

## Item 9d - Proposed CUCCAC Commissioner Terms Limits Policy

### **Background:**

The topic of defining Commissioner term limits has come up in the last several meetings and has never been fully resolved. The term limits once decided upon, will be added to the Commission's bylaws and posted on the State Controller's Office website.

Commissioner terms are dictated by Public Contract Code (PCC) 22014:

- (a) The members of the commission shall hold office for terms of three years, and until their successors are appointed, except as otherwise provided for in this section.
- (b) In the case of members initially appointed by the Controller, two representing the construction industry and two representing public agencies shall be appointed to serve until July 1, 1985; two representing the construction industry and two representing public agencies shall be appointed to serve until July 1, 1986; and three representing the construction industry and three representing public agencies shall be appointed to serve until July 1, 1987.
- (c) Members may be reappointed for subsequent terms of three years.
- (d) The Controller shall, within 90 days after the expiration of any term, appoint a replacement to fill the vacancy on the commission.

### **Problem:**

The issue is the interpretation of the phrase, "and until their successors are appointed," in subsection (a). How does the intermediary period, between the end of the three year term and the beginning of the successor's term, affect the subsequent term limits when Commissioners are reappointed or a new one is appointed?

### **Proposed Options:**

The code section is vague and can be interpreted several ways. These are my interpretations:

- 1) Commissioner A is originally appointed February 1<sup>st</sup>, 2011, with their term ending January 31<sup>st</sup>, 2014. Commissioner A serves past January 31<sup>st</sup>, 2014, and is subsequently reappointed April 1<sup>st</sup>, 2014 with the term of Commissioner A ending on March 31<sup>st</sup>, 2017. If Commissioner B is chosen to replace Commissioner A, and is appointed April 1<sup>st</sup>, 2014. Commissioner B's term would end March 31<sup>st</sup>, 2017. (Option 1 is the existing disputed process.)
- 2) Commissioner A is originally appointed February 1<sup>st</sup>, 2011, with their term ending January 31<sup>st</sup>, 2014. Commissioner A serves past January 31<sup>st</sup>, 2014, and is subsequently reappointed April 1<sup>st</sup>, 2014 with the term of Commissioner A ending on January 31<sup>st</sup>, 2017 (the same date of their original appointment). If Commissioner B is chosen to replace Commissioner A, and is appointed April 1<sup>st</sup>, 2014. Commissioner B's term would end March 31<sup>st</sup>, 2017.
- 3) All commissioners should have terms that begin on July 1<sup>st</sup> and end on June 30<sup>th</sup> as initially appointed when the Commission was formed. The intermediary periods of past commissioners have shifted appointment dates away from July 1<sup>st</sup>. Commissioners from their respective agencies would have their terms "realigned" to the initial appointment dates pursuant to Public Contract Code 22014(b).

### **Conclusion:**

The Commission should decide which interpretation is best. If there are alternative interpretations, please let me know so that I may add it to the list for final discussion at the June 20<sup>th</sup>, 2013 meeting.