

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

October 3, 1984

H. Peter Klein
Mendocino County Counsel
Courthouse
Ukiah, CA 94582

Re: Your Request for Advice
Our File No. A-84-232

Dear Mr. Klein:

This is in response to your recent letter regarding the filing obligations of alternates to the County Local Agency Formation Commission (LAFCO).

The LAFCO members are designated in the agency's conflict of interest code. You have asked whether, for purposes of disclosure, alternate Commission members should be separately designated in the code. It is not necessary that alternates be specifically designated in order to trigger disclosure. Once an alternate sits on behalf of a Commissioner, the alternate is, in effect, the Commission member. To avoid confusion, however, we recommend that alternates be designated in conflict of interest codes.

At such time as the alternate is called upon to participate, he or she is considered to have assumed office and should file an assuming office statement within the next thirty days. As long as the alternate continues to participate, annual statements should be filed. If it appears the alternate will no longer participate or the appointment expires, a leaving office statement should be filed.

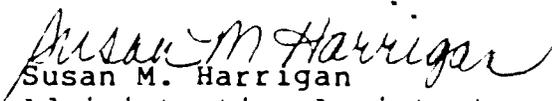
In this case, the Board of Supervisors has appointed a Supervisor to act in place of any Supervisor on the Commission who cannot act. The City Selection Committee has likewise designated a city officer to serve as an alternate to the City members on the Commission. The government alternates have disclosure requirements pursuant to Government Code Section

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87200, and you have asked whether they may simply submit copies of their Form 721s to the LAFCO to fulfill their filing requirements. If the jurisdiction of the LAFCO is the same as or is wholly included in the jurisdiction of the Board of Supervisors, an informational copy of the Statement may be filed with the LAFCO. However, since the city official has city-wide jurisdiction and the LAFCO, as a county agency, has county-wide jurisdiction, the Commission members and alternates representing the City must either file separate statements for each position or an expanded statement to cover both positions. An expanded statement would expand the Article 2 statement (Form 721) to cover reportable interests in both jurisdictions. A copy of the Statement would be filed with the LAFCO but it should contain a new cover sheet bearing an original signature and verification. The cover sheet should clearly indicate that the filer is a member of the LAFCO. The enclosed fact sheet should answer any questions you might have regarding expanded statements.

If you have any questions regarding this letter, please call me at (916) 322-5901.

Very truly yours,


Susan M. Harrigan
Administrative Assistant

SMH:nwm
Enclosure

H. PETER KLEIN
COUNTY COUNSEL

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September 4, 1984

Ms. Susan Harrington
State of California
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95814

RE: Conflict of Interest/Designated Positions/Alternate
Members of LAFCO.

Dear Ms. Harrington:

Pursuant to our conversation of August 31, 1984, please
consider this letter a formal request for advice.

Government Code Section 54780 creates in each County a Local
Agency Formation Commission consisting of five regular members
and alternate members. Our County Board of Supervisors appointed
a third Supervisor as an alternate and a City Selection Committee
also designated an alternate member who is required to be a city
officer. The County's alternate member is authorized to serve
and vote in place of any Supervisor on the commission who is
absent or who disqualifies himself or herself from participating
in a meeting of the commission. The law further provides that in
the event the office of a regular County member becomes vacant,
the alternate member is authorized to serve and vote in his or
her place until the appointment and qualification of a regular
County member to fill the vacancy. Government Code Section 54784
provides similar authority for the city alternate.

The County's Conflict of Interest Code merely designates
"all LAFCO commissioners" without reference to "alternates".

The questions relative to the above are as follows:

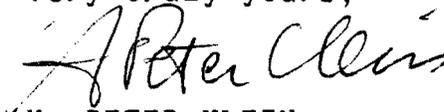
1. Should alternate commissioners be separately designated
employees or officers in the County's Conflict of
Interest Code?
2. If designated, what would be the time of filing the

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Statement of Economic Interest (e.g. Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements)? [Note: the Alternate may never be called upon to make a decision in which case no Statement of Economic Interest filing should be triggered.]

3. When a filing is required, would it suffice if the governmental alternates submitted Form 721 since they already file this form as Supervisors and City Council members?

Very truly yours,



H. PETER KLEIN
County Counsel

HPK/r11

cc: All Supervisors
CAO
Clerk of the Board
Woody Morris, Elections
Our File - Conflict of Interest