



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

COMMISSIONERS

Chairperson
TOM MURRAY
Public Member

Vice-Chair
ROBERT ENNS
Special District Member

DEBBIE ARNOLD
County Member

MARSHALL OCHYLSKI
Special District Member

ROBERTA FONZI
City Member

LYNN COMPTON
County Member

ED WAAGE
City Member

ALTERNATES

ED EBY
Special District Member

STEVE GREGORY
City Member

HEATHER JENSEN
Public Member

JOHN PESCHONG
County Member

STAFF

DAVID CHURCH
Executive Officer

BRIAN A. PIERIK
Legal Counsel

MIKE PRATER
Deputy Executive Officer

IMELDA MARQUEZ
Commission Clerk

TO: MEMBERS, FORMATION COMMISSION

**FROM: DAVID CHURCH, EXECUTIVE OFFICER
IMELDA MARQUEZ, COMMISSION CLERK**

DATE: APRIL 16, 2020

SUBJECT: MINOR UPDATES TO LAFCO BYLAWS

Recommendation. It is respectfully recommended that the Commission approve the minor updates to San Luis Obispo Local Agency Formation Commission (LAFCO) Bylaws.

Discussion. Page two and three of the bylaws contain a section that states the terms of Commissioners. Page three contains table consisting of both regular and alternate Commissioner term expiration dates. Every time a new Commissioner is appointed/re-appointed to LAFCO the table becomes outdated. Considering LAFCO terms are susceptible to change, it is recommended that the table be removed and be regularly updated on LAFCO's Website.

Attachments

**A: SLO LAFCO Bylaws with
Tracked Changes**

Best practice is to create bylaws that are not too easily amended. This change is an administrative fix that will not change the meaning of the document. The Clerk shall continue to maintain Commissioner terms on the website and on file in the LAFCO record. This will make the bylaws more accurate and eliminate the need for additional revision. The terms are currently available online at <http://www.slolafo.com/about-us--commissioners--staff--contacts.html>.

Additionally, page six of the bylaws contains a section on Voting. Part b. states that roll call shall be completed alphabetically during a meeting. It is recommended that language be added, on part b. of page six, to give more flexibility on this procedure. See Attachment A for the recommended changes to the LAFCO Bylaws.

Attachment A

SLO LAFCO Bylaws

**BYLAWS OF THE
LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN LUIS OBISPO**

ARTICLE I - GENERAL PROVISIONS

These rules and bylaws shall apply to the Local Agency Formation Commission of the County of San Luis Obispo (henceforth "Commission") and are adopted pursuant to the authority vested in the Commission by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Part I, commencing with Section 56000 of the Government Code.

ARTICLE II - ORGANIZATION

SECTION I: Composition. The Commission shall consist of seven (7) members selected as follows:

- a. Two (2) appointed by the Board of Supervisors from their own membership. The Board of Supervisors shall appoint a third (3rd) Supervisor who shall be an alternate member of the Commission. The alternate member may serve and vote in place of any Supervisor on the Commission who is absent or who disqualifies himself or herself from participating in a meeting of the Commission.

- b. Two (2) selected by the cities in the County, each of whom shall be a mayor or council member, appointed by the City Selection Committee. The City Selection Committee is encouraged to select members to fairly represent the diversity of the cities in the county, with respect to population and geography. The City Selection Committee shall also designate one (1) alternate member to the Commission in the same manner as it appoints a regular member. The alternate member shall also be a mayor or council member. If one of the regular City members is absent from a Commission meeting or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of that regular City member for that meeting of the Commission.

- c. Two (2) presiding officers or members of legislative bodies of independent Special Districts, selected by the independent Special District Selection Committee. The independent Special District Selection Committee is encouraged to select members to fairly represent the diversity of independent special districts in the county, with respect to population and geography. The independent Special Districts Selection Committee shall also designate a presiding officer or member of the legislative body of an independent special district as an alternate member to the Commission in the same manner as it appoints a regular member. If one of the regular Special Districts members is absent from a Commission meeting or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of that regular Special District member for that meeting of the Commission. The special district members so appointed shall be elected or appointed special district officers residing in the County, but shall not be members of the legislative body of a city or county.

- d. One (1) representing the general public appointed by the other six (6) members of the Commission. The Commission may also designate one alternate public member who may serve and vote in place of a regular public member who is absent or disqualifies himself or herself from participating in a meeting of the Commission. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the appointing authorities.

SECTION 2: Terms. The term of office of each member shall be four (4) years and until the appointment and qualification of a successor. The expiration date of the term of office of each member shall be the last Monday in December in the year in which the term of the member expires. The Clerk shall maintain a record of the Terms. The terms of office shall be as follows:

Regular Members	Term Expiration
County (1)	2017
County (2)	2019
City (1)	2017
City (2)	2019
District (1)	2018
District (2)	2020
Public	2016
Alternate Members	
County	2019
City	2018
District	2017
Public	2016

Any member may be removed at any time and without cause by the body appointing that member. If a member who is a City, County or Special District officer ceases to be an officer of a City, County, or Special District during his/her term, that member's position on the Commission shall thereafter be considered vacant.

Any vacancy in the 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.

SECTION 3. Independent Judgment. While serving on the Commission, all Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.

SECTION 4. Compensation. Non-County Commission members shall receive a per diem of \$50 per meeting. All non-County Commissions shall receive mileage reimbursement at County rates existing at the time, excluding Commissioners living within five (5) miles of the meeting place.

SECTION 5: Officers. A Chairperson and Vice Chairperson shall be elected at the first meeting in each year and shall serve a one (1) year and until the election of their successors or their re-election.

The Chairperson shall be the presiding officer and shall preserve order and decorum at all meetings of the Commission.

In the absence of the Chairperson, the Vice Chairperson shall assume the duties and powers of the Chairperson. In the absence of the Chairperson and Vice Chairperson at any meeting, a Chairperson Pro Tempore may be selected to assume the duties and powers of the Chairperson.

SECTION 6: Staff. The Commission shall appoint an Executive Officer who shall conduct and perform the day-to-day business of the Commission. If a proposal is approved by the Commission, the Executive Officer shall conduct protest proceedings in accordance with Government Code Section 57000, et seq.

The Commission shall appoint Legal Counsel to advise it. The Legal Counsel shall attend Commission meetings, provide requested advice on legal matters, and represent the Commission in legal actions.

SECTION 7: Executive Committee. An Executive Committee comprised of the Commission's Chairperson, Vice Chairperson, and the Immediate Past Chairperson, will meet periodically to advise the Commission on the annual budget; overall work program; and major policy issues, including controversial or sensitive proposals. Executive Committee items for review will be selected by the Commission, after consultation with the Executive Officer. The Executive Officer and Legal Counsel shall attend all meetings of the Executive Committee.

SECTION 8: Selection of the Public Member. When the position of public member and/or alternate public member is vacant, the Commission may choose from any of the following options for selection of a replacement:

- a. A nominating committee selected by the Commission will interview qualified candidates and select the most qualified candidates to be interviewed and voted on by the full Commission.
- b. The Executive Committee will interview qualified candidates and select the

most qualified candidates to be interviewed by the full Commission.

- c. The full Commission will interview all candidates and select the public member(s).

SECTION 9: Attendance. Each Commissioner is expected to have regular attendance. If any Commissioner misses three consecutive regular meetings without first advising the Executive Officer prior to each missed meeting, the Executive Officer will address a letter to the appointing body requesting that a replacement be appointed.

ARTICLE III - MEETINGS

SECTION 10: Regular Meetings. Regular meetings of the Commission are scheduled for the third Thursdays of each month at 9:00 a.m. in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, with the first Thursday being held open for special meetings.

SECTION 11: Special Meetings. Special meetings of the Commission may be called in the manner provided by State law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transmitted and no other business shall be transmitted at that meeting.

SECTION 12: Notice. The Executive Officer shall direct posting and publication of notices on all meetings pursuant to State law.

SECTION 13: Agenda. The Executive Officer shall prepare the meeting agenda. Unless otherwise directed by the Commission, the Executive Officer shall set as many matters for hearing as can be heard.

The Executive Officer shall prepare and send copies of the staff report at least one (1) week prior to the meeting to Commissioners, proponents and all affected local agencies and any persons requesting such a report.

SECTION 14: Quorum and Majority. A majority (at least 4) of all members of the Commission concurs therein.

SECTION 15: Minutes. The Executive Officer shall cause a staff member to take and transcribe the minutes of each meeting and, whenever possible, mail copies thereof

to all members prior to the next meeting. Minutes will continue to be subject to comment and objection at the following meeting before approval.

SECTION 16: Motions. The Chairperson or any other member of the Commission may introduce or second any motion.

SECTION 17: Voting.

- a. The question of approval or denial of a proposal and of all resolutions shall be by roll call vote. All other questions may be voted upon by voice vote, or may be put by the Chairperson and a unanimous vote recorded if there is no objection. A roll call vote shall be taken on any question upon demand of any member.
- b. Each roll call of the Commission shall be in alphabetical order, except that the members making and seconding the motion shall be called first and second respectively, and the Chairperson shall be called last. Alternatively, roll call can be completed in a manner selected by the Commission and Staff.
- c. The alternate members qualify to vote only in lieu of the Commission membership classification they serve under.
- d. Unless otherwise provided by the City Selection Committee and the independent Special District Selection Committee in the manner required by law, a regular or alternate City or Special District member of the Commission shall be allowed the option to vote on proposals to the City or District of which such regular or alternate member is a representative.

SECTION 18: Testimony and Argument. The Chairperson may allocate and limit the time and scope of testimony from any interested party as necessary for the expedition of the Commission's business. Debate between members of the audience shall not be permitted.

ARTICLE IV - COMMISSION RECORDS

SECTION 19: Application Contents. A formal application filed with the Commission shall be accompanied by:

- a. Petition of proponent or resolution of legislative body.
- b. Maps and legal description of the proposed boundary change in a number specified by the Executive Officer.
- c. Completed justification of proposal questionnaire.
- d. Completed environmental assessment form.
- e. For local agencies or school districts filing a resolution of application, a plan for providing services pursuant to Government Code Section 56653.
- f. Filing fee or request for a fee waiver pursuant to the Commission's adopted fee schedule.
- g. Such additional data and information, as may be required by the Executive Officer, pertaining to any of the matters or factors which may be considered by the Commission.

No proposal shall be considered by the Commission for which such required items are not received.

SECTION 20: Copies of Documents on File. Any interested person may request copies of any document filed in any proceeding. The Executive Officer may charge and collect a fee to cover the cost to the Commission of making any such copies and such fees shall be deposited in the County General Fund.

| Revised January 17, 2002, August 16, 2007, ~~and~~ April 2016, and March 2020