



Legislation Text

File #: 17-0054, **Version:** 2

Clerk of the Board recommending the Board:

1) Accept, with thanks, the resignation of Paula Frantz, Sr. Deputy County Counsel from her temporary appointment to the California Tahoe Conservancy at the direction of the Board of Supervisors; and

2) Appoint Supervisor Novasel to serve as the El Dorado County representative on the California Tahoe Conservancy Board supported by recently adopted legislation (Assembly Bill 1191) which clarifies the membership structure of the Conservancy. (Est. Time: 5 Min.)

DEPARTMENT RECOMMENDATION

Clerk of the Board recommending the Board:

1) Accept, with thanks, the resignation of Paula Frantz, Sr. Deputy County Counsel who served in a temporary capacity to the California Tahoe Conservancy at the direction of the Board of Supervisors; and

2) Appoint Supervisor Novasel to serve as the El Dorado County representative on the California Tahoe Conservancy Board supported by recently adopted legislation (Assembly Bill 1191) which clarifies the membership structure of the Conservancy.

DISCUSSION / BACKGROUND

On January 10, 2017 (Item 22, File 17-0004), the Board unanimously approved the following action pertaining to the appointment to the California Tahoe Conservancy (CTC):

A motion was made by Supervisor Novasel, seconded by Supervisor Veerkamp to:

1) Temporarily Appoint Sr. Deputy County Counsel Paula Frantz as a Member to the Tahoe Conservancy; and

2) Direct staff to pursue a legislative clarification indicating the existing state of the law that local entities on the Tahoe Conservancy can appoint their elected members in which to sit.

Given the direction above, the Chief Administrative Office worked with local State Assembly members to request amendments to Government Code Section 66906.1 et seq. which sets the membership of the California Tahoe Conservancy and states one member will be appointed by the El Dorado County Board of Supervisors, one by the Placer County Board of Supervisors and one by the South Lake Tahoe City Council.

On July 25, 2017 County Counsel notified the Clerk of the Board that Assembly Bill 1191 (AB1191) was signed by the Governor. AB1191 clarifies the membership structure for the CTC (see attachment 2A).

ADDITIONAL HISTORY

Since 1985 when the CTC was created, the EDC Board of Supervisors has always appointed the District 5 Board Member to sit as EDC's representative on the CTC. Similarly, the City Council has always appointed one of the Council members to represent SLT's interest. In late 2015, personnel

at the Attorney General's Office expressed concern whether these appointments are appropriate, or, whether, since the language of Government Code Section 66906.1 did not expressly mandate that an elected official be the member, having an elected official serve on the CTC might raise concerns about whether the concurrent membership on the Board or City Council while also serving on the CTC could be considered an impermissible incompatible office prohibited by Government Code Section 1099. Other Conservancies created after the CTC for similar purposes explicitly allow, or even mandate, that local elected officials serve as members of those conservancies. We would like to pursue clarifying language which makes explicit that which currently seems implicit, that the Legislative intent in creating these Conservancies was to facilitate local entity involvement by having the local entity appoint the representative of their choice, including an elected official.

ALTERNATIVES:

The Board could choose not to appoint Supervisor Novasel, appoint another Board Member or direct staff to take other action.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

The Clerk will update the membership roster for the Tahoe Conservancy.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Jim Mitrisin, Clerk of the Board