

BY-LAWS

**LOCAL AGENCY FORMATION COMMISSION OF
SOLANO COUNTY**

ADOPTED March 3, 1997
AMENDED June 9, 2008
AMENDED June 8, 2015
AMENDED February 27, 2017

ARTICLE I. Name and Purpose

Section 1. Name.

The name of this organization is LOCAL AGENCY FORMATION COMMISSION OF SOLANO COUNTY.

Section 2. Purpose.

- a. The Commissions enabling statue is the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) For example, the Commission may approve, disapprove or modify, with or without conditions, the formation of cities, creation of special districts, and annexation of territory to or detachment of territory from cities or special districts.

- b. The purposes for the Commission are set forth under Government Code Section 56301:

Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances.

One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

ARTICLE II. Membership

Section 1- General

This Commission shall be comprised of five (5) members. In addition, three (3) alternate members shall be appointed to serve in the event of disqualification or absence of a city member, county member, or public member, as provided by law.

Section 2 - City members

- a. The two regular City members and one alternate must be members of a city council during the time they serve.
- b. City members are appointed by, and serve at the pleasure of the City Selection Committee (Mayors Conference).

Section 3 - County members

- a. The two regular County members and one alternate must be a County Supervisor during the time they serve.
- b. County members are appointed by, and serve at the pleasure of, the Board of Supervisors.

Section 4 - Public members

- a. The one regular Public member and one alternate are appointed by, and serve at the pleasure of, the regular City and County members.
- b. Public member or alternate public member are appointed under the following procedures.
 1. There is a public announcement of the vacancy to solicit letters of interest.
 2. Applications and letters of interest are reviewed by the regular commission members with recommendations submitted to a selection committee appointed by the Chairperson consisting of a City member and County Member.
 3. The selection committee selects a list of finalists.
 4. The finalists are interviewed by the Commission.

Section 5 - Alternate members

- a. Alternates are entitled to vote when regular members are disqualified or absent.
 - 1. The alternate City member may vote only in the place of a regular City member.
 - 2. The alternate County member may vote only in the place of a regular County member.
 - 3. The alternate Public member may vote only in the place of the regular Public member.
- b. Alternate members may participate fully in the Commissions consideration of any item.

Section 3 - Term of Office

The term of office for each member, after the initial appointments, shall be four (4) years. The expiration date of the term of office for each member shall be the last day in January in the year in which the term of the member expires. Members may be re-appointed to additional terms by their governing bodies.

Section 4 - Vacancy

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.

ARTICLE III. Officers

Section 1 - General

The officers of this Commission shall be a Chairperson, Vice-Chairperson, and Chairperson Pro Tem. The officers of the Commission shall be rotated with rotations to begin and end at the first meeting of each calendar year. The rotation of the chair is as follows: city, county, public member, and that the rotation of the vice-chair is staggered so that the appointed vice-chair is the member who is to be appointed as chair the following calendar year.

Section 2 - Elections and terms of office

- a. The Chairperson and Vice-Chairperson shall be elected by the members of the Commission from among their membership at the first meeting of each calendar year or as soon thereafter as practicable.
- b. The Chairperson and Vice-Chairperson shall serve for one-year terms.

Section 3 - Chairperson

The Chairperson shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State law and by these by-laws. The Chairperson shall preserve order and decorum and decide all questions of order, subject to the action of a majority of the Commission.

Section 4 - Vice-Chairperson

In the absence of the Chairperson or if for any reason the Chairperson is unable to act as Chairperson, the Vice-Chairperson shall act as Chairperson and exercise all the powers and duties of the Chairperson.

Section 5.- Chairperson Pro Tem

- a. In the absence of both the Chairperson and Vice-Chairperson or if for any reason the Chairperson and Vice-Chairperson are unable to act as Chairperson, the members of the Commission present shall select one of the members to act as Chairperson Pro Tem and said selection to be entered into the minutes.
- b. The Chairperson Pro Tem shall have all of the powers and duties of the Chairperson while the Chairperson and Vice Chairperson are absent or for any reason unable to act.

Section 2 - Vacancy

In the event a vacancy or vacancies occur in any office during a regular term of office, such vacancy or vacancies shall be filled in the same manner as the original appointments were made.

ARTICLE IV Committees

The Chairperson, Vice-Chairperson, or Chairperson pro tem in their absence, may appoint such committees from the membership as he/she deems advisable. The Chair shall serve as an ex-officio member of all committees.

ARTICLE V Executive Officer

Section 1 - Appointment

The Executive Officer shall be appointed by the Commission.

Section 2 - Duties

- a. All petitions or resolutions and applications for a change of organization, reorganization or sphere of influence shall be filed with the Executive Officer.
- b. The Executive Officer shall present an Executive Officer's report, with his/her recommendations, to the Commission on each application prior to the Commission conducting a public hearing on the application.

Section 3 – Performance Review

The Commission shall conduct an annual performance review of the Executive Officer. The review shall be coordinated through the Commission's Personnel Committee or, in the absence of an appointed Personnel Committee, the Chairperson. Distribution of the performance review to the individual Commissioners shall be accompanied by an Annual Report from the Executive Officer and any other information deemed appropriate by the Personnel Committee or Executive Officer. All members and alternate members of the Commission shall share equal weight in review of the Executive Officer's annual performance.

The performance review shall be completed and scheduled for a closed session hearing at the regularly scheduled April Hearing. At least one month prior to the closed session hearing, the Personnel Committee shall distribute all performance review material to the members and alternate members of the Commission. Return of the personnel review to the designated recipient(s) from the member and alternate members shall occur no later than two weeks prior to the closed session hearing. The results of the performance review shall be made known to the Executive Officer and the Chairperson one week prior to the hearing date of the closed session hearing. Any adjustments to the Executive Officer's salary and/or benefits granted by the Commission shall become effective upon the beginning of the first new pay period after July 1 of the new Fiscal Year.

ARTICLE VI Secretary

Section 1 - Appointment

The Secretary shall be selected by the Executive Officer.

Section 2 - Duties

- a. The Secretary of the Commission shall attend each meeting of the Commission and maintain a record of all proceedings thereof as required by law.
- b. The Secretary shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action on file with the Executive Officer.
- c. The Secretary shall notify all Commission members of the time set for any special meetings.

ARTICLE VIII Meetings

Section 1 - Date of regular meetings

Regular meetings of the Commission shall take place at 10:00 a.m., the second Monday of February, April, June, August, October and December, except when such day falls on a recognized holiday in which event the regular meeting shall take place the following Monday that is not a recognized holiday, or such other day designated by a majority of the Commission.

Section 2 - Location of regular meetings

The regular meetings of the Commission shall be held in the County Board of Supervisor's Chambers, 675 Texas Street, Fairfield, California.

Section 3 - Adjourned meetings

Any regular or special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission which is not a holiday, a Saturday or Sunday, or such other day designated by the Commission, in which event, all hearings and other matters before the Commission are continued to such day at 10:00 a.m., or such other hour as shall be designated by the Commission.

Section 4 - Special meetings

Special meetings may be called at any time by the Chairperson, or by the request of any two (2) members, excluding the alternate members, in the absence of the Chairperson or in the event of his/her illness. Such notice shall be in writing and shall specify the purpose for which the special meeting is being requested. At least

24-hours notice of a special meeting shall be given to the members of the Commission.

Section 5 - Meeting Cancellation

Should there be no business to transact for a regular meeting, the Secretary is authorized to so notify the members and the meeting will be considered automatically adjourned for that session. The Secretary shall give a 48-hours notice of such adjournment to the membership.

Section 6 - Meeting attendance per diem

Commission members and alternates shall be paid a stipend of \$100 for attendance at meetings of the Commission with a maximum of two meetings per month.

Section 7 - Roberts Rules of Order

Where not inconsistent with the provisions of these By-Laws, Roberts Rules of Order are herewith adopted as the procedural guide for all Commission meetings.

Section 8 - Brown Act.

The Commission actions and proceedings are subject to the provisions of the Brown Act.

ARTICLE IX Business

Section 1 - Conduct of Meetings

The business of each regular meeting of the Commission shall be transacted as far as possible in the following order:

- a. Call to order and Salute to the Flag
- b. Roll call
- c. Approval of Minutes of previous meeting or meetings.
- d. Public Comment
- e. Matters set for public hearing
- f. Other Business
- g. Pending Applications Received
- h. Status Report
- i. Correspondence
- j. Commissioner Comments
- k. Adjournment

Section 2 - Quorum

A quorum of the Commission shall consist of three (3) members (including the alternate members when authorized to act). In the absence of a quorum, any meetings may be adjourned by the members or member present; or if no members are present, the meeting may be adjourned by the executive officer, but no other business may be transacted.

Section 3 - Roll call voting

- a. The offering of a resolution by any voting member of the Commission shall require a second.
- b. The roll need not be called in voting upon a minute order motion, except when requested by a member. The Chairperson shall call for a voice vote of those in favor and those opposed, and announce whether or not the motion has passed. When the roll is called on any motion, any member present who does not vote in an audible voice or who does not vocally abstain shall be recorded as aye.
- c. Each roll call of the Commission shall be in alphabetical order, except that the Chairperson shall be called last.

ARTICLE X Procedures

Section 1 - Application filing

Applications to initiate Commission proceedings shall be filed with the Executive Officer. Applications shall be in a form as required by the Commission. The application shall be reviewed by the Executive Officer to determine their completeness. If the application is incomplete, a notice of insufficiency shall be issued outlining what action is necessary to complete the application. If the application is determined to be complete, a Certificate of Filing shall be issued and the Executive Officer shall set the date for public hearing with 90 days of issuances of the certificate of filing.

Section 2 - Application requirements

Each application filed with the Commission shall contain all of the following information:

- a. A petition or resolution of application initiating the proposal.
- b. a statement of the nature of each proposal

- c. A map and description, acceptable to the Executive Officer, of the boundaries of the subject territory for each proposed change of organization or reorganization.
- d. Processing fees
- e. Compliance with CEQA
- f. Response to Solano County LAFCO Standards and Procedures and supporting documentation
- g. Any 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.

Section 3 - Commission initiated actions

The Commission may initiate with a majority vote, special studies and proceedings for consolidation of special districts.

Section 4 - Agency notification

The Commission shall notify the governing body of each agency subject to the change or organization or reorganization and the governing body of each local agency having jurisdiction within the boundaries of the proposal as provided under Sections 56834 and 56835 of the Government Code. Notice shall also be given to any interested party or local agency which has filed a written request with the Executive Officer of this Commission, and to any Officers or persons designated in the application for the purpose of receiving mailed notice.

Section 5 - Public Notice

Public Notice of such hearing, if required, shall be provided by the Executive Officer, in accordance with Section 56834 and 56835 of the Government Code.

At the hearing, this Commission shall hear any interested parties having made formal request to appear and be heard by filling out a speakers card, and the report of the Executive Officer. Upon conclusion of the hearing, the Commission may take the matter under consideration and shall, within thirty-five (35) days following the conclusion of the hearing, present its determination.

Section 6 - Adjournment of hearing

This Commission may adjourn continue a hearing from time to time, but not to exceed a total of seventy (70) days from the date specified in the original notice.

Section 7 - Denied Proposals

If this Commission disapproves the proposed change of organization or reorganization, no similar proposal involving the same or substantially the same territory, may not be filed with this Commission for at least one (1) year after the date of disapproval without the consent of the Commission as provide under Section 56855 of the Government Code.

Section 8 - Reconsideration

Any person or affected agency may file a written request with the Executive Officer requesting amendments to or reconsideration of any resolution adopted by the Commission making determinations approving and denying petitions as provided under Section 56857 of the Government Code. The request shall state the specific modifications to the resolution being requested and the reasons for the request.

ARTICLE XI Standards for Evaluation and Factors to be Considered

The Commission shall consider as a minimum those standards and factors established pursuant to Government Code Section 56841 as reflected in Solano County LAFCO Standards and Procedures as the basis for evaluation of all proposals.

ARTICLE XII Miscellaneous

Section 1 - Advisors to the Commission

County Counsel, Director of Transportation, Assessor/Recorder of Solano County, and the Auditor/Controller of Solano County or their designated representative, shall act in an advisory capacity to this Commission and shall assist in carrying out its functions.

Section 2- Records

The records of this Commission shall consist of these By-Laws and amendment thereof, minutes of all meetings, all executed forms and documents filed with it for changes of organization or reorganization, applicable environmental documents, and such other records as shall be designated from time to time by the membership.

Section 3 - By-laws

These By-Laws may be supplemented, amended, or repealed by this Commission by majority vote of the membership.