



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: July 3, 2012

Agenda 11A(1)
Approvals: _____
City _____
Dept. Head _____
Attorney _____
Finance _____

Department: City Clerk
Prepared By: Joanne Baade, City Clerk

Subject: *APPOINTMENT OF CITY REPRESENTATIVES/ALTERNATES TO THE SAN JOAQUIN HILLS AND FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCIES (TCAs)*

Summary: At its meeting of January 3, 2012, Council considered appointing City representatives to various committees, joint powers agencies and boards. Staff informed Council that the California Fair Political Practices Commission (FPPC) has interpreted FPPC Regulation 18705.5 to mean that Councilmembers that are interested in being appointed to a position that pays \$250 or more in any 12-month period must recuse themselves from participating in the selection process.

Among the positions that Council considered filling were the City's representatives to the San Joaquin Hills TCA and Foothill/Eastern TCA. Because the level of compensation for these positions was in excess of \$250 in a 12-month period, City Attorney Goldfarb advised that Councilmembers interested in serving as the City's representatives to the TCAs must recuse themselves from appointment deliberations. After expressing an interest in being considered for reappointment to both positions, Councilmember Dahl left the meeting room and the remaining four Councilmembers deliberated the appointment. A motion to reappoint Councilmember Dahl as the City's representative was made and seconded, but was defeated on a two-to-two vote. Because of the deadlock vote, the appointment was deferred to the Council meeting of January 17, 2012, to allow Councilmembers additional time to consider alternative courses of action.

At the Council meeting of January 17, 2012, City Attorney Goldfarb reported that the FPPC was in the process of reconsidering its interpretation of Regulation 18705.5. Mr. Goldfarb also pointed out that appointments to the TCAs are indefinite and only terminate when successors are appointed. Upon query, it was determined that no other member of Council was interested in representing the City on the TCAs. Council subsequently determined to defer appointments to a later date, with the understanding that Councilmember Dahl would continue to represent the City until successors were appointed.

On March 15, 2012, the FPPC revised Regulation 18705.5 to provide that Councilmembers are no longer required to abstain when they are interested in serving in a position that pays \$250 or more in any 12-month period, **provided** that the City first adopts and posts on its website, *on a form provided by the FPPC*, a list that sets forth each appointed position for which compensation is paid, the salary or stipend for each appointed position, the name of the public official who has been appointed to the position, the name of the public official, if any, who has been appointed as an alternate, and the term of the position. The FPPC has recently issued Form 806, which must be used to post paid appointments on the City's website. A completed Form 806 was posted to the City's website on June 20, 2012 and appears earlier on this evening's agenda for adoption consideration.

If Council adopts Form 806 prior to considering this agenda item, Staff recommends that all five Councilmembers participate in the appointment of the City's representatives to the San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies. Staff further recommends that Council appoint an alternate representative to each agency.

Recommended

Action:

If Council adopts completed FPPC Form 806 prior to considering this agenda item, Staff recommends that Council appoint one Councilmember to serve as the City's representative to the San Joaquin Hills Transportation Agency and one Councilmember to serve as the City representative to the Foothill/Eastern Transportation Corridor Agency. Staff further recommends that Council appoint an alternate representative to each agency.

Fiscal Impact: None

Attachments: None.

Notification: None.