

**LASSEN**

**LOCAL AGENCY**

**FORMATION COMMISSION**

(LAFCO)

**BYLAWS**

Adopted October 17, 2022

**LASSEN Local Agency Formation Commission  
LAFCO Bylaws**

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**Local Agency Formation Commission (LAFCO)  
LASSEN County**

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**1. Statement of Purpose and Authority**

**1.1. Mission**

The Lassen Local Agency Formation Commission ~~of LASSEN County~~ 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 within Lassen 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 et seq. of the California Government Code, the primary function of California LAFCOs is to encourage orderly growth, discourage urban sprawl, preserve open space and prime agricultural lands and efficiently extend 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 LASSEN Local Agency Formation Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 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 LASSEN County LAFCO shall be provided through a combination of application fees and charges and appropriations from general tax revenue of LASSEN County and the City of Susanville as determined by the Commission in accordance with the LAFCO Act.

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**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 LASSEN County Board of Supervisors.

**2.3. Commission**

The LASSEN Local Agency Formation Commission or Local Agency Formation Commission of LASSEN County.

**2.4. Commissioners**

All members of the Commission, both regular and alternate. “Commissioner” has the same meaning as member.

**2.5. County**

The County of LASSEN.

**2.6. LAFCO**

The LASSEN Local Agency Formation Commission.

**2.7. Members**

All regular and alternate members of the LASSEN Local Agency Formation Commission. “Member” has the same meaning as “Commissioner”

**2.8. City Council**

The City Council of the City of Susanville, and/or the City Council of any other city that may be incorporated in Lassen County during the effectiveness of these rules.

**3. Budgeting**

**3.1. General Budget Policies**

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 draft budget for review not later than the April meeting of the Commission. As required under Section 56381, the Commission shall then hold a noticed public hearing on the budget at the April Meeting and adopt a preliminary budget at that meeting. The Commission shall adopt its final budget after noticed public hearing at the June meeting. When the Commission has finalized the budget, the Executive Officer shall promptly send it on to the County and the City of Susanville as provided by the LAFCO Act, Section 56381.

The Commission may at any time and at its own discretion modify its approved budget.

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**3.2. Budgeting Policies**

- a. LAFCO may adopt a work program for the next fiscal year prior to its adoption of the proposed budget. The work program shall set forth the proposed actions, studies, reports and administrative objectives for the coming year. 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.
  - b. To pay bills in a timely manner, Monthly commission claim warrants or claims shall be approved by the commission during the months there is a regular or special meeting scheduled. The Chair or Vice-Chair shall be authorized to sign the claim warrants for the months the commission does not meet or fails to constitute a quorum at a regular or special meeting. The commission shall ratify the claim warrants at its next regular meeting.
  - c. LAFCO's budget for the next fiscal year shall normally be set at a level that allows the agency to complete the essential tasks of the approved work program. If the Commission determines that it cannot reasonably obtain funding 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 Act.(§56381)
  - d. When feasible, LAFCO shall re-budget carryover from the prior fiscal year or a portion of its carryover funds 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.

**3.3 LAFCo Finance Policies**

**3.3.1 Business & Travel Expenses Policy**

LAFCO will reimburse reasonable business travel expenses incurred by its officers and employees while on assignments away from the normal work location. The Executive Officer is hereby delegated the authority to authorize business travel for other LAFCO officers and employees, provided funds are allocated for such purpose

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in a budget approved or otherwise authorized by the Commission. All staff business travel must be approved in advance by the Executive Officer.

When approved, the costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by LAFCO. Expenses are expected to be reasonable amounts and must comply with Government Code §53232.2.

Expenses that generally will be reimbursed include the following:

- a. Airfare or train fare for travel in coach or economy class or the lowest available fare. Mileage expenses shall not exceed the reasonable costs of air or train fare, as applicable.
- b. Car rental fees, only for compact or mid-sized cars.
- c. Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- d. Taxi fares, Uber, Lyft or other service, only when there is no other less expensive alternative.
- e. Cost of standard accommodations in hotels, motels, or similar lodgings using the government or conference rate when available.
- f. Meal allowances include the per diem amount as provided for in IRS guidelines as referenced in GC 53232.2 (c). A higher amount may be reimbursed as long as an itemized receipt is provided.
- g. No alcoholic beverages will be reimbursed anytime including with the cost of meals.
- h. Charges for telephone calls, internet, fax, and similar services shall be allowed during travel provided these charges are required for business purposes.
- i. Additional expenses arising from such non-business travel are not LAFCO's expenses.
- j. Mileage reimbursement shall be at the current rate established by the Internal Revenue Service at the time the mileage expense is incurred.
- k. A LAFCO officer or employee involved in an accident while traveling on business must promptly report the incident to the Executive Officer.
- l. When travel is completed, claims shall be submitted for reimbursement within 90 days or prior to the conclusion of the Fiscal Year in which the expenses were

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incurred. Claims must be accompanied by receipts for all expenses, with the exception of per diem amounts for meals under paragraph f above.

**3.3.2. Expenditure Policy**

- a. All documents relating to reimbursements of expenditures shall be available for review. All back-up billing information in the possession of the Commission shall be available.
- b. The LAFCO Executive Officer is responsible for managing the day-to-day business of the Commission and for making or authorizing expenditures for that purpose within the authority conferred by the adopted budget. This responsibility shall also include the power to approve contracts of up to \$5,000.00 on behalf of the Commission. The Executive Officer shall obtain the concurrence of the Chair and consult with LAFCO Counsel prior to entering into any contract outside the usual course of Commission business, including contracts for legal, consulting, or other professional services. Staff shall promptly notify the members of the Commission regarding contracts made on the Commission's behalf.
- c. Expenses, Travel and (or) contract payments to the Executive Officer shall be approved by the LAFCO Chair or Vice-Chair.
- d. Members and Alternate Members may be reimbursed, consistent with an amount as determined from time to time by the Commission, for reasonable and necessary expenses incurred for meeting attendance. Each member and alternate member in attendance at any Commission meeting may also receive a per-meeting stipend as established by the Commission. LAFCO shall inform the applicable County/City Finance Office of changes to meeting stipend rates for proper pay out.

**3.3.3. General Finance Policy**

- a. These expenditure and travel policies are not intended to conflict with or modify LAFCO's duties and obligations under the LAFCO Act or with Government Code §53232 et seq.
- b. So long as the City of Susanville is handling LAFCO financial transactions, amendments to bylaws, Fee Resolutions, Policies, Standards and Procedures or any other adopted finance related LAFCO policy pertaining to finances shall be transmitted to the appropriate financial office upon adoption. Any dispute or disagreement between a LAFCO officer or employee and the City Finance agency regarding reimbursement or payment of any claim shall be referred to the Commission for final determination. A minute order reporting the Commission's action shall be transmitted to the applicable finance office. The LAFCO Commission Claim form as approved by the Commission or signed by the LAFCO Chair for months when the Commission does not meet or lacks a quorum shall constitute the Commission's final determination for any expenditures and payment of the amount of the claims shall be deemed ordered.



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- e. LAFCO shall follow the budget process contained in the LAFCO Act and these adopted Finance Policies.
- f. The Commission hereby authorizes the LAFCO Executive Officer or their designee to sign any and all financial claims for the LAFCO account submitted to the City or County serving as LAFCO's banker in accordance with the above policies. The Commission further authorizes the Executive Officer and Clerk to the Commission to sign any signature authorization forms required by the City or County Administration Departments, as may be the case, to implement the authority granted by this policy.
- g. Commission Travel
  - i. All conference travel shall be as established in the annual LAFCO budget as appropriate for LAFCO, unless otherwise amended.
  - ii. Members and alternate members will be reimbursed for reasonable meal and travel expenses as stated above in compliance with the most recent IRS guidelines.
  - iii. On occasions when a Commission meeting must be recessed for a meal break or when a meal is served at a meeting, members and alternate members shall be reimbursed for reasonable meal expenses.
- h. Recognition by the Commission - Nominal amounts may be expended for the purchase of plaques or certificates of appreciation for those to whom such expressions are deemed to be appropriate by the Commission.

**3.3.4. Fixed Assets Policy**

- a. LAFCO adopts a fixed assets capitalization policy with a useful life of 5 years or more and a value at purchase of \$5,000, or greater, per item.
- b. It is LAFCO's policy to capitalize fixed assets. LAFCO will maintain an inventory of fixed assets, including equipment and furniture. The inventory will be maintained by staff and will be updated annually at the close of the fiscal year. Fixed assets are depreciated using the straight-line method over the estimated useful life of each asset.
- c. An asset become obsolete when it is no longer operable, has been replaced, or is no longer available for use. A list of obsolete assets is provided to the Commission annually in conjunction with the audit and obsolete assets are removed from the capital assets list thereafter.

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- d. The Commission shall review and approve a list of any fixed assets to be declared surplus property. The Commission may dispose of surplus property by making the property available for donation to any non-profit or other agency listed or authorized by either the State of California or Susanville County or its districts or cities to receive surplus property donations. The Commission may dispose of surplus property through a negotiated contract with an auction company or in any other manner that the Commission or Executive Officer determines to be reasonable. Costs of assets sold or retired (and related amounts of accumulated depreciation) are eliminated from the accounts in the year of sale or retirement.

**4. Commission Organization**

**4.1. Composition**

Unless the LAFCo Act otherwise requires, LASSEN LAFCO shall consist of five regular voting Commissioners and – three alternate members, as explained in detail below. All commissioners and alternates 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. City of Susanville

Two Commissioners shall be appointed by the City of Susanville from among its City Council members. The City 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 four regular (voting) members of the Commission. 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.

**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 encouraged to attend all Commission meetings, even if the regular member(s) is (are) present, because alternate members may at any time be called upon to vote in place of a regular member. All alternate members are expected to remain current in the business of the

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Commission. Lassen 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. 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.
- b. Any member may be removed at any time and without cause by the body appointing that member. If a member who is a city, 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.
- c. 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**

- a. The Commission may recommend to the appointing authority that a member (including alternates) be removed for any of the following reasons:
  - i. 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.
  - ii. Malfeasance of office or dereliction of duty by that member.
- b. Any member may be removed at any time and without cause by the body appointing that member.
- c. Members shall inform the Executive Officer and their alternate as soon as possible in the event they will be absent from a LAFCO meeting.

**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 first meeting in the new fiscal year or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission

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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 or Legal Counsel, on procedural and administrative matters, such as staffing issues and contracts, that cannot reasonably be deferred to the next Commission meeting. The Chair's authority shall include the signing of contracts and claims 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. Members and alternate members may be reimbursed, for reasonable meal expenses and mileage as determined by the Commission, when the expense is reasonably incurred in connection with Commission business. Mileage shall be reimbursed in accordance with IRS mileage in effect at the time the mileage occurred.
- b. Members may receive a stipend for attending meetings in accordance with a resolution adopted by the Commission from time to time.

**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 Executive Officer of a Statement of Economic Interests (Form #700) before April 1 of each year.

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- 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 The Executive Officer**

The Executive Officer of the Commission shall attend all meetings of the Commission, conduct and perform the day-top-day business of the Commission, and maintain a record of all of its proceedings as required by law. All the records of the Commission shall be on file in the LAFCO office where the same may be publicly examined and inspected.

The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action on file with the Executive Officer and all matters which have previously been set for hearing at such meeting provided that the filing deadlines of Section 5.3(c) of these rules shall apply.

The Executive Officer shall notify all Commission members of the time set for any special meeting.

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.

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**

Regular meetings of the Commission are scheduled for the second Monday of every other month at 3:00 p.m. in the City Council Chambers, 66 North Lassen Street, Susanville, California. The Commission may, at its own 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 Ralph M. Brown Act, Government Code Section 54954 et. seq. and applicable provisions of the LAFCO Act.

**5.2. Special Meetings**

The Chair 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.

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**5.3. Notice of Meetings**

a. General Notice

The Executive Officer shall provide notice of all regular and special meetings in accordance with the Ralph M. Brown Act, Section 54954.1 of the Government Code, and applicable provisions of the LAFCO Act. Written or emailed 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:
  - Modoc County Record
- iii) To any person or entity requesting a copy of the agenda in writing.
- iv) By posting the agenda of each 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. Such special notices shall be sent to the applicant, affected property owners, residents 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 LAFCO's **Policies and Standards** and the LAFCO Act.

**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. Three Commissioners present in person shall constitute a quorum. Should the size of the Commission increase beyond five, a majority of the Commissioners then in office shall constitute a quorum.
- b. An affirmative vote of three or more Commissioners is required to make an action of the Commission. Should the size of the Commission increase beyond five, the affirmative votes of a majority of the Commissioners then in office shall be necessary to take an action of the Commission. Proxy votes are not allowed.

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**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 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 Ralph M. Brown Act Government Code Section 54955.

**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 and requesting during the public communications portion of the meeting that action to be taken at its next meeting. If determined by the Chair to

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be proper for Commission consideration, such an item shall be placed on the agenda.

A quorum of the Commissioners may also request that an item be placed on the agenda for consideration. Requests for special meetings of the Commission shall be directed to the Chair through the LAFCO Executive Officer.

Notwithstanding the above, any Commissioner may place an item be placed on a future agenda.

d. Order of Business

The Commission agendas shall include the following items:

- Call to Order, Pledge of Allegiance including roll call
- Announcement of Closed Session (if needed)
- Consent Items, including approval of minutes, expenditure report and other items placed on the consent agenda
- Public Communications on Items not on the Agenda (Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction)
- Business Items with Public Hearings
- Business Items without Public Hearings
- Correspondence
- Executive Officer's Report
- Commissioner Reports and Announcements
- 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

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.

- i. A roll call vote shall be taken on any question upon request of any Commissioner, regular or alternate and if the action is at a remote teleconferencing meet.

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



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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, factors to be considered that are identified 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) Each Commissioner may question any participant in the proceedings.
  - v) The public hearing will be closed.
- d. 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 total amount of 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. Time to address the Commission will be allocated on the basis of the number of requests received.
- e. 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 entitled to vote on the matter and a second made by another Commissioner entitled to vote on the matter. 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.

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**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 among 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 ordinary 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 3 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 mailed 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 upon approval by 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 Lassen LAFCo shall be maintained in accordance with Attachment #2, Records Retention Policy.

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**Section 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, is authorized to provide written or email comments communicating the Commission's position.
- b. The Chair 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 will be discussed at the Commission's next regular meeting.

**6. Conflict of Interest**

- a. As required by the Political Reform Act of 1974, no Commissioner shall vote or otherwise participate in on any matter where it is reasonably foreseeable that the action of the Commission could materially affect a financial interest of the Commissioner.
- b. As required by Government Code § 84308, a provision of the Political Reform Act of 1974, a LAFCo Commissioner must disqualify herself or himself 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 received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agency (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCo proceeding to disclose the amount and name of a Commissioner to whom he or she gave such a donation on the official record of the proceeding.
- c. Government Code Section 84308 requires that a Commissioner disqualify him- or herself 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.
- d. 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. The Commissioner should also remove themselves from the meeting room while discussion is occurring regarding the relevant topic. This restriction shall not prevent a disqualified Commissioner from testifying or from participation as a

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Commissioner when otherwise permitted by the Political Reform Act and its implementing regulations.

- e. Unless provided by the appointing authority pursuant to Sections 56332(d) or 56335, no member shall be disqualified from participation in the consideration of a matter as a result of his or her membership on an agency affected by the Commission's decision on the matter. (Govt. Code, section 56336.)
- f. Even where not legally required to disqualify himself or herself, a Commissioner may voluntarily recuse himself or herself from any action if the Commissioner feels that they are unable to objectively and independently act on the matter.

**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**

Permanent standing committees established by the Commission shall be subject to the Ralph M. Brown Act, Temporary Ad Hoc committees, composed of only of Commissioners constituting less than a quorum of the Commission, are not subject to the Ralph M. Brown Act.

**8. Policies and Standards**

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

**112 Amendments**

**12.1 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 Commission members in the same manner as agenda packets, as specified in Section 5.3 c), above.
- b) The proposed amendment to the Bylaws, shall also be circulated to the following entities for their review and comment prior to adoption:

City of Susanville      County of LASSEN

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**12.2 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.

**12.3 Filing of Bylaws**

Upon approval of these Bylaws and any amendments thereto, a signed copy shall be filed with the City of Susanville and LASSEN County and maintained on file in the offices of the Commission.

## *Appendix 1*

### **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 City and the County.

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

1. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the County. Prior to the expiration of terms of the public member and the alternate public member, the positions will be posted and advertised for at least 21 days in the newspaper of general circulation in the county.
2. The Commission may design an interview procedure, schedule interviews, and formulate questions to be asked of all applicants.
3. In the event interviews are scheduled, 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 at the next LAFCO meeting, recognizing that the votes of a majority of a quorum are required for any action of the Commission.

## *Appendix 2*

### **LASSEN LAFCO RECORDS RETENTION POLICY**

#### **Section 5.11 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

After 2 years, records may be imaged for permanent preservation and original destroyed CCP – Code of Civil Procedure (CA)  
GC Government Code (CA), CFR Code of Federal Regulations (CFR)

| Type of Record/<br>Document                      | Description or Example of<br>Record/Document  | Legal Authority  | Minimum Legal<br>Retention Period  |
|--|---|--|--|
| <b>Administrative Documents</b>                  |   |  |  |
| Accounts Payable                                 | Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc.  | CCP 337<br>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/<br>Contract                          | Original contracts and agreements and back-up materials, including leases, rentals and any amendments   | CCP 337<br>CCP 337.2   | 4 years after termination/<br>completion   |
| Annual Reports                                   |   |  | 2 years  |
| Audit Reports                                    | Financial services; internal and/or external reports; independent auditor analyses  |  | 2 years  |
| Brochures/<br>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/<br>Document                         | Description or Example of<br>Record/Document  | Legal Authority  | Minimum Legal<br>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 (other than those exempt under PRA 6254(a))   | 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<br>Sec. of State<br>Local Gov't.<br>Records<br>Retention<br>Guidelines | 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<br>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/<br>Document  | Description or Example of<br>Record/Document   | Legal Authority | Minimum Legal<br>Retention Period  |
|--|--|-----------------|--|
| Purchasing,<br>Requisitions,<br>Purchase Orders                                  | Original documents   | CCP 337         | Until audited + 4<br>years   |
| Recruitments<br>and Selection  | Records relating to hiring, promotion,<br>selection for training   | 29 CFR 1627.3   | 3 years  |
| Requests for<br>Qualifications<br>(RFQs) and<br>Requests for<br>Proposals (RFPs) | Requests for Qualifications, Requests for<br>Proposals, and related responses  |                 | Current + 2 years  |
|  |  |                 |  |
| Records relating to LAFCO Meetings or Applications                               |  |                 |  |
| Affidavits of<br>Publication/Posting   | Proof of publication of legal notices for public<br>hearings   |                 | 2 years  |
| Agenda / Agenda<br>Packets   | Agendas, agenda packets, staff reports and<br>related attachments, supplemental items and<br>documentation submitted by staff/public in<br>relation to agenda items. |                 | 2 years  |
| Audio<br>Recording of<br>LAFCO<br>Meetings                                       |  |                 | 30 days after the<br>LAFCO meeting<br>minutes are<br>approved                              |
| Elections  | Impartial analysis   |                 | 2 years  |
| Environmental<br>Review (for projects<br>without a LAFCO<br>application)         | Correspondence, consultants, issues,<br>comments and responses.  |                 | Completion + 2<br>years  |
| Mailing Lists for<br>Public Hearing<br>Notices                                   | Owners/voter   |                 | 1 year after filing Notice<br>of Completion or<br>Commission action,<br>whichever is later |
| Minutes  | Meeting minutes  |                 | *Permanent   |
| Notices<br>/Agenda   | Regular and Special meetings   |                 | 2 years  |
| Policies &<br>Procedures   | All policies and procedures adopted by the<br>Commission   |                 | Current + 2 years  |

| Type of Record/<br>Document   | Description or Example of<br>Record/Document  | Legal Authority   | Minimum<br>Legal<br>Retention<br>Period                         |
|---|---|---|---|
| LAFCO Proposals-<br>Annexations,<br>Reorganizations, or<br>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/<br>Statistical Data  |   |   | Current + 2<br>years  |
| Legal Opinions  | Confidential - not for public disclosure<br>(attorney-client privilege)   |   | Until<br>superseded + 2   |
| Litigation  | Case files, including matters in<br>mediation and/or arbitration  |   | Until settled<br>or<br>adjudicated<br>+ 2 years<br>and the time |
| Reference Files   | reports, procedures, research, pre-<br>application research and correspondence  |   | 2 years<br>minimum,<br>recommend                                |
| 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 no longer needed in the <del>deliberative process</del> |   |
| Attorney Client Privileged Communication.<br>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.  |   |
| Documents of Historic Significance to<br>Lassen LAFCo   |   | Permanent, Do not destroy originals   |   |

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