

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

Section 1. GENERAL, “BYLAWS”, AND RELATED ADMINISTRATION POLICIES¹

1.1 COMMISSION TITLE

This Commission shall be entitled and known as the Amador Local Agency Formation Commission (“Amador LAFCO”).

1.2 MISSION AND PURPOSES

The Local Agency Formation Commission coordinates logical and timely changes in local governmental boundaries (§56001); conducts special studies which review ways to reorganize, simplify and streamline governmental structures (§56031); and prepares spheres of influence for each city and special district within the County (§56425). The Commission promotes provision of efficient and economical services while encouraging protection of agricultural and open space lands (§56001, §56300). Further efforts include discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances (§56301).

Local Agency Formation Commissions are independent commissions that are not a part of county government. Each Commissioner is independent when weighing and reviewing information and when making determinations (§56325.1 and Attorney General Opinion 98.802).

The mission of the Amador LAFCO is to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 with an understandable and open public process leading to informed decisions.

1.3 INTEGRATION WITH STATE LAWS

This document and its subsequent sections will contain the policies, procedures and guidelines needed to implement LAFCO’s statutory purposes and its mission. The provisions of this document are not intended to preempt state law. In the event of a conflict between these policies and guidelines, and the provisions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the provisions of the Act shall prevail.

1.4 MEMBERSHIP

1.4.1 Membership: Amador LAFCO shall be composed of five regular members and three alternate members (§56325, §56332). All members must be residents of Amador County.

¹Note: All code notations in the Policies and Guidelines refer to California Government Code unless otherwise noted.

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

(a) County: Two members and one alternate from the County Board of Supervisors are selected by that Board (§56325).

(b) City: Two City Council Members and one alternate are designated by the City Selection Committee (§56325).

(c) Public Member: The Public Member and one alternate Public Member are appointed by the other four Commissioners (§56325(d)) in the following manner:

- (i) The vacancy shall be posted by the Executive Officer within 21 days after the vacancy occurs (§54974). At the same time, notice shall be published in a newspaper of general circulation and mailed to all cities, the Board of Supervisors, all independent districts, and any member of the public who has requested such notice in writing.
- (ii) The application period will run not less than 30 days from the date of posting and publication. Letters of application with attached resumes shall be submitted to the LAFCO Executive Officer within the time period specified in the posted notice of vacancy.
- (iii) The Commission may designate a committee to review applications and recommend an appointment. Depending on the number of applicants, the Commission or committee may interview the most qualified applicants.
- (iv) Selection of the public member and alternate public member shall be subject to the affirmative votes of at least one City, County, and District member seated on LAFCO. (§56325(d))

1.4.2 Alternate Commissioners: Alternate members may vote in place of the regular member who is absent or who disqualifies himself or herself from participating in an action (§56325). Alternate Commissioners may participate in closed sessions when sitting in and voting for an absent Commissioner.

1.4.3 Term of Office: The term of each member shall be four years. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body (§56334). A Commissioner is required to vacate their seat if he or she ceases to hold the originating office (§56337). LAFCO terms begin on the first Monday of January.

1.4.4 New Commissioners joining Amador LAFCO will meet with the Executive Officer for an orientation to the agency within 45 days of assuming office. New Commissioners are encouraged to attend courses or programs about the functions

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

and responsibilities of LAFCO, particularly CALAFCO sessions, within their first year of service to LAFCO.

1.4.5 Each Commissioner and Alternate signs a Code of Ethics adopted by Amador LAFCO and agrees to adhere to its standards and precepts. The signed code of ethics shall be filed with LAFCO.

1.4.6 All Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority (§56325.1).

1.5 **OTHER**

1.5.1 It is the policy of Amador LAFCO to be a member of CALAFCO and to support and actively participate in the State association.

1.6 **DOCUMENTS**

1.6.1 No staff member will distribute campaign related documents or items unrelated to the business of LAFCO (Government Code §54964, Penal Code 424).

1.6.2 Subject to the discretion of the Executive Officer, printed material relevant to the business of LAFCO, including proposed or anticipated LAFCO actions, may be included in the meeting packet on an informational basis.

1.6.3 All persons are invited to submit written comments for any matters set for hearing before LAFCO. Members of the public are strongly urged to submit their comments sufficiently in advance of meetings to allow Commissioners to review and absorb the information.

- (a) Written comments will be included in the meeting packet if received by the Executive Officer prior to the distribution of the packet.
- (b) Written comments received up to 48 hours prior to the LAFCO meeting will be duplicated by Executive Officer for distribution at the meeting.
- (c) Persons submitting written comments less than 48 hours before a LAFCO meeting must provide at least 10 copies for distribution, or may also directly distribute their written comments and materials to the Commission any time prior to the close of the public hearing.

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

1.7 OFFICERS

1.7.1 Elections: The Chair (§56334) and Vice Chair shall be elected by a majority vote of the Commission. Elections shall be held annually at the first regular Commission meeting of the calendar year.

1.7.2 Terms of Office: The offices of Chair and Vice Chair are one year terms. No Commission member shall serve more than two consecutive one year terms in the same office.

1.7.3 Duties of Chair: The Chair, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these rules. The Chair shall preserve order and decorum, set time limits for speakers, and shall decide all questions of order subject to the action of a majority of the Commission.

The Chair may also, from time to time, appoint Commission members to subcommittees and may call special meetings as necessary and as provided by law (§54956). All documents involving official acts of the Commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the presiding officer shall be deemed sufficient.

1.7.4 Duties of Vice-Chair: In the absence of the Chair or if for any reason the Chair is unable to act as Chair, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

1.7.5 Chair Pro Tem: In the absence of the Chair or Vice Chair or if the Chair or Vice Chair is unable to participate in the proceedings, the members of the Commission present shall, by an order entered in the minutes, select one of their members to act as Chair Pro Tem with all the powers and duties of the Chair.

1.7.6 Spokesperson: The Commission may, from time to time, designate a spokesperson to represent the Commission for a particular matter.

1.7.7 Speaking in Public: All Commissioners, when speaking in public forums of any kind, must clearly state that they are expressing their own views, unless they have been designated to be the spokesperson on that matter and to represent the Commission.

1.8 MEETINGS

1.8.1 Regular meetings are conducted monthly (§54954) and are usually held in the Board of Supervisors Chambers at the County Government Center located at

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

810 Court Street, California. A meeting schedule is adopted annually. The Commission may change the meeting schedule or location, add or cancel hearings.

1.8.2 The Chair, Executive Officer or a majority of the Commission may call a special meeting at any time, pursuant to the provisions of Government Code Section 54956. "For the majority to act, there is implied authority for them to communicate to determine if they want to call a special meeting" (Open & Public III: A user's guide to the Ralph M. Brown Act).

1.8.3 Notice of meetings will be provided in accordance with the provisions of the Cortese-Knox-Hertzberg Act, the Brown Act, and the California Environmental Quality Act, as applicable. The Executive Officer may provide public notice, above that required by law, when appropriate. The meeting agenda will be provided to LAFCO's established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.

1.8.4 The Chairman or the Executive Officer may direct Legal Counsel to attend a meeting, and any Commissioner may recommend to the Chairman or the Executive Officer that Legal Counsel attend a meeting. Legal Counsel may also provide recommendations regarding his attendance at LAFCO meetings through the Chairman or the Executive Officer. (August 16, 2012)

1.9 AGENDAS

1.9.1 Items are placed on the meeting agenda by any member of the Commission, the Executive Officer, or by the Commission's direction or consensus.

1.9.2 Meeting agendas will be provided to LAFCO's established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.

1.9.3 In accordance with the Ralph M. Brown Act, the Commission may not take action on any items that do not appear on the Amador LAFCO agenda posted 72 hours prior to the meeting unless an exception is made as permitted under Government Code Section 54954.2 (immediate action required, etc.).

1.10 QUORUM, VOTING AND CONDUCT OF MEETINGS

1.10.1 Quorum: Three members of the Commission constitute a quorum for the transaction of business. In the absence of a quorum, the members present shall adjourn the hearing to a stated time and place.

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

1.10.2 Voting: Roll call shall be conducted by the Commission Clerk, with the Chair voting last. No act of the Commission shall be valid or binding unless three or more members concur. A tie vote, or any failure to act by at least three affirmative votes, shall constitute a denial.

1.10.3 Conduct of Meetings:

Meetings are conducted according to Rosenberg's Rules of Order.
The usual order of business is as follows:

1. Call to Order and Pledge of Allegiance
2. Adoption of Agenda
3. Approval of Minutes, Claims
4. Public Comment/Public Forum
5. Public Hearings
6. Administrative Business
7. Other Business
8. Reports and Correspondence
9. Adjournment

1.10.4 Public Comment/Public Forum: Any person wishing to address the Commission on any item within LAFCO's jurisdiction but **not** appearing on the agenda may do so during this section of the agenda (Section 54954.3). The Commission cannot take action on an item that is not listed on the agenda. The time limit is five minutes per speaker, subject to the discretion of the chair.

1.10.5 Public Hearings: The usual order of the public hearing for each agenda items is as follows: The item is announced and the Executive Officer report and recommendation is presented. The Commission may discuss the item, asking questions and/or making comments. The public hearing is opened and each person requesting to speak on the agenda item is called by the presiding officer to testify. The public hearing is then closed and the Commission discusses the item and/or takes action on the matter.

1.10.6 The Executive Officer shall provide periodic reports to the Commission on agency activities, pending projects, and the budget.

1.10.7 Commissioners' reports may include individual or committee activities, intergovernmental items, announcements and other relevant matters.

1.10.8 Speakers:

- (a) All communications from the floor are addressed to the Commission.

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

- (b) Members of the public who speak at a meeting are requested to identify themselves and to sign in with the Clerk (Section 54953.3) to facilitate preparation of the minutes. Those attending a meeting are not required to identify themselves.
- (c) No person is allowed to speak from the audience.
- (d) Each speaker is allowed to speak once on agenda items.

1.10.9 Time Limits: The Chairman may limit the time for speakers or may limit the total time allotted for any individual item (Brown Act). The usual time limit is five minutes for speakers.

Section 2. LAFCO OPERATIONS (Adopted 8/17/06)

2.1 LAFCO BUDGET

Government Code §56381, et. seq., and the following policies will control the LAFCO budget process:

2.1.1 The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15 in the manner prescribed by §56381.

2.1.2 LAFCO will encourage an open process in the development and approval of its budget. LAFCO will encourage cooperation and collaborative efforts among agencies in order to reduce the costs of special projects, studies and state mandates.

2.1.3 LAFCO will annually review and adopt budget priorities to fulfill the purposes and programs of state law and local policy. The work plan will guide the development of the budget.

2.1.4 The budget will identify the resources available for LAFCO's use under the law and those resources necessary for the purpose of carrying out state law and the Commission's goals and policies.

2.1.5 The LAFCO Executive Officer shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCO budget.

2.1.6 The annual budget will include an operating contingency set at 10% of total operating expense.

2.1.7 An independent audit of LAFCO finances will be conducted periodically.

2.2 LAFCO FEES

2.2.1 Application Fees

- a) The Commission shall periodically review fees and adopt a fee schedule for the purpose of recovering the costs pursuant to the Cortese-Knox-Hertzberg Act (§56383(a), §56384, §66016).
- b) The schedule of fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to §66016 and §56383). Charges listed on the schedule of fees are initial payments toward the total cost of processing ("project cost"). (Approved May 27, 2004)

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

- c) Project cost is defined as staff time plus materials. Staff charge-out rates include personnel costs plus a percentage of LAFCO operating expense and administrative overhead. Materials include, but are not limited to, mailing costs, charges for advertisement of hearings, petition reviews, as well as fees charged for project reviews by affected agencies. (Approved May 27, 2004)
- d) No petition shall be deemed filed and a Certificate of Filing shall not be issued until fees have been deposited (§56383(c)). Charges must be paid by the applicant prior to recording the Certificate of Completion or during other times during the LAFCO process as deemed appropriate by the Executive Officer. The Certificate of Completion shall not be recorded until outstanding fees and charges are paid.
- e) Any individual or entity that requests a LAFCO initiated study or service review of special district changes of organization or reorganization shall be responsible for required fees. Charges for Reconsideration of a LAFCO Determination are the responsibility of the requesting party.
- f) Applicants are responsible for payment of appropriate State Board of Equalization fees, County Surveyor fees, County Elections Department costs, Environmental Document preparation fees, mapping, Fish and Game fees, and County Recording Fees. (Approved May 27, 2004)
- g) Staff time will be monitored against the deposit paid. If cost of processing an application begins to exceed the deposited amount, additional deposits will be required. Any hearing on the application may be deferred or continued pending receipt of the additional deposit. (Approved May 27, 2004)
- h) If extensive staff assistance is required prior to receipt of an application, a deposit will be required at the time the work is requested. (Approved May 27, 2004)
- i) Pre-Application Expenses: LAFCO will charge its pre-application staff time spent conducting research, reviewing environmental and other documents and participating in the process as the lead agency or responsible agency, as part of the processing costs. The initial deposit for proposals will be due and payable at the time LAFCO initiates preliminary work on the proposal or when the estimated time of preliminary work exceeds 2 hours. (Approved May 27, 2004, amended May 2, 2007)

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

- j) Public inquiries and one-time general research requiring less than 30 minutes will not be subject to charges for staff time. (Added May 2, 2007)

2.2.2 Appeal of Fees

- a) Absent compelling circumstances, the Commission will not normally adjust or waive deposits and/or fees. (Approved May 27, 2004). LAFCO fees may be appealed before the Commission.
- b) Appeals shall be submitted in writing with the application and contain specific justification for the request. The appeal will be considered at the next LAFCO hearing.
- c) Project processing will not begin until a fee determination is rendered by LAFCO.
- d) The Commission may waive, defer or reduce fees based on the determination that the payment of such fee will result in undue and extra hardship to the applicant that is not caused by the applicant's own action, and where it can be demonstrated that the project is necessary for the public health, safety and welfare (§56383 (d) & (f))
- e) The Commission will consider the budget impacts of any fee waivers or reductions.

2.2.3 Refunds

- a) Deposits on file with LAFCO which exceed the cost of processing the application by \$25 or more will be refunded to the applicant after LAFCO completes its final filings. (Approved May 27, 2004)

2.3 LAFCO EXPENDITURES (Adopted 8/17/06)

2.3.1 Commission members and alternates, sitting in and voting at a meeting, receive a meeting stipend as set by the Commission and are reimbursed for reasonable and necessary expenses incurred in performing the duties of their office (§56334).

2.3.2 Commission members, including alternates, and staff compelled to travel in the performance of their duties shall be reimbursed for their actual and necessary expenses, including reasonable incidental expenses. Reimbursement shall be made at the rates specified for officers or employees of Amador County, or as otherwise specified by the Commission. Travel claims will be made in the form and manner as such claims are processed for officers or employees of Amador County.

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

2.3.3 All travel arrangements are coordinated through the Executive Officer and should be as economical as possible.

2.3.4 All LAFCO claims are reviewed and approved by Commission action.

2.3.5 Disbursements from the LAFCO budget require two signatures; the Executive Officer and the Commission Chair are designated to sign. (July 20, 2006). The Chairman's signature on the "Approval of Claims" is a valid signature authorizing disbursements (August 17, 2006).

2.3.6 The Executive Officer is designated as the financial officer of LAFCO and shall review all invoices, including claims and payment requests received by LAFCO and shall be responsible to process documents necessary for payment in a timely manner.

2.3.7 In order to avoid late payment penalties, or to secure an early payment discount, the Executive Officer is authorized to sign claims in advance of the Commission's approval action.

2.4 LAFCO CAPITAL ASSETS (Approved Nov.16, 2006)

2.4.1 Capital assets include furniture, equipment and fixtures with a useful life of ten years and a value of \$5,000 or more. Capital assets owned by LAFCO are stated at historical cost or estimated historical cost, if actual cost is not available.

2.4.2 LAFCO will maintain an inventory of capital assets, including equipment and furniture. The inventory will be maintained by staff and will be updated annually at the close of the fiscal year. Capital assets are depreciated using the straight-line method over the estimated useful life.

2.5.3 Assets become obsolete when the asset is no longer operable, has been replaced, or is no longer available for use. Notification of obsolescence is made annually at the time of audit and removed from the capital assets list thereafter.

2.5.4 The Commission shall review and approve a list of any capital assets to be declared surplus property. The Commission may dispose of surplus property by making the property available for donation to any non-profit or other agency listed or authorized by either the State of California or Amador County to receive surplus property donations.