

Commissioner Terms

1. Is there a legal reason why a Commissioner representing public agencies who retires from their employer cannot continue to serve out the balance of their terms and vote at commission meetings?
2. If not, is there a recommendation to clarify this issue.

It is well established that a public officer or entity has only those powers as are conferred by the law creating them, as well as implied powers that are necessary to the exercise of those powers expressly granted. (*American Federation of Labor v. Unemployment Ins. Appeals Bd.* (1996) 13 Cal.4th 1017, 1042). The Commission is a creature of statute and may only act within the authority granted by the legislature. In this case, PCC, section 22014 (a) states that “members of the commission may hold their office for terms of three years, and until their successors are appointed.” A liberal interpretation of the statute would suggest that the retired Commissioners may continue to serve, and vote, as a holdover appointment until a replacement is named by the Controller.