

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – January 5, 2023

**Board of Supervisors Chambers
546 Jay Street
Colusa, CA.**

3:00 PM

This will be a Physical Meeting
(A Zoom option is available for the public)

(All meeting materials are available on LAFCo's Website: www.colusalafco.org)

In person meeting: Required for all Commissioners. The Public may choose to use zoom link below to attend the meeting.

Topic: Colusa LAFCo

Time: Jan 5, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83382208974?pwd=bXlScK1GdDA3YmtwdFVyQy9TVGRNUT09>

Meeting ID: 833 8220 8974

Passcode: 211981

One tap mobile

+16694449171,,83382208974#,,, *211981# US

+16699006833,,83382208974#,,, *211981# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 833 8220 8974

Passcode: 211981

Find your local number: <https://us02web.zoom.us/u/keJA2hwy>

**1. Call to Order/Roll Call
Commissioners**

_____, (Williams, City)
_____, (County)
Merced Corona (Chair, County)
Brandon Ash (Public)
Greg Ponciano (Vice-Chair, Colusa,
City)

Alternates

Kent Boes (County Alternate)
Tom Reische (City Alternate)

John Loudon, (Public Member Alternate)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel

Lora Ceccon Clerk

2. Approval of minutes from the November 3rd 2022 meeting.

a. Approve minutes from the November 3, 2022 meeting

3. Public Comment

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered

4. Consent Agenda (two items)

- a. Payment of claims for the months of November and December 2022*
- b. Regular Meeting Schedule for 2023*

5. Correspondence:

6. Revision to LAFCo fee deposit schedule and application of cost escalator for hourly charge out rates.

The Public Hearing was closed on November 3rd, 2022.

ACTION: Consider a revision to LAFCo's fee deposit schedule and application of a cost escalator to the Colusa LAFCO hourly charge rates for all billable projects based upon the Employment Cost Index for State and Local Governments as published by the United States Department of Labor, Bureau of Labor Statistics or Consumer Price Index (CPI).

Action:

- a. Adopt Resolution No. 2023-0001 approving a cost escalator and amendment to the Colusa LAFCo hourly rates for all billable projects and updated fee deposit schedule for various LAFCo projects.*

7. Comprehensive Bylaw Update

- a) *Review Proposed Updated Bylaws and consider LAFCo Resolution No. 2023-0002 adopting updated policies for Colusa LAFCo*

8. Executive Officer's Report:

9. Commissioner Reports - Discussion

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

10. Next Colusa LAFCo meeting: February 1, 2023

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56331.4

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment 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.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Colusa County Clerk's office located at the Colusa County Courthouse 546 Jay Street, Colusa CA. [such documents are also available on the Colusa LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, and 81000 et seq., and Colusa LAFCO's Policies and Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to Colusa LAFCO must comply with the disclosure requirements approved by Colusa LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Colusa County Elections Department 546 Jay Street, Colusa, CA 95932. (530) 458-0500

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 the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (530) 619-5128 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at lafco@countyofcolusa.com or j.benoit4@icloud.com

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at www.colusalafco.org

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
November 3, 2022

PRESENT:

DENISE CARTER, County Member
MERCED CORONA, County Member
GREG PONCIANO, City Member
BRANDON ASH, Public Member

ALSO PRESENT:

JOHN BENOIT, Ex. Officer
SCOTT BROWNE, Legal Counsel
JOHN LOUDON, Public Member Alt.

1. Call to Order/Roll Call

The meeting was called to order at 3:00 p.m. There was a quorum present.

2. Minute of Silence for Commissioner Sajit Singh who recently passed away

3. Consider Minutes from September 1, 2022

On motion by D. Carter, second by B. Ash, the commission approved minutes for September 1, 2022, motion carried by roll call vote.

4. Public Comment - None

5. Consent Agenda

- a. Payment of claims for the months of September and October 2022**
- b. Consider Resolution 2022-0011 regarding remote teleconferencing meetings**

On motion of D. Carter, second by G. Ponciano, the commission approved the consent agenda as presented; motion carried by roll call vote.

6. Correspondence – None

7. Public Hearing: Consider a revision to LAFCo's fee deposit schedule and application of a cost escalator to the Colusa LAFCo single flat hourly rate for all billable projects based upon the Employment Cost Index for State and Local Governments as published by the United States Department of Labor, Bureau of Labor Statistics or Consumer Price Index (CPI)

3:05 Opened Public Hearing

John advised the commission that there are three things to consider. First, the cost escalator for the hourly charge rates based on the Employment Cost Index. The new rates come out at the end of March and take effect July 1. Second, Colusa Lafco approved a fee schedule in 2010, twelve years ago. At that time, the Executive Officer rate was \$177.91 and legal counsel was \$260.00 an hour. Based on the analysis, the maximum Executive Officer rate is \$291.85 and legal counsel is \$436.83 per hour. The maximum amount can be charged, or less if the commission so chooses. Administrative overhead is

a good portion of the budget. Third, John reviewed the cost matrix to give the commission an idea of the costs involved. John asked the commissioner to let him know if they think the rates are too high. What charge out rates would the commission like implemented? A lengthy discussion followed.

S. Browne advised the commission that once they determine a charge out rate and any changes to the deposit schedule, he will provide language for the annual adjustment. The suggestion was made to add in the clerk charges. The commission was comfortable with charge out rates of \$290 for the Executive Officer and \$430 for legal counsel.

Due to the changes, Scott will rewrite the resolution for clarity and bring back for approval at the next Lafco meeting.

Table until the next Lafco meeting. Public Hearing closed at 3:35.

8. Comprehensive bylaw Update

a) Conduct workshop and schedule for adoption for the next available meeting.

John reviewed the changes to the bylaws stating that they were primarily “wordsmithing”. Special meetings may be called by the Chair, not the Executive Officer.

Discussion was held regarding making everything electronic and records retention. S. Browne feels that two years is a good amount of time before deleting recordings, but not necessarily right after the written minutes are approved. Some discussion followed. It was agreed that two years is a reasonable time for records retention.

John will provide a draft for review at the next Lafco meeting.

9. Discussion regarding the Calafco Annual Conference held on October 19, 20 and 21, in Orange County California.

John advised the commission that he sat on the panel for SB 938. He provided information on how SB 938 will change Lafco. S. Browne provided information on dissolving a district. He feels that SB 938 will be a helpful tool for Lafcos. Some discussion followed.

J. Loudon discussed the feasibility of fire district consolidations and possible benefits. A lengthy discussion followed.

10. Executive Officer’s Report

GCID MSR and SOI – For a future meeting.

11. Commissioner Reports – Discussion – None

12. Next Colusa LAFCo meeting: December 1, 2022

Meeting adjourned 4:15 p.m.

Colusa Local Agency Formation Commission

4a

CLAIMS

November and December 2022

Authorize payment of the following claims:

FY 2022-2023 EXPENSES:

FY 22-23 Claims for November and December 2022:

| | | |
|-------------------|-------------------------------------|-------------|
| 10.16.22-11.15.22 | Legal Svcs. P. Scott Browne | \$ 2,128.00 |
| Dec 1, 2022 | Staff Svcs and Exp Nov 22 | \$ 4,644.57 |
| 11.16.22-12.15.22 | Legal Svcs P. Scott Browne | \$ 2,128.00 |
| Jan 1, 2023 | Staff Svcs and Exp Dec 22 | \$ 4,664.57 |
| Jan 1, 2023 | MSR & SOI report CSA's 1 & 2 | \$ 5,559.40 |
| Dec 1, 2022 | Conf reimbursement S. Singh Calafco | \$ - 565.00 |

TOTAL: **\$ 18,417.31**

DATED: **Jan 5, 2023**

APPROVED: **Jan 5, 2023**

Merced Corona, Chair
Colusa Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Acct 520-500

| City Expenditure titles Expenditure Category City Coding | Ex Officer Cont Executive Off. Co | Clerical Support Clerical Suppt | Workers Co Workers Com | Contactural Lgl Services | Liability Insurance | Office Exp Office Suppl | Postage and Postage | Copies Copies | Dues-Subs Memberships |
|--|--------------------------------------|------------------------------------|---------------------------|-----------------------------|------------------------|----------------------------|------------------------|------------------|--------------------------|
| | 7338 | 7320 | 7016 | 7321 | 7315 | 7339 | 7322 | 7322 | 7319 |
| | \$51,072.00 | \$3,657.00 | \$50.00 | \$25,536.00 | \$2,847.00 | \$375.00 | \$500.00 | \$750.00 | \$1,872.00 |

| | | | | | | | | | |
|----------------------------------|--|--|--|--|-------------|--|--|--|-------------|
| Calafco Dues 2022-2023 (2022-06) | | | | | | | | | -\$1,372.00 |
| SDRMA Insurance 22-23 #72123 | | | | | -\$2,824.92 | | | | |

| | | | | | | | | | |
|---|-------------|-----------|--|-------------|--|----------|---------|----------|-----------|
| REVENUE OASA Williams Sauring Center | | | | | | | | | |
| Browne ending 7.15.22 | | | | -\$2,000.00 | | | | | |
| Staff Svcs July 2022 | -\$4,000.00 | -\$175.00 | | | | -\$58.30 | | -\$10.00 | |
| Staff Svcs Aug 2022 | -\$4,000.00 | | | | | | | -\$15.00 | |
| Browne ending 8.15.22 | -\$2,000.00 | | | | | | | | |
| Calafco Conf. GPoncianoS Singh | | | | | | | | | |
| Pioneer Review Fee Update notice | | | | | | | | | |
| Browne ending 9.15.22 | | | | -\$2,256.00 | | | | | |
| Staff Svcs Sept, 2022 | -\$4,768.00 | -\$175.00 | | | | -\$13.99 | | -\$15.00 | |
| Staff Svcs Oct 2022 | -\$4,256.00 | | | | | | | -\$10.00 | |
| Browne ending 10.15.22 | | | | -\$2,128.00 | | | | | |
| CSDA Dues 10-1.22-23 | | | | | | | | | -\$500.00 |
| John Loudon Conf reimb | | | | | | | | | |
| JB conf share reimb | | | | | | | | | |
| Browne ending 11.15.22 | | | | -\$2,128.00 | | | | | |
| Staff Svcs Nov 2022 | -\$4,256.00 | -\$175.00 | | | | | | -\$40.00 | |
| Conf reimb singh 2022 | | | | | | | | | |
| John Loudon MILEAGE Reimb | | | | | | | | | |
| Browne ending 12.15.22 | | | | -\$2,128.00 | | | | | |
| Staff Svcs December | -\$4,256.00 | | | | | | -\$0.60 | -\$10.00 | |

| | | | | | | | | | |
|-----------------------------|--------------|------------|---------|--------------|-------------|----------|----------|-----------|-------------|
| Total Expended in FY 21-22 | -\$27,536.00 | -\$525.00 | \$0.00 | -\$10,640.00 | -\$2,824.92 | -\$72.29 | -\$0.60 | -\$100.00 | -\$1,872.00 |
| Total Remaining in FY 21-22 | \$23,536.00 | \$3,132.00 | \$50.00 | \$14,896.00 | \$22.08 | \$302.71 | \$499.40 | \$650.00 | \$0.00 |

[illegible]

Colusa Local Agency Formation Commission

2023

LAFCO Regular Meeting Schedule

3:00 p.m.

**Board of Supervisors Room
546 Jay Street
Colusa, California**

January 5th

July 6th

February 2nd

August 3rd

March 2nd

September 7th

April 6th

October 5th

May 4th

November 2nd

June 1st

December 7th

Regular meetings of the Commission are scheduled for the first Thursday of every month at 3:00 p.m. in the Board of Supervisor's Chambers, 546 Jay St, Colusa, 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 Open Meeting Law, Government Code Section 54954 and applicable provisions of the LAFCO Act.

The Chair or Executive Officer 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.

MEMORANDUM

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: Amendment to LAFCo's Fee Schedule: Hourly Charge-out Rates Based Upon the Employment Cost Index

DATE: January 5, 2023

Summary

During the Budget Hearings for FY 2022-2023, the Commission reviews the current staff charge-out rates, which are the hourly charge-out rates established for LAFCo. The Commission has expressed a desire to review and amend the hourly charge out rates based on the Employment Cost Index and to review LAFCo charge out rates for LAFCo Actions.

The current fee schedule and hourly charge-out rates were adopted in March 2010 and are:

Executive Officer \$ 177.91/hour
 LAFCo Counsel \$ 260.00/hr.

The Commission wishes to implement application of an annual cost escalator ensuring that the hourly charge-out rate be continuously adjusted for inflation or deflation on July 1st of each calendar year based on the latest released data from the Employment Cost Index for the first quarter of each year as published by the U.S. Department of Labor, Bureau of Labor Statistics.

On Friday, July 29, 2022, the latest data from the Employment Cost Index (ECI) (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor, Bureau of Labor Statistics was released and is as follows:

| Employment Cost Index U.S. Department of Labor, Bureau of Statistics (Data Released on July 29, 2022) | | |
|---|-------------------------------|------------|
| Year | First Quarter (July 29, 2022) | % Increase |
| 2022 | 154.0 | 4.1 |

In pursuing the Commission's direction, staff has determined based on the Employment Cost Index that the Index' percentage between the Second Quarter of 2021 and the Second Quarter of 2022 resulted in an annual 4.1% increase. The ECI is indexed into a 2005 base you which equals 100.00 points. The table below reflects LAFCo's current hourly charge-out rates, along with a calculated percentage increase of 4.1% (rounded to the nearest dollar), as reflected within the Employment Cost Index. Note the currently hourly rates were established in 2010.

| Current Hourly Rate* | 2021/22 (First Quarter) | |
|-----------------------------|-------------------------|---------------|
| | Percentage | Adjusted Rate |
| Executive Officer \$ 177.91 | 4.1 | 185.20 |
| Counsel \$260.00 | 4.1 | 270.66 |

Note: The Hourly rates charged are lower. Based on the Calculations for 2010, the charge out rate for LAFCo staff was

\$251.40 and for Counsel was \$473.53 per hour, however, these were reduced to \$177.91 and 260.00 respectively

| Proposed Hourly Rate | January 5 th 2023 | |
|-----------------------------|------------------------------|---------------|
| | Percentag | Adjusted Rate |
| Executive Officer \$ 290.00 | | |
| Counsel \$436.00 | | |
| LAFCo Clerk \$137 | | |

ACTION REQUESTED:

Adopt Resolution No. 2023-0001 approving an amendment to the fee schedule to reflect current hourly charge-out rates as noted above and authorizing an annual increase to be determined based on the second quarter (ending on June 30th 2023) in which an increase is to take effect on July 1st each year thereafter based on the Employment Cost Index.

Many of the fee deposits have been updated to reflect new legislative requirements since 2010 and the cost of doing business. See the Fee update matrix explaining the basis for the Staff Rates at \$291.89, 137.16, and \$436.43. These rates are the maximum LAFCo may charge. The Commission has discretion to adopt lower rates.

Attachments: Resolution No. 2023-0001
Fee update matrix
Proposed Updated LAFCo Fee Schedule

RESOLUTION # 2023-0001

A RESOLUTION OF THE COLUSA LOCAL AGENCY FORMATION
COMMISSION IMPLEMENTING AN ANNUAL ADJUSTMENT
TO LAFCO STAFF HOURLY CHARGE-OUT RATES
BASED UPON THE EMPLOYMENT COST INDEX AND
UPDATED FEE DEPOSIT SCHEDULE

RESOLVED, by the Colusa Local Agency Formation Commission, that

WHEREAS, the Colusa Local Agency Formation Commission is an independent agency under the provisions of Government Code §56000 et seq.; and

WHEREAS, the Colusa Local Agency Formation Commission, pursuant to Government Code §56383 and Government Code §66016 adopted Resolution 2010-04 establishing hourly charge-out rates consistent with an approved Hourly Fee Study; and

WHEREAS, the Colusa Local Agency Formation Commission determined at their meeting of September 1, 2022, that LAFCO staff hourly charge-out rates should be adjusted annually to keep pace with inflationary movements of the economy; and

WHEREAS, the Colusa Local Agency Formation Commission at their meeting of November 3, 2022 desires to implement an annual adjustment beginning each fiscal year to the staff hourly charge-out rate based on the latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics and review and consider amendments to LAFCo's fee deposit schedule: and.

WHEREAS, the Colusa Local Agency Formation Commission desires to implement an initial annual Employment Cost Index adjustment to be applied beginning on July 1st, 2023 and each fiscal year thereafter and revisions to the adopted fee deposit schedule 60 days from November 3, 2022 both of which will be based on the latest released data from the Employment Cost Index for the previous March (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics; and

WHEREAS, the increase in the flat hourly charge-out rates do not exceed the estimated reasonable costs of providing the services in accordance with Government Code §66013 and 66014; and

WHEREAS, the proposed increase in the flat hourly charge-out rates do not constitute a project as defined by §15378(b)(4) of the California Environmental Quality Act Guidelines; and

WHEREAS, the proposed increase in the flat hourly charge-out rates was duly noticed.

WHEREAS, the Commission opened and closed a public hearing on amending the flat hourly charge-out rates and fee deposit amounts on November 3, 2022; and

WHEREAS, the Commission considered written and verbal comments from the public and made amendments to the fee schedule as deemed appropriate by the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Colusa Local Agency Formation Commission, amend the staff hourly charge-out rates to provide for annual adjustments of the hourly charge out rates of LAFCo Staff as of July 1st of each year based on latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics as well as update its fee deposit schedule (see Exhibit A LAFCo's Fee Deposit Schedule).

BE IT FURTHER RESOLVED, that the LAFCO staff hourly charge-out rates are hereby adjusted and adopted and rounded to the nearest dollar and become effective sixty (60) days from the date of adoption of this Resolution:

| Current Hourly Rate | Adopted Adjusted Rate |
|-----------------------------|-----------------------|
| Executive Officer \$ 177.91 | 290.00 |
| Counsel \$260.00C | 436.00 |
| Clerk | 137.00 |

BE IT FURTHER RESOLVED, that the LAFCo Schedule of Fees and Deposits are amended as shown in Exhibit A to this resolution.

BE IT FURTHER RESOLVED, that the LAFCo Schedule of Fees and Deposits shall be placed for ratification on the Commission's consent agenda at the first meeting of each new fiscal year.

PASSED AND ADOPTED at a regular meeting of the Colusa Local Agency Formation Commission, on the fifth day of January 2023 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

Merced Corona, CHAIR

COLUSA LOCAL AGENCY

FORMATION COMMISSION

ATTEST: JOHN BENOIT

EXECUTIVE OFFICER

Resolution 2023-0001

of the

Colusa Local Agency Formation Commission

Resolution of the Colusa Local Agency Formation Commission Approving and Adopting Updated Bylaws

RESOLVED, the Colusa Local Agency Formation Commission, that

WHEREAS, the attached updated Bylaws are necessary to guide the Colusa Local Agency Formation Commission in its operation; and

WHEREAS, the attached updated Bylaws contain elements that are required by Section 56000 *et. Seq.* of the California Government Code; and

WHEREAS, this Commission called for and held a Public Meeting on the proposed updated bylaws on January 5, 2023 and at the meeting this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposed Bylaws and the Report of the Executive Officer.

NOW, THEREFORE, the Colusa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. A Mission for the Local Agency Formation Commission shall be as follows: "The Mission of the Colusa Local Agency Formation Commission is committed to serving the citizens, governmental 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 Colusa County; cost-effective delivery of services; and timely processing of applications."
2. The attached updated Bylaws shall guide the Commission in

complying with the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000, as amended

3. That the updated Bylaws attached as Exhibit “A” are hereby adopted.
and adopted by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Merced Corona, Chair
Colusa Local Agency Formation Commission of
Colusa County

ATTEST:

John Benoit, Executive Officer
COLUSA LOCAL AGENCY FORMATION COMMISSION,

COLUSA

LOCAL AGENCY

FORMATION COMMISSION

(LAFCO)

Adopted
LAFCO Resolution 2003-04
November 6, 2003
(Amended: March 4, 2004: Resolution 2004-02)
(Amended: November 7, 2013: Resolution 2013-0007)
(Amended: January 9, 2014: Resolution 2014-0001)
(Amended: May 5, 2016: Resolution 2016-0005)
(Amended December 6, 2018: Resolution 2018-0009)

BYLAWS

**COLUSA Local Agency Formation Commission
LAFCO Bylaws**

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**COLUSA Local Agency Formation Commission
LAFCO Bylaws**

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APPENDICES

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**COLUSA Local Agency Formation Commission
LAFCO Bylaws**

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

Bylaws

1. Statement of Purpose and Authority

1.1. Mission

The Colusa Local Agency Formation Commission ~~of COLUSA 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 Colusa 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 COLUSA 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 COLUSA County LAFCO shall be provided through a combination of application fees and charges and appropriations from general tax revenue of COLUSA 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 COLUSA County Board of Supervisors.

2.3. Commission

The COLUSA Local Agency Formation Commission or Local Agency Formation Commission of COLUSA 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 COLUSA.

2.6. LAFCO

The COLUSA Local Agency Formation Commission.

2.7. Members

All regular and alternate members of the COLUSA Local Agency Formation Commission. "Member" has the same meaning as "Commissioner"

2.8 City Council

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

3. Budgeting

3.1. General

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 a noticed public hearing at the May or June meeting. When the Commission has finalized the budget, the Executive Officer shall promptly send it on to the County and Cities 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

1. LAFCO ~~shall~~ 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.
2. 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 ~~require~~ 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)
3. ~~Where~~ 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.

4. Commission Organization

4.1. Composition

Unless the LAFCo Act otherwise requires, COLUSA 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.

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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) Cities
c) Two Commissioners shall be appointed by the City Selection Committee from among the City Council members of the County's incorporated communities. (Such appointments shall be made in accordance with the City Selection Committee in Appendix 1). The City Selection Committee shall also appoint an alternate city member in the same manner as it appoints a regular city member.
- d) 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 Commission. Colusa 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

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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:

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.

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.
- d) Refusal to sign and comply with the Code of Ethics (Appendix 4).

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 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. However, if either is a city member who rotates into the alternate city position pursuant to rules of the City Selection Committee, he or she may serve on a *pro tempore* basis until his or her successor is elected.
- 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

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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 ~~and~~ 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 ~~will~~ 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 Colusa County Elections Office of the Statement of Economic Interests (Form #700) by the date determined by the Colusa County Clerk. The Colusa Local Agency Formation Commission **Conflict of Interest Code** is attached to these Bylaws and incorporated herein as Appendix 3.
- 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 Code of Ethics

Each Commissioner, regular and alternate, shall sign and file with the LAFCO office a copy of the Code of Ethics adopted by Colusa LAFCO, as a part of these

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bylaws, and shall adhere to its standards and precepts. Failure to comply with this provision shall be sufficient cause for the Commission to request replacement of a Commissioner as provided by Section 4.5, above. A copy of this Code of Ethics is incorporated herein as Appendix 4.

~~4.10 Eligibility of Commissioners for Staff Positions~~

~~The Commission shall not accept the application of any current regular or alternate Commissioner for a LAFCO staff position unless such application is accompanied by the Commissioner's signed letter of resignation incorporating a commitment to refuse subsequent appointment to the Commission during a period of six months after the staff position has been filled.~~

4.10 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.

5. Conduct of Business

5.1. Regular Meetings

Regular meetings of the Commission are scheduled for the first Thursday of every month at 3:00 p.m. in the City Council Chambers, 546 Jay Street, Colusa, 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 or Executive Officer~~ 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.

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 ~~faxed~~ emailed notice of regular and special meetings of the

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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:
 - The ~~Colusa Sun-Herald~~ Pioneer Review
- 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.

e) ~~Staff Reports and Meeting Packets~~

~~Not less than five days prior to the hearing, the Executive Officer shall complete a staff report including his or her recommendations for each item to be heard. Copies, along with the agenda, shall be furnished to each member of the Commission and to other parties as required by the LAFCO Act (Section 56665). Any Commissioner may request postponement of the hearing on a particular item by reason of his or her receiving the agenda packet less than five days prior to the meeting. The Commission may, but is not obligated to, honor such a request.~~

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.

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- b) An affirmative vote of three or more Commissioners is required to make an action of the Commission. Proxy votes are not allowed.

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 but it may include sub-items provided they involve the same subject matter. This requirement is intended as a guidelines for staff and shall not increase the legal obligations of the Commission beyond the requirements of Government Code § 54954.2 or create enforceable rights in any third party.~~

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

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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 ~~to take~~ 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 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
- Consent Items, including approval of minutes, expenditure report and other items placed on the consent agenda
- Public Communications on Items not on the Agenda
- Business Items with Public Hearings
- Business Items without Public Hearings
- Correspondence
- Executive Officer's Report
- Commissioner Reports and Announcements
- Announcement of Closed Session (if needed)
- 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

~~i) The question of approval or denial of a change of organization or reorganization, the proposed and final budgets, contracts excepting the approval of invoices and of all resolutions shall be by roll call~~

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~~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. Notwithstanding the foregoing, and provided that the assent of a the number of Commissions required by law for action of the Commission is expressed and reflected in the minutes, no person may challenge an action taken by the Commission for failure to act by roll call vote.~~

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.

- ii) 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 meeting.
- 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 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 ~~present~~ 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) The public will be invited to briefly respond to any new information presented in the applicant's rebuttal.

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- v) Each Commissioner may question any participant in the proceedings.
- vi) 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.

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 decline 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.

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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, with any corrections thereto, shall become the official record of the action of the Commission upon approval by the Commission.

b) ~~Tape~~ 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.

e) ~~Destruction of Records~~

~~Except as otherwise provided in a records management policy adopted by the Commission, public records that are produced on paper shall be kept for an indefinite period and may be reduced to an electronic media or microfiche copy at the discretion of the Executive Officer at the end of 5 years. Electronic recordings may be destroyed at the end of 2 years.~~

c) Record Retention Policy

Written documents shall be kept in accordance with LAFCO's Record's Retention Policy as shown in Appendix 5 – Colusa LAFCO Records Retention Policy.

Section 5.11 Legislative Process Participation

- a) ~~In situations when~~ 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.

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6. Conflict of Interest

- a) No Commissioner shall vote on any matter where it is reasonably foreseeable that the action of the Commission could materially affect a financial interest of the Commissioner.
- b) 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.
- c) 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, debates, questioning or votes on the matter in their official capacity. This restriction shall not prevent a disqualified Commissioner from testifying as a member of the public.
- d) Unless provided by the appointing authority pursuant to Section 56335 or Section 56332 (e) of the Government Code, no member shall be disqualified from participation in the consideration of a matter as a result his membership on an agency affected by the Commission's decision on the matter.
- e) 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.

~~6.1 Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals~~

~~a) Effective Date~~

~~The effective date of these policies and procedures (for disclosure of Contributions and Expenditures) is upon adoption of these Bylaws.~~

~~b) Policy~~

~~The Commission has determined that the public interest would be served by adoption of procedures for the public disclosure of contributions and expenditures relating to proposals to LAFCO as provided in this section and as authorized by Government Code 56100.1.~~

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~~e) General Requirements of Disclosure~~

~~Any person or combination of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals, and may be reviewed at Government Code §§56700.1 and 81000 et seq. Additional information about the requirements pertaining to the local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.~~

~~d) Filing Office~~

~~Filing office shall be the COLUSA County Elections Department with a copy mailed to LAFCO. Filings shall be in the form specified by the COLUSA County Elections Office for compliance with Political Reform Act Disclosures for municipal initiatives.~~

~~e) Filing Schedule (Note: This section must be further reviewed with the County Elections Office prior to implementation.)~~

~~Any required disclosures shall be filed with the COLUSA County Elections Department thirty days before the noticed date of the public hearing on the proposal at LAFCO. The period covered by this report shall be from any prior filing period to thirty five days preceding the LAFCO hearing date. Additionally, late contributions and late expenditures for the period commencing thirty four days before the LAFCO hearing and ending one day before the LAFCO hearing shall also be filed with the COLUSA County Elections Department and LAFCO no later than 24 hours before the LAFCO hearing begins. After a final LAFCO decision by resolution, the filing schedule for further disclosures shall conform to the schedule required for local initiative measures as adopted by the Fair Political Practices Commission and the COLUSA County Elections Officer pursuant to the Political Reform Act.~~

~~a) Notice~~

~~The following notice shall be added to the application forms, the notices of public hearings, meeting agendas of each meeting, and the commission's website:~~

~~Pursuant to Government Code Sections 56100.1, 56300(c), and 56700.1, and 81000 et seq., relating to the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons acting in concert who directly or indirectly contribute \$1000 or more or expend~~

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~~\$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to COLUSA LAFCO must comply with the disclosure requirements approved by COLUSA LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the COLUSA County Elections Department.~~

~~g) Enforcement~~

~~Enforcement and Penalties shall be the same as for violations of the Political Reform Act of 1974 and Title 2, Division 6, California Code of Regulations as to both substance and procedure.~~

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 Standards and Procedures

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

9. Finance and Expenditure Policies

General

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

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at the May or June meeting. When the Commission has finalized the budget, the Executive Officer shall promptly send it to the County, the Cities of Williams and Colusa as provided by the LAFCO Act, Section 56381.

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

9.1. Budgeting Policies

- a. LAFCO shall 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:

Statutory requirements for preparation of Municipal Service Reviews and Updates to Sphere Plans.

- ii. Anticipated Projects.
 - iii. Efficient delivery of LAFCO services to the community.
- b. 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 require 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 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)
- c. Where 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. The Commission shall establish a reserve account and direct the Executive Officer to deposit 20% of any unallocated rollover into said reserve account up to \$100,000 once the final rollover (carryover from previous budgets) is determined. 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. Contingency Reserve

The annual budget shall include a contingency reserve (i.e., 10% of budget) as determined by the Commission during the budget process. Funds budgeted in the contingency reserve may be used or transferred to any other expense account as authorized in the monthly commission warrant or claims form and approved by

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the Chair or Vice-Chair for the months the Commission does not meet otherwise by the full Commission.

4. Budget Adjustments

The Executive Officer may make adjustments to its budget at any time during the fiscal year, as he or she deems appropriate.

9.2. 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 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.

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- 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 60 days or prior to the conclusion of the Fiscal Year in which the expenses were incurred. Claims must be accompanied by receipts for all expenses, with the exception of per diem amounts for meals under paragraph f above.

9.3. Expenditure Policy

- a. All documents relating to reimbursements of expenditures shall be available for review at the LAFCO office. 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.

9.4. General Finance Policy

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- 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 another agency such as the County 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 or County 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.
- 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.

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- 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.

9.5. Fixed Assets Policy

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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 Colusa 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.

10. Amendments

10.1 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 members in the same manner as agenda packets, as specified in Section 5.3 c), above.
- b) At the meeting, the proposed amendment shall be read aloud in its entirety by the Chair, unless such reading is waived by the Commission. Discussion may occur and modifications be made to the proposed amendment, but it may not be approved at that first reading.

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- c) The proposed amendment to the Bylaws, with any Commission modifications, shall then be circulated to the following entities for their review and comment prior to adoption:
 - City of Williams
 - City of Colusa
 - County of Colusa
 - Special Districts requesting notification
- d) The proposed amendment, with any modifications, shall be agendized and read a second time at the next regular meeting of the Commission, unless such reading is waived by the Commission. Any comments received from local agencies shall be presented. Further discussion and modifications may be made to the proposed amendment and it may be adopted at this second reading.

10.2 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.

10.3 Filing of Bylaws

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

~~Passed and Adopted by Resolution 2003-04 of the Colusa Local Agency Formation Commission the 6th day of November 2003~~

~~Amended by Resolution 2004-0002 on March 4, 2004~~

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

COLUSA 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/ Document | Description or Example of Record/Document | Legal Authority | Minimum Legal Retention Period |
|--|---|--|---|
| Administrative Documents | | | |
| Accounts Payable | Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc. | CCP 337 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 CFR 31.6001-1(e)(2) | 4 years |
| Agreements/ Contract | Original contracts and agreements and back-up materials, including leases, rentals and any amendments | CCP 337 CCP 337.2 | 4 years after termination/ completion |
| Annual Reports | | | 2 years |
| Audit Reports | Financial services; internal and/or external reports; independent auditor analyses | | 2 years |
| Brochures/ Publications | | | 2 years or longer for historical value |
| Budget, Annual | Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets, | | 4 - 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 is resolved) |
| 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/ Document | Description or Example of Record/Document | Legal Authority | Minimum Legal 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) |
| 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 Sec. of State Local Gov't. Records Retention 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 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/ Document | Description or Example of Record/Document | Legal Authority | Minimum Legal Retention Period |
|--|--|-----------------|--|
| Purchasing, Requisitions, Purchase Orders | Original documents | CCP 337 | Until audited + 4 years |
| Recruitments and Selection | Records relating to hiring, promotion, selection for training | 29 CFR 1627.3 | 3 years |
| Requests for Qualifications (RFQs) and Requests for Proposals (RFPs) | Requests for Qualifications, Requests for Proposals, and related responses | | Current + 2 years |
| Records relating to LAFCO Meetings or Applications | | | |
| Affidavits of Publication/Post ing | Proof of publication of legal notices for public hearings | | 2 years |
| Agenda / Agenda Packets | Agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items. | | 2 years <i>2 years after</i> |
| <i>2 years</i> Audio Recording of LAFCO Meetings | | | 30 days after the LAFCO meeting minutes are approved |
| Elections | Impartial analysis | | 2 years |
| Environmental Review (for projects without a LAFCO application) | Correspondence, consultants, issues, comments and responses. | | Completion + 2 years |
| Mailing Lists for Public Hearing Notices | Owners/voter | | 1 year after filing Notice of Completion or Commission action, whichever is later |
| Minutes | Meeting minutes | | Permanent |
| Notices /Agenda | Regular and Special meetings | | 2 years |
| Policies & Procedures | All policies and procedures adopted by the Commission | | Current + 2 years |

| Type of Record/ Document | Description or Example of Record/Document | Legal Authority | Minimum Legal Retention Period |
|---|---|---|---|
| LAFCO Proposals- Annexations, Reorganizations, or 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/ Statistical Data | | | Current + 2 years |
| Legal Opinions | Confidential - not for public disclosure (attorney-client privilege) | | Until superseded + 2 |
| Litigation | Case files, including matters in mediation and/or arbitration | | Until settled or adjudicated + 2 years and the time |
| Reference Files | reports, procedures, research, pre- application research and correspondence | | 2 years minimum, 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 deliberative process | |
| Attorney Client Privileged Communication. 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 Colusa LAFCo | | Permanent, Do not destroy originals | |