

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 08-02

**RULES AND REGULATIONS FOR THE ORDERLY AND FAIR
CONDUCT OF HEARINGS OF THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY
COUNTY**

WHEREAS, each Local Agency Formation Commission is empowered pursuant to Government Code Section 56375 to adopt and to enforce its own rules and regulations for the orderly and fair conduct of hearings; and

WHEREAS, the Local Agency Formation Commission adopted Resolution 02-09 establishing Rules And Regulations For The Orderly And Fair Conduct Of Hearings; and

WHEREAS, the Local Agency Formation Commission wishes to amend the Rules And Regulations For The Orderly And Fair Conduct Of Hearings to reflect current needs;

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Monterey County hereby adopts the following amended Rules and Regulations.

Section 1. GENERAL APPLICATION. The Local Agency Formation Commission of Monterey County hereby declares that its procedures shall be governed by the regulations hereinafter set forth together with such other administrative regulations as may from time to time be prescribed by the Commission or its Executive Officer.

Section 2. PARTICULAR APPLICATION. Unless otherwise particularly noted, the regulations hereinafter provided shall apply to proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended from time to time.

Section 3. REGULAR MEETINGS. Regular meetings of the Commission shall generally be held on the fourth Monday of each month commencing at the hour of 4:00 p.m., or as otherwise determined as part of the adoption of the annual calendar. If such a meeting falls upon a legal holiday, the regular meeting shall be held on the preceding or succeeding Monday that does not fall on a holiday. If no matters have been filed, no other matters remain from previous meetings, or there is otherwise no business to transact, the Chair may cancel the regular meeting, directing the Executive Officer to so notify the members of the Commission.

Section 4. AGENDAS OF REGULAR MEETINGS. At least 72 hours before a regular meeting, an agenda shall be posted at the Commission's regular place of posting that contains a brief description of each item of business to be transacted or discussed at the meeting. The agenda will include a period of time on the agenda to receive public comment on items within the jurisdiction of the Commission. Each speaker shall be limited to three minutes during the

public comment portion of the agenda. The Commission will not make a final determination on any issue raised during the public comment period that is not included on the agenda. The Commission may refer the item to staff or schedule action for a future agenda.

Section 5. NONAGENDA ITEMS. No action is to be taken on nonagenda items unless:

- a. By a majority vote a determination is made that an emergency situation exists (emergency situation means work stoppage or other activity which severely impairs health, safety, or both, or a crippling disaster which severely impairs public health, safety, or both) in either case the majority of LAFCO makes that determination, or
- b. By a determination of two-thirds of the members or if less than two-thirds of the members are present, then by unanimous vote of the members present that the need to take action arose subsequent to the agenda being posted, or
- c. By the item being continued from a prior meeting held less than five days previously at which time the item was posted.

Section 6. SPECIAL MEETINGS. Special meetings may be ordered at any time by the Chair or by a majority of the members of the Commission by delivering personally, or by mail, written notice to each member and to each local newspaper of general circulation, and any radio or television stations requesting notice in writing. Such notice must be delivered personally or by mail and shall be received at least 24 hours before the time of such special meeting as specified in the notice. The order shall specify the time, date, and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission. The call and notice shall be posted at least 24 hours prior to the special meeting at the Commission's regular place of posting.

Section 7. EMERGENCY MEETINGS. An emergency meeting may be held without compliance with the 24 hour notice or posting requirement, as provided in Section 6, when an emergency situation exists, as defined in Section 5(a). LAFCO must attempt to notify by phone at least one hour prior any media which has requested notice of special meetings. Any action taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

Section 8. ADJOURNED MEETINGS. Any meeting may be adjourned to a date and place certain by the Commission and any adjourned meeting shall be deemed to be and is hereby declared to be a part of the original meeting so adjourned.

Section 9. LOCATION OF MEETINGS. Unless otherwise particularly ordered by the Commission, all meetings shall be held in the Board of Supervisors' Chambers, Courthouse, Salinas, California.

Section 10. CHAIR AND CHAIR PRO TEMPORE. At its first meeting in the month of May, the Commission shall by majority vote, select from its regular members one to serve as Chair and one to serve as Chair Pro Tempore of the Commission until the following May. Any Chair or Chair Pro Tempore selected under the provisions of this section shall continue to act as Chair or Chair Pro Tempore until the selection of their successors.

- a. Beginning in May 2008, the positions of Chair and Chair Pro Tempore will be rotated among Commissioners according to the following schedule, and then repeated:

	<u>Chair</u>	<u>Chair Pro Tempore</u>
Year 1	City Member	County Member
Year 2	County Member	Special District Member
Year 3	Special District Member	Public Member
Year 4	Public Member	City Member

Section 11. TEMPORARY CHAIR PRO TEMPORE. In the absence of the Chair or Chair Pro Tempore at any meeting, the members present and constituting a quorum may, by majority vote, select a temporary Chair Pro Tempore to serve in the absence of the Chair or Chair Pro Tempore.

Section 12. APPOINTMENT OF PUBLIC AND ALTERNATE PUBLIC MEMBERS. Immediately upon the vacancy or tendered resignation of the Commission's regular or alternate public member, the Executive Officer shall prepare a press release and distribute it to the various newspapers circulated within the county and shall mail to each person on the LAFCO agenda mailing list, or other such interested persons requesting a copy, a notice of such vacancy. Said notice shall request that interested persons submit to the Executive Officer by a specified date a letter of interest and resume. Said letters of interest and resumes shall be provided to each regular and alternate city, district and county LAFCO Commissioner. The Commission shall review the qualifications of all interested persons by reviewing the submitted letters of interest and resumes and may determine to hold interview sessions with the most qualified applicants. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the appointing authorities of the cities, the districts and the county. The Commission shall make such appointments by the confirmation of at least four votes of those Commissioners qualified to vote on the matter.

Section 13. ALTERNATE MEMBERS. Alternate members shall be entitled and encouraged to attend all meetings of the Commission; however, they shall not be entitled to vote unless the regular members are absent, are not qualified to vote on a particular matter, or disqualify themselves from voting.

Section 14. TERMS OF OFFICE. The terms of office of the Commission and alternates shall be four years unless otherwise prescribed by law. If a Commissioner or alternate leaves the Commission prior to the completion of his/her term, the appointment of his/her successor shall be for the remainder of the unexpired term of his/her predecessor.

Section 15. COMMITTEES OF THE COMMISSION. The Commission may establish committees from time to time. The composition of committees should be at least two Commissioners, but no more than three Commissioners, and may include alternate Commissioners. The Commission may establish standing committees which have broad and continuing subject matter, such as the Budget & Finance Committee and the Sphere of Influence & Annexation Policy Committee, or ad hoc committees which are formed for a specific purpose and a limited time, such as the Executive Officer Evaluation and Compensation Review Committee.

a. Appointment of Committees

Committees may be appointed by any of the following methods:

- 1) Nominations from the floor (open nominations) with viva voce election;
- 2) Nominations by the chair (with confirmation by voice vote);
- 3) Appointment by the chair; and
- 4) Appointment by adoption of a motion naming members of a committee.

Section 16. QUORUM. Four members of the Commission, including any alternate in attendance in the place and stead of any absent or disqualified regular member, shall constitute a quorum for the transaction of any business of the Commission. Any resolution or minute order shall be adopted by the affirmative votes of at least four members of the Commission, including any such alternate(s). In the absent of a quorum, the Executive Officer may adjourn the meeting to a stated time and place in accordance with Section 54955 of the Government Code.

Section 17. MEETING PROCEDURE. All meetings of the Commission shall be open to the public. At the opening of each meeting, the members of the Commission shall take their regular seats in the Board of Supervisors' Chambers. If a regular Commission member is absent, the Chair will designate the alternate member present as a replacement. If the regular member appears after any public testimony or presentations have been given during a public hearing, that member shall abstain from voting unless the matter is continued to another meeting. If the public hearing is continued, the regular member may participate after reviewing all tapes and materials of the proceedings missed. Unless otherwise ordered by the Chair, the business shall be taken up for consideration and disposition in the following order:

1. Roll Call

2. Approval of Minutes
3. Public Comment
4. Commissioner Comment
5. Consent Items
6. Continued Matters
7. New Matters
8. Other Matters
9. Adjournment

Section 18. SUSPENSION OF REGULAR ORDER OF BUSINESS. The regular order of business may be suspended at the discretion of the Chair, unless a majority of the Commission is opposed thereto.

Section 19. BROWN ACT. All meetings of the Commission and standing committees shall be conducted pursuant to the provisions of the Ralph M. Brown Act (Chapter 9 of Part 1, Division 2, Title 5, Government Code commencing with Section 54950).

Section 20. ROBERT'S RULES OF ORDER. Except as may otherwise specifically be provided in these regulations, all meetings of the Commission shall be conducted pursuant to Robert's Rules of Order, revised.

Section 21. VOTING. Except upon demand of a member of the Commission, roll need not be called upon voting on a motion, order, or resolution. All members shall vote audibly either "aye" or "nay" as the case may be.

Section 22. PUBLIC PARTICIPATION AT MEETINGS. Any persons interested may address the Commission on hearings provided that the Chair may regulate the order of such presentations and limit the time allowed to each person desiring to speak. Persons wishing to speak to the Commission must approach the Commission. Upon being recognized by the Chair, they must state their names and addresses for the record and other members of the Commission.

Section 23. HEARINGS. All hearings shall be conducted by the Chair in the manner provided by law. All hearings of the Commission will be considered open for public participation. When a proposal is being considered by the Commission, the public hearing will be considered open when the item is referred to on the agenda by the Chair. The sequence of events relating to proposal shall be as follows:

- a. By reference to agenda, the Chair announces the proposal to be heard or considered.
- b. The Executive Officer will present the "Executive Officer's Report" to the Commission.

- c. The Executive Officer will present or summarize any additional messages or communications regarding the proposal.
- d. The Chair inquires if Commissioners have any questions of staff.
- e. The Chair asks if there are any proponents in the audience who wish to be heard.
- f. Following the proponents' remarks, the Chair asks for opponents to be heard.
- g. The Chair may permit a brief period for rebuttal from proponents following all opponents being heard.
- h. After the public has been heard, the Chair may entertain a motion to close the public hearing.
- i. Following the successful passage of the motion to close the public hearing, the discussion would be limited to the Commission level and culminates in an action to approve or deny the proposal by resolution adopted by a vote of the Commission.

Section 24. RECORDS OF PROCEEDINGS. All proceedings of every meeting of the Commission shall be reported in writing and shall be permanently maintained in an appropriate Minute File. Minutes of the Commission meetings shall be presented to the Commission at its next regularly scheduled meeting and shall be approved by a majority of Commissioners present, but in no instance shall the affirmative vote be less than four. All orders of the Commission with reference to its final action upon any application or proposal resolutions in full in the Minute file, the Executive Officer of the Commission shall keep a Resolution File in which all resolutions shall be entered in full. References in the Minute File to resolutions shall be made by number and name.

Section 25. PROPONENT. As used herein the term "proponent" shall refer to any person, firm, private corporation, or any local agency making application to or filing any proposal with the Commission.

Section 26. FORMS. In any proceeding with reference to which the Commission provides an established printed form, the application or proposal or other filing shall be made upon the particular form so provided. When any such printed form is so provided, all information and exhibits required by regularly adopted regulation of the Commission, except that upon finding good cause the Executive Officer may waive submission of certain of the information. In no instance shall waiver be given for submission of any information required by law. The Executive Officer may decline to receive any document or paper not complying with these regulations or the Commission may decline to proceed in the matter until such time as compliance is had with these regulations.

Section 27. FILINGS REQUESTED. A proponent shall file an original and 15 copies of any application/petition form, map and legal description. When an application consists of a petition, only two copies of the signature pages need be submitted. All filing shall be made with the Executive Officer or such designated person.

Section 28. ADDITIONAL STATEMENTS. Any application or proposal shall contain such data and information or maps or plats as may be required by any rule or regulation of the Commission, including Standards for the Evaluation of Proposals, and such additional data as may be required by the Executive Officer and which pertains to any of the matters or factors which may be considered by the Commission. Such additional statements, maps, plats and rezoning may be required and shall be furnished upon demand of the Executive Officer at any time either at the time of or subsequent to the initial filing of any application or proposal. The Executive Officer may decline to receive for filing any document or paper that does not comply with the requirements of this section. In the event any such additional data is required after an initial filing is made, further proceedings may be held in suspense pending the presentation of additional data.

Section 29. IDENTIFICATION OF PROPOSAL. The Executive Officer shall establish a file for each application or proposal and shall establish a LAFCO file number and distinctive name or title for each proposal.

Section 30. REPEALER. These Rules and Regulations shall supersede any and all rules of procedure adopted by the Commission prior to said date.

UPON MOTION BY Commissioner Salinas, seconded by Commissioner Rubio, Resolution No. 08-02 was passed this 28th day of January, 2008 by the following vote:

AYES: Commissioners Salinas, Rubio, Calcagno, DiMaggio, Gourley, McGowan, and Perkins
NOES: None
ABSENT: Commissioner Donohue

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 28th day of January, 2008

By: _____
Kate McKenna, AICP
Executive Officer