

Shasta LAFCO Policies and Procedures

CHAPTER 1

COMMISSION ORGANIZATION AND OFFICIAL BUSINESS TRANSACTION

Section 1. Introduction

1.1 Statutory Authority

Cortese-Knox-Hertzberg Local Government Reorganization Act (the Act) Section 56300: requires each LAFCO to establish written policies and procedures that discourage urban sprawl, preserve agricultural land resources; encourage orderly formation of local governmental agencies; and facilitate constructive changes in government structure and boundaries. Section 56375 requires each LAFCO's actions on organization change to be consistent with its written policies and procedures.

1.2 Statement of Purpose

The purpose of the policies and procedures set forth in this Chapter is to establish how provisions of the Act, pertaining to commission organization and transaction of official business will be implemented and applied by the Shasta Local Agency Formation Commission hereinafter referred to as "Shasta LAFCO" or "Commission".

Section 2. Commission Organization

2.1 Legislative Charge to Commission

Pursuant to Shasta LAFCO statute Section 56325.1: "While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. 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. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person."

2.2 Commission Composition/Term of Office

The Shasta LAFCO composition shall be as prescribed in LAFCO statute Section 56325, summarized as follows:

- Two regular and one alternate County member appointed by the board of supervisors;
- Two regular and one alternate City member appointed by the city selection committee;
- Two regular and one alternate independent special district member from legislative bodies;

- One regular and one alternate public member, appointed by the other Commission members.

Pursuant to LAFCO statute Section 56334, the term of office of each LAFCO member shall be four years or until the appointment and qualification of his or her successor. Unless a new member appointment is earlier made by the Board of Supervisors or the City Selection Committee, or by vote of the Independent Special Districts. The expiration date of the term of office of each member shall be the last Monday in January in the year in which the term of the member expires unless this Commission exercises its statutory authority to specify an alternate expiration date which shall be uniformly applied to all members; provided, however, that the length of a term of office shall not be extended more than once. Any commission membership vacancy shall be filled for the unexpired term by appointment by that body that originally appointed the member whose office has become vacant.

2.3 Commission Compensation

Regular and alternate Shasta LAFCO members shall be eligible for reimbursement for reasonable and necessary expenses pursuant to LAFCO statute Section 56334.

2.4 Disclosure of Contributions and Expenditures

LAFCO statute Section 56100.1 permits a Commission to require disclosure of contributions, as defined in Section 82015, expenditures, as defined in Section 82025, and independent expenditures, as defined in Section 82031, made in support of or opposition of a proposal, through the adoption of written policies. This disclosure is in addition to any disclosure already required by Political Reform Act Section 81000.

It is Shasta LAFCO's position that the public interest would be served by adopting policies and procedures pertaining to disclosure of contributions, expenditures, and independent expenditures, as defined, and that adoption of such policies and procedures will promote the open, objective and impartial conduct of Commission business while maintaining the opportunity of the public to present their views and opinions to Commissioners.

Procedures pertaining to disclosure of contributions, expenditures, and independent expenditures shall apply to any proposed change of organization or reorganization, or sphere of influence adoption or amendment, for which an application has been filed with Commission staff, or a sphere of influence review initiated by the Commission.

2.4.1 Procedures for Disclosure of Contributions and Expenditures: A Commissioners shall make public each contribution, expenditure, and independent expenditure, by disclosure in the following manner:

1. Disclosures shall be reported by a Commissioner on a form approved by the Commission, and such completed form shall be delivered to the Executive Officer within seven (7) days after receipt of a contribution, expenditure, or

- independent expenditure. If, however, such delivery to the Executive Officer would thereby occur fewer than ten (10) days before the next Commission meeting, the report shall instead be made either orally on the record at such meeting or by distribution of the report form at the time of the meeting.
2. The Executive Officer will place all written reports so received on the Commission website and make them available for public inspection at the Commission office.
 3. Failure to make timely reports as required herein shall not validate Commission action. However, any failure hereunder which becomes known during the statutory period for reconsideration of a Commission action may constitute a ground for reconsideration upon the Commission's own motion and in its discretion.

2.5 Election of Chairman, Vice-Chairman

Pursuant to LAFCO statute Section 56334: "The chairperson of the commission shall be selected by the members of the commission." Consistent with Section 56334, Shasta LAFCO shall conduct the selection of a chairperson and vice-chairperson as follows:

2.5.1 Election Schedule: At the first meeting of the calendar year, the members of the Commission shall elect a Chairman and a Vice-Chairman.

2.5.2 Conduct of Election: The Chairman will conduct the election as follows:

1. Call for nominations and seconds for Chairman.
2. Nominations for Chairman closed.
3. Call for voice vote; announcement of result.
4. Call for nominations and seconds for Vice-Chairman.
5. Nominations for Vice-Chairman closed.
6. Call for voice vote; announcement of result.

2.6 Powers and Duties of Chairman, Vice-Chairman

2.6.1 Chairman: The Chairman shall be the presiding officer. The Chairman shall preserve strict order and decorum at all meetings, state questions coming before the Commission, announce the Commission's decision on all subjects, and decide all questions of order; subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. The Chairman shall vote on all questions. The Chairman shall sign all resolutions, directives, and contracts approved by the Commission. Chairman.

2.6.2 Vice-Chairman: In the absence of the Chairman, the Vice-Chairman shall have all of the powers and duties of the Chairman.

Section 3. Transaction of Official Business

3.1 Regular/Special Meetings

3.1.1 Schedule/Location: On the call of the Chairman, the regular meetings of Shasta LAFCO shall be held on the first Thursday of every other month, commencing at 9:00 a.m. in the Board of Supervisors Chambers in the Shasta County Administrative Building or a City Council Chamber of an incorporated city in Shasta County, in or around Redding, California. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first available day which is not a holiday commencing at the same hour, in which event all hearings, applications, petitions, and other matters before the Commission are continued to the same hour of the next available day which is not a holiday.

3.1.2 Adjourned Regular Meeting: Any regular Commission meeting may be adjourned to any day prior the date established for the next regular Commission meeting. If the date to which any such adjourned meeting falls upon a holiday, the adjourned meeting shall be held at the same place on the next available day which is not a holiday at the hour of 9:00 a.m., thereof in which event all hearings and other Commission matters are continued to the same hour of the next available day which is not a holiday.

3.1.3 Canceled Regular Meeting: A regular meeting may be canceled by the Executive Officer, with the concurrence of the Chairman, or Vice Chairman in the absence of the Chairman, if it has been determined that there are no changes or organization or reorganization or other business pending which requires Commission action at the time of cancellation, and provided a notice of cancellation is given to members of the Commission not less than seventy-two (72) hours prior to the regular meeting.

3.1.4 Special Meetings: Special meetings may be called at any time by the Commission Chairman, or by two of the members of the Commission, by serving notice of the time, place, and purpose of the meeting upon each member of the Commission. Such notice shall be served at least twenty-four hours before the time set for the hearing, and such service shall be deemed to be completed with respect to a member upon the happening of any of the following events:

1. Personal service upon a member.
2. Delivery to the last known residence or business address of the member.
3. The expiration of seventy-two (72) hours after the deposit of said notice in the US mail, postage prepaid, addressed to the last known residence or business address of the member. No other business shall be considered at the special meeting other than that set forth in the notice of hearing. Special meetings called in accordance to the provisions above shall be held in the same location

as regular meetings, and shall commence at the same hour as regular meetings.

3.1.5 Quorum: A majority of the Commission shall constitute a quorum for the transaction of business; provided, however, unless specifically otherwise provided, the Commission shall take no action except upon the affirmative vote of at least three members. Less than a quorum may adjourn from time to time.

3.2 Order of Agenda/Record of Meetings

3.2.1 Order of Agenda: The agenda of each regular meeting of Shasta LAFCO shall be as far as possible in the following order:

1. Call to Order
 - a. Roll Call
 - b. Pledge of Allegiance
2. Public Comment
3. Agenda Adoption
 - a. Agenda Additions/Changes
 - b. Business/Campaign Conflict Disclosures
4. Special Presentations
5. Consent Calendar
 - a. Minutes/Previous Meeting
 - b. Communications/Publications/Other/Fiscal Information
6. Correspondence
7. Scheduled Public Hearings
8. New Business
9. Old Business
 - a. Invoices for Executive Officer Services
 - b. Budget Items
10. Executive Officer Report
11. Closed Session
12. Commissioner Announcements
13. Staff Announcements
14. Adjournment

3.2.2 Record of Proceedings: The Minutes of the meetings shall be kept by the Commission Clerk or such other person as may be designated, with a record of each particular type of business transacted set off in paragraphs with proper subheads; provided, however, that the Commission Clerk shall be required to make a record only of such business as was actually passed upon by a vote of the Commission and shall not be required to record any remarks of members or any other person except at the special request of a member; and provided, further, that a record shall be made of the names and addresses of persons addressing the Commission, the title of such matter to which their remarks related, and whether they spoke in support of, or in opposition to, such matter.

At the next regular Commission meeting, the Minutes of the previous meeting shall be considered for Commission approval. Unless a member requests the reading of the Minutes of a meeting, such Minutes may be approved by consent if each member has previously been furnished a copy thereof. Upon approval by the Commission, the Clerk shall sign the Minutes.

3.2.3 Meeting Record: Pursuant to LAFCO statute Section 56379, “any person may, prior to any meeting, request the commission to cause a stenographic or electromagnetic record to be made of a meeting. If the cost of making that record is borne by that person, the commission shall cause the record to be made. The commission may require any person requesting the record to deposit the estimated record making cost with the commission prior to the hearing.

3.3 Governing Rules/Meeting Practices

3.3.1 Ralph M. Brown Act: LAFCO meetings are subject to provisions of the Ralph M. Brown (“Open Meeting”) Act as set forth in Government Code Section 54950 et seq, as amended.

3.3.2 Robert’s Rules of Order: Except as otherwise specified by the Commission, Robert’s Rules of Order as last revised shall govern the proceedings of the Commission in the conduct of meetings thereof.

3.3.3 Rules of Conduct: Every member desiring to speak shall address the Chairman, and upon recognition of the Chairman, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language. A member once recognized shall not be interrupted when speaking unless it shall be to call that member to order or as otherwise specifically provided. If a member, while speaking, shall be called to order, that member shall cease speaking until the question of order has been determined and, if in order, that member shall be permitted to proceed. The Chairman may move, second, and debate from the Chair; subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a member by reasons of acting as Chairman.

3.3.4 Addressing the Commission: All communications from the floor shall be addressed to the Commission and to none other. Any person desiring to address the Commission shall first secure the permission of the Chairman to do so. The person shall step to the podium and give his or her name and address the Commission in an audible tone of voice. Unless further time is granted by a majority of the Commission, each person addressing the Commission shall limit his or her address to a reasonable time as may be limited by the Chairman. Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Chairman to request that a spokesperson be chosen by the group to address the Commission, and in the event additional matters are to

be presented by other persons in the group, to limit the number of persons so addressing the Commission so as to avoid unnecessary repetitions.

3.3.5 Decorum: When the Commission is in meeting, the members shall preserve order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission, nor disturb any member while speaking, or refuse to obey the orders of the Commission or the Chairman, except as otherwise provided in this chapter. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission shall be forthwith, by the Chairman, barred from further audience at such meeting, unless permission to continue shall be granted by majority vote of the Commission.

3.3.6 Voting: The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of an objection the Chairman may order the motion unanimously approved. When the roll is called on any motion, each roll call of the Commission shall be in alphabetical order. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as “aye”.

3.3.7 Action: The Commission may act by resolution or voice vote, with the exception that all final organization changes or reorganization determinations shall be by Resolution, signed by the Chairman and attested by the Executive Officer.

3.4 Public Hearings/Rehearings

3.4.1 Order of Hearing:

Public hearings before Shasta LAFCO shall be according to the conducted in the following order:

1. The Chairman will call for presentation of the staff report.
2. The Chairman will call for questions by the Commission.
3. The Chairman will open the public hearing and call for testimony. The Commission reserves the right to place a time limitation on testimony, provided the time limit is established before any testimony is received.
4. The hearing shall be closed and the matter referred to the Commission for discussion, debate, and action.

3.4.2 Rehearings: At the next meeting after action has been taken approving or disapproving a proposal, other than a change of organization or reorganization which would be subject to reconsideration proceedings pursuant to Section 56895, the Commission may order a rehearing on any matter. Such order for rehearing may be made upon the Commission’s own approved motion, or at the request of any affected agency or interested party. A rehearing may be granted only upon one or more of the following grounds:

1. A demonstrated proceedings error that may have affected the Commission's decision.
2. A mistake or misunderstanding of fact or law that substantially affected the Commission's decision.
3. The existence of new matters not considered by the Commission and which may have affected the decision.

Section 4. Executive Committee

4.1 Authority

The Executive Committee shall have the Authority to:

- Set agendas;
- Review fiscal and budget matters;
- Review Municipal Services Reviews and Sphere of Influence Update schedule;
- Meet with the staff as needed on commission matters between commission meetings;
- Call for special meetings as needed; and
- Appoint other committees as needed to conduct commission business.

The Executive Committee meets as needed to discuss agency budgets and other agency issues and serves in an advisory role to the full Commission. Executive Committee members are authorized to initiate communication directly with independent accounting firms performing Shasta LAFCO audits.

4.2 Composition

The Executive Committee shall be composed of the chair, vice-chair and one other commission member. The third member should represent a commissioner types (County, City, Special District, Public) not already represented by the chair and vice-chair.