



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

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AGENDA REPORT
 Business | Action

March 4, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Erica Sellen, Commission Clerk

SUBJECT: Appointment of a Regular Public Member

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider making an appointment to fill the vacated term of the regular public member position. The term became vacated on January 19, 2024 with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. The item has been noticed to accommodate the Commission proceeding immediately with the appointment of the alternate – Harry Mathis – to assume the unexpired term and done so based on input provided at the February meeting. Any successful appointment requires an at least one affirmative vote from all four appointing categories on the Commission (i.e., County, San Diego, other cities, and special districts). Alternative actions available to the Commission include – but not limited to – forming an ad hoc committee to recruit, interview, and/or recommend candidates to fill the unexpired term.

BACKGROUND

Membership Composition

San Diego LAFCO’s membership is prescribed under State law to include 13 appointed Commissioners. The Commissioners are divided between five distinct categories – County of San Diego, cities less City of San Diego, City of San Diego, special districts, and general public

Administration: Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcounty.ca.gov www.sdlafco.org	Joel Anderson County of San Diego Jim Desmond County of San Diego Nora Vargas, Alt. County of San Diego	Krista Becker City of Solana Beach Dane White City of Escondido John McCann, Alt. City of Chula Vista	Chair Stephen Whitburn City of San Diego Marni von Wilpert, Alt. City of San Diego	Vice Chair Barry Willis Alpine Fire Protection Jo MacKenzie Vista Irrigation David A. Drake, Alt. Rincon del Diablo	Vacant General Public Harry Mathis, Alt. General Public
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– and further distinguished between regular and alternate members. Only the public member category and its regular and alternate appointees are made by LAFCO; the appointments for the other four categories are externally determined under statute.

Membership Terms

All terms are four-years and commence on the first Monday in May in the affected year. There are no term limits involving LAFCO appointments in statute or under local policy.

Resignation of Public Member Andy Vanderlaan + Initial Commission Discussion

San Diego LAFCO received written notice from Andy Vanderlaan on January 19, 2024 of his immediate resignation as regular public member on the Commission.¹

As part of its agenda for the February 4, 2024 meeting, the Commission broadly explored its options and related preferences to fill the unexpired term for the regular public member. The Commission concluded the discussion with a request for staff to provide the necessary notice to allow for action at the March 4th meeting with general consensus to proceed with appointment of alternate Harry Mathis.

DISCUSSION

This item is for San Diego LAFCO to consider making an appointment to fill the unexpired term of the regular public member through April 2025. Proper notice has been given as required under statute and readily positions the Commission – and consistent with its discussion in February – to appoint alternate Harry Mathis. A copy of the notice provided to all local agencies with associated posting is provided as Attachment One.

ANALYSIS

San Diego LAFCO has broad discretion in statute and policy in how it chooses to appoint a public member. Statute only requires the appointment follows public notice, the appointee be a resident of San Diego County and not be an employee or officer of a member agency (i.e., the County, cities, or special districts), and an affirmative vote is achieved by all appointing categories on the Commission. Materially, this provision means a successful appointee must receive an affirmative vote by the lone City of San Diego voting member on the Commission.

Three basic and actionable options are readily available to the Commission today with respect to filling the unexpired term of the regular public member:

- Appoint alternate Harry Mathis. This alternative is consistent with the general consensus of the Commission in discussing option at the February 5th meeting.

¹ Mr. Vanderlaan served on the Commission since 1996 with the current four-year term extending through April 2025.

- Form and task an ad hoc committee to bring forward candidates.
- Task the Executive Officer and/or Commission Counsel to bring forward candidates.

RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in filling the unexpired term of the regular public member.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One:

Appoint Harry Mathis as the regular public member to an existing four-year term commencing immediately and terming on May 4, 2025

Alternative Two:

Form an ad hoc committee with prescribed tasks in informing the future appointment of a regular public member to an existing four-year term terming on May 4, 2025.

Alternative Three:

Task staff to initiate an open application process for the regular public member position with added prescription regarding the level and type of recruitment as well as the interview and appointment processes.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures are suggested in the consideration of this item:

- 1) Receive verbal report from staff unless waived.
- 2) Discuss item and consider recommendation.

Respectfully,



Erica Sellen
Commission Clerk

Attachment:

- 1) Notice of Vacancy and Anticipated Appointment of a Regular Public Member
(This notice was provided to all local agencies 21-days in advance as required under Government Code Section 56325(d))

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

February 6, 2024

TO: County of San Diego Clerk of the Board
 San Diego County Cities
 San Diego County Independent Special Districts

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Notice of Vacancy & Anticipated Appointment for Regular Public Member**

The San Diego County Local Agency Formation Commission (LAFCO)’s regular public member position has become vacant with the recent resignation of Andrew Vanderlaan (Bonsal). The Commission is expected to appoint a new regular public member as early as its next meeting on March 4, 2024, to assume the balance of the unexpired term, which runs through April 2025. It is further expected the current alternate public member – Harry Mathis (San Diego) – will be considered for appointment to fill the unexpired term of the regular public member. Should Mr. Mathis be appointed regular public member, a separate notice will be provided advising of the process associated with filling the alternate public member seat at its current term running through April 2027.

Should you have any questions, please contact me by telephone at (619) 321-3380 or by email at Erica.Sellen@sdcounty.ca.gov.

Respectfully,

Erica Sellen
 Commission Clerk

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego	Kristi Becker City of Solana Beach Dane White City of Escondido John McCann Alt. City of Chula Vista	Chair Stephen Whitburn City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Vice Chair Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo	Vacant General Public Harry Mathis, Alt. General Public
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