

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

2301 Technology Parkway  
Hollister, CA 95023  
Phone: (831) 637-5313

February 25, 2016 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister CA 95023

**Future LAFCO Staffing**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission consider appointing Brent Barnes as Executive Officer effective March 1, 2016 pending the possible appointment of a permanent replacement.

It is further recommended the Clerk of the Board of Supervisors be authorized to provide Commission Clerk services.

Last, it is recommended that Chapter 8 of the Commissioner Handbook be amended as attached to remove the reference to the existing staff arrangement.

DISCUSSION

At the meeting on January 28 Commissioners Botelho and Velazquez were appointed as a two-member ad hoc committee to research and describe the options for filling LAFCO staff positions upon my departure as the Executive Officer.

The ad hoc committee and I met and discussed this matter with Legal Counsel Matt Granger, County Administrative Officer Ray Espinosa, Assistant County Administrative Officer Barbara Thompson and County Resource Management Agency Director Brent Barnes on February 3.

I presented information at that meeting that was compiled by the California Association of LAFCOs regarding staffing. Of 55 LAFCOs who responded to a recent questionnaire, 18 are staffed by County employees, 15 are staffed by LAFCO employees, 13 are staffed by contract consultants and 9 are staffed via a hybrid such as a combination of consultants and staff.

Everyone is in agreement that regardless of staffing arrangements it is essential to public perception that LAFCO's status be maintained as an independent agency. The law is clear; the LAFCO Executive Officer is appointed by and serves at the pleasure of the Commission, even for those Executive Officers who are County employees.

Government Code Section 56384 (a) states "The commission shall appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer."

It seems that it would be best if future LAFCO staff were local, both for accessibility to local agencies and applicants and to reduce expenses related to travel and lodging.

The departing Commission Clerk has prepared a detailed Manual of Procedures which sets forth the necessary steps for staff to follow to provide proper notice of LAFCO meeting, prepare staff reports, resolutions and other follow-up materials and generally serve the needs of the Commission so it acts consistently in compliance with the law.

Recognizing the Executive Officer serves at the pleasure of the Commission and can be changed at any time circumstances dictate, it appears that Brent Barnes, who serves as Director of the County Resource Management Agency, should be appointed as the Executive Officer at this time and he may search to locate a permanent replacement.

Arrangements have been made to have secretarial services provided part time by an assistant clerk of the Board of Supervisors at an amount charged to the LAFCO budget for the remainder of this fiscal year and when FY 2016-17 LAFCO budget is developed. The duties are described in the Procedural Manual prepared by the current LAFCO staff.

If you have any questions, please contact either member of the ad hoc committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Braitman", followed by a long horizontal line extending to the right.

BOB BRAITMAN  
Executive Officer

cc: Brent Barnes, Director, County Resource Management Agency  
Ray Espinosa, County Administrative Officer  
Matt Granger, LAFCO Legal Counsel



## COMMISSIONER HANDBOOK

### 8. LAFCO STAFFING AND SUPPORT SERVICES

#### B. Executive Officer Appointment

Section 56384 (a) states:

The commission shall appoint an executive officer who shall conduct and perform the day-to-day business of the commission.

If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer.

~~The current staffing contract with Bob Braitman to provides:~~

~~LAFCO desires to retain Consultant as its Executive Officer until a successor is selected and assumes the duties of Executive Officer.~~

~~Consultant shall perform all Executive Officer duties as specified in the Cortese-Knox/Hertzberg Local Government Reorganization Act of 2000, other applicable statutes and as directed by the Commission.~~

~~Consultant shall also provide Commission support services including clerking meetings, processing applications received and maintaining Commissioner records.~~

~~Consultant shall provide information to members of the public regarding LAFCO statutes, policies and concepts of orderly governmental boundaries.~~

~~Appointing a future Executive Officer may require different compensation and support staff arrangements.~~

The manner of recruiting and appointing the Executive Officer is a matter of Commission discretion. The position serves at the pleasure of the Commission who may choose an Executive Officer whenever a vacancy occurs or at any time the services of the incumbent are not deemed satisfactory.