

**Lake Local Agency Formation Commission
LAFCO Bylaws**

**LAKE
LOCAL AGENCY
FORMATION COMMISSION
(LAFCO)
BYLAWS**

Adopted March 20, 2002

Amended July 16, 2003
Amended March 17, 2004
Amended July 20, 2005
Amended July 21, 2010
Amended November 20, 2013
Amended July 20, 2016
Updated September 21, 2022

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Adopted March 20, 2002, Resolution #2002-02
Amended July 16, 2003, Resolution #2003-04
Amended March 17, 2004, Resolution #2004-0001
Amended July 20, 2005, Resolution #2005-06
Amended July 21, 2010 Resolution 2010-0009
Amended November 20, 2013 Resolutions 2013-0010 and 2013-0010
Amended July 20, 2016 Resolution 2016-0009 – Legislative Process Participation

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Lake Local Agency Formation Commission (LAFCO)

Bylaws

1. **Statement of Purpose and Authority**

1.1 **Mission**

The Lake Local Agency Formation Commission is committed to serving the citizens, governmental agencies, and applicants of its jurisdiction by using its authority, knowledge and expertise to make beneficial changes in the structure of public agencies through special studies, programs and actions resulting in the resolution of conflicts; orderly growth, development, and governance of communities within Lake County; cost-effective delivery of services; and timely processing of applications.

In accordance with the policies and procedures established by the State Legislature in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 and 57000 et seq. of the California Government Code, the primary function of California LAFCOs is to encourage the orderly growth, discouraging urban sprawl, preserving open space and prime agricultural lands and efficiently extending governmental services. LAFCO's responsibilities include review of and action on proposals for 1) formation of new local public agencies, 2) change in boundaries of existing local agencies, and 3) other changes in organization of local agencies, such as consolidations. In making such determinations, LAFCO's efforts are directed to encouraging the efficient and economic delivery of public services, while protecting other important state interests such as the preservation of agricultural and open-space lands.

1.2 **Governing Law**

The conduct of the Lake Local Agency Formation Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 and 57000 et. seq. of the California Government Code, as amended (hereinafter referred to as "The LAFCO Act"). In any conflict between provisions of the LAFCO Act and these Bylaws, the former shall prevail.

1.3 **Funding**

Funding for the operational needs of the Lake LAFCO shall be provided through a combination of application fees and charges and appropriations from general tax revenue of Lake County and its special districts and cities as requested by the Commission in accordance with the LAFCO Act.

2. **Definitions**

2.1 **Alternate Member**

The person appointed to serve and vote in place of a regular member under any of the circumstances set forth in Section 4.3, below.

2.2 **Board of Supervisors**

The Lake County Board of Supervisors.

2.3 Commission

The Lake Local Agency Formation Commission or Local Agency Formation Commission of Lake County. Commissioner has the same meaning as “Member”

2.4 Commissioners

All members of the Commission, both regular and alternate.

2.5 County

The County of Lake.

2.6 LAFCO

The Lake Local Agency Formation Commission.

2.7 Members

All regular and alternate members of the Lake Local Agency Formation Commission.

2.8 City Council

The City of Clearlake (and) or City of Lakeport City Council

3. Powers and Duties

3.1 General

The Commission’s powers and duties to initiate, review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization are as stated in the LAFCO Act, Sections 56000 and 57000 et seq. of the California Government Code and the making of studies to further the mission of LAFCO

3.1.1 Budget

- a) Unless otherwise determined by the Commission, the Commission as a whole shall serve as the LAFCO Budget Committee. The Executive Officer shall prepare and submit to the Commission a proposed budget for review at the Commission’s March meeting, but not later than May 1st. As required under Section 56381, the Commission shall then hold a noticed public hearing on the budget before May 1st and adopt a proposed budget at that meeting. The Commission shall adopt its final budget after noticed public hearing before June 15th. When the Commission has finalized the budget, the Executive Officer shall promptly send it to the County Auditor and City and County Administration.
- b) The Commission may at any time and at its own discretion modify its approved budget.
- c) The LAFCO Executive Officer shall be responsible for managing the day-to-day business of the Commission and for directing expenditures for that purpose within the guidelines established by the adopted budget. This responsibility shall include the power to enter into contracts on behalf of the Commission, provided that the Executive Officer shall obtain the concurrence of the Chair and consult with Staff Counsel prior to entering into any contract outside the scope of day-to-day business, including contracts for attorney, consultant, or other professional

services. Staff shall promptly notify the members of the Commission regarding establishment of contracts entered into on the Commission's behalf.

3.2 Budgeting Policies

1. LAFCO may adopt a work program for the next fiscal year prior to its adoption of the proposed budget. The work program shall be developed considering the following factors.

a. Statutory requirements for preparation of Municipal Service Reviews and Updates to Sphere of Influence Plans.

b. Anticipated Projects.

c. Efficient delivery of LAFCO services to the Community.

2. LAFCO's budget for the next fiscal year shall normally be set a level that allows the agency to complete the essential tasks of the approved work program. If the Commission determines that it cannot do so at the level necessary to fund the work program, the commission shall eliminate or modify items in the work program to reflect the reductions in funding prior to approval of the reduced budget. The proposed and final budget shall be equal to or greater than the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill its purposes and programs as required by the LAFCO Law. (56381).

3. When feasible, LAFCO shall re-budget carryover from the prior fiscal year to reduce costs to the funding agencies. Alternatively, LAFCO may wish to use carryover monies to fund a General Reserve Fund. Appropriations and Expenditures from the General Reserve Fund shall require Commission approval.

4. Commission Organization

4.1 Composition

Lake LAFCO shall consist of seven regular voting commissioners and – four alternate members, as explained in detail below. All commissioners must be residents of the County.

4.2 Appointment of Members

a) County

Two Commissioners are appointed by the Board of Supervisors from the Board's membership. The Board of Supervisors shall also appoint a third supervisor to serve as the alternate County member of the Commission.

- b) Cities
Two Commissioners shall be appointed by the City Selection Committee from among the Mayors and City Council members of the County's incorporated communities. Such appointments shall be made in accordance with Sections 50270 et seq. and 56335 of the Government Code and such appointments shall be made in accordance with the City Selection Committee in Appendix 1. The City Selection Committee shall also appoint an alternate city member in the same manner as it appoints a regular city member.
- c) Public
One Commissioner shall be appointed from the general public by vote of the other six regular (voting) members of the Commission. (See Appendix 2 for the Public Commissioner Selection Process.) The Commission shall also appoint an alternate public member who shall be selected in the same manner as the regular public member. Neither the regular nor the alternate public member may be an officer or employee of a city, the County, or a district having territory within the County, as provided by Section 56331 of the LAFCO Act.
- (d) Independent Special Districts

Independent Special Districts shall elect two regular Commission members from among their governing board members. Independent Special Districts shall also appoint an alternate member in the same manner as its regular members. Regular Independent Special District members shall be appointed for four-year staggered terms.

4.3 Role of Alternate Members

- a) In each member category, the alternate member shall serve and vote in place of a regular member who is absent or disqualifies himself or herself from voting on a matter before the Commission.
- b) All alternate members are expected to attend all Commission meetings, even if the regular member(s) is (are) present. As a matter of policy, because alternate members may at any time be called upon to vote in place of a regular member, the Lake LAFCO encourages alternate members to participate in public hearings, deliberations and the discussion of issues before the Commission and to attend closed sessions, even when they may not vote.

4.4 Terms of Office

- a) Unless other arrangements are made by the appointing authority, each member shall serve single or multiple term(s) of office for four years each, terms shall expire on the first Monday in May in the year in which the term of the member expires. A member may continue in office after expiration of his or her term until the appointment and seating of a successor.

Any member may be removed at any time and without cause by the body appointing that member. If a member who is a city, special district or county ceases to hold that position during his or her term, that member's seat on the Commission shall thereafter be considered vacant for any reason, or if the

member was a public member who becomes an officer or employee of a city, the County, or a district having territory within the County.

- b) Any vacancy in the regular membership of the Commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The alternate member in that category shall serve in his/her place until such time as a new regular member has been appointed.

4.5 Removal of Members

The Commission may recommend to the appointing authority that a member (including alternates) be removed for the following reasons:

- a) The absence of that member for three (3) consecutive meetings or more than half of the meetings in any twelve-month period unless those absences are excused by a vote of the Commission.
- b) Malfeasance of office or dereliction of duty by that member.
- c) Refusal to sign and comply with the Code of Ethics (Appendix 4)

4.6 Commission Officers

The officers of the Commission shall be a Chair and a Vice Chair, chosen by the current regular members of the Commission from their number.

- a) The Chair and the Vice Chair shall be elected each year at the July meeting or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission office during the year, it shall be filled by election at the next regular meeting following occurrence of the vacancy.
- b) The term of office for the Chair and Vice Chair shall normally be twelve months or until the officer's membership on the Commission terminates, whichever occurs sooner.
- c) The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission pursuant to and in compliance with the procedures prescribed by these rules. The Chair shall preserve order and decorum at all meetings and shall decide all questions of order and procedure, subject to the action of the majority of the Commission.
- d) The Chair has the authority to act outside a meeting, in consultation with the Executive Officer, on procedural and administrative matters such as staffing issues or contracts that cannot reasonably be deferred to the next Commission meeting. The Chair's authority shall include the signing of contracts for urgently needed goods and services if the Executive Officer is unavailable, provided adequate funding has been budgeted.
- e) The Chair has authority to appoint members to all subcommittees of the Commission, including the authority to create special-purpose subcommittees not named in these Bylaws.
- f) In the event of the Chair's absence or inability to act as the Chair, the Vice Chair shall have all the powers and duties of the Chair.

- g) In the event both the Chair and the Vice Chair are absent from a Commission meeting at which a quorum is present, the voting members present may select one of themselves by majority vote to act as Chair *pro tempore* for that meeting.

4.7 Compensation

- a) Each member and alternate member in attendance at any Commission meeting shall receive a stipend per meeting as established by the Commission.
- b) Members and alternates will be reimbursed, consistent with an amount as determined from time to time by the Commission, for reasonable and necessary expenses incurred for meeting attendance.
- c) Members and alternate members will be reimbursed, for reasonable meal expenses as determined by the Commission, on occasions when a Commission meeting must be recessed for a meal break.

4.8 Financial Disclosure

- a) LAFCO members and alternate members are subject to the requirements of the California Fair Political Practices Commission, including annual filing with the Lake County Elections Office of the Statement of Economic Interests (Form #700) before April of each year. The Lake Local Agency Formation Commission **Conflict of Interest Code** is attached to these Bylaws and incorporated herein as Appendix 3.
- b) Any member of the Commission not in compliance with the requirements of the LAFCO **Conflict of Interest Code** shall be ineligible to take part in LAFCO business until she or he has complied.

4.9 Code of Ethics

Each Commissioner, regular and alternate, shall sign and file with the LAFCO office a copy of the Code of Ethics adopted by Lake LAFCO, as a part of these bylaws, and shall adhere to its standards and precepts. Failure to comply with this provision shall be sufficient cause for the Commission to request replacement of a Commissioner as provided by Section 4.5, above. A copy of this Code of Ethics is incorporated herein as Appendix 4. All Commission members and alternates shall be required to take an ethics training class as are elected officials from the City and County pursuant to Government Code §§ 53234 et seq. (“AB 1234”).

4.10 The Executive Officer

- a) The Executive Officer of the Commission shall attend all meetings of the Commission, conduct and perform the day-to-day business of the Commission, and maintain a record of all of its proceedings as required by law.
- b) The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action and all matters that have previously been set for hearing at such meeting provided that the filing deadlines of Section 5.3(c) of these rules shall apply.

- c) The Executive Officer shall notify all Commission members of the time set for any special meeting.
- d) The Executive Officer shall be responsible for conducting all protest hearings on behalf of the Commission pursuant to Part 4 of Division 3 of Title 5 (commencing with section 57000) of the Government Code.
- e) All notices, forms and other documents required to be filed with the Commission on any proposal under Division 3, Title 5 (commencing with section 56000) of the Government Code shall be filed with the Executive Officer of the Commission.

5. Conduct of Business

5.1 Regular Meetings

Unless otherwise provided by resolution, regular meetings of the Commission are scheduled for the third Wednesday of every other month at 9:30 a.m. in the Lakeport City Council Chambers, 225 Park St, Lakeport, California or the Clearlake City Council Chambers 14050 Olympic Dr. Clearlake, California. The specific location of each meeting shall be in accordance with the meeting schedule adopted at the December LAFCO meeting. Alternative meeting dates shall remain on the schedule and shall be considered regular meeting dates. For meetings in Lakeport, if the Lakeport Council Chambers are not available, the meeting will occur at the Lake County Board of Supervisor's Chambers, 255 N. Forbes St. Lakeport, CA. The Commission may, in its sole discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Open Meeting Law, Government Code Section 54954 and applicable provisions of the LAFCO Act.

5.2 Special Meetings

The Chair or Executive Officer may call a special meeting of the Commission. The Chair shall call a special meeting if requested by two or more Commissioners. Any special meetings of the Commission shall be called in the manner provided by Section 54956 of the Government Code. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted and no other business shall be conducted at that meeting. The special meeting may be called for any day prior to the date established for the next regular meeting of the Commission.

5.3 Notice of Meetings

a) General Notice

The Executive Officer shall provide notice of all regular and special meetings in accordance with the Open Meeting Law, Section 54954.1 of the Government Code, and applicable provisions of the LAFCO Act. Written, emailed or faxed notice of regular and special meetings of the Commission shall be sent in the form of a meeting agenda to at least the following:

- i) Each LAFCO member, alternate and staff
- ii) Local news media, including but not limited to:
 - The Record Bee

- The Clearlake Observer
- Lake County News

- iii) To any person or entity requesting a copy of the agenda in writing within the previous 12 months.
- iv) By posting the agenda of each meeting on or near the door of the public building to be used for the meeting at least 72 hours in advance of the meeting.
- v) By posting on the LAFCo Website

b) **Special Notice**

The Executive Officer shall provide additional notice of specific applications in the manner required by the LAFCO Act for that application. Notwithstanding exceptions in the LAFCo Act, such special notices shall normally be sent to the applicant, affected property owners or citizens, property owners and voters within 300 feet of a project consistent with the LAFCO act, and such other persons or entities as the Commission or the Executive Officer may deem appropriate. Notice to affected property owners and citizens shall also comply with Commission policy on Notice and Public Participation, as set forth in Section 6.2 of the LAFCO **Policies, Standards, and Procedures** and the LAFCO Act.

c) **Staff Reports and Meeting Packets**

Not less than five days prior to the hearing, the Executive Officer shall complete a staff report including his or her recommendations for each item to be heard. Copies, along with the agenda, shall be furnished to each member of the Commission and to other parties as required by the LAFCO Act (Section 56665). Any Commissioner may request postponement of the hearing on a particular item by reason of his or her receiving the agenda packet less than five days prior to the meeting. The Commission may, but is not obligated to, honor such a request.

5.4 Compliance with Open Meeting Laws

Notwithstanding any other provision of these Bylaws, all meetings of the Commission shall be noticed and held in accordance with the Ralph M. Brown Act, the Open Meeting Law, and Government Code Section 54950-54962.

5.5 Quorum & Action of Commission

- a) Four Commissioners present in person shall constitute a quorum.
- b) An affirmative vote of four or more Commissioners is required to make an action of the Commission. Proxy votes are not allowed.

5.6 Adjournment and Continuance of Meetings and Public Hearings

- a) Any hearing being held, or any hearing noticed or ordered to be held, may by order or notice of continuance or adjournment be continued, re-continued, adjourned, or re-adjourned to any subsequent meeting in the same manner and to the same extent set forth for the continuance or adjournment of meetings.
- b) If any meeting or hearing is continued or adjourned to a time less than twenty-four (24) hours after the time specified in these Bylaws or, in the order or notice

of meeting or hearing, a copy of the order or notice of continuance or adjournment shall be posted immediately following the meeting at which the order of declaration of continuance or adjournment was adopted or made.

- c) Procedures for adjourned and continued meetings shall also comply with any additional requirements of Sections 54955 and 54955.1 of the Government Code and any other applicable statutes.
- d) If there is not a quorum at any meeting of the Commission, the Chair may adjourn the meeting to another date and time. If all members are absent, the Executive Officer of the Commission may adjourn the meeting to a stated time and place. The Executive Officer shall provide oral notice of such adjourned meeting to all present at the meeting and provide such written and posted notice as required by the California Open Meeting Law.

5.7 Conduct of Meetings

a) Agendas

The Executive Officer, in consultation with the Chair, shall prepare the agenda for each meeting. Unless otherwise directed by the Commission, the Executive Officer shall set as many matters for hearing as can be reasonably heard.

b) Items Limited to One Subject

Each agenda item shall specify a single subject to be considered and may include sub-items provided they involve the same subject matter. This requirement is intended as a guideline for staff and shall not affect the legal obligations of the Commission beyond the requirements of Government Code Section 54954.2 or create enforceable rights in any third party.

c) Agenda Item Requests

Members of the public may request the Commission consider specific actions by submitting their requests in writing to the LAFCO Executive Officer at least 45 days prior to the next regularly scheduled meeting of the Commission or by attending a previous meeting of the Commission requesting action to be taken at its next meeting. If determined by the Chair to be proper for Commission consideration, such an item shall be placed on the agenda. Requests for special meetings of the Commission shall be directed to the Chair through the LAFCO Executive Officer.

d) Order of Business

The Commission agendas shall include the following items:

- Call to Order, including roll call and pledge of allegiance
- Consent Items, including approval of minutes and expenditure report
- Public Comment
- Business Items with Public Hearings
- Business Items without Public Hearings
- Executive Officer's Report
- LAFCo Counsels Report

Correspondence
Commission Announcements
Closed Session (if needed)
Adjournment

The Chair shall ask for public input on all consent and business items before the Commission. The public is encouraged to participate on all other matters before the Commission, excepting closed session items.

- e) Motions
Any voting Commissioner may introduce or second any motion.
- f) Voting
 - i) The question of approval or denial of a change of organization or reorganization, proposed and final budgets, and of all resolutions shall be by roll call vote. All other questions may be voted upon by voice vote, or may be put to the question by the Chair with a unanimous vote stipulated and recorded if there is no objection.
 - ii) A roll call vote shall be taken on any question upon demand of any Commissioner, regular or alternate and if the action taken is at a remote teleconferencing meeting.
- g) 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. Rosenberg's Rules of Order shall be used as a guide.

5.8 Public Hearing Procedure

The Commission shall conduct matters noticed for public hearing as follows:

- a) The Executive Officer shall present the staff report. The report should describe the nature of the application, discuss all factors required in Section 56668 of the Government Code, if applicable, and factors to be considered in the adopted policies, standards and procedures, and provide the Executive Officer's recommendations.
- b) Commissioners may ask questions concerning matters in the staff report.
- c) The public hearing shall be opened.
 - i) The applicant or applicant's representative and a representative from the agency involved in the change of organization will be asked to speak first to add any pertinent data or testimony to the staff report.
 - ii) The public will then be invited to give testimony.
 - iii) The applicant's representative may rebut any testimony.
 - iv) The public will be invited to briefly respond to any new information presented in the applicant's rebuttal.

- v) Each Commissioner may question any participant in the proceedings.
- vi) The public hearing will be closed.
- d) Following closure of the public hearing, the members will discuss the matter under consideration among themselves. Such discussion may or may not be preceded by a motion made by any Commissioner and a second made by another. Alternates may participate in Commission deliberations when not serving in lieu of an absent or abstaining Commissioner, but may not make motions or cast votes. Further testimony from the applicant or the public may not be accepted without reopening the public hearing, except that Commissioners may direct questions to specific members of the public who have already offered testimony in order to clarify any point made during the public hearing.
- e) The Chair may, within reason, allocate and limit the time and scope of testimony from any interested person as necessary for the expeditious conduct of the Commission's business. The time allotted for receiving public comment on matters set for a public hearing may be limited to 15 minutes. Any individual's testimony may be limited to 5 minutes, though testimony from an applicant and affected agency may be greater. The time to address the Commission will be allocated on the basis of the number of requests received.

5.9 Public Testimony

- a) The applicant and any member of the public desiring to address the Commission shall, when recognized by the Chair, step forward and give his/her name and address to the clerk. A person may refuse to give their name or address or may state only their city or community of residence in lieu of their address, but the Commission may draw any reasonable inference it chooses from a decision to speak anonymously.
- b) The Chair may, within reason, allocate and limit the time and scope of testimony from any interested person as necessary for the expeditious conduct of the Commission's business, provided such limits are applied equally among similarly situated persons.
- c) Debate between members of the public shall not be permitted.
- d) When any group wishes to address the Commission, the Chair may request a spokesperson be chosen by the group to address the Commission and may afford that spokesperson more time than is allotted to individual members of the public.
- e) With respect to action items that are not set for a public hearing, the total amount of time allotted for receiving public comment may be limited to 5 minutes. Members of the public may be limited to testimony of one minute each.

5.10 Record of Proceedings

- a) Minutes

The Clerk to the Commission shall record and prepare minutes of each meeting. The minutes shall record the major actions of the Commission at the meeting but

are not intended as a complete transcript of discussions at the meeting. Draft copies thereof shall be given to all members, usually as part of the agenda packet, prior to the meeting at which they are offered for Commission approval. Normally, minutes shall be submitted to the Commission not later than two meetings after the meeting at which they were taken. Upon approval by the Commission, the minutes, shall become the official record of the action of the Commission.

b) Recordings

All proceedings of regular and special meetings shall be electronically recorded. Copies of Recordings will be prepared upon request, and the cost will be charged to the person or entity making the request in a manner established by the Executive Officer.

c) Record Retention Policy

Documents for Lake LAFCo shall be maintained in accordance with Attachment #5, Records Retention Policy.

5.11 Legislative Process Participation

a. If a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair and Legal Counsel, is authorized to provide written or email comments communicating the Commission's position.

b. The Chair and Legal Counsel would review the letter or email prior to it being submitted for consideration.

c. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.

d. The item including the final written or emailed comments submitted by the Executive Officer, shall be discussed at the Commission's next regular meeting.

6. Conflict of Interest

a) No Commissioner shall vote on any matter where it is reasonably foreseeable that the action of the Commission could materially affect a financial interest of the Commissioner.

b) Government Code Section 84308 requires that a Commissioner disqualify themselves 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 accepted campaign contributions of \$250 or more from an individual or firm who actively supports or opposes such application or from an agent (e.g., attorney, engineer, or planning consultant) representing an applicant or other interested participant.

c) Commissioners having a conflict of interest on any matter before the Commission shall publicly disclose such conflict and thereafter shall not participate in any discussions, deliberations, debates, questioning or votes on the matter in their

official capacity. This restriction shall not prevent a disqualified Commissioner from testifying as a member of the public or from participation as a Commissioner when otherwise permitted by the Political Reform Act and its implementing regulations.

- d) Unless provided by the appointing authority pursuant to Sections 56332 subdivision (d) or 56335 of the Government Code, no member shall be disqualified from participation in the consideration of a matter as a result his membership in an agency affected by the Commission's decision on the matter (Gov. Code 56336).

7. Subcommittees of the Commission

7.1 Committees

The Commission or the Chair may establish committees deemed necessary for the conduct of its proceedings. If such a committee is appointed by the Chair between meetings of the Commission, he or she shall report this action to the Commission at its next regular meeting.

7.2 Open Meeting Law Requirements

Any permanent standing committees established by this section of these Bylaws shall be subject to the Ralph M. Brown Act along with any other permanent standing committees established by the Commission. Temporary Ad Hoc committees, composed of fewer than a quorum of the Commission, are not subject to the Ralph M. Brown Act.

8. Policies and Procedures

The Commission has adopted policy guidelines to assist in reviewing any proposal brought before it. These guidelines are contained in the LAFCO **Policies, Standards, and Procedures**.

9. Amendments

Regular Amendments

Regular Amendments to these Bylaws shall be made as follows:

- a) The full text of any proposed amendment shall be sent to all members in the same manner as agenda packets, as specified in Section 5.3 c), above.
- b) At the meeting, the proposed amendment shall be read aloud in its entirety by the Chair, unless such reading is waived by the Commission. Discussion may occur and modifications be made to the proposed amendment, but it may not be approved at that first reading.
- c) The proposed amendment to the Bylaws, with any Commission modifications, shall then be circulated to the following entities for their review and comment prior to adoption:

- City of Clearlake
- City of Lakeport
- County of Lake
- Special Districts requesting notification

- d) The proposed amendment, with any modifications, shall be agendized and read a second time at the next regular meeting of the Commission, unless such reading is waived by the Commission. Any comments received from local agencies shall be presented. Further discussion and modifications may be made to the proposed amendment and it may be adopted at this second reading.

9.2 Urgency Amendments

An amendment to the Bylaws may be adopted as an urgency amendment effective immediately when the amendment is determined to be essential to the immediate functioning of the Commission. Any such urgency amendment may only be adopted by the affirmative vote of at least four Commissioners. Nothing in this section is intended to relieve the Commission or its staff of the obligations imposed by the Ralph M. Brown Act.

9.3 Applicability of Bylaws

If the Commission or any subordinate body of the Commission inadvertently takes any actions inconsistent with these Bylaws, the Bylaws shall be deemed waived to the extent there is a conflict.

9.4 Filing of Bylaws

Upon approval of these Bylaws and any amendments thereto, an original certified and signed copy shall be a final copy shall be maintained on file in the offices of the Commission.

Appendix 1

City Member Selection Process

The City Selection Committee, authorized by Sections 50270 *et seq.* of the Government Code, is designated by Section 56335 of the Government Code to appoint the two LAFCO city members and one city alternate member.

The following appointment process is hereby adopted:

Responsibilities, Nomination, Selection of City Representatives to the LAFCO Commission

- A. Appointment and responsibilities of City Representatives, whether regular or alternate, made by the Committee, pursuant to any statutes authorizing the City Selection Committee to make such appointment, shall be made pursuant to Section 56335 of the Government Code.

Appendix 2

Public Member Selection Process

As authorized by Sections 56325 and 56331 of the LAFCO Act, the Public Member and Alternate Public Member shall be appointed to LAFCO by the members of the Commission representing the cities and the County.

The Commission will conduct the selection process in the following manner:

1. Prior to the expiration of terms of the public member and the alternate public member, the positions will be advertised in newspapers of general circulation in the county.
2. The Commission shall design an interview procedure, schedule interviews, and formulate questions to be asked of all applicants.
3. Interviews of the applicants shall be conducted by the City and County members of the Commission.
4. The City and County members of the Commission shall cast written ballots for each open position. The ballots shall be called and tallied in open session. The candidates receiving the highest number of votes will take office on the 1st Monday in May.

Appendix 3

Lake Local Agency Formation Commission

Conflict of Interest Code

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission. Therefore, the terms of Title 2 California Administrative Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following list of designated and disclosure requirements constitute the Conflict of Interest Code of the Local Agency Formation Commission of Lake County.

Designated officers and employees shall file Statements of Economic Interest (Form 730) with LAFCO, who will retain copies, and forward the original Statements for all Commissioners and the Executive Officer to the Lake County Clerk. The original statements for all other designated employees will be retained by LAFCO.

Designated Employees and Disclosure Requirements

Designated officers and employees include the following:

- A) All members and alternate members of this Commission
- B) The Executive Officer
- C) Legal Counsel to the Commission
- D) Consultants employed by the Commission. The Chair of the Commission may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Designated employees and officers shall disclose the following:

All investments, sources of income or interests in real property within the Lake Local Agency Formation Commission jurisdiction and business positions in which the designated employee or officer is a director, officer, partner, trustee, employee or holds any position of management, and which business does any contracting with the Local Agency Formation Commission, or which is located within the Local Agency Formation Commission jurisdiction.

Appendix 4

Lake Local Agency Formation Commission

Code of Ethics

The legislative intent for LAFCO is contained in Government Code Section 56300:

It is the intent of the Legislature that each commission establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns.

Lake LAFCO's mission statement provides focus for the Commission as it carries out its statutory responsibilities:

Lake LAFCO is committed to serving the citizens, government agencies, and applicants of its jurisdiction by using its authority, knowledge and expertise to make beneficial changes in the structure of public agencies through special studies, programs, and actions resulting in the resolution of conflicts; orderly growth, development, and governance of communities in Lake County; cost-effective delivery of services; and timely processing of applications.

LAFCO is an independent commission and is not a part of County government. While serving on the commission, each Commissioner shall exercise their independent judgement on behalf of the interests of residents, property owners, and the public as a whole in weighing and reviewing information and making determinations based upon the particular matter under review and in consideration of LAFCO's underlying purposes.

LAFCO's composition is a balanced membership consisting of City, County, and Public members. The mixed membership ensures that various backgrounds and perspectives are reflected on the Commission.

As they carry out their LAFCO responsibilities, Commission members rely on the expertise and experiences they have gained while serving on their appointing agencies. However, members will base their decisions on the policies and requirements of LAFCO law and the best interests of all the citizens.

The members of the Commission include both regular and alternate members. All members, both regular and alternate, shall attend all meetings, and all members are responsible for participating in discussions of issues and in facilitating the work of the commission, even where they may not vote.

Standards of conduct have been adopted by the Commission in order to conduct its business in a productive, thoughtful manner. Participants in LAFCO proceedings are encouraged to be courteous and respectful. LAFCO expects to hear differing opinions and points of view during the course of its deliberations.

Interruptions and discourteous comments will not be tolerated by the Commission.

Additionally, Commissioners agree to actively listen to each other, to voice their opinions, and to be respectful of staff, the public, and fellow commission members. Commissioners further agree to focus discussion on issues (as opposed to personalities), and to conclude issues in a

timely manner. Each member accepts responsibility to stay focused on issues germane to the topic.

Signature

Date

Appendix 5

LAKE Local Agency Formation Commission

RECORDS RETENTION POLICY

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

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)

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 with the exception of CEQA correspondence which shall be kept indefinitely	GC 34090	90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves) CEQA emails kept indefinitely
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	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 dockets, 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

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/Posting	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

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 + 2-5 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	
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.	
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