee has confirmed that all nominations were complete and received by the final filing date of September 26, 2016 at 5:00 p.m. The Committee received nominations for all eight open seats.

Copies of the nomination forms and resumes of all candidates within your region are attached and are posted on the CALAFCO website in the Members section at: www.calafco.org. All nominations and resumes will also be posted at the annual conference near the registration desk.

cc: CALAFCO Board of Directors

NOMINATIONS FOR THE 2016 BOARD OF DIRECTORS ELECTIONS

Seat	Nominee	County	Region
NORTHERN REGION			
City	Ricky Samayoa*	Yuba	Northern
Public	Josh Susman*	Nevada	Northern
CENTRAL REGION			
County	Shiva Frentzen*	El Dorado	Central
Special District	Gay Jones*	Sacramento	Central
COASTAL REGION			
County	John Leopold*	Santa Cruz	Coastal
Special District	Michael McGill*	Contra Costa	Coastal
	Elaine Freeman	Ventura	Coastal
SOUTHERN REGION			
City	Cheryl Brothers*	Orange	Southern
	David Spence	Los Angeles	Southern
Public	Derek McGregor	Orange	Southern
	Gerard McCallum*	Los Angeles	Southern

* *incumbent*

12 October, 2016

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Attached is a list of the candidates nominated within each of the four regions (Northern, Central, Coastal and Southern) for their respective city, county, special district and public member seats. Nominations from the floor will also be solicited during the caucus election process. All terms are two years.

Those member LAFCos not in attendance at the annual meeting may vote by electronic ballot in advance of the meeting. They may only vote for those candidates nominated by the Recruitment Committee and listed on the ballot. Please make sure if you are voting via electronic ballot that you follow the instructions located on the ballot.

Pursuant to Section 4.2.2 of the CALAFCO Bylaws, the Board has determined that a quorum of a region's LAFCos must be present during the caucus election. In the event that less than 50% of a region's LAFCos are present in the regional caucus (including electronic ballots) to vote for the purpose of filling an open director position, it becomes at-large for one term and shall be elected at the Annual Meeting.

The CALAFCO Recruitment Committee has confirmed that all nominations were complete and received by the final filing date of September 26, 2016 at 5:00 p.m. The Committee received nominations for all eight open seats.

Copies of the nomination forms and resumes of all candidates within your region are attached and are posted on the CALAFCO website in the Members section at: www.calafco.org. All nominations and resumes will also be posted at the annual conference near the registration desk.

cc: CALAFCO Board of Directors

NOMINATIONS FOR THE 2016 BOARD OF DIRECTORS ELECTIONS

Seat	Nominee	County	Region
NORTHERN REGION			
City	Ricky Samayoa*	Yuba	Northern
Public	Josh Susman*	Nevada	Northern
CENTRAL REGION			
County	Shiva Frentzen*	El Dorado	Central
Special District	Gay Jones*	Sacramento	Central
COASTAL REGION			
County	John Leopold*	Santa Cruz	Coastal
Special District	Michael McGill*	Contra Costa	Coastal
	Elaine Freeman	Ventura	Coastal
SOUTHERN REGION			
City	Cheryl Brothers*	Orange	Southern
	David Spence	Los Angeles	Southern
Public	Derek McGregor	Orange	Southern
	Gerard McCallum*	Los Angeles	Southern

* *incumbent*

**Board of Directors
2016/2017 Nominations Form**

RECEIVED
JUL 29 2016

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Orange County LAFCo of the Southern Region

Nominates Cheryl Brothers

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.



LAFCo Vice Chair

7/13/16

Date

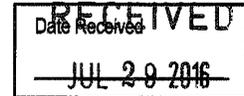
NOTICE OF DEADLINE

Nominations must be received by **September 26, 2016** to be considered by the Recruitment Committee. Send completed nominations to:
CALAFCO Recruitment Committee
CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814

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CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



*Email
Recvd
7-22-16*

Board of Directors 2016/2017 Candidate Resume Form

Nominated By: Orange County LAFCo Date: 07/13/2016

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name Cheryl Brothers

Address City of Fountain Valley, 10200 Slater Ave. Fountain Valley, CA 92708

Phone Office 714-838-1787 Mobile 714-315-1403

e-mail Cheryl.Brothers@fountainvalley.org

Personal and Professional Background:

Ms. Brothers serves as the Mayor for the City of Fountain Valley and is currently in her fourth (non-consecutive) term of service.

Ms. Brothers served as an Orange County Grand Juror during 1992-93 and continues to serve as a member of the Orange County Grand Jurors Association Board of Directors. Ms. Brothers served for nine years on the Fountain Valley Parks and Recreation Commission and later was appointed to the Fountain Valley Planning Commission where she played a key role in shaping future development in the City. During her tenure on the City Planning Commission, she made tough decisions, including some that were in disagreement with friends and neighbors in the community. She is able to render professional and impartial decisions and has not shied away from controversy.

She has extensive experience in local and regional affairs involving Orange County. She currently represents her City on the Orange County Vector Control District and Public Cable Television Authority.

She has an extensive knowledge of government from both a staff and an elected official perspective. For several years, Ms. Brothers served as staff to two past Orange County Supervisors. She retired from county service in 2004.

LAFCo Experience:

Ms. Brothers has served as a city member on Orange County LAFCO since August 2013. She is also a founding member and Board Member of the regional LAFCO association for Southern California.

CALAFCO or State-level Experience:

In addition to her duties as the City Mayor and LAFCO Commissioner, Ms. Brothers currently serves on the CALAFCO Board as the Southern Region City Member. She serves as a Board Member of the Orange County Division of the League of California Cities and has been a very active member of the state League of California Cities.

Availability:

Ms. Brothers is available to attend all CALAFCO Board meetings and to participate in the CALAFCO sub-committees as needed.

Other Related Activities and Comments:

Born in Long Beach, California, Cheryl Brothers grew up in Los Alamitos from the age of two. She is married to an engineer and has two adult children. Cheryl has been blessed with a life that allows her to give the gift of time. She will always say "yes" when asked to volunteer. Her natural curiosity and abilities give her a real "can do" attitude. She approaches each day with a sense of humor.

Cheryl will step up and volunteer for leadership roles even when it means tackling tough decisions. She has served on her homeowner's association board of directors for 26 years, often as President and always as a member of the Architectural Control Committee. This job does not always endear Board Members to individual homeowners. However, Cheryl has earned a reputation of fairness and even-handedness. Her opinion is often sought out by other Board Members.

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RECEIVED
JUL 29 2016

CP 16-01

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION OF ORANGE COUNTY, CALIFORNIA
NOMINATING COMMISSIONERS CHERYL BROTHERS AND
DEREK J. MCGREGOR TO THE BOARD OF DIRECTORS OF
THE CALIFORNIA ASSOCIATION OF LOCAL AGENCY
FORMATION COMMISSIONS**

July 13, 2016

On motion of Commissioner Withers, duly seconded and carried, the following resolution was adopted:

WHEREAS, on June 27, 2016, the Recruitment Committee of the California Association of Local Agency Formation Commissions ("CALAFCO") announced that nominations are open for the fall elections of CALAFCO Board of Directors; and

WHEREAS, the Orange County Local Agency Formation Commission ("OC LAFCO") has been and continues to be an active member of CALAFCO, providing leadership in reinforcing the importance of LAFCO's role in shaping the future growth and development of the State of California; and

WHEREAS, over the years, a number of past and current OC LAFCO Commissioners have served on the CALAFCO Board of Directors, providing guidance in shaping CALAFCO policies and legislative positions, and providing important policy perspectives from the Southern Region of the state; and

WHEREAS, Commissioner Cheryl Brothers currently serves as the Southern Region City Member on the CALAFCO Board of Directors representing the policy interests and perspectives of the Southern Region and has expressed interest in serving a second term.

WHEREAS, Commissioner Derek J. McGregor has served as a panelist for the CALAFCO annual conference breakout session, continues to represent OC LAFCO at the annual CALAFCO conferences, and has expressed interest in serving as the Southern Region Public Member on the CALAFCO Board of Directors representing the policy interests and perspectives of the Southern Region.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange DOES HEREBY RESOLVE as follows:

Section 1. Commissioner Cheryl Brothers is hereby nominated for the open City Member seat on the CALAFCO Board of Directors, representing the Southern Region.

Section 2. Commissioner Derek J. McGregor is hereby nominated for the open Public Member seat on the CALAFCO Board of Directors, representing the Southern Region.

Section 3. The Executive Officer is hereby directed to transmit this resolution and the required nomination forms to the CALAFCO Recruitment Committee.

AYES: Derek J. McGregor, Allan Bernstein, Lisa Bartlett, Cheryl Brothers, Todd Spitzer, Charley Wilson, John Withers

NOES: None

STATE OF CALIFORNIA)

) SS.

COUNTY OF ORANGE)

I, Allan Bernstein, Vice Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 13th day of July, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of July, 2016.

ALLAN BERNSTEIN
Vice Chair of the Orange County
Local Agency Formation Commission

By: 

ALLAN BERNSTEIN

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**Board of Directors
2016/2017 Nominations Form**

RECEIVED
SEP 09 2016

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Los Angeles LAFCo of the Southern Region

Nominates David Spence

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

Jerry Blackbach
LAFCo Chair

9/30/16
Date

NOTICE OF DEADLINE

Nominations must be received by **September 26, 2016** to be considered by the Recruitment Committee. Send completed nominations to:
CALAFCO Recruitment Committee
CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814

*Rec'd via
email on
9-16-16*

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Data Received
9-16-16

Board of Directors 2016/2017 Candidate Resume Form

Nominated By: Los Angeles LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name David Spence

Address 80 South Lake Avenue, Suite 870, Pasadena, CA 91101

Phone Office 626/204-6500 Mobile _____

e-mail cmdave1 @ aol.com

Personal and Professional Background:

Please see attached Resume.

LAFCo Experience:

Commissioner Spence was appointed to LA LAFCo by the City Selection Committee in 2010 and is currently serving his second term (which will conclude in May, 2018).

CALAFCO or State-level Experience:

Commissioner Spence has attended several CALAFCO annual conferences as well as periodic meetings of the Southern Region LAFCos.

Availability:

Commissioner Spence is available to attend the CALAFCO Board of Directors meetings and serve on Board committees as needed.

Other Related Activities and Comments:

Please see attached Resume.

DAVID A. SPENCE

BIOGRAPHY

Born and raised in Southern Ohio, Mayor Spence graduated from Ohio Wesleyan University with a B.A. Degree in Pre-Medical Sciences. He moved to La Cañada Flintridge in 1969.

In his early career, he worked in the pharmaceutical industry with Parke-Davis, a division of Warner-Lambert. He transferred into the optical division of Warner and continued in the sales management of various contact lens divisions for many years.

From 1989 to 1992, Mayor Spence served one term on the La Cañada Flintridge Public Safety Commission. First elected to the La Cañada Flintridge City Council in 1992, he received the highest number of votes in that election. He has served a record six terms as Mayor and as Mayor Pro Tem since that time. In one election, he had no opponent. He has served on the City Council for twenty-four years.

Mayor Spence currently has held very significant regional offices, including being the President of California Contract Cities. He serves as the City Representative to the Arroyo-Verdugo Steering Committee as the City's representative to the Los Angeles County Vector Control District Board of Trustees, as the City's representative of the Los Angeles Local Agency Formation Commission, and as the Southern California Association of Governments Transportation Committee representative. He serves as the National League of Cities as a California Small Cities Representative. He is serves on the California Joint Powers Insurance Authority Executive Board, as well as the County of Los Angeles Local Government Commission, the SCAG Transportation Committee, and the Los Angeles County Liability Trust Fund Oversight Committee. He is the Chair of the Los Angeles County Sanitation District 28. He is the San Gabriel Valley Council of Governments Representative to the Metro Service Sector Board. Within the City, Mayor Spence serves on the Economic Development City Council Subcommittee.

Mayor Spence believes in listening to the concerns of the residents, and then creating workable, common sense solutions to the issues. He supports the creation of more sports fields for the children of La Cañada Flintridge, more parks and open spaces and he supports the City's trail system. He believes in keeping a close eye on the City's financial expenditures and maintaining the City's reserves. He works to continue cooperative relationships with the PTAs of the community, the Chamber of Commerce, sports groups and the La Cañada Unified School District. One of his top priorities has been to bring sewers to the City of La Cañada Flintridge. The majority of the City residents were on septic tanks when he first assumed office in 1992. Now, all of the residents of the City, except within one portion of the City have sewers or have sewers under construction. Mayor Spence's highest priority is to improve the quality of life for the residents of La Cañada Flintridge.

Mayor Spence has two sons, Andy and Steve.

**Board of Directors
2016/2017 Nominations Form**

RECEIVED
JUL 29 2016

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Orange County LAFCo of the Southern Region

Nominates Derek J. McGregor

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.



LAFCo Vice Chair

7/13/16

Date

NOTICE OF DEADLINE

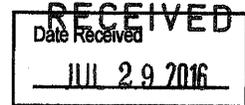
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CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

CALAFCO



*Email Received
7-22-16*

Board of Directors 2016/2017 Candidate Resume Form

Nominated By: Orange County LAFCo Date: 07/13/2016

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name Derek J. McGregor
Address OC LAFCO 2677 N Main Street, Suite 1050, Santa Ana, CA 92705
Phone Office 949-753-9393 Mobile 949-230-2456
e-mail dmcgregor@dmceng.com

Personal and Professional Background:

Mr. McGregor is a licensed civil engineer and land surveyor who has owned and operated DMc Engineering, a Civil Engineering and Land Surveying firm since 1987. His career began after graduating from Southern Illinois University with a Bachelor of Science degree in Engineering. He brings more than 25 years of experience as a leader in helping to keep the Rancho Santa Margarita community relevant. Mr. McGregor is vice president of the Trabuco Highlands Community Association (THCA) and continues involvement with the Santa Margarita Landscape and Recreation Corporation (SAMLARC), one of the largest master homeowners associations in the state and for which he previously served as Board President.

Mr. McGregor's community involvement extends countywide having served on OCTA's Citizen's Oversight Committee and currently serving on OCTA's Citizen's Advisory and Environmental Oversight Committees.

LAFCo Experience:

Mr. McGregor currently serves as Chair of Orange County LAFCO (originally appointed as Chair in 2015) and the public member since August 2009. He has also served on OC LAFCO subcommittees that include the Executive Committee and the Governance Restructuring Committee.

CALAFCO or State-level Experience:

Chair McGregor has served as a panelist for the CALAFCO annual conference and continues to represent OC LAFCO through his attendance at the annual conferences.

Availability:

Mr. McGregor is available to attend the CALAFCO Board meetings.

Other Related Activities and Comments:

Derek, his wife Debbie and their three children live in Rancho Santa Margarita. The McGregor's children are actively involved in organized youth sports, which has intensified Mr. McGregor's involvement in the community serving as a youth sports coach for more than 11 years and teaching afterschool programs for more than 13 years. He is a leader in helping to keep the Rancho Santa Margarita community relevant.

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RESOLUTION OF THE LOCAL AGENCY FORMATION
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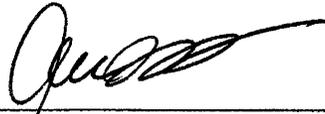
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WHEREAS, over the years, a number of past and current OC LAFCO Commissioners have served on the CALAFCO Board of Directors, providing guidance in shaping CALAFCO policies and legislative positions, and providing important policy perspectives from the Southern Region of the state; and

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ALLAN BERNSTEIN
Vice Chair of the Orange County
Local Agency Formation Commission

By: 

ALLAN BERNSTEIN

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**Board of Directors
2016/2017 Nominations Form**

RECEIVED
SEP 09 2016

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

Los Angeles LAFCo of the Southern Region

Nominates Gerard McCallum

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual
Membership Meeting of the Association.

Jerry Bradburn
LAFCo Chair

8/30/16
Date

*Recvd via
email
on 9-6-16*

NOTICE OF DEADLINE

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completed nominations to:
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CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814

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Board of Directors 2016/2017 Candidate Resume Form

Nominated By: Los Angeles LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name Gerard McCallum

Address 80 South Lake Avenue, Suite 870, Pasadena, CA 91101

Phone Office 626/204-6500 Mobile _____

e-mail gmccallum @ wilsonmeany.com

Personal and Professional Background:

Please see attached Resume.

LAFCo Experience:

Commissioner McCallum was appointed to LA LAFCo by his fellow commissioners in 2011, originally serving as the Alternate Public Member. He currently serves as the Public Member for a term which will conclude in May of 2019. Commissioner McCallum is currently serving his second term as Commission Second Vice Chair.

CALAFCO or State-level Experience:

Commissioner McCallum has served on the CALAFCO Board of Directors since 2014. He also attends periodic meetings of the Southern Region LAFCOs.

Availability:

Commissioner McCallum is available to attend the CALAFCO Board of Directors meetings and serve on Board committees as needed.

Other Related Activities and Comments:

Please see attached Resume.

GERARD MCCALLUM II

4700 ANGELES VISTA BOULEVARD LOS ANGELES, CALIFORNIA 90043
HOME: 323.815.1211 MOBILE: 310.505.0575
gogetemg@gmail.com

PERSONAL STATEMENT

A dynamic and results-oriented leader with proven abilities to develop strategic public education and community outreach campaigns. A highly accomplished public speaker, negotiator, and decision maker with a strong reputation for shaping innovative solutions for complex public affairs challenges.

PROFESSIONAL EXPERIENCE

Senior Project Manager

Wilson Meany Sullivan

4/05 to Present

Senior Project Manager for Wilson Meany Sullivan (WMS), a top-tier real estate development firm that focuses on challenging urban infill projects with valuations over \$100 million. Directed and managed the entitlement and project implementation for the redevelopment of Hollywood Park including the addition of the NFL Stadium and Entertainment District to the project.

- Initiated and cultivated business relationships vital to the success of the Hollywood Park project and the expansion of the WMS's objectives. Built relationships with Mayors, Bishops, and a variety of key community leaders in Inglewood and Los Angeles.
- Conceived of and created an extensive database of community leaders and influencers. Personally conducted one-on-one interviews with elected officials, the Chamber of Commerce, and leaders of civic and private social clubs. Database is currently used by the police department to expand its neighborhood watch program.
- Directed a \$3.7 million media campaign to create positive public opinion about the Hollywood Park redevelopment project. Successfully prevented any opposing referendums.
- Identified and developed relationships with conventional, influential media outlets such as the Los Angeles Times and The Wave radio station.
 - Established a corporate presence on the prominent social media networks (Facebook, Twitter), cultivating over 700 Facebook fans.
- Created and Managed Campaign Committee for City of Inglewood for the following ballot measures, which both passed:
 - Champions Initiative – Entitlement of NFL Stadium & Entertainment complex put before the people and City Council for approval.
 - Measure UUT – a utility tax - increased the City of Inglewood's general fund by \$9 million. Of all the cities where this measure appeared on the ballot, Inglewood voters passed it by the highest margin.
 - Measure IT - a half-cent sales tax that generated an additional \$4 million for the hiring of additional police officers to improve Inglewood's officer-to-citizen ratio and thereby reduce crime.
- Functioned as the Campaign Committee's Treasurer for each of the ballot initiatives above. .
- Served on the negotiating team that resulted in a Project Labor Agreement and Card Check Agreement with various affiliates of the Los Angeles County Federation of Labor
- Served as single point of contact for over 32 influential community leaders and elected officials, including members of the City Council, the Mayor, the County Supervisor, and the Senator and Assemblymen representing the district.
- Developed and sought funding for \$3.5 million Workforce Outreach and Training Program, the first of its kind in the City of Inglewood, incorporating several private and government agencies.
- Established and negotiated all contracts with Public Relations and Outreach vendors, consultants, and staff.

Commissioner *Local Agency Formation Commission, County of Los Angeles* 10/11 to Present

- Public Member that sits on the agency responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers, and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.

Executive Vice President and General Manager *Forum Enterprises, Incorporated* 12/99 to 4/05

- Led business development team to achieve the largest land acquisition by an African-American Church in America (e.g., 30 contiguous acres in Los Angeles County).
- Developed and implemented operation and marketing plans which resulted in the revenue growth of \$2.6 million dollars to re-establish the Great Western Forum as a viable entertainment and sports venue.
- Established policies, procedures, and corporate infrastructure for organizational operations.
- Managed booking of venue for national concert touring efforts (e.g., Elton John, Aerosmith, Incubus, etc.).
- Fostered and developed strategic initiatives that ranged from establishing lines of credit and contracting key vendors to developing profitable relationships with concert touring companies across America.
- Developed marketing strategies to encourage patronage by underserved and minority communities in Los Angeles County (e.g., Azusa Street Revival, Radio Nueva Vida Televised Hispanic Gospel Show, etc.).
- Managed strategic business relationships and partnerships, which resulted in revenue growth for the Forum (e.g., \$500,000 guarantee booking contract with Anschutz Entertainment Group a.k.a. Staples Center).
- Protected legal interest and minimized liabilities by establishing risk evaluations and implementing annual reviews and inspections by insurance carriers.
- Fostered positive relationships between the Forum and major bargaining unions (e.g., IASTSE LOCAL 33).

Commissioner *Los Angeles Department of Water and Power (LADWP)* 10/03 to -1/05

- Commissioner of five-member board appointed by the Mayor of Los Angeles and confirmed by city council.
- Represent over 3.8 million residents in the city and county of Los Angeles.
- Responsible for oversight of \$3.4 billion dollar budget.
- Responsible for oversight of \$160 million dollars transferred into the general operating budget to increase the number of safety officers (e.g., police and fire fighters) without increasing taxes.
- Led \$132 million dollar task force for 9-11 Commission to implement a more efficient plan of action for water & power security improvements.
- Led task force to establish Renewable Energy Portfolio Standard, which achieved 13% green energy requirement.
- Responsible for oversight of a \$6 billion dollar retirement fund to guide the policies, procedures, and investment strategies for the LADWP Retirement Board.
- Chair of the Real Estate Subcommittee serving the state of California and borders of Arizona, Nevada, and Colorado River for the purpose of controlling land and water rights.
- Arbitrate grievances between employees as a member of the Personnel & Safety Committee.
- Chair Contract, Land, and Legal Committee to oversee all contractual agreements for land acquisitions or disposition.
- Responsible for oversight of the \$3.4 billion dollar annual budget as a member of the Audit, Finance, and Risk Management Committee.
- Chair Retirement Board Audit and Sarbanes Oxley Compliance Committee to ensure federal audit standards.
- Oversight of Local, State and Federal Legislative Compliance.

Director of Economic Development*Faithful Central Bible Church**12/98 to 12/99*

- Developed capital stewardship campaign entitled "Living and Giving Above and Beyond" which resulted in pledges and gifts exceeding \$10 million dollars.
- Formulated strategic capital giving plan that resulted in the generation of \$2 million dollars within 60 days.
- As key negotiator, led the acquisition team in acquiring the Great Western Forum for \$22 million dollars in a period of less than six months.
- Created and developed community programs for the purpose of social outreach (e.g., The Trinity Performing Arts Academy, National HIV/AIDS Support Services, and Welfare to Work Program, etc.).
- Managed and gave direction to leadership on pertinent Federal, State, and Local political issues

Commissioner*City of Los Angeles, City Wide**3/01 to 10/03*

- Responsible for oversight of general plan for the city of Los Angeles which includes the declaration of policies and programs for the development of such elements as land use, conservation, circulation, service systems, highways, public works, branch administrative centers, schools, recreational facilities, and airports.
- Board participant for monthly hearings on amendments to zoning regulations and conditional use permits.
- Oversight of regulation that governs the use of privately-owned property through specific plan ordinances.
- Reviewed and approved the acquisition of land by the city for public use (e.g., building of schools).
- Responsible for overseeing the disposition of surplus land to be submitted for report and recommendation.

EDUCATION

Biola University – Los Angeles, CA
Bachelor of Science, Business Administration
Summa Cum Laude

The New York Stock Exchange – New York, NY
Certificate in Economic Literacy

University of Pennsylvania – Los Angeles, CA
Wharton School of Management
Certified Employee Benefits Specialist

Oxford University – Oxford, England
Certificate in Biblical Studies

HONORS & AWARDS

- Who's Who Among Students in American Universities & Colleges
- Recipient of Alpha Sigma Lambda Award, Biola University - Iota Alpha Chapter
- Recipient of Platinum Fundraiser Award, Gentlemen Concerned
- Recipient of Councilmen Tony Cardenas Outstanding Accommodation for Leadership Award
- Numerous Community Award and Accolades of Achievement

BOARD MEMBERSHIPS

- USC, Ross School of Real Estate
- Inglewood Area Chamber of Commerce
- Los Angeles Neighborhood Land Trust
- Executive Board Member, National Black AIDS Institute

MEMBERSHIPS & AFFILIATIONS

- Los Angeles Town Hall
- South Bay NAACP
- Urban League of Los Angeles

2016 Annual Meeting Voting Delegates & Alternates

Please sign for voting packet

NORTHERN REGION

Butte	Steve Betts	Steve Lucas	_____
Colusa	Denise Carter	Tom Reische	_____
Del Norte	ABSENTEE BALLOT		ABSENTEE
Glenn			_____
Humboldt	Virginia Bass	Estelle Fennell	_____
Lake	Allen Gott	Bruno Sabatier	_____
Lassen	Joseph Franco	John Benoit	_____
Mendocino	Carol Rosenberg	Angela Silver	_____
Modoc	John Benoit		_____
Nevada	Kurt Grundel	SR Jones	_____
Plumas	Kevin Goss	John Benoit	_____
Shasta	ABSENTEE BALLOT		ABSENTEE
Sierra			_____
Siskiyou			_____
Sutter	Rupinder Jawanda		_____
Tehama			_____
Trinity			_____
Yuba	Mary Jane Griego	Ricky Samayoa	_____

COASTAL REGION

Alameda	Ralph Johnson	Georgean Vonheeder-Leopold	_____
Contra Costa	Mary Piepho	Lou Ann Texeira	_____
Marin	Craig Murray	Keene Simonds	_____
Monterey	Simon Salinas	Joe Gunter	_____
Napa	Diane Dillon	Gregory Rodeno	_____
San Benito	Bill Nicholson		_____
San Francisco			_____
San Luis Obispo	Tom Murray	David Church	_____
San Mateo	Ric Lohman	Mike O'Neill/Ann Draper	_____
Santa Barbara	Roger Aceves	Craig Geyer	_____
Santa Clara	Rob Rennie	Susan Vicklund Wilson	_____
Santa Cruz	Jim Anderson		_____
Solano	Harry Price	Skip Thomson	_____
Sonoma	Teresa Barrett	Ernie Loveless	_____
Ventura	Lou Cunningham	John Zaragoza	_____

2016 Annual Meeting Voting Delegates & Alternates

Please sign for voting packet

SOUTHERN REGION

Imperial	Mike Kelley	Jurg Heuberger	_____
Los Angeles	Don Dear	Gerard McCallum	_____
Orange	Derek McGregor	John Withers	_____
Riverside	Douglas Hanson	George Spiliotis	_____
San Bernardino	Kimberly Cox	Kathy Rollings-McDonald	_____
San Diego	Andy Vanderlaan	Mike Ott	_____

CENTRAL REGION

Alpine			
Amador	Louis Boitano	Jim Vinciguerra/R Chamberlain	_____
Calaveras	Amanda Folendorf	Tony Tyrrell	_____
El Dorado	Dyana Anderly	Shiva Frentzen	_____
Fresno	<i>Pending</i>		_____
Inyo	Allen Tobey	Josh Hart	_____
Kern	Ginger Mello	Karen Sanders/Gary McKibbin	_____
Kings	Chuck Kinney		_____
Madera	Max Rodriguez		_____
Mariposa	NOT VOTING		NOT VOTING
Merced	Bob Bertao	Alex McCabe	_____
Mono			_____
Placer	Bill Kirby	Stan Nader	_____
Sacramento	Don Lockhart		_____
San Joaquin	<i>Pending</i>		_____
Stanislaus	Sara Lytle-Pinhey	Javier Camarena	_____
Tulare	Julie Allen	Rudy Mendoza	_____
Tuolumne			_____
Yolo	Olin Woods		_____