

# **YOLO COUNTY LOCAL AGENCY FORMATION COMMISSION**

## **RULES OF LAFCO**

*Amended – March 28, 2011*

The Yolo County Local Agency Formation Commission hereby adopts the following rules for the conduct and a procedure of said Commission and repeals all resolutions in conflict herewith.

### **CHAPTER I GENERAL PROVISIONS**

Section 1 - These rules shall apply to the Yolo County Local Agency Formation Commission and are adopted pursuant to the authority vested in the Commission by Chapter 6.6 of Part 1, Division 2, Title 5 and Chapter 1 of Part 4, Division 1, Title 6 of the Government Code.

### **CHAPTER II COMMISSION MEETINGS**

Section 2 - The regular meetings of the Yolo County Local Agency Formation Commission shall be held on the fourth Monday in every month except for May, and on the second Monday in the month of May of each year. These regular meetings shall commence at the hour of 9:00 A.M., and shall be held in the Chambers of the Yolo County Board of Supervisors, 625 Court Street, Room 206, Woodland, California, or at the time and place as set and noticed by the Commission, Commission Chairman or the Executive Officer of the Commission. If any such meeting falls upon a holiday, the meeting shall be held on the next succeeding Monday, which is not a holiday, in which event all hearings and other matters before the Commission are continued to the same specified hour of the next succeeding Monday, which is not a holiday.

Section 3 - All other meetings of the Yolo County Local Agency Formation Commission shall be held as special meetings, at such times and places as are designated by the Commission, the Commission Chairman, or the Executive Officer of the Commission. Special meetings of the Commission may be called in the 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.

Section 4 - Any regular, adjourned regular, special or adjourned special meeting of the Commission may be adjourned to any day and time prior to the date established for the next succeeding meeting of the Commission. If the date to which any such meeting is adjourned falls upon a holiday, the adjourned meeting shall be held on the next succeeding Monday, which is not a holiday, in which event all hearings and other matters before the Commission are continued to the same specified hour of the next succeeding Monday, which is not a holiday.

**CHAPTER III**  
**ELECTION, POWERS AND DUTIES OF CHAIRMAN**  
**AND CHAIRMAN PRO TEM; AND, CONDUCT OF MEETINGS**

Section 5 - At the regular meeting of the Commission held on the second Monday in the month of May each year, the members of the Commission shall elect, or re-elect, a Chairman to serve a one-year term, but in no event shall the term expire until his or her successor has been elected. Any vacancy in such office shall be filled by the Commission for the unexpired portion of the term of such office.

Section 6 - The Chairman, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these rules. The Chairman shall preserve order and decorum and shall decide all questions of order subject to the action of majority of the Commission.

Section 7 - In the absence of a quorum, the members present shall adjourn the meeting to any day and time prior to the date established for the next succeeding meeting of the Commission. If all members are absent, the Executive Officer of the Commission may adjourn the meeting to a stated time and place in accordance with Section 54955 of the Government Code.

Section 8 - At the same meeting at which a Chairman is elected, the members of the Commission shall elect, or re-elect, a Vice-Chairman to serve a one year term, but in no event shall the term expire until his or her successor has been elected. Any vacancy in such office shall be filled by the Commission for the unexpired portion of the term of such office. In the absence of, or the inability to act, the Chairman, the Vice-Chairman shall act as Chairman Pro Tem. The Chairman Pro Tem shall have all of the powers and duties of the Chairman during the absence of, or inability to act, of the Chairman.

Section 9 - In the absence of, or the inability to act, the Vice-Chairman as Chairman Pro Tem, the members of the Commission present shall, by an order entered in the Minutes, select one of their members to act as Chairman Pro Tem.

Section 10 - The business of each regular meeting of the Commission shall be transacted as far as possible in the following order:

- (a) Roll Call
- (b) Consideration of matters set for hearing
- (c) Consideration of special matters

Section 11 - All parties and participants in the proceedings shall disclose all contributions of \$250 or more in the preceding 12 months to any member or other officer of the Commission.

Section 12 - Motions made by any member of the Commission shall require a second.

Section 13 - The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of an objection, the Chairman may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye".

Section 14 - Each roll call of the Commission shall be in alphabetical order, except that the Chairman shall be called last.

Section 15 - A majority of the members of the Commission constitutes a quorum for the transaction of business. No act of the Commission shall be valid or binding unless a majority of all the members concur therein.

#### **CHAPTER IV**

##### **APPOINTMENT OF EXECUTIVE OFFICER, ASSISTANT EXECUTIVE OFFICER, COMMISSION CLERK AND LEGAL COUNSEL**

Section 16 - The Commission shall appoint an Executive Officer who shall conduct and perform the day-to-day business of the Commission. The Executive Officer shall serve at the pleasure of the Commission. If the appointed Executive Officer has a conflict of interest on a matter before the Commission, the Commission shall appoint an alternate Executive Officer for that matter. The Executive Officer shall be the primary staff person to advise the Commission on actions to be taken pursuant to the Local Government Reorganization Act of 2000.

Section 17 - The Executive Officer may appoint an Assistant Executive Officer. In accordance with Government Code Section 1190 et. seq., the Assistant Executive Officer shall be subordinate to and have the powers and duties of the Executive Officer. The Assistant Executive Officer shall also have the powers and duties of the Executive Officer whenever there is a vacancy in that office. The Assistant Executive Officer shall be responsible to work on special studies, sphere of influence studies, reorganization reports and other duties as designated by the Executive Officer.

Section 18 - The Executive Officer may appoint the Clerk of the Commission. The Clerk shall prepare and distribute to Commission members and the newspapers of the County and post in the manner required by law, an agenda for each meeting which shall include all matters which have previously been set for hearing at such meeting; shall keep minutes of all meetings; shall provide Commission members with a copy of the minutes prior to the next succeeding meeting; shall maintain a record of all proceedings; shall make all public notices; and shall receive all matters or information to be filed for action by the Commission. The Clerk shall also insure that, at a minimum, notice of all public hearings for the Commission shall be available in electronic format on the Commission web site. The Clerk shall also be responsible for other duties as required and assigned by the Executive Officer to maintain the office of the Commission.

Section 19 - The Commission shall appoint legal counsel to advise it. If the appointed legal counsel has a conflict of interest on a matter before the Commission, the Commission shall appoint an alternate legal counsel for that matter. Legal counsel shall provide the Executive Officer and Commission necessary legal advice as necessary on any matter before the Commission or business of the Commission.

#### **CHAPTER V** **CALAFCO**

Section 20 - The most senior tenured regular commissioner at the CALAFCO conference will be the voting member at the appropriate session. If there are two of the

regular commissioners present with the same tenure and both are most senior, the choice of who will be the voting member will be determined by who wins the toss of a coin.

## **CHAPTER VI** **FILING OF APPLICATION**

Section 21 - All applications shall be completed with all written documentation required by these rules, commission procedures, or the Executive Officer within 180 days of the date of the application, or any portion thereof, is initially presented to the Executive Officer for filing. If the application is not completed within 180 days, the application shall be returned to the applicant as incomplete and a new application will be required. The applicant shall forfeit the LAFCO processing fee deposit if the application is deemed incomplete by the 180th day. If requested by the applicant before the expiration of said 180 day period, the Commission may, upon a showing of good cause arising from unforeseen circumstances, and with the concurrence of not less than four members, extend the time for completing the application.

Section 22 - The Executive Officer, after review by the Commission, shall prescribe, and from time to time may change, a form of "Application" to be completed and filed with the LAFCO Office by proponents, any legislative body, or any member of any legislative body desiring to initiate proceedings before the Commission.

Section 23 - The application shall include disclosure of all contributions of \$250 or more made in the preceding 12 months by any party to the proceeding (any person who files the application or who is the subject of the proceeding); or any party's agent, to any member or other of the Commission.

Section 24 - An application shall not be deemed complete until all information required in the application form or by the Executive Officer is received by the Executive Officer.

Section 25 - If before the issuance of a Certificate of Filing a substantial change in ownership of a proposal area occurs; a new application for the proposal shall be required.

## **CHAPTER VII** **REVIEW OF THE PROPOSALS**

Section 26 - The Commission, in reviewing a proposal, shall evaluate its content with reference to the General Plans of the Cities and County, the Standards for Evaluation of Proposals, the Agricultural Conservation Policy, any applicable sphere of influence, the Land Evaluation and Site Assessment model, the Local Government Reorganization Act of 2000 and such other relevant matters as may be required or permitted by law, or deemed necessary by the Executive Officer for presentation to the Commission. The Commission requires that written statements made in opposition or support to matters submitted to the Commission for public hearing be submitted to the Clerk of the Commission on or before the date and time of the public hearing.

## **CHAPTER VIII** **DISCLOSURE OF POLITICAL EXPENDITURES REGARDING**

## **LAFCO PROCEEDINGS**

Section 27 - Pursuant to Government Code Sections 56700.1 and 57009, effective January 1, 2008, and amendment of 56100.1, effective January 1, 2009, expenditures for political purposes related to a proposal for a change of organization or reorganization and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act, Government Code Section 81000 et seq., and the regulations of the Fair Political Practices Commission implementing that law.

Section 28 - The Yolo LAFCO adopts the following reporting and disclosure requirements to implement Government Code Sections 56100.1, 56700.1 and 57009.

### **1. Definitions**

(a) "Contribution" as used herein shall have the same definition as provided in Government Code Section 82015, as amended.

(b) "Expenditure" as used herein shall have the same definition as provided in Government Code Section 82025, as amended.

(c) "Independent expenditure" as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term "measure" as used in Section 82031 shall be replaced with the term "proposal for organization or reorganization."

(d) "Political Purposes" as used herein shall mean for the purpose(s) of: (i) influencing public opinion; (ii) lobbying public officials; and/or, (iii) influencing legislative or administrative action as defined in Government Code § 82032. It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

### **2. Disclosure Requirements for Proposals for Organization or Reorganization**

(a) Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

(b) Contributions and expenditures made pursuant to this Section shall be disclosed and reported pursuant to the Political Reform Act of 1974 as designated in Section 5 below.

(c) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the “election” date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

(d) In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues. Reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

### 3. Disclosure Requirements for Conducting Authority Proceedings

(a) Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

(b) Contributions and expenditures made pursuant to this Section shall be disclosed and reported pursuant to the Political Reform Act of 1974 as designated in Section 5 below.

(c) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the “election” date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

(d) In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date,

the obligation to file continues and reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

#### 4. Certain Reports and Disclosures Excluded

This policy requires that the persons subject to it disclose contributions, expenditures, and independent expenditures with respect to expenditures for political purposes related to a proposal for an organization or reorganization subject to the Political Reform Act requirements.

This policy also requires that the persons subject to it comply with the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

#### 5. Reporting Requirements

Contributions and expenditures for political purposes related to a proposal or proceeding shall be disclosed and reported pursuant to Article 2.5 (commencing with Section 84250) of Chapter 4 of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

#### 6. Reporting requirements are non-exclusive

The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.

#### 7. Sunset provision

This policy is intended to implement Government Code Sections 56100.1, 56700.1 and 57009 and shall be of no further force and effect upon the effective date of legislation repealing or amending those sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the Fair Political Practices Commission or otherwise terminates the responsibility of this commission to adopt and implement this policy.

### **CHAPTER IX** **APPOINTMENT OF THE LAFCO REGULAR MEMBER AND ALTERNATE MEMBER**

Section 29 - Whenever a vacancy occurs, or may occur, in the positions of regular public member or alternate public member, as a result of resignation, death, termination or expiration of term of office, or any other cause provided by law, it shall be the policy of the Local Agency Formation Commission to advertise that a vacancy exists or may exist in either or both of these positions and solicit all interested persons to apply for consideration as appointee(s). Final appointment to the vacant position(s) shall not be made for at least 40 days after an announcement of vacancy(ies) occur(s). The Yolo LAFCO may reappoint the incumbent at its pleasure.

Section 30 - The applicants and successful candidate(s) shall meet the criteria set forth in the applicable provisions of the Government Code.

Section 31 - No person appointed as a public member or alternate public member shall be an officer or employee of the county or any city or district with territory in the county (Government Code Section 56331).

Section 32 - Both the regular and alternate public member of the Yolo County LAFCO shall be a registered voter in Yolo County.

Section 33 - Whenever a vacancy occurs, or may occur, in either or both the positions of regular public member or alternate public member, as a result of resignation, death, termination or expiration of term of office, or any other cause provided by law,<sup>1</sup> the Chair shall direct the Executive Officer to prepare and post a special vacancy notice advertising that such a vacancy(ies) currently exist(s) or may exist and soliciting interested persons to submit their résumés for consideration to the Executive Officer within 30 days after the announcement of the vacancy occurs. The special vacancy notice shall be posted at the following locations:

- (a) At the LAFCO staff office, and
- (b) On the bulletin board outside the Board of Supervisors' hearing room, and
- (c) On the bulletin board outside the County Administration Building, and
- (d) Any other place as directed by the Commission.

Section 34 - The Executive Officer shall mail a copy of the special vacancy notice to all city clerks; to all independent special districts; and to the clerk of the Board of Supervisors.

Section 35 - The Executive Officer shall have an announcement prepared and released to the press to the effect that a vacancy exists or may exist in either or both position(s) of regular public member or the alternate public member and all interested persons are encouraged to apply by submitting their résumés to the Commission's Executive Officer within 30 days after the announcement occurs.

Section 36 - 30 days after the announcement occur(s), no further applications for the vacant position(s), shall be accepted by the Executive Officer, who then shall place on the agenda at the Commission's next regular scheduled meeting for discussion the consideration of these same applications for appointment to the vacant position(s).

Section 37 - The Commission may select a personnel committee from their membership for the purposes of reviewing all applications and nominating the best-qualified candidates for the Commission's consideration.

Section 38 - When a personnel committee is used for the purpose set forth in Section 37 of these procedures, then the personnel committee may recommend to the

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<sup>1</sup> In any Calendar year in which the term of office of the regular public member or alternate member is to expire, the Executive Officer will inform the commission at the first regular meeting in March that such expiration is effective the first Monday in May. The Commission may decide to advertise this fact in advance and encourage persons to submit their résumés for consideration prior to the expiration of the respective term. In such event, notice and selection will be in the manner specified in these procedures.



commission the name or names of applicants for nomination(s) to the vacant position(s) at the next regularly scheduled meeting. However, any eligible commissioner may nominate a candidate from the applications submitted.

Section 39 - Whenever a personnel committee is not used for the purpose set forth in Section 37 of these procedures, then any eligible commissioner may nominate a candidate from the applications submitted to the vacant position(s).

Section 40 - Upon receipt of the names of the nominees for consideration to the vacant position(s), the Chair shall declare the nominations closed and shall direct the Commission Clerk to call a vote of members eligible first for one candidate, then the other. The nominee(s) receiving a majority shall be appointed to the vacant position(s) for the un-expired term of the regular public member or alternate public member, except when the vacancy is the result of expiration of term of office, then the appointment shall be for four-years and until the appointment and qualification of his/her successor. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his /her term is to expire.

Section 41 - In the event no candidate from the applicants submitted receives a majority, the Commission shall direct the Executive Officer to re-advertise that a vacancy(ies) exist(s) in the manner set forth in these procedures.

Section 42 - Final appointment to fill any vacancy in either the position of regular public member or alternate public member shall not be made by the Commission for at least 40 days after the announcement occurs.

Section 43 - Any other provision of this Policy notwithstanding, the Commission may, by a majority vote of its then-existing membership, waive any provision of this Policy as it deems necessary or appropriate in its sole discretion.

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