

**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](http://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=bXlScck1GdDA3YmtwdFVyQy9TVGRNUT09>**

**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 3<sup>rd</sup> 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 3<sup>rd</sup>, 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 area 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](mailto:lafco@countyofcolusa.com) or [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at [www.colusalafco.org](http://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<br>Expenditure Category<br>City Coding     | Ex Officer Cont<br>Executive Off. Co | Clerical Support<br>Clerical Suppt | Workers Co<br>Workers Com | Contactural<br>Lgl Services | Liability<br>Insurance | Office Exp<br>Office Suppl | Postage and Copie<br>Postage Copie | Dues-Subs<br>Memberships |
|--|--------------------------------------|------------------------------------|---------------------------|-----------------------------|------------------------|----------------------------|------------------------------------|--------------------------|
|  | 7338                                 | 7320                               | 7016                      | 7321                        | 7315                   | 7339                       | 7322                               | 7319                     |
|  | \$51,072.00                          | \$3,657.00                         | \$50.00                   | \$25,536.00                 | \$2,847.00             | \$375.00                   | \$500.00                           | \$1,872.00               |
| Calafco Dues 2022-2023 (2022-06)                                   |                                      |                                    |                           |                             |                        |                            |                                    | -\$1,372.00              |
| SDRMA Insurance 22-23 #72123                                       |                                      |                                    |                           |                             | -\$2,824.92            |                            |                                    |                          |
| <b>REVENUE OASA Williams Sauring Center</b>                        |                                      |                                    |                           |                             |                        |                            |                                    |                          |
| 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<br>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<br>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      |





## **Colusa Local Agency Formation Commission**

**2023**

### **LAFCO Regular Meeting Schedule**

**3:00 p.m.**

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

**January 5<sup>th</sup>**

**July 6<sup>th</sup>**

**February 2<sup>nd</sup>**

**August 3<sup>rd</sup>**

**March 2<sup>nd</sup>**

**September 7<sup>th</sup>**

**April 6<sup>th</sup>**

**October 5<sup>th</sup>**

**May 4<sup>th</sup>**

**November 2<sup>nd</sup>**

**June 1<sup>st</sup>**

**December 7<sup>th</sup>**

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.

# M E M O R A N D U M

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<br>U.S. Department of Labor, Bureau of Statistics<br>(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 <sup>th</sup> 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 30<sup>th</sup> 2023) in which an increase is to take effect on July 1<sup>st</sup> 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 1<sup>st</sup>, 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 1<sup>st</sup> 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**

---

**Table of Contents**

|  |          |
|--|----------|
| <b>1. Statement of Purpose and Authority .....</b> | <b>1</b> |
| <b>1.1. Mission</b>                                | <b>1</b> |
| <b>1.2. Governing Law</b>                          | <b>1</b> |
| <b>1.3. Funding</b>                                | <b>1</b> |
| <b>2. Definitions .....</b>                        | <b>2</b> |
| <b>2.1. Alternate Member</b>                       | <b>2</b> |
| <b>2.2. Board of Supervisors</b>                   | <b>2</b> |
| <b>2.3. Commission</b>                             | <b>2</b> |
| <b>2.4. Commissioners</b>                          | <b>2</b> |
| <b>2.5. County</b>                                 | <b>2</b> |
| <b>2.6. LAFCO</b>                                  | <b>2</b> |
| <b>2.7. Members</b>                                | <b>2</b> |
| <b>2.8. City Council</b>                           | <b>2</b> |
| <b>3. Budgeting .....</b>                          | <b>2</b> |
| <b>3.1. General</b>                                | <b>2</b> |
| <b>3.2. Budgeting Policies</b>                     | <b>3</b> |
| <b>4. Commission Organization .....</b>            | <b>3</b> |
| <b>4.1. Composition</b>                            | <b>3</b> |
| <b>4.2. Appointment of Members</b>                 | <b>4</b> |
| <b>4.3. Role of Alternate Members</b>              | <b>4</b> |
| <b>4.4. Terms of Office</b>                        | <b>4</b> |
| <b>4.5. Removal of Members</b>                     | <b>5</b> |
| <b>4.6. Commission Officers</b>                    | <b>5</b> |
| <b>4.7. Compensation</b>                           | <b>6</b> |
| <b>4.8. Financial Disclosure</b>                   | <b>6</b> |
| <b>4.9. Code of Ethics</b>                         | <b>6</b> |
| <b>4.10. Executive Officer</b>                     | <b>6</b> |
| <b>5. Conduct of Business .....</b>                | <b>7</b> |
| <b>5.1. Regular Meetings</b>                       | <b>7</b> |
| <b>5.2. Special Meetings</b>                       | <b>7</b> |

**COLUSA Local Agency Formation Commission  
LAFCO Bylaws**

---

|   |    |
|---|----|
| 5.3. Notice of Meetings   | 7  |
| 5.4. Compliance with Open Meeting Laws  | 8  |
| 5.5. Quorum & Action of Commission  | 8  |
| 5.6. Adjournment and Continuance of Meetings and Public Hearings  | 9  |
| 5.7. Conduct of Meetings  | 9  |
| 5.8. Public Hearing Procedure   | 11 |
| 5.9. Public Testimony   | 12 |
| 5.10. Record of Proceedings   | 13 |
| 5.11 Legislative Process Participation  | 14 |
| 6. Conflict of Interest.....  | 15 |
| 6.1. Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals..... | 16 |
| 7. Subcommittees of the Commission ..   | 18 |
| 7.1. Committees   | 18 |
| 7.2. Open Meeting Law Requirements  | 18 |
| 8. Policies and Procedures .....  | 18 |
| 9. Finance and Expenditure Policies .....   | 18 |
| 9.1 Business and Travel Expenses .....  | 18 |
| 9.2 Commission Travel .....   | 20 |
| 9.3 Expenditure Policies .....  | 20 |
| 9.4 General Finance Provisions .....  | 21 |
| 9.5 Fixed Asset Policy .....  | 22 |
| 10. Amendments .....  | 22 |
| 10.1. Regular Amendments  | 22 |
| 10.2. Urgency Amendments  | 21 |
| 10.3. Filing of Bylaws  | 22 |

**APPENDICES**

|            |  |
|------------|--|
| Appendix 1 | City Member Selection Process          |
| Appendix 2 | Public Member Selection Process        |
| Appendix 3 | Colusa LAFCO Conflict of Interest Code |
| Appendix 4 | Colusa LAFCO Code of Ethics            |
| Appendix 5 | Colusa LAFCO Records Retention Policy  |

**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.

**COLUSA Local Agency Formation Commission**  
**LAFCO Bylaws**

---

**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.

**COLUSA Local Agency Formation Commission**  
**LAFCO Bylaws**

---

**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.

**COLUSA Local Agency Formation Commission  
LAFCO Bylaws**

---

**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

**COLUSA Local Agency Formation Commission**  
**LAFCO Bylaws**

---

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