

1.4. RULES AND PROCEDURES

A. Authority

These rules are adopted pursuant to the CKH Act and apply to the Contra Costa LAFCO and proceedings conducted before that Commission.

B. Officers

Selection of Officers – The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable. The Chair and Vice Chair shall serve for one-year terms, or until their successors are elected, whichever occurs later. Officers shall be selected from the categories of members in the following order:

County Member 1
Public Member
Special District Member 1
City Member 1
County Member 2
Special District Member 2
City Member 2

Chair – The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State law and by these rules. The Chair shall preserve order and decorum and decide all questions or order, subject to the action of a majority of the Commission.

Vice Chair – In the event that the Chair is absent or unable to act, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

Chair Pro Tem – If both the Chair and Vice Chair are absent or for any reason unable to act, the members of the Commission present shall select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem shall have all of the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

C. Meetings

Date and Time of Regular Meetings – The regular meetings of the Commission are held the second Wednesday of each month commencing at 1:30 p.m., unless otherwise noticed.

Location of Regular Meetings – Regular meetings are held at the Board of Supervisors Chambers, 651 Pine Street, Martinez, California, unless otherwise noticed.

Special Meetings – Special meetings may be called in a manner provided by State law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting, and no other business shall be considered at that meeting.

Request for Special Meeting – Any interested party may request that the Commission hold a special meeting by submitting a written request to the LAFCO Executive Officer indicating the specific reasons for such a meeting. The request will be considered by the Commission at its next regular meeting for which adequate notice can be provided. If the request is granted, the applicant is responsible for all costs associated with the conduct of the special meeting.

Major Hearings – Meetings regarding major or significant agenda items, especially those that will require lengthy or multiple hearings, should be held in proximity to the affected project area. The determination of what constitutes a major agenda item shall be made by the LAFCO Executive Officer and is subject to modification by the Commission.

D. Conduct of Meetings

1) Order of Business – The business of each regular meeting of the Commission shall be transacted to the extent practicable in the following order:

- Call to order and roll call.
- Adoption of the Agenda and any modifications
- Public comment period
- Approval of minutes of previous meeting or meetings
- Consent Agenda items
- Business items
- Informational items
- Commissioner and staff announcements
- Adjournment

2) Quorum – Four members of the Commission shall constitute a quorum for the transaction of business.

Voting – Four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes shall constitute a denial. An abstention shall not be counted as an affirmative vote.

3) Roll Call Voting

- The roll need not be called in voting upon a motion except when requested by a member of the Commission.

- If the roll is not called, and no objection is raised by a member of the Commission, the Chair may order the motion unanimously approved.
 - When the roll is called on any motion, if the clerk does not hear an audible vote, he/she calls the name(s) of those who failed to answer to obtain the vote.
 - Each roll call shall be in alphabetical order, except that the Chair shall be called last.
- 4) Authorization to Vote – Review of Record – A member shall not participate in a final vote on a matter on which a hearing has been held at which such member was not in attendance, until that member has familiarized himself with the substance of such hearing.

For example, this may be done by reviewing the written material presented at the hearing and by listening to the tape recording of such hearing or reading a transcript of the proceeding if one has been prepared.

- 5) Commission Actions – The Commission may act by resolution or motion. All final determinations of the Commission on boundary changes and spheres of influence shall be made by resolution.
- 6) Consent Calendar – Routine proposals that do not require a public hearing may be placed on the Commission’s consent calendar. Approval of all items on the consent calendar may be made in one motion. Matters placed on the consent calendar may be removed by any Commissioner in order to allow discussion or postponement.
- 7) Action Minutes – Minutes of the Commission meetings will be action minutes that include final motions with the votes cast. The minutes will also reflect the names of public speakers, reasons for legally required abstentions from voting, and comments noted for the record. Detailed Commission and staff discussion, comments, and questions and answers are not reflected in the minutes.
- 8) Comments for the Record – If a Commissioner desires that a comment be included in the minutes, it is his or her responsibility to indicate the statement is “for the record” before making the comment.
- 9) Recordings of Meetings – Meetings of the Commission meetings are typically tape-recorded and archived for two years. Copies of meeting tapes are available upon request. There is a charge for the actual cost of the tape. Meetings may be transcribed upon request and receipt of a deposit to cover transcription costs (§56379). Failure to tape record a meeting does not negate the results of a meeting.
- 10) Informational Presentations – Informational presentations will be placed on the Commission agenda by the LAFCO Executive Officer. At the discretion of the Chair, time allowed for such presentations will be limited and will typically not exceed 20 minutes.

11) Public Comment

- At each regular and special meeting the Commission shall allow any member of the public to address the Commission on a matter within its jurisdiction.
- The Chair may establish reasonable regulations including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker (i.e., three minutes). An allocated time limit of three minutes per speaker may be overridden on a majority vote of Commissioners.
- If determined by the Chair, any person wishing to address the Commission will be asked to complete and submit a “Request to Speak” form prior to the time that the Public Comment period commences; the form should identify the subject the speaker wishes to address.
- Comments on agenda items are appropriate when the item is being discussed by the Commission. A speaker shall not be heard during the “Public Comment” portion of the meeting on a matter listed on the agenda except as authorized by the Chair.
- The Commission shall act only on items appearing on the agenda unless the action is authorized by §54954.2. The Chair may refer matters raised during the “Public Comment” period to the appropriate staff.
- Members of the public are encouraged to submit comments in writing in advance to the Commission relating to any items within LAFCO’s subject-matter jurisdiction, whether on the Commission agenda or otherwise. If received in time, staff will provide such written comments to all members of the Commission, which, in its judgment, will decide whether to act on such matter as it deems appropriate.

12) Rules of Procedure

Robert’s Rules of Order shall be used as the general guide for conducting meetings and to resolve points of order, unless otherwise specified herein.

E. Conducting Authority Proceedings

- 1) The Commission delegates to the LAFCO Executive Officer the responsibility to conduct protest hearings as provided for in §57000(c) and to order a change of organization or reorganization that complies with §57075(a)(3) or §57075(b)(2).
- 2) The purpose of delegating certain duties to the Executive Officer is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures, and to expedite the boundary change process.
- 3) The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. At the conclusion of the protest hearing the LAFCO Executive Officer shall determine the value of written protests filed and not withdrawn.

- 4) Within thirty (30) days of the hearing the Executive Officer shall, based on the value of protests filed either order the change, terminate the proposal or, when required, return the matter to the Commission to request the County or city to call and conduct an election.
- 5) The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearings that are conducted.

F. Commission Representation

- 1) *Chair to Act as Ceremonial Representative* – The Chair is delegated to act as the Commission’s ceremonial representative at public events and functions. In the Chair’s absence, the Vice Chair is delegated to assume this responsibility. In both the Chair and Vice Chair’s absence, the Chair shall appoint another Commission member or alternate to assume this responsibility.
- 2) *Ministerial Duties* – The Chair is delegated to sign Commission correspondence and resolutions and perform other ministerial functions as needed.
- 3) *Spokesperson* – The Commission may, from time to time, designate a spokesperson to represent the Commission on a particular matter.
- 4) *Commission Member Participation in Community Activities* – From time to time, Commission members and alternates may participate in community activities, committees, events and task forces.

Unless specifically authorized by the Commission, when a Commission member or alternate participates in such activities, the member or alternate is acting as an interested party rather than acting on behalf of the Commission.

Acting or participating on behalf of the Commission is limited to those instances when the Commission has formally designated the Commission members or alternate as its representative for the matter.

- 5) *Representation* - LAFCO members shall represent the official policies or positions of the Contra Costa LAFCO to the best of their ability when designated by the Commission as delegates and/or spokespersons for this purpose. When presenting their individual opinions and positions, Commissioners shall explicitly state they are not doing so on behalf of the Contra Costa LAFCO.