

**LOCAL AGENCY FORMATION
COMMISSION
of
CALAVERAS COUNTY**

L A F C O B Y L A W S
A d o p t e d S e p t e m b e r 1 9 , 2 0 0 5
L A F C O R e s o l u t i o n 2 0 0 5 - 1 3

Amended November 18, 2013, Resolution 2013-0008

Amended November 18, 2013, Resolution 2013-0009

Amended May 16, 2016, Resolution 2016-0006

Amended November 20, 2017 Resolution 2017-0006

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Amended Nov.18, 2013 Res 2013-0008 & Res 2013-0009

Amended May 16, 2016 Res 2016-0006 re: Legislative Process Participation

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**Local Agency Formation Commission (LAFCO)
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Bylaws

1. Statement of Purpose and Authority

1.1. Mission

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 and 57000 et seq. of the California Government Code, the primary function of California LAFCOs is to encouraging the orderly growth, discouraging urban sprawl, preserving open space and prime agricultural lands and efficiently extending 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.

Mission Statement:

The Local Agency Formation Commission of Calaveras County 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 Calaveras County; cost-effective delivery of services; and timely processing of applications.

1.2. Governing Law

The conduct of the Calaveras Local Agency Formation Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 and 57000 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 LAFCO of Calaveras County shall be provided through a combination of application fees and charges and appropriations from general tax revenue of Calaveras County, Independent Special Districts within Calaveras County and the City of Angels as requested by the Commission in accordance with the LAFCO Act.

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1.4. LAFCO Composition and Legislative Charge

- a) General Statutory Requirements. LAFCO is an independent, intra-local agency created by the Legislature to implement policies, which the Legislature determined, must be addressed with a regional perspective.
- b) Independent Agency. LAFCO is, by statute, a separate public agency from the County, the independent special districts and the City of Angels who provide funding and appoint members to the Commission.
- c) Intra-Local Representation. The legislative body of LAFCO is the Commission. The Legislature established the composition of the Commission to be representative of the local governmental agencies in the County by providing for city, county, independent special district, and public membership.

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 Calaveras County Board of Supervisors.

2.3. Commission

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

2.4. Commissioners

All members of the Commission, both regular and alternate.

2.5. County

The County of Calaveras.

2.6. LAFCO

The Calaveras Local Agency Formation Commission.

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2.7. Members

All regular and alternate members of the Calaveras Local Agency Formation Commission.

2.8 City Council

The City of Angels City Council

3. Powers and Duties

3.1. General

The Commission's powers and duties include initiating, reviewing and approving or disapproving with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization as stated in the LAFCO Act, Sections 56000 and 57000 et seq. of the California Government Code. The Commission may make studies to further the mission of LAFCO.

3.2 Budget

- a) The full Commission shall serve as the LAFCO Budget Committee and shall prepare a budget each spring in coordination with Independent Special Districts of Calaveras County, Calaveras County and the City of Angels budgeting processes. When the Commission has finalized the budget, the Executive Officer shall promptly send it on to the County, the Independent Special Districts and the City as provided by the LAFCO Act, Section 56381.
- b) The Commission may at any time and at its own discretion modify its approved budget.
- c) The LAFCO Executive Officer shall be responsible for managing the day-to-day business of the Commission and for directing expenditures for that purpose within the guidelines established by the adopted budget.
- d) Budgeting Policies:
 1. LAFCO shall adopt a work program for the next fiscal year prior to its adoption of the proposed budget. The work program shall be developed considering the following factors.
 - a. Statutory requirements for preparation and follow-up of Municipal Service Reviews and Updates to Sphere Plans and any special projects undertaken by the commission.

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- 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 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 Law. (56381).

3. Where feasible, LAFCO shall re-budget rollover from the prior fiscal year to reduce costs to the funding agencies. Alternatively, LAFCO may wish to use rollover 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

LAFCO of Calaveras LAFCO shall consist of seven regular voting Commissioners and four alternate members, as explained in detail below.

4.2 Appointment of Members

- a) County
Two Commissioners shall be appointed by the Board of Supervisors from the Board's membership. The Board of Supervisors shall also appoint a third supervisor to serve as the alternate County member of the Commission.

- b) City of Angels
Two Commissioners shall be appointed by the City of Angels from among its City Council members. The City shall also appoint an alternate City member in the same manner as it appoints a regular city member.

- c) Independent Special Districts
Independent Special Districts shall elect two regular Commission members from among their governing board members. Independent Special Districts shall also appoint an alternate member in the same

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manner as its regular members. Regular Independent Special District members shall be appointed for four-year staggered terms.

- d) **Public**
One Commissioner shall be appointed from the general public by vote of the other six regular (voting) members of the Commission. (See Appendix 1 for the Public Commissioner Selection Process.) 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 the City, the County, or a special district having territory within the County, as provided by Section 56331 of the LAFCO Act.

Appointment of all members and alternates of the Commission shall follow the procedure outlined in Government Code Section 56325 et. seq. and as amended.

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 especially when LAFCO is considering complex projects requiring multiple public hearings or meetings, even if the regular member(s) is (are) present. As a matter of policy, because alternate members may at any time be called upon to vote in place of a regular member, the Calaveras LAFCO encourages alternate members to participate in discussion of issues before the Commission and to attend closed sessions, even when they may not vote.

4.4 Terms of Office

- a) Unless other arrangements are made by the appointing authority (i.e. the City Council or Board of Supervisors), each member shall serve single or multiple term(s) of office for four years each. 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 member ceases to hold that position during his or her term, that member's seat on the Commission shall thereafter be considered vacant.
- c) Any vacancy in the regular membership of the Commission shall be filled for the unexpired term by appointment by the body, which originally

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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

The Commission may recommend to the appointing authority that a member (including alternates) be removed for the following reasons:

- a) The absence of that member for three (3) consecutive meetings or more than half of the meetings in any twelve-month period.
- b) Malfeasance of office or dereliction of duty by that member.

4.6 Commission Officers

The officers of the Commission shall be a Chairperson and a Vice Chairperson, chosen by the current regular members of the Commission from their number.

- a) The Chairperson and the Vice Chairperson shall be elected each year at the May meeting 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 offices of Chairperson and Vice Chairperson shall be rotated in the following order: County, Public, District and City.
- c) The term of office for the Chairperson and Vice Chairperson shall normally be twelve months or until the officer's membership on the Commission terminates, whichever occurs sooner.
- d) The Chairperson 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 Chairperson shall preserve order and decorum at all meetings and shall decide all questions of order and procedure, subject to the action of the majority of the Commission.
- e) The Chairperson has the authority to act outside a meeting, in consultation with the Executive Officer, on procedural, financial and administrative matters that cannot reasonably be deferred to the next Commission meeting.
- f) The Chairperson has authority to appoint members to all subcommittees of the Commission, including the authority to create special-purpose subcommittees not named in these Bylaws.
- g) In the event of the Chairperson's absence or inability to act as the Chairperson, the Vice Chairperson shall have all the powers and duties of the Chairperson.
- h) In the event both the Chairperson and the Vice Chairperson are absent from a Commission meeting at which a quorum is present, the voting

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members present may select one of themselves by majority vote to act as Chairperson *pro tempore* for that meeting.

4.7 Compensation

- a) Members and alternate members will be reimbursed, for reasonable meal expenses as determined by the Commission, on occasions when a Commission meeting must be recessed for a meal break. Members and alternate members will be reimbursed, for reasonable travel costs for LAFCO conferences and LAFCO related business.
- b) Each member and alternate member in attendance at any Commission meeting shall receive a stipend of \$50.00 per meeting unless amended by the Commission.

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 Calaveras County Elections Office of the Statement of Economic Interests (Form #700) by the date determined by the Calaveras County Clerk. The Calaveras Local Agency Formation Commission **Conflict of Interest Code** is attached to these Bylaws and incorporated herein as Appendix 2.
- 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.

5. Conduct of Business

5.1 Regular Meetings

Unless otherwise provided by resolution of the Commission, regular meetings of the Commission are scheduled for the **third Monday** of every other month at 6:00 p.m. in the Board of Supervisors' Chambers, 891 Mountain Ranch Road, Government Center, San Andreas, California. **Regular meetings are scheduled during the months of January, March, May July, September, and November. Alternate meeting months in which a LAFCo meeting may be scheduled are: February, April, June, August, October, and December.** In the event of a scheduled holiday, the regular meeting shall be held at the same place upon the first succeeding Monday which is not a holiday, commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday. 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.

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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. A minimum 24-hour notice is required for a Special Meeting.

5.3. Notice of Meetings

General Notice

The Executive Officer shall provide notice of all regular and special meetings in accordance with the Open Meeting Law, Section 54954.1 of the Government Code, and applicable provisions of the LAFCO Act. Written or faxed notice of regular and special meetings of the Commission shall be sent in the form of a meeting agenda to at least the following:

1. Each LAFCO member, alternate and staff
2. The Local news media
3. To any person or entity requesting a copy of the agenda in writing.
4. By posting the agenda of each meeting on or near the door of the public building to be used for the meeting at least 72 hours in advance of the meeting.
5. By posting the agenda on the LAFCO website.

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 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

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in Section 6.2 of the LAFCO **Policies, Standards and Procedures** and the LAFCO Act.

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) Notwithstanding the requirements and provisions of Government Code Section 54953 four Commissioners present shall constitute a quorum.
- b) An affirmative vote of four or more Commissioners is required to make an action of the Commission. Proxy votes are not allowed.
- c) An affirmative vote of a majority of the full Commission is required to adopt a preliminary and a final budget.

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 these Bylaws or, 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.

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- 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 California Open Meeting Law.

5.7. Conduct of Meetings

Agendas

The Executive Officer, in consultation with the Chairperson, 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.

Items Limited to One Subject

Each agenda item shall specify a single subject to be considered.

Agenda Item Requests

Members of the public may request the Commission to take specific actions by submitting their requests in writing to the LAFCO Executive Officer at least 45 days prior to a regularly scheduled meeting of the Commission or by attending a previous meeting of the Commission requesting action to be taken at its next meeting. If determined by the Chairperson to be proper for Commission consideration, such an item shall be placed on the agenda. Requests for special meetings of the Commission shall be directed to the Chairperson through the LAFCO Executive Officer.

Order of Business

The Commission agendas shall include the following items:

Call to Order/Pledge of Allegiance

Approval of minutes

Consent Items (if any)

Public Comment

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Business Items with Public Hearings

Business Items without Public Hearings

Executive Officer's Report

Correspondence

Commission Announcements

Closed Session (if needed)

Adjournment

Motions

Any voting Commissioner may introduce or second any motion.

Voting

- i) The question of approval or denial of a change of organization or reorganization 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 Chairperson with a unanimous vote stipulated and recorded if there is no objection.
- ii) A roll call vote shall be taken on any question upon demand of any Commissioner, regular or alternate.

Rules of Procedure

Except as otherwise provided herein, the rules of order guiding 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. (Amended Nov 18, 2013 Resolution 2013-0008)

5.8. Public Hearing Procedure

The Commission shall conduct matters noticed for public hearing as follows:

- a) The agenda item is introduced by the Chairperson.
- b) The Executive Officer shall present the staff report. The report should describe the nature of the application, discuss all factors required in Section

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56668 of the Government Code, factors to be considered in the adopted policies, standards and procedures, and present the Executive Officer's recommendations.

- c) Commissioners may ask questions concerning matters in the staff report.
- d) The Chairperson opens the public hearing. The public is encouraged to participate in the hearing process. The Commission Chairperson first introduces an agenda item and then the project is described in detail by the Executive Officer. As part of the project presentation, questions and answers between Commission members and Staff are included, for additional information or clarification.
- e) 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.
- f) The public will then be invited to give testimony. Public will be requested to sign in on sheet provided. Chairperson will call the public from list to testify. The Chairperson will invite those who have signed up to testify in order. To obtain and maintain an accurate record of the proceedings, the public will be asked to use the speaking podium and clearly introduce themselves with their name and address, and whom they are representing if they are representing someone other than themselves.
- g) If anyone has failed to sign up or wishes to not give their name and address and wishes to testify, they can do so after those who signed up have testified and before the public hearing is closed.
- h) The applicant or his representative may rebut any testimony.
- i) Each Commissioner may question any participant in the proceedings.
- j) The public hearing will be closed.

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 and a second made by another. Thereafter, the public will not be permitted to speak while this matter is under discussion by Commission members. 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 project applicant or the public who

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have already offered testimony in order to clarify any point made during the public hearing.

- k) Motion to consider item(s). Action of the Commission shall be decided by a majority vote of the total number of the members of the Commission.

5.9. Public Testimony

- a) The applicant and any member of the public desiring to address the Commission shall, when recognized by the Chairperson, step forward and give his/her name and address to the clerk.
- b) The Chairperson 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. It is requested that all presentations be limited to a maximum of five minutes so that all interested parties will have an opportunity to address the Commission.
- c) Debate between members of the public shall not be permitted.
- d) When any group wishes to address the Commission, the Chairperson may request a spokesperson be chosen by the group to address the Commission.

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, the minutes, with any corrections thereto, shall become the official record of the action of the Commission.

- b) Tape Recordings

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All proceedings of regular and special meetings shall be tape-recorded. Transcripts will be prepared upon request, and all applicable costs including preparation, completion and dissemination will be charged to the person or entity making the request in a manner established by the Executive Officer.

c) *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 Appendix 3.

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 Appendix 3, "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*

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- *Staff Reports*
- *Statement of Boundary Change*
- *Statement of Tax Rate Area*

(Amended Nov 18, 2013 Res 2013-0010)

Section 5.11 Legislative Process Participation

- a. In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair and Vice-Chair, is authorized to provide written or email comments communicating the Commission's position.
- b. The Chair and Vice-Chair would review the letter or email prior to it being submitted for consideration.
- c. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.
- d. The item will be discussed at the Commission's next regular meeting.

6 Conflict of Interest

- a) 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 (d) 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. The Commissioner shall physically leave the room unless the disqualified Commissioner wishes to testify as a member of the public.

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- 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) Notwithstanding public meetings, agenda packets, staff consultations, and communications limited solely to procedures or processes, no LAFCO Commissioner shall vote or attempt to influence a Commission decision on a change of organization, municipal service review (and) or sphere of influence amendment or update unless the Commissioner reports all oral, written, or electronic communications on the record of the public hearing.

7. Subcommittees of the Commission

7.1 Committees

The Commission or the Chairperson may establish committees deemed necessary for the conduct of its proceedings. If such a committee is appointed by the Chairperson 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

Any permanent standing committees established by this section of these Bylaws shall be subject to the California Open Meeting Law, along with any other permanent standing committees established by the Commission.

8. Policies and Standards

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

9. Amendments

9.1 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, above.
- b) At the meeting, the proposed amendment shall be read aloud in its entirety by the Chairperson, unless such reading is waived by the Commission.

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Discussion may occur and modifications be made to the proposed amendment, but it may not be approved at that first reading.

- 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 Angels

County of Calaveras

Independent 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.

9.2 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.

9.3 Filing of Bylaws

Upon approval of these Bylaws and any amendments thereto, an original certified and signed copy shall be filed with the Clerk of the Board of Supervisors of Calaveras County.

Appendix 1

LAFCO OF CALAVERAS COUNTY

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. Prior to the expiration of terms of the public member and the alternate public member, the positions will be advertised in newspapers of general circulation in the county.
2. The Commission shall design an interview procedure, schedule interviews, and formulate questions to be asked of all applicants.
3. The City, Independent Special Districts and County members of the Commission shall conduct interviews of the applicants.
4. The City, Independent Special Districts and County members of the Commission shall vote in open session. The candidates selected will take office at the May meeting.

Appendix 2

Local Agency Formation Commission Of Calaveras County Conflict of Interest Code

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission. Therefore, the terms of Title 2 California Administrative Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following list of designated and disclosure requirements constitute the Conflict of Interest Code of the Local Agency Formation Commission of Calaveras County.

Designated officers and employees shall file Statements of Economic Interest (Form 730) with LAFCO, who will retain copies, and forward the original Statements for all Commissioners and the Executive Officer to the Calaveras County Clerk. The original statements for all other designated employees will be retained by LAFCO.

Designated Employees and Disclosure Requirements

Designated officers and employees include the following:

- A) All members and alternate members of this Commission
- B) The Executive Officer
- C) Legal Counsel to the Commission
- D) Consultants employed by the Commission. The Chair of the Commission may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Designated employees and officers shall disclose the following:

All investments, sources of income or interests in real property within the Calaveras Local Agency Formation Commission jurisdiction and business positions in which the designated employee or officer is a director, officer, partner, trustee, employee or holds any position of management, and which business does any contracting with the Local Agency Formation Commission, or which is located within the Local Agency Formation Commission jurisdiction.

*** 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

Appendix 3

RECORDS RETENTION SCHEDULE

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 CFR31.6001-1(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,		Until audited + 2 years
Claims Against the Commission	Paid/denied		Until settled + 2 years
Correspondence (General)	General correspondence, including letters, and; various files not otherwise specifically covered by the retention schedule; compliments, complaints and inquiries; transmittal letters; requests for comments and responses		90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves)
Economic Interest Statements - Form 700 (copies)	Copies of statements forwarded to Fair Political Practices Commission	GC 81009(f), (g)	4 years (can image after 2 years)

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- CCP Code of Civil Procedure (CA)
- GC Government Code (CA)
- CFR Code of Federal Regulations

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	General correspondence		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
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

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**CALAVERAS Local Agency Formation Commission
LAFCO Bylaws**

Type of Record/	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 years
Litigation	Case files, including matters in mediation and/or arbitration		Until settled or adjudicated + 2 years and the time for appeal has expired
Reference Files	reports, procedures, research, pre-application research and correspondence		2 years minimum, recommended longer if useful
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.

**CALAVERAS Local Agency Formation Commission
LAFCO Bylaws**

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.
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GC Government Code (CA)

CFR Code of Federal Regulations