

April 3, 2014 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

Consideration of Changes to Chapter 6 of the Commissioner Handbook

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission review the Proposed Changes to Chapter 6 of the Commissioner Handbook and Provide Suggestions and Comments prior to Approval

DISCUSSION

One of the items that was discussed at the Commission's October 3, 2013, Strategic Planning Retreat was a review of the Commissioner Handbook. Chapter 6, Rules and Procedure provides a basis for the actions of the Commission and to all proceedings conducted before the Commission. The Chapter was last revised on January 7, 2010, and is in need of some updating. Staff has also attached the Introduction, which has some procedural references.

I asked LAFCO's legal counsel and the Clerk to the Board's Office that provides Clerk services to the Board of Supervisors, as well as LAFCO and several other local agencies, to take a look at Chapter 6 and provides comments. My suggested changes were already included in the "draft" that I forwarded to them.

You will see the first attachment is the finished document where the second one will show the mark-ups and changes. Staff will be available to explain the suggested changes to members of the Commission.

I would appreciate the Commission's comments and suggestions on the proposed changes to Chapter 6 of the Commissioner Handbook.

Sincerely,



PAUL HOOD

Executive Officer

INTRODUCTION

A. Amendment Procedures

1. Commission-approved Changes to the Commissioner Handbook

All amendments to the Commissioner Handbook must be approved by the Commission, except as set forth in Section 2 below.

Amendments may be approved at any regular or special meeting of the Commission by a majority vote of the members.

2. Executive Officer-approved Changes

The Executive Officer is authorized to amend the following sections of the Handbook without Commission approval of each change:

Section 1 Commission Roster

Section 14 History of LAFCO Membership

Section 15 Roster of Cities and Special Districts

B. Procedural Flexibility

The Commissioner Handbook is a guide. The Commission may, by majority vote, modify procedures set forth in the Handbook when the situation warrants provided the change is not in conflict with statutes governing LAFCO activities.

Adopted April 12, 1995

RULES AND PROCEDURES

A. Authority

These rules are adopted pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and apply to the Santa Barbara Local Agency Formation Commission and to all 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 of each year or as soon thereafter as practicable. The Chair and Vice Chair shall serve for one-year terms, with the Vice Chair automatically assuming the Chair at the end of the term. Officers shall be selected from the categories of members in the following order: Public, County, Special District and City.

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 for any reason unable to act, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

Chair Pro Tem -- In the event 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 of Regular Meetings -- The regular meetings of the Commission shall be held the first Thursday of each month commencing at 1:00 p.m.

Location of Regular Meetings – The Commission shall adopt a schedule of regular meetings each year. Regular meetings will normally be held on the first Thursday of each month at 1:00 pm. In the months of January, March, May, July, September and November, the hearing shall normally be held at the Board of Supervisors Hearing Room, 105 East Anapamu Street, Santa Barbara, California. Regular meetings in the months of February, April, June, August, October and December shall normally be held at the County Hearing Room, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, California.

Special Meetings -- Special meetings may be called by the Chair or a majority of the members of the Commission in a manner provided by State law. The notice shall be provided 24 hours in advance of the meeting to all of the Commission members and to all media outlets who have requested notification and shall be posted. 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. Where the notice of the special meeting is given by the Executive Officer, the notice shall specify that the meeting is being called by either the Chair or a majority of the members of the Commission.

Major Hearings -- Where possible, meetings regarding major or significant agenda items, especially those which 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 Executive Officer and is subject to modification by the Commission.

D. Conduct of Meetings

Order of Business The business of each regular meeting of the Commission shall be transacted to the extent practicable in the order below. The Chair will have the right to reorder the Agenda for any particular hearing:

- Call to order and roll call
- Pledge of Allegiance
- Approval of minutes of previous meeting or meetings
- Public comment period
- Consent Calendar
- Changes of Organization/Reorganization
- Business items

Information items
Commissioner and staff announcements
Adjournment

Quorum. Four members of the Commission constitute a quorum and no act of the Commission shall be valid or binding unless at least four members concur therein.

Review of Record

- 1) 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 record of such hearing.
- 2) 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.

Public Comment

- 1) 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.
- 2) The Chair may establish reasonable requirements, including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker. Public speakers shall be allowed 3 minutes to testify subject to the discretion of the Chair.
- 3) If determined by the Chair, any person wishing to address the Commission must complete and submit a "Request to Speak" form prior to the time that the Public Comment period commences; the form shall identify the subject the speaker wishes to address.
- 4) A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter listed on the Agenda. Comments on Agenda items are appropriate when the item is being discussed by the Commission.

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- 5) The Commission shall only act on items appearing on the Agenda unless the action is authorized by the Brown Act, including Section 54954.2 of the Government Code. The Chair may refer matters raised during the "Public Comment" period to the appropriate staff.

E. Environmental Procedures

Section 1. The Commission hereby adopts pursuant to Section 21082 of the Public Resources Code as its objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to the California Environmental Quality Act, the Guidelines for the Implementation of the California Environmental quality Act of 1970, as Amended, adopted by the Santa Barbara County Board of Supervisors on September 12, 1988.

Section 2. No application for any change of organization or reorganization, or amendment or revision of a sphere of influence shall be deemed accepted for filing by the Executive Officer unless the application is accompanied by a Statement of Exemption, Negative Declaration or Environmental Impact Report determined by the Executive Officer to be adequate covering the proposed action or actions.

Section 3. If the Commission is the lead agency, the environmental document shall be sent to the following agency for review and comment:

1. Planning and Development, County of Santa Barbara.

If the Commission is not the lead agency, the environmental document must have been approved by the lead agency pursuant to that agency's guidelines and CEQA.

F. Conducting Authority Proceedings

Section 1. The Commission delegates to the Executive Officer the responsibility to conduct protest hearings as provided for in Government Code §57000 (c) and to order a change of organization or reorganization that complies with Government Code Section 57075 (a)(3) or 57075(b)(2).

Section 2. The purpose is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures and to expedite the boundary change process.

Section 3. The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. The notice of hearing will be accompanied by or those receiving the notice shall be directed to a standardized “protest form” which solicits all required information. The enclosed protest form may be periodically modified by staff as necessary.

G. Amendment

These Rules and Procedures may be amended at a regular or special meeting on the Commission by a majority vote of the voting members.

*Adopted July 7, 1994
Revised October 4, 2001
Revised May 8, 2003
Revised September 4, 2003
Revised November 2, 2006
Revised February 7, 2008
Revised July 3, 2009
Revised March 5, 2009
Revised January 7, 2010*

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- ~~2)~~ Pledge of Allegiance
- ~~3)~~ Approval of minutes of previous meeting or meetings
- ~~4)~~ Public comment period
- ~~5)~~ Consent Calendar
- ~~6)~~ Recess to Closed Session (As necessary)
- ~~7)~~ Changes of Organization/Reorganization

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- ~~8) Business items~~
 - ~~9) Information items~~
 - ~~10) Commissioner and staff announcements~~
 - ~~11) Adjournment~~

Quorum. Four members of the Commission constitute a quorum and no act of the Commission shall be valid or binding unless at least four members concur therein.

Roll Call Voting

- ~~1) The roll need not be called in voting upon a motion except when requested by a member of the Commission.~~
- ~~2) If the roll is not called, and if there is no objection, the Chair may order the motion unanimously approved.~~
- ~~3) When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye."~~
- ~~4) Each roll call shall be in alphabetical order, except that the Chair shall be called last.~~

Review of Record

- 1) 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 record of such hearing.
- 2) 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.
- ~~3) In cases where the Minutes purport to report the hearing in detail the member may review such Minutes in lieu of reviewing the tape recording or transcript.~~

Public Comment

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- 2) The Chair may establish reasonable ~~regulations~~ requirements, including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker. Public speakers shall be allowed 3 minutes to testify subject to the discretion of the Chair.
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Section 2. No application for any change of organization or reorganization, or amendment or revision of a sphere of influence shall be deemed accepted for filing by the Executive Officer unless the application is accompanied by a

Statement of Exemption, Negative Declaration or Environmental Impact Report determined by the ~~County Division of Environmental Review~~ the Executive Officer to be adequate covering the proposed action or actions.

~~Section 3. If the Commission is the lead agency, the environmental document must have been reviewed by the Santa Barbara County Resource Management Department Division of Environmental Review pursuant to the County's Guidelines for Implementation of the California Environmental Quality Act. If the Commission is not the lead agency, the environmental document must have been approved by the lead agency pursuant to that agency's guidelines and CEQA.~~

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Section 3. The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. The notice of hearing will be accompanied by or those receiving the notice shall be directed to a standardized "protest form" which solicits all required information. The enclosed protest form may be periodically modified by staff as necessary.

~~Section 4. — At the conclusion of the hearing the Executive Officer shall determine the value of written protests filed and not withdrawn.~~

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~~Section 5. — 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 request the County or city to call and conduct an election. After taking such action the Executive Officer shall report the action taken to the Commission at its next regularly scheduled meeting.~~

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~~Section 6. — The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearings that are conducted.~~

G. Amendment

These Rules and Procedures may be amended at a regular or special meeting on the Commission by a ~~four-fifths~~ majority vote of the voting members.

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*Adopted July 7, 1994
Revised October 4, 2001
Revised May 8, 2003
Revised September 4, 2003
Revised November 2, 2006
Revised February 7, 2008
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