



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

<b>Candace Andersen</b> <i>County Member</i>	<b>Federal Glover</b> <i>County Member</i>
<b>Donald A. Blubaugh</b> <i>Public Member</i>	<b>Michael R. McGill</b> <i>Special District Member</i>
<b>Tom Butt</b> <i>City Member</i>	<b>Rob Schroder</b> <i>City Member</i>
<b>Igor Skaredoff</b> <i>Special District Member</i>	

**ALTERNATE MEMBERS**

<b>Diane Burgis</b> <i>County Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>
<b>Charles R. Lewis, IV</b> <i>Public Member</i>
<b>Sean Wright</b> <i>City Member</i>

July 10, 2019 (Agenda)

Contra Costa Local Agency Formation Commission  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

July 10, 2019  
 Agenda Item 11

**Policies and Procedures Update**

Dear Members of the Commission:

This is a report from the LAFCO Policies & Procedures Committee.

LAFCO staff recently discussed with the Committee policies relating to LAFCO meeting minutes. The current policies (***Section 1.4 – Rules and Procedures*** – attached) include the following provisions relating to LAFCO meeting minutes:

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

D. 8) 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.

D. 9) 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.

LAFCO staff advises the Committee that LAFCO has veered from using “action” minutes to using “summary” minutes. Staff recommends that LAFCO resume the use of “action” meeting minutes going forward with full knowledge that there are audio recordings of LAFCO meetings available on the LAFCO website.

**RECOMMENDATION:** Resume the use of action meeting minutes as provided in LAFCO’s Policies & Procedures.

Respectfully submitted,  
*Don Blubaugh and Chuck Lewis*

c: Distribution  
 Attached – Contra Costa LAFCO Policies & Procedure Section 1.4 – Rules and Procedures

## 1.4. RULES AND PROCEDURES

### POLICY

Contra Costa LAFCO conducts public meetings in accordance with the requirements of the Ralph M. Brown Act and all other applicable governing legislation. The Commission strives to govern and work together in an effective, efficient, ethical and courteous manner in the highest tradition of public service and in the best interests of those who live, work and visit Contra Costa County.

#### A. Authority

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

#### B. Officers

Selection of Officers – The members of the Commission will 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 serve for one-year terms, or until their successors are elected, whichever occurs later. Officers will 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 presides at all meetings of the Commission and conducts the business of the Commission in the manner prescribed by State law and by these rules. The Chair will preserve order and decorum and decide all questions of 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 acts 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 will select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem will have all 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 must specify the time and place of the meeting and the business to be transacted at such meeting, and no other business can 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, may be held in proximity to the affected project area. The determination of what constitutes a major agenda item is 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 will 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
- Presentations
- Consent Agenda items
- Boundary/Sphere of Influence (SOI) Changes
- Municipal Service Reviews/SOI Updates
- Business items
- Informational items
- Commissioner and staff announcements
- Closed Session
- Adjournment

- 2) Quorum – Four members of the Commission constitute a quorum for the transaction of business. In the absence of a quorum, the remaining members or, if no members are present, the Clerk, will adjourn the meeting to another date and time in accordance with Government Code section 54955 and will post a Notice of Adjournment.
- 3) 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 is not counted as an affirmative vote.
- 4) 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 will be in alphabetical order, except that the Chair will be called last.
- 5) Authorization to Vote – Review of Record – A member may 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 becomes familiar 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 recording of such hearing or reading a transcript of the proceeding if one has been prepared.
- 6) Commission Actions – The Commission may act by resolution or motion. All final determinations of the Commission on boundary changes and spheres of influence will be made by resolution.
- 7) 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, LAFCO staff or members of the public in order to allow discussion or postponement.
- 8) 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.

- 9) 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.
- 10) Recordings of Meetings – Commission meetings are typically digitally recorded and archived for two years. Digital audio recordings of the LAFCO meetings are available on the LAFCO website for approximately six months following the meeting. Copies of meeting digital recordings are available upon request. Meetings may be transcribed upon request and receipt of a deposit to cover transcription costs (§56379). Failure to record a meeting does not negate the results of a meeting.
- 11) 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.
- 12) Public Comment
  - At each regular and special meeting the Commission must 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 changed at the discretion of 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. The “Public Comment” portion of the meeting is for the purpose of receiving comments from members of the public on matters within the jurisdiction of the Commission but not listed on the agenda.
  - The Commission may 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.

E. Public Hearing Procedure

Unless the Chair in his or her discretion directs otherwise, public hearings will generally be conducted as follows:

1. The Chair will announce the agenda item and open the public hearing.
2. Presentation by staff.
3. With the permission of the Chair, the Commissioners may ask technical questions for the purpose of clarification.
4. Presentation by applicant (optional).
5. With the permission of the Chair, Commissioners may ask questions of staff and applicant.
6. The Chair will invite public comment and announce when public comment has concluded.
7. The Chair may ask for concluding comments by staff, if any.
8. If any new documents have been offered as evidence since the agenda packet was prepared, the Chair should acknowledge receipt of the documents into the record.
9. The Chair will close the public hearing.
10. The Chair may invite Commission discussion of the agenda item including additional questions of staff.
11. The Chair will invite a motion from the Commission and determine if any Commissioner wishes to second the motion. The Chair may restate or clarify the motion for the record and/or indicate whether the motion includes all staff recommendations.
12. The Chair will invite Commission discussion of the motion.
13. The Chair will request a vote and, if appropriate, announce the results of the vote.

F. Procedure for Discussing Deliberation Items on the Agenda that do not require a Public Hearing

Unless the Chair in his or her discretion directs otherwise, the general order for presentation of items on the Commission's agenda for discussion and decision is as follows:

1. The Chair will announce the agenda item.
2. Presentation by staff.
3. With permission of the Chair, Commissioners may ask technical questions of staff and/or the presenter for purposes of clarification.
4. The Chair will invite public comment and announce when the public comment has concluded.

5. The Chair may invite Commission discussion of the agenda item including additional questions of staff.
6. The Chair will invite a motion from the Commission and determine if any member of the Commission wishes to second the motion. The Chair may restate or clarify the motion for the record and/or indicate whether the motion includes all staff recommendations.
7. The Chair will invite Commission discussion of the motion.
8. The Chair will request a vote and, if appropriate, announce the results of the vote.

G. 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 will determine the value of written protests filed and not withdrawn.
- 4) Within thirty (30) days of the hearing the Executive Officer will, 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 will report to the Commission at its next meeting the outcome of any protest hearings that are conducted.

H. 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 may 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 will represent the official policies or positions of 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 must explicitly state they are not doing so on behalf of Contra Costa LAFCO.

#### I. Ethics Training

The California Government Code (Gov. C.) requires that all legislative body or local agency officials who receive compensation, salary, stipends or reimbursement for expenses, receive ethics training as specified in Gov. Code sections 53234-53235.2. LAFCO is not one of the legislative bodies or local agencies covered by these statutes, so service on LAFCO alone does not trigger the statutory requirement for ethics training. Commissioners who are County Supervisors, City Council members, or Special District board members are required to receive this training in their respective roles as county/city/special district officials. LAFCO Public Members are required by this policy to receive ethics training. LAFCO staff will advise the Public Members of opportunities to receive this training. Commissioners who receive this training should file their certificate of training with the LAFCO office.

#### J. Legislative Policy

- 1) The Commission shall consider adoption of a Legislative Policy annually, or as needed.
- 2) In situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission’s position if the position is consistent with the adopted legislative policies of the Commission.
- 3) The Chair or Vice Chair would review the letter or email prior to it being submitted.
- 4) The Executive Officer will forward the email or letter to the Commission as soon as possible.
- 5) The item will be placed on the next regular LAFCO meeting agenda as either “informational” or for discussion purposes.