

Lake Local Agency Formation Commission

Regular Meeting Agenda

November 20, 2013 -- 9:30 am

City of LAKEPORT – City Council Chambers

225 Park Street Lakeport, California

“Lake LAFCo oversees orderly development and protects natural resources and agricultural lands”

Commissioners

Ed. Robey, Chair (Public Member)
Frank Gillespie (Special District Member) Jeri
Spittler, (City Member)
Stacy Mattina, Vice Chair (City Member)
Gerry Mills, (Special Dist. Member)

Alternates

Jeff Smith (County Alternate)
Joey Luiz (City Alternate)
Jim Abell, (Spec. District Alternate)
Suzanne Lyons (Public Alternate)

Denise Rushing (County Member)
Jim Comstock (County Member)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Lora Ceccon, Clerk to the Commission

1. Call to Order – Roll Call

2. Approval of Minutes – September 25, 2013 minutes

3. Public Comment

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered.

4. Consent Agenda

Action: Review and authorize payment of expenses for September and October 2013

5. Discussion and Direction regarding a proposed Policy, Standard and Procedures amendment to address Disadvantaged Unincorporated Communities

a. Review and discuss proposed language thereby amending LAFCo's Policies, Standards and Procedures

6. Bylaw Amendment to include detailed Records Retention Policy

- a. *Consider adoption of a Lake LAFCo Records Retention Policy discussed and amended at the September 25th 2013 meeting and approve Resolution 2013-0010 amending Section 5.10 (c) of LAFCo's Bylaws*

7. Discussion of Rosenbergs Rules of Order consider adoption of new rules of procedure for LAFCo.

- a. *Discuss and consider an amendment to LAFCo Bylaws Section 5.7(g) LAFCo's Rules of Procedures by adopting Resolution 2013-0011 adopting Rosenberg's Rules of Order*

8. Watershed Protection District MSR Committee progress report - Betsy Cawn

9. Review and amend as determined by the Commission, LAFCo's adopted Local Procedural Guidelines for Municipal Service Reviews (adopted on August 20, 2003); and LAFCo's action on April 15, 2009 regarding establishment of Municipal Service Review Advisory Committees (Adopted on April 15, 2009); LAFCo's adopted Policies and Procedures for Municipal Service Reviews (Adopted on May 20, 2009)

- a) *Review the adopted Guidelines, Minutes, and Policies*
- b) *Provide direction to staff for inclusion, deletion or amendment to of any of the above and (or) take action with regarding any of the above.*

10. Executive Officer' s report

- a. *Callayomi Co. WD annexation*
- b. *City of Clearlake and Fire Service Review*

11. Commissioner Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

12. Correspondence

13. Adjourn to LAFCO's next regular meeting: Wednesday January 14, 2014 in Clearlake

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.



Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.

- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection at the City of Lakeport and City of Clearlake Community Development Departments office located at City Hall in Lakeport and Clearlake [such documents are also available on the Lake LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (707) 592-7528 or by mail at Lake LAFCO c/o John Benoit, Executive Officer P.O. Box 2694, Granite Bay, CA 95746 or by email at johnbenoit@surewest.net or by fax at (916) 797-7631. Agenda items are located on the Lake County Webpage at <http://www.lakelafco.org>

LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY
MINUTES OF MEETING
September 25, 2013

PRESENT:

Ed Robey, Chair, Public Member
Frank Gillespie, Special Districts Member
Jeri Spittler, City Member
Stacy Mattina, City Member
Gerry Mills, Special District Member
Denise Rushing, County Member
Jim Comstock, County Member

ALSO PRESENT:

Jim Abell, Spec. Dist. Alt.
Suzanne Lyons, Public Alt.
Jeff Smith, County Alt.
Joey Luiz, City Alt.
John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Lora Ceccon, Clerk

1. Call to Order/Roll Call

The meeting was called to order at 9:40 a.m. There was a quorum present.

2. Approval of Minutes – July 17, 2013

Commissioner F. Gillespie moved to approve the July 17, 2013 minutes, second by Commissioner S. Mattina; motion carried.

3. Public Comment

A member of the public asked about Lafco’s role. E. Robey explained what Lafco’s mission is, stating that the city has its own planning process. Lafco deals with annexations. She wants to de-annex from the city and was told it would cost \$14,000. She lives at Serenity Place and has a 38 acre farm. It is not industrial. A short discussion followed. The Commission suggested that she talk to the City Manager before spending any money. J. Smith took her to meet the City Manager.

4. Consent Agenda

Commissioner J. Comstock moved to authorize payment of the July and August 2013 expenses, second by Commissioner J. Spittler; motion carried.

5. Discussion and direction regarding the Clearlake Service Review

Chair, E. Robey reminded the Commission that this review was discussed during the May meeting. The issue was whether the service review should be completed before or after adoption of the General Plan/EIR. Although no vote was taken regarding that issue, the Commission voted to add \$6,000 to the budget to complete the work. Chair Robey thought it would be a good idea to clarify the discussion that took place in May, and provided the Commission with a

summarization. A lengthy discussion followed regarding roads, storm management, clean water, etc. Betsy Cawn suggested that an outline be generated that includes all these concerns. John will generate an outline.

6. Review and Authorize Chair to sign a response to the 2012-2013 Grand Jury Report

J. Benoit reviewed his response to the 2012-2013 Grand Jury (included in today's agenda packet). He stated that there were various inaccuracies in the report. D. Rushing reported that the Board of Supervisors called them on inaccuracies, also. John would like a copy of the County's response. More discussion followed regarding district consolidations. John will amend the letter, including verbiage from the County's response, and e-mail a copy to E. Robey for signature and sending.

Commissioner D. Rushing moved to authorize the Chair to sign and transmit Lafco's response to the 2012-2013 Grand Jury, with additional verbiage, second by Commissioner S. Mattina, motion carried.

7. Discussion and Direction regarding a proposed Policy, Standard and procedures amendment to address Disadvantaged Unincorporated Communities

J. Benoit stated that this is a straight forward policy to be included in the policies and procedures. He reviewed the policy (included in today's packet). The Commission can set the number of parcels considered a community (3.b)). More discussion followed. Betsy Cawn suggested that the actual statutory code be sited in the policy.

Commissioner G. Mills moved to adopt the policy with the addition of the statutory citations, second by Commissioner J. Spittler, motion carried.

8. Review and discuss proposed Records Retention Policy

J. Benoit stated that Lafco does not have a records retention policy. He reviewed the policy included with today's agenda. The citations are included in the policy. Discussion followed regarding the location of records, length of retention, exemption of drafts, etc. The Commission would like the records kept in Lake County at a place accessible to the public. Today is the start of this conversation; this item will be brought back for further discussion.

9. Review and discuss Calafco Annual Conference by those Commissioners attending

J. Benoit and each of the Commissioners that attended the conference gave brief reports. John mentioned Rosenberg's Rules of Order and advised members that

he will provide copies for the Commissioners' consideration.

10. Executive Officer's report

- a. Watershed Protection District Service Review* – John reported that he has met with Scott DeLeon to determine what the district does, based on budgets. There is a disconnect as evidenced by the fact that the public does not know what they do. There are also financing issues.

Ms. Cawn provided comments regarding the WPD. She asked that this issue be agendaized for a full discussion.

- b. Legislation* – provided under conference report

11. Commissioner Reports

Commissioner G. Mills reported that the Lakeport Fire Chief will be retiring in May of next year.

Commissioner D. Rushing asked about the statement in the Grand Jury report regarding a meeting that was to take place between the City of Lakeport and the County.

12. Correspondence - None

13. Adjourn to LAFCO's next regular meeting: November 20, 2013 in Lakeport

The meeting was adjourned at 11:44 a.m.

Lake Local Agency Formation Commission

4

CLAIMS

September 2013 through October 2013

FY 2013-2014 Expenses

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Oct 1, 2013	Staff Services Sept 2013	\$ 4,799.00
Oct 1, 2013	Special Projects –Sept 2013	
	Clearlake WPD, fire review	\$ 3,671.25
8.16-13 to 9.15.2013	Browne- Legal	\$ 1,750.00
Nov 1, 2013	Staff Svcs Oct 1-31, 2013	\$ 4,590.67
Nov 1, 2013	Spec. Proj Clearlake WPD,Fire	\$ 4,248.75
Sept 25, 2013	Commission Mtg. Stipend	\$ 660.00
9.16-13 to 10.15-13	Browne Legal	\$ 500.00
8.28.13	Spittler Conf Hotel Exp	\$ 415.46
8.28.13	Gillespie Conf. Reimbursement	\$ 416.13
8.28.13	Mattina Conf. Reimb	\$ 445.11
8.28.13	Lyons Conf. Reimb	\$ 445.11
8.28.13	Robey Conf. Reimb	\$ 198.88
8.28.13	Spittler Conf Reimb	\$ 196.62
	TOTAL:	\$ 22,336.98

DATED: Nov 20, 2013

APPROVED: Nov 20, 2013

Ed Robey, Chair or Stacey Mattina Vice-Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Amount Budgeted	Comm Stipend	Supplies	Memberships	Books & Periodic	Attorney Service	LAFCO Clerk	Office Stipenc	Staff Svcs	Legal Notices	Trans Travel	Cont Repts	SOI Water	Clean Reserve
2012-2013 Adopted Budget	\$ 5,280.00	\$ 250.00	\$ 758.00	\$ 200.00	\$ 16,000.00	\$ 2,000.00	\$ 7,000.00	\$ 48,488.00	\$ 1,000.00	\$ 2,400.00	\$ 1,500.00	\$ 12,000.00	\$ 10,000.00
Accrued exp in 2012-2013 and exp. Brought forward, o FY 2013-2014													
Calafco Hotel deposit Gillespie			\$ (758.00)										
Calafco Hotel deposit Lyons										\$ (169.00)			
Calafco Hotel Deposit for Splitler										\$ (169.00)			
Calafco Hotel Deposit Martina										\$ (169.00)			
Calafco Registration -5										\$ (169.00)			
Calafco Reg, Robey Awards											\$ (2,151.00)		
Calafco Dues FY 13-14										\$ 100.00			
Emerg Req Mobile Vksrtp Splitler													
Browne Ending 7.15.13		\$ (500.00)											
JB July 13 staff svcs													
July 17, 13 Mtg Stipends		\$ (540.00)											
Browne Ending 8.15.13													
JB Aug 13 Staff Svcs													
JB 1/6 share Calafco Conf 6.27.13													
JB Sept 13 Staff Svcs													
Browne Ending 9.15.13													
Sept 25, 2013 Mtg Stipend		\$ (660.00)											
JB Oct Staff Svcs													
Browne Ending 10.15.13													
Splitler Hotel expenses													
Gillespie Conf Reimbursement													
Martina Conf Reimb													
Lyons Conf. Reimb													
Robey Conf. Reimb													
Splitler Conf. Reimb													
Expenses to date	\$ (1,200.00)	\$ -	\$ (758.00)	\$ 0	\$ (4,500.00)	\$ (416.66)	\$ (2,200.00)	\$ (16,162.68)	\$ -	\$ (585.01)	\$ (2,151.00)	\$ -	\$ -
Remaining Account	\$ 4,080.00	\$ 250.00	\$ -	\$ 200.00	\$ 11,500.00	\$ 1,583.34	\$ 4,900.00	\$ 32,325.32	\$ 1,000.00	\$ (671.32)	\$ (681.00)	\$ 12,000.00	\$ 10,000.00

2.19 DISADVANTAGED UNINCORPORATED COMMUNITIES

The Commission will identify Disadvantaged Unincorporated Communities, as defined below, for the purpose of:

1. Municipal Service Reviews. *Water, Wastewater, and Fire Protection Municipal Service Reviews will discuss and identify opportunities for the provision of those services to Disadvantaged Unincorporated Communities within or contiguous to the Sphere of Influence of an agency { GC 56430 (a)(2) & 56425 (e)(5)}.*
2. City Annexations. *Disadvantaged Unincorporated Communities that are located contiguous to areas proposed for annexation to a city shall normally be included in the annexation or reorganization proposal or be separately proposed for annexation, unless the Commission has determined that the disadvantaged community would not be benefited by annexation, or if at least 50% the registered voters have indicated opposition to annexation {GC 56375 (a) 8 (A) & B i & ii}.*
3. Definition of Disadvantaged Unincorporated Community {GC 56033.5}. *A Disadvantaged Unincorporated Community is defined as a developed area that has been identified as such by LAFCo, the County or applicable city, or one that meets all the following standards:*
 - a) *Substantially developed with primarily residential uses*
 - b) *Contains at least 25 parcels in close proximity to each other that do not exceed 1.5 acres in size*
 - c) *Does not have reliable public water, sewer or structural fire protection service available*
 - d) *Contains at least 12 registered voters*
 - e) *Has a median household income level of less than 80% of the statewide median household income*
4. Request for Determination. *In addition to those Disadvantaged Unincorporated Communities identified by LAFCo or other agencies, residents or property owners may request that LAFCo determine whether a specific area meets the criteria listed in Item 3, to be treated as a Disadvantaged Unincorporated Community. Such request must be submitted by at least twelve registered voters of the area. The review shall be conducted by LAFCo staff and shall, if appropriate, be submitted for consideration and approval by the Commission.*

6

**BEFORE THE LAKE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF LAKE, STATE OF CALIFORNIA**

IN RE:

**RESOLUTION AMENDING BYLAWS)
TO INCLUDE A RECORDS RETENTION)
POLICY) **RESOLUTION NO. 2013-0010****

WHEREAS, the Lake Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on March 20, 2002 by adopting Resolution 2002-0002 and has subsequently amended its Bylaws on July 16, 2003 by Resolution #2003-04; on March 17, 2004 by Resolution #2004-0001; on July 20, 2005 by Resolution #2005-06 and on July 21, 2010 by Resolution 2010-0009.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake Local Agency Formation Commission as follows:

1. The Lake Local Agency Formation Commission hereby amends its Bylaws to include a Records Retention Policy.
2. Section 5.10 (c) is hereby amended to Lake LAFCo's Bylaws as shown in the attached Exhibit "A".
3. The Lake Local Agency Formation Commission hereby adopts a Notice of Exemption based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. All previously adopted Bylaws conflicting with the attached Records Retention Policy previously approved by the Commission are hereby repealed in favor of this amendment.
5. The bylaw amendment attached hereto as shown in Exhibit "A" is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission in the County of Lake, State of California, on November 20, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ED ROBEY, CHAIR
LAKE LOCAL AGENCY FORMATION
COMMISSION

ATTEST:

John Benoit
LAFCO Executive Officer

EXHIBIT A

LAKE LAFCO RECORDS RETENTION POLICY BYLAW AMENDMENT

Section 5.10 (c) Amended Records Retention Policy:

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code section 56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code section 56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code section 56382 and will be retained and disposed of according to the Records Retention Schedule in Exhibit A.

For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in pages 2-5 of this Exhibit A, “records” include the following:

- LAFCO Meeting Minutes
- LAFCO Resolutions
- Documents related to LAFCO proposals such as the:
 - Application, petition or other initiating documents
 - Assessor’s Statement of Property Valuation
 - Agreement to Pay / Indemnification
 - Certificate of Completion
 - Certificate of Filing
 - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
 - Map and Legal Description
 - Notices
 - Order for Change of Organization
 - Staff Reports
 - Statement of Boundary Change
 - Statement of Tax Rate Area

*** After 2 years, records may be imaged for permanent preservation and original destroyed.**

CCP Code of Civil Procedure (CA)
GC Government Code (CA)
CFR Code of Federal Regulations

EXHIBIT A

RECORDS RETENTION SCHEDULE

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
Administrative Documents			
Accounts Payable	Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc.	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	Until audited + 4 years
Accounts Receivable	Invoices, checks, reports, investments, receipt books	26 CFR31.6001-1(e)(2)	4 years
Agreements/ Contract	Original contracts and agreements and back-up materials, including leases, rentals and any amendments	CCP 337 CCP 337.2	4 years after termination/ completion
Annual Reports			2 years
Audit Reports	Financial services; internal and/or external reports; independent auditor analyses		2 years
Brochures/ Publications			2 years or longer for historical value
Budget, Annual	Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets,		Until audited + 2 years
Claims Against the Commission	Paid/denied		Until settled + 2 years
Correspondence (General)	General correspondence, including letters, and; various files not otherwise specifically covered by the retention schedule; compliments, complaints and inquiries; transmittal letters; requests for comments and responses		90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves)
Economic Interest Statements - Form 700 (copies)	Copies of statements forwarded to Fair Political Practices Commission	GC 81009(f), (g)	4 years (can image after 2 years)

* After 2 years, records may be imaged for permanent preservation and original destroyed.

- CCP Code of Civil Procedure (CA)
- GC Government Code (CA)
- CFR Code of Federal Regulations

EXHIBIT A

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
Economic Interest Statements - Form 700 (originals)	Originals of statements of designated employees	GC 81009(c), (g)	7 years (can image after 2 years)
Email	General correspondence		90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves)
Ethics Training Compliance	Note: records should contain date of training and name of training provider	GC 53235.2	5 years after receipt of training
Forms	Administrative - blank		Until superseded
General Ledgers	All annual financial summaries	CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Permanent
Gifts/Bequests	Receipts or other documentation		Until completed + 2 years
Grants Federal, State, or other grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient docket, environmental review, grant documents, inventory, consolidated plan, etc.	24 CFR 570.502 24 CFR 85.42	Until completed + 4 years
Grants – Unsuccessful	Applications not entitled		2 years
Newsletters	May wish to retain permanently for historic reference		2 years
Political Support or Opposition	Related to legislation		2 years
Press Releases	Related to Commission actions/activities		2 years
Procedure Manuals	Administrative		Current + 2 years
Public Records Request	Requests from the public to inspect or copy public documents		2 years

*** After 2 years, records may be imaged for permanent preservation and original destroyed.**

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

EXHIBIT A

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
Purchasing, Requisitions, Purchase Orders	Original documents	CCP 337	Until audited + 4 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Requests for Qualifications (RFQs) and Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses		Current + 2 years
Records relating to LAFCO Meetings or Applications			
Affidavits of Publication/Post ing	Proof of publication of legal notices for public hearings		2 years
Agenda / Agenda Packets	Agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items.		2 years
Audio Recording of LAFCO Meetings			30 days after the LAFCO meeting minutes are approved
Elections	Impartial analysis		2 years
Environmental Review (for projects without a LAFCO application)	Correspondence, consultants, issues, comments and responses.		Completion + 2 years
Mailing Lists for Public Hearing Notices	Owners/voter		1 year after filing Notice of Completion or Commission action, whichever is later
Minutes	Meeting minutes		*Permanent
Notices /Agenda	Regular and Special meetings		2 years
Policies & Procedures	All policies and procedures adopted by the Commission		Current + 2 years

*** After 2 years, records may be imaged for permanent preservation and original destroyed.**

- CCP Code of Civil Procedure (CA)
- GC Government Code (CA)
- CFR Code of Federal Regulations

EXHIBIT A

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
LAFCO Proposals- Annexations, Reorganizations, or other proposals	Application, petition or other initiating documents, Assessor's Statement of Property Valuation, Agreement to Pay / indemnification, Certificate of Completion, Environmental Review / CEQA documents (such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration), Map and Legal Description, Notices, Order for Change of Organization, Staff Reports, Statement of Boundary Change, Statement of Tax Rate Area		*Permanent
Resolutions			*Permanent
Other Misc. Records / Documents			
Demographic/ Statistical Data			Current + 2 years
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)		Until superseded + 2 years
Litigation	Case files, including matters in mediation and/or arbitration		Until settled or adjudicated + 2 years and the time for appeal has expired
Reference Files	reports, procedures, research, pre-application research and correspondence		2 years minimum, recommended longer if useful
Exempt Records: Documents and writings that are not public records because they are exempt from disclosure under the Public Records Act shall be subject to special Retention rules as follows.			
Deliberative Process Documents	GC 6254(a)	Documents, including documents solely in electronic format such as emails which come within the scope of G.C. 6254(a) "Preliminary drafts, notes, or interagency or intra agency memoranda" shall be deleted or destroyed as soon as they are no longer needed in the deliberative process.	

*** After 2 years, records may be imaged for permanent preservation and original destroyed.**

- CCP Code of Civil Procedure (CA)
- GC Government Code (CA)
- CFR Code of Federal Regulations

EXHIBIT A

Attorney Client Privileged Communication. Documents		Includes documents solely in electronic format such as emails from or to LAFCo counsel shall be retained or destroyed as determined by the Executive Officer in consultation with LAFCo legal counsel.
--	--	--

*** After 2 years, records may be imaged for permanent preservation and original destroyed.**

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

#7

**BEFORE THE LAKE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF LAKE, STATE OF CALIFORNIA**

IN RE:

**RESOLUTION AMENDING BYLAWS)
TO ADOPT ROSENBERG'S RULES)
OF ORDER) RESOLUTION NO. 2013-0011**

WHEREAS, the Lake Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on March 20, 2002 by adopting Resolution 2002-0002 and has subsequently amended its Bylaws on July 16, 2003 by Resolution #2003-04; on March 17, 2004 by Resolution #2004-0001; on July 20, 2005 by Resolution #2005-06 and on July 21, 2010 by Resolution 2010-0009.

WHEREAS, the Lake Local Agency Formation Commission believes it is important to use Rosenberg's rules of order, which are easily understood by the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake Local Agency Formation Commission as follows:

1. The Lake Local Agency Formation Commission hereby amends its Bylaws to adopt new Rules of Order.
2. Section 5.7 (g), Conduct of Meetings in LAFCo's Bylaws is hereby amended to include the latest edition of Rosenberg's Rules of Order to read as follows:

Rules of Procedure

Except as otherwise provided herein, the rules of order governing the conduct of business at all meetings of the Commission shall be the latest edition of Rosenberg's Rules of Order.

3. The Lake Local Agency Formation Commission hereby adopts a Notice of Exemption based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. All previously adopted Bylaws conflicting with the usage of Rosenberg's Rules of Order are hereby repealed in favor of this amendment.

5. This bylaw amendment is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission in the County of Lake, State of California, on November 20, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ED ROBEY, CHAIR
LAKE LOCAL AGENCY FORMATION
COMMISSION

ATTEST:

John Benoit
LAFCO Executive Officer



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

TABLE OF CONTENTS

About the Author	ii
Introduction.....	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion	2
Motions in General.....	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum	7
Special Notes About Public Input.....	7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

Printed on recycled paper.

October 27, 2013 / October 29, 2013 Revision No. 1

To: Local Agency Formation Commission, Municipal Service Review Committee
 From: Betsy Cawn, MSR Committee member
 Subject: MSR study of the Lake County Watershed Protection District, 2013

The following statements about the Lake County Watershed Protection District are found in cited documents listed at the end of the report and, in some cases, hyperlinked in the text.

1. The Lake County Flood Control and Water Conservation District was formed by passage of Chapter 62 of the California Water Code in 1951. [1]
2. The Lake County Watershed Protection District was formed by passage of Senate Bill 1136 in 2004, amending Chapter 62 of the California Water Code. [2]
3. The SB 1136 amendment changed the name of the District and identified its responsibilities as follows:
 - “(a) The objects and purposes of this act are to provide for the control, impounding, treatment, and disposal of the flood and storm waters of the district, the conservation and protection of all waters within the district, including both surface water and groundwater, and the control of flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, to protect from flood or storm waters the watercourses, lakes, groundwater, watersheds, harbors, public highways, life, and property in the district, to develop and improve the quality of all waters for all beneficial uses, including domestic, irrigation, industrial and recreational uses, and to protect and improve the quality of all waters within the district.
 - “(b) The objects and purposes of this act are also to provide for the participation of the district in the national pollutant discharge elimination system (NPDES) permit program in accordance with the Clean Water Act (33 U.S.C. Sec. 1251 et seq.)” [3]
4. The Watershed Protection District is the Legally Responsible Party for compliance with the requirements of the NPDES stormwater pollution prevention permit, in accordance with the Clean Water Act (33 U.S.C. Sec. 1251 et seq.), as defined in the Stormwater Management Agreement (2003) to implement the Lake County Stormwater Management Plan (2003-2008).
5. The NPDES stormwater pollution prevention permit is administered by the State Water Resources Control Board, which adopted its first revision of the permit in February, 2013, as Water Quality Order 2013-0001-DWQ. The State Water Resources Control Board administers its water quality orders through the supervision of Regional Water Quality Control Board program staff.
6. Water Quality Order 2013-0001-DWQ requires evaluation of permit program effectiveness as a component of permit compliance. The Lake County CLEAN WATER PROGRAM 9th Annual Report (2012-2013) submitted to the Central Valley Regional Water Quality Control Board on September 16, 2013, provides a limited program effectiveness evaluation of the program implemented for compliance with the initial Water Quality Order 2003-0005-DWQ.
7. Water Quality Order 2013-0001-DWQ requires development of a program management workgroup in FY 2013-2014 to determine new permit compliance procedures and practices, including negotiation of monitoring requirements established for the

purpose of meeting the legal mandates of the Central Valley Regional Water Quality Control Board's 2006 adopted amendment to the Sacramento and San Joaquin River Basin Plan for Control of Nutrients in Clear Lake, which is identified in the Water Quality Order 2013-0001-DWQ, Attachment G (Page 37).

8. Water Quality Order 2013-0001-DWQ requires development of expenditure planning to ensure compliance with the other permit requirements, in accordance with the 2013 "Guidance Document" submitted on July 1, 2013 (the first WQO deadline in 2013), including implementation of program effectiveness evaluation to determine whether the program is meeting the permit mandates. Program expenditures may include revision of County-wide ordinances to be implemented as legal authority to enforce the NPDES permit, as required by Water Quality Order 2013-0001-DWQ.

Recommendations for further study:

1. The Lake LAFCo Municipal Service Review of the Watershed Protection District should include an evaluation of the District's capacities to implement the NPDES stormwater pollution prevention program, also known as the Lake County CLEAN WATER PROGRAM, in accordance with governing documentation cited in previous paragraphs, because the compliance requirements are legal mandates delegated to the Watershed Protection District under Chapter 62 of the California Water Code, as amended.
2. Additional evaluation of the District's capacities to provide services as defined in the documentation provided by Scott DeLeon, per email to John Benoit (date?), include revenues and expenditures which remain, to date, unreported. Known revenues to the District include property taxes, permits and fees for shoreline encroachment structures, fees for aquatic weed abatement herbicide applications, and invasive species prevention program vessel certification stickers. Cost of services is unknown, and funding for aquatic plant management under permitted conditions has been supplemented by "one-time" monies from the County's general fund.
3. The Watershed Protection District provides additional services, in accordance with the California Water Code Chapter 62 authorities, for support of land use permitting (such as development of water resources, in capital improvement programs for expansion of public services, and for private land use permitting). Cost of such services is unknown.

Reference documents:

1. West's Annotated California Codes, Water Code Appendix Sections 49-1 to 65-99.
2. Senate Bill 1136 (Chesbro), 2004.
3. Statutes of 2005, Section 230 (et seq.).
4. Stormwater Management Agreement (2003).
5. Lake County Stormwater Management Plan (2003-2008).
6. Water Quality Order 2003-0005-DWQ.
7. Water Quality Order 2013-0001-DWQ.

Completion of this status report for the Local Agency Formation Commission requires: (1) list of requested documentation provided by District manager Scott DeLeon; (2) identification of existing budgetary information in lieu of authorized district audit; (3) evaluation of District program responsibilities and staff capacities.

change. He suggested that it may be a good idea to create a one page addendum when there is a legislative change.

Commissioner D. Rushing made the motion to set a public hearing date for May 20, 2009 to consider the revised policies, standards and procedures, second by Commissioner R. Mostin, motion carries

9. **Municipal Services Reviews. Discussion of standards, content and process for completing Municipal Service Reviews. Consider duties and a process for appointment of Municipal Services Review Advisory Committee members to provide additional local input into the MSR process.**

John stated that an MSR review committee is needed in order to gain additional input and get a different perspective. He would like the committee to be a combination of Lafco Commissioners and the public. Commissioner D. Rushing supports the idea of an interim advisory committee and feels it is a way to get the public involved. Betsy suggested that perhaps the committee could review the local guidelines and make recommendations for implementation. John stated there are tasks that could be referred fairly soon.

This item will be tabled until completion of item 10.

10. **Selection of Public Member and Public Member alternate for a term of four years effective for the May 2009 Lafco meeting and concluding in May 2013.**

John advised members that the notice of vacancy for the Public Member and Public Member alternate was published in both the Record Bee and the Clearlake Observer; and posted at the City of Lakeport, the City of Clearlake and the County and mailed to independent Special Districts in Lake County. John received three inquiries and two letters of application; they are included with today's packet.

Commissioner D. Rushing moved to approve the selection of E. Davis as Public Member representative and E. Robey as Public Member alternate, second by Commissioner C. Leonard, motion carries with Commissioner E. Davis abstaining.

Continuation of Item 9: Betsy Cawn, Commissioners E. Robey and R. Mostin volunteered to sit on the committee. S. Browne advised the Commission that if there is a non-agency member on the committee, you have to comply with the Brown Act. Betsy stated that she is fine with not being considered an official member. The other members will need to ensure that Betsy is notified of meeting times so that she can attend.

Commissioner R. Mostin moved to accept the recommended committee, second by Commissioner D. Rushing, motion carries.

Commissioner R. Rumpfelt asked what would happen if someone else wanted to be on the committee. John stated that this is an interim committee to make recommendations regarding those possibilities.

11. Lake Co. Fire Safe Plan

John stated that this is a draft. Commissioner D. Rushing advised members that this draft does not incorporate comments from the fire districts. Hopefully, it will be out for public review by the first week in May. It would be good for Lafco to comment on the public draft. John shared some of his comments.

12. Executive Officer's Report

John advised members that nominations for Special District Members are due April 24th. He needs backgrounds and resumes. There is a 30-day ballot process.

13. Commissioner Reports

Commissioner L. LaFaver will miss the May meeting.

14. Correspondence – Calafco Newsletter

Item #2 Closed Session – 3:50 p.m. – 4:06 p.m.

Subject: Employee Performance Evaluation April 2008-March 2009
Title: Lafco Executive Officer

Chair E. Davis advised the Executive Officer that he had received A's in every category. She stated that he is especially adaptable and should focus on saving some money; talk with the Cities and County fiscal officers and work with the new committee. Thank you and good job!

Meeting Adjourned – 4:08 p.m.