

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – November 18, 2013 – 6:00 p.m.
at the

**Calaveras County Board of Supervisors Chambers
County Administrative Center
San Andreas**

6:00 PM Regular LAFCo Meeting Items:

1. Call to Order/Pledge of Allegiance/Roll Call

Commissioners

Bert Sobon, City Member
Jack Lynch, Chair City Member
Merita Callaway, Vice-Chair County Member
Darren Spellman, County Member
Tony Tyrrell, Special District Member
John Lavaroni, Special District Member
Anita Paque, Public Member

Paul Stein, Public Member Alt.
Debbie Ponte, County Member Alt.
Stuart Raggio, City Member Alt.
Don Young, Special Dist. Member Alt.
Staff:
John Benoit, Executive Officer
Lucy Thein, LAFCO Clerk
Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. Approval of Minutes for the September 16, 2013 meeting

4. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony.

The Chairman reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

5. Consent Agenda:

- a. Review and Authorize Claims for September and October 2013

Workshop - Sphere of Influence for the Calaveras Public Utility District

6. Review Executive Officer's report, discuss Sphere of Influence Alternatives and provide direction to staff.

- a. *Receive Executive Officer's report and conduct Workshop*
- b. *Provide direction to staff and set public hearing at next available LAFCo meeting.*

7. Conduct Workshop on Rosenberg's Rules of Order and consider adoption of Rosenberg's rules of order as part of LAFCo's rules of procedure.

- a. *Conduct Workshop*
- b. *Consider Resolution 2013-0008 amending Section 5.7 of LAFCo's Bylaws to use Rosenberg's Rules of Order rather than Robert's Rules of Order*

8. Conduct Workshop regarding Records Retention and consider adopting a Record's Retention Policy.

- a. *Review Proposed Records Retention Policy*
- b. *Consider Resolution 2013-0009 adopting a new records retention policy for Calaveras LAFCo.*

9. Review Proposed Policy Language regarding Disadvantaged Unincorporated Communities (DUCS)

- a. *Review Proposed Language regarding DUCS and provide direction to staff.*

10. Review LAFCo's Procedural Guidelines and Policy for Municipal Service Reviews and Spheres of Influence and provide direction to staff regarding additions or deletions.

- a. *Hold Discussion with staff and provide direction, as necessary.*

11. Executive Officer's report

- a) *Sphere of Influence for Calaveras County fire agencies*

12. Commissioners Reports

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

13. Adjourn to regular meeting of December 23rd, 2013 or adjourn to January 20, 2014

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

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 56325.1

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).

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 a specified time. 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 Calaveras Co. Administrative office located at the County Administrative Center, 891 Mountain Ranch Road, San Andreas CA. [such documents are also available on the Calaveras 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

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. 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 at (209) 754-6511

LAFCO Webpage: www.calaveraslafco.org

Email LAFCO at: johnbenoit@surewest.net

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

MINUTES

September 16, 2013

Call to Order: Jack Lynch, Chair, called the meeting to order and led the Commission in the pledge of Allegiance. In attendance: Jack Lynch, Bert Sobon, Merita Callaway, Anita Paque, John Lavaroni, Darren Spellman, absent – Tony Tyrrell.

Approval of Agenda: A correction was made to the agenda: #6, item(c) Should read 2013-2007 rather than 2008-2007
On a motion by Paque/2nd by Sobon, the agenda was approved. 6-0-1 absent.

Minutes: The minutes from July 13th (there was no meeting in August) were approved on a motion by Callaway/2nd by Paque. Passes on a 6-0-1 absent vote of the Commission.

Public Comment: None.

Consent Agenda: Claims in the amount of \$5,140.85 were approved on a motion By Callaway/2nd by Spellman. Passes on a 6-0-1 absent vote.

Public Hearing: Calaveras River Estates Annexation to CSA #1 (Rancho Calaveras)

- a. John Benoit made his presentation regarding the amendment to the S.O.I. on Calaveras River Estates which added 400 acres more or less to Sphere of Influence of CSA#1, Rancho Calaveras and annexing 522.8 acres to Rancho Calaveras C.S.A.# 1. Spellman thanked Benoit for his diligence in this matter which took a long time going through the County to complete.

Open Public Hearing: Mike Hakkeem, Attorney representing Rancho Calaverass Estates in Stockton, complimented John Benoit on his comprehensive and detailed report. He spoke of shielding light that one member of the public requested, but said there are no codes to enforce that action. They are planning a 4-unit – 40 acre parcel and will take the indirect lighting approach. The Public Hearing was closed as no one testified in opposition to the proposal.

Board comments: Callaway: Worried that in the future, 40-acre parcels could be split into 5, 10 or 20 acre parcels. Sobon was concerned about future water. The parcels will have water provided by Calaveras County Water District. All Commissioners expressed their admiration for the excellent document Benoit produced and said it could be used as a model.

- b. On a motion by Spellman/2nd by Callaway, Resolution 2013-2006 was approved a minor S.O.I. amendment of approximately 400 acres more or less for the Rancho Calaveras CSA #1 to provide road maintenance services to the territory including APN's 050-010-004 and 050-010-024. Passes on a 6-0-1 absent vote.
- c. On a motion by Spellman/2nd by Paque, Resolution 2013-0007 was approved an

annexation consisting of 522.8 acres to the Rancho Calaveras CSA #1 including APN's 050-010-004, and 050-010-024 subject to recommended terms and conditions, passes on a 6-0-1 absent vote of the Commissioners.

Calafco Conference discussion: Six Commissioners attended the conference in Squaw Valley on August 28th, 2013. They all believed it was a wonderful experience and educational and encouraged other members to attend next year.. Calaveras County got a gold medal for their Newsome –Harlow wine. The Rosenberg Rules Of Order were discussed

Executive Officer's Report: John will continue to work on the S.O.I. updates for fire agencies and CPUD.

Commissioner's Reports: None

Next meeting: Cancel the October meeting and meet on November 18th, 2013.
Motion by Paque/2nd by Lavaroni. Passes 6-0-1

Meeting adjourned

Respectfully submitted
Lucy Thein, Clerk

Jack Lynch Chair

John Benoit, Executive Director

CALAVERAS LAFCO
LAFCO CLAIM AUTHORIZATION FORM

for

September and October 2013

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2013-2014 Expenses:		
Nov 1, 2013	Staff Svcs & Expenses –October 2013	\$ 1,635.79
Nov 1 2013	CPUD SOI and Fire SOI – October 2-13	\$ 2,062.50
Oct 1 2013	Staff Svcs Sept 2013	\$ 2,849.68
Oct 1 2013	CPUD SOI	\$ 1,237.50
Oct 1 2013	Calav Enterprise – Rancho Calav. Estates	\$ 50.60
TOTAL:		\$ 7,836.07

DATED: Nov 18, 2013

APPROVED: Nov 18, 2013

Jack Lynch, Chair or Merita Callaway, Vice-Chair
Calaveras Local Agency Formation

Attest:

John Benoit
Executive Officer

11/5/2013

11/5/2013

ITEM #6

**CALAVERAS
LOCAL AGENCY FORMATION COMMISSION**

**DRAFT
CALAVERAS PUBLIC UTILITY DISTRICT
SPHERE OF INFLUENCE UPDATE**

November 18, 2013

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Sphere of Influence Description	1
1.2	Sphere of Influence Requirements	1
1.3	Calaveras LAFCO Sphere of Influence Policies	2
1.4	Possible Approaches to the Sphere of Influence	3
1.5	SOI Options for Calaveras Public Utility District	4
1.5.1	Calaveras Public Utility District	4
1.5.2	Option #1: Confirm Existing SOI	5
1.5.3	Option #2: SOI Expansion	5
1.5.4	SOI Options Analysis	6
1.6	SOI Amendments and CEQA	6
2	SPHERE OF INFLUENCE (SOI) DETERMINATIONS FOR CALAVERAS PUBLIC UTILITY DISTRICT	7
2.1	Present and Planned Land Uses in the Calaveras Public Utility District Area, Including Agricultural and Open Space Lands	7
2.1.1	Calaveras County General Plan and Zoning for San Andreas and Mokelumne Hill Area	7
2.1.2	SOI Determinations on Present and Planned Land Use for Calaveras Public Utility District	8
2.2	Municipal Services—Present and Probable Capacity and Need	8
2.2.1	Present and Probable Capacity and Need Background	8
2.2.2	SOI Determinations on Present and Probable Capacity and Need for Calaveras Public Utility District	10
2.3	The Present Capacity of Public Facilities and Adequacy of Public Services Provided by Calaveras Public Utility District	11
2.3.1	Adequacy of Services Provided by Calaveras Public Utility District	11
2.3.2	SOI Determinations on Adequacy of Services Provided by Calaveras Public Utility District	11
2.4	Social or Economic Communities of Interest	11
2.4.1	San Andreas Area Community Background	11
2.4.2	SOI Determinations on Social or Economic Communities of Interest for Calaveras PUD	12
2.5	Disadvantaged Unincorporated Community Status	12
2.5.1	Disadvantaged Unincorporated Communities	12
2.5.2	Calaveras PUD Disadvantaged Unincorporated Community Status	12
	ABBREVIATIONS	13
	REFERENCES	14
	PREPARERS	14
	MAP	15

1 INTRODUCTION

1.1 Sphere of Influence Description

The Calaveras Local Agency Formation Commission is charged with developing and updating the Sphere of Influence (SOI) for each city and special district within the county. Once Calaveras LAFCO has adopted the MSR determinations as it did in 2012, it must update the SOI for the Calaveras Public Utility District (CPUD).

An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. The definition for a Sphere of Influence in Government Code Section 56076 is a "Sphere of Influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services and prevent duplication of service delivery. Territory cannot be annexed by LAFCO to a city or district unless it is within that agency's sphere. The purposes of the SOI include the following:

- To ensure the efficient provision of services
- To discourage urban sprawl and premature conversion of agricultural and open space lands
- To prevent overlapping jurisdictions and duplication of services

The Cortese-Knox-Hertzberg (CKH) Act requires LAFCO to develop and determine the SOI of each local governmental agency within the county and to review and update the SOI every five years, as necessary. LAFCOs are empowered to adopt, update and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

While SOIs are required to be updated every five years, as necessary, this law does not necessarily define the planning horizon of the SOI. The term or horizon of the SOI is determined by each LAFCO. In the case of Calaveras LAFCO, the Commission's policies state that an agency's near term SOI shall generally include land that is anticipated to be annexed within the next five years, while the agency's long-term SOI shall include land that is within the probable growth boundary of an agency and therefore anticipated to be annexed in the next 20 years.

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. In determining the SOI, LAFCO is required to complete an MSR and adopt six determinations. The MSR for Calaveras Public Utility District was adopted by Calaveras LAFCO Resolution 2012-02 on June 18, 2012.

1.2 Sphere of Influence Requirements

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands
2. The present and probable need for public facilities and services in the area

3. The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence.

Additionally, the CKH Act stipulates several procedural requirements in updating SOIs. It requires that special districts file written statements on the class of services provided and that LAFCO clearly establish the location, nature and extent of services provided by special districts.

By statute, LAFCO must publish a notice and notify affected agencies 21 days before holding the public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

1.3 Calaveras LAFCO Sphere of Influence Policies

In addition to State requirements for SOIs, Calaveras LAFCO has adopted policies regarding Spheres of Influence in the County and minimum requirements necessary in order to update or adopt an agency's SOI. Six highlighted requirements are summarized as follows:

1. The Sphere of Influence Plan must be consistent with LAFCO's policies, State law, other agencies' SOI plans, the municipal service review, and long range planning goals of the area.
2. LAFCO will not include lands that are unlikely to require the services of the agency or which cannot be feasibly served within a time frame consistent with the sphere plan.
3. Agencies are encouraged to keep the supporting documentation for their SOI plans up to date.
4. Sphere of Influence Plans have to be updated every five years or more frequently.
5. If an agency is unable to provide an adequate level of service within a portion of its service area boundaries within the time frame provided for that boundary, the Sphere of Influence Plan has to be updated so that the probable service boundaries are consistent with the determinations in the Municipal Service Review.
6. A District Sphere of Influence Plan shall contain the following:

Proof that the territory within the District's SOI is likely to require the district's services and that the district has or will have the capacity to serve the area at the appropriate level.

In the case of multi-service districts, LAFCO has to adopt an SOI plan for each distinct function or class of service provided by a district. These sphere plans may or may not be coterminous. Each sphere shall establish the nature, location, and extent of the functions or classes of services provided by the district.

LAFCO adopts a sphere of influence plan for a newly formed district within two years of the completion of formation proceedings.

Amendment proposals involving sphere expansion to include open space or prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing sphere of influence.

1.4 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Calaveras LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1) Coterminous Sphere:

A Coterminous Sphere means that the sphere for a city or special district that is the same as its existing boundaries.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere. This is the recommendation for the Calaveras PUD.

3) Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.

4) Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6) Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following four conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative, and
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to "establish the nature, location, and extent of any functions of classes of services provided by existing districts" recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

7) Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency's SOI in the future to include territory not yet within its official SOI.

1.5 SOI Options for Calaveras Public Utility District

1.5.1 Calaveras Public Utility District

Calaveras Public Utility District (CPUD) provides treated water services to Mokelumne Hill, San Andreas, Paloma, and portions of Glencoe and Railroad Flat, as well as raw water services. CPUD was formed on January 18, 1934 as an independent special district.¹

The District was formed to provide water services to the communities of Mokelumne Hill and San Andreas. Shortly after its formation, CPUD acquired a Gold Rush era system of ditches and flumes from the Mokelumne River Power and Water Company.

The District has a five-member governing body. Board members are elected at large to staggered four-year terms. The last contested election for a board seat occurred in 2009 when four candidates ran for three seats; the 2007 and 2011 elections were uncontested.

CPUD provides surface water treatment and distribution, for domestic use, directly. CPUD provides limited raw water service to four accounts. The District generates hydroelectric power at four generating stations for sale to PG&E.

The District's staff consists of seven full-time employees—a general manager, a secretary, a treatment plant supervisor, and four field staff members—and one part-timer field staff member. The general manager is responsible for managing day-to-day operations. The field staff report directly to the treatment plant supervisor who, in turn, reports to the general manager.

¹ Board of Equalization Official Date.

Employees are evaluated on an annual basis, and more frequently when necessary. The District did not provide specifics as to how it monitors its productivity. The District operates employee training programs, including safety training.

The State Department of Public Health inspects District facilities and practices annually, and most recently described the water system operation as good. The District compares its water rates with similar service providers, but does not practice performance benchmarking/comparisons with other providers.

The District prepared a water master plan in 2008 that identified capital project priorities for a six-year planning horizon. The plan identifies annual pipe replacement costs, and a need to begin planning for an expanded WTP within the next 10 to 15 years. Prior to the master plan, CPUD most recently prepared a capital improvement plan in 2005. Capital improvements are also addressed annually in the District's budget.

Financial planning efforts include annual preparation of budgets, annually audited financial statements, and occasional rate studies (most recently in 2001). The most recent audited financial statement provided by the District was for FY 10-11. The auditor found deficiencies relating to a need for the District to maintain a listing of reserve requirements for its long-term debt, to have written financial and accounting policies. The District's most recent rate study was conducted in 2001; nonetheless, the District has regularly raised its rates.

The District reported that the current financing level is adequate to deliver services, and indicated that additional funding is needed to provide for paid staffing to provide adequate service levels to meet both existing and future demand.

The District does not have a formal policy on maintaining financial reserves. CPUD had \$6.5 million in unrestricted reserves at the close of FY 10-11, none of which was formally designated for debt payments or capital projects. The amount is equivalent to 371 percent of all expenditures in FY 10-11. In other words, the District maintained three years and eight months of working reserves.²

1.5.2 Option #1: Confirm Existing SOI

The CPUD sphere of influence is substantially more expansive than the CPUD boundary area, encompassing about 159 square miles. Beginning near the Channel Arm of Pardee Reservoir, the northern SOI runs along the Mokelumne River. Near Glencoe the SOI runs east along the South Fork Mokelumne River beyond Railroad Flat Road. The SOI extends east beyond Railroad Flat Road, including the community of Mountain Ranch. The SOI runs south along San Antonio Creek, the South Fork Calaveras River and along the north of New Hogan Reservoir.

1.5.3 Option #2: SOI Expansion

A second option is for LAFCO to adopt a wastewater SOI for CPUD to signal the desirability of consolidation of Mokelumne Hill Sanitary District (MHSD) into CPUD. As discussed in the Municipal Service Review chapter on MHSD, MHSD faces significant challenges in accountability and management of its affairs. One option identified for MHSD, depending on priorities and needs of the community, may be the dissolution of MHSD and services assumed by another

² Calaveras LAFCO, Final Water and Wastewater Municipal Service Review, Adopted June 18, 2012.

overlapping agency, such as CCWD or CPUD, which are both empowered to take on wastewater services.

1.5.4 SOI Options Analysis

The recommendation for the Calaveras Public Utility District is for the Sphere of Influence to remain the same as the previously adopted SOI. Although a Public Utility District is allowed to provide wastewater services it would not be advisable for the Calaveras PUD to include the Mokelumne Hill Sanitary District (MHSD) into the District at this time.

1.6 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are usually exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write

In City of Agoura Hills v. Local Agency Formation Commission (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (City of Agoura Hills), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a "project" because such action did not entail any potential effects on the physical environment.³

The recommendation for the Calaveras Public Utility District is for the Sphere of Influence to remain the same as the previously adopted SOI. This would not require environmental review.

³ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

2 *SPHERE OF INFLUENCE (SOI) DETERMINATIONS FOR CALAVERAS PUBLIC UTILITY DISTRICT*

2.1 *Present and Planned Land Uses in the Calaveras Public Utility District Area, Including Agricultural and Open Space Lands*

2.1.1 *Calaveras County General Plan and Zoning for San Andreas and Mokelumne Hill Area*

The boundaries of CPUD extend from Mokelumne Hill in the northwest along the Mokelumne River to Glencoe, extends an eastern arm along Ridge Road toward Railroad Flat, and south to the South Fork Calaveras River including the community of San Andreas. The boundary area includes a non-contiguous area in the community of Paloma. The District has a boundary area of approximately 38 square miles.

The District bounds encompass a variety of land uses, as they include the communities of San Andreas and Mokelumne Hill, in addition to the Highway 49 corridor between the two. In the community of San Andreas, land uses include residential, commercial, public, and parks and recreation land uses; and in the community of Mokelumne Hill, land uses include residential, commercial, agricultural, and public land uses. Significant planned development is associated with both communities. Other land uses within CPUD include agricultural preserve, timberland and mineral resources.

Local businesses include commercial and institutional operations located in the communities of San Andreas and Mokelumne Hill. Major employers within the District include Calaveras County, Mark Twain St. Joseph's Hospital, Mark Twain Convalescent Hospital, and Calaveras Unified School District.

The District considers its customer base to be the water connections served and the residents within the District boundaries. As of 2009, the District provided water services to 1,985 water connections—1,461 single-family residential, 285 multi-family residential, 228 commercial, seven public, no industrial, and four irrigation connections.

The estimated number of residents in 2009 was 3,915, based on analysis of connections served and 2010 DOF household size data. San Andreas had a 2010 population of 2,783 and Mokelumne Hill had a 2010 population of 646. Thus the majority of the District residents are from these two areas.

The District's population density was approximately 50 per square mile in 2009, compared with the countywide density of 45 per square mile. The District's projected population growth rate from 2009 to 2030 is 49 percent (two percent annually), which is somewhat higher than the countywide projected growth of 32 percent over that period.

2.1.2 *SOI Determinations on Present and Planned Land Use for Calaveras Public Utility District*

- 1-1] The District bounds encompass a variety of land uses, as they include the communities of San Andreas and Mokelumne Hill, in addition to the Highway 49 corridor between the two. In the community of San Andreas, land uses include residential, commercial, public, and parks and recreation land uses; and in the community of Mokelumne Hill, land uses include residential, commercial, agricultural, and public land uses. Significant planned development is associated with both communities. Other land uses within CPUD include agricultural preserve, timberland and mineral resources.
- 1-2] The District is not a land use authority, and does not hold primary responsibility for implementing growth strategies. The District should maintain close contact with the Calaveras County Planning Department to be aware of new developments and changes in the General Plan.
- 1-3] The population within the CPUD boundary area was 5,089 residents in 2009. The majority of the population in the District is from San Andreas.
- 1-4] If built, planned and proposed developments would add new housing units and jobs in areas such as Toyon, Saddleback, Mountain Ranch Road, and along Gold Strike Way.
- 1-5] Growth projections within the CPUD area involve substantial growth in housing units in and around San Andreas and Mokelumne Hill, and substantial growth in the job base in San Andreas by 2035.

2.2 *Municipal Services—Present and Probable Capacity and Need*

2.2.1 *Present and Probable Capacity and Need Background*

Key infrastructure for water service includes the District's water supplies, its water treatment plant, three pump stations, two reservoirs, six storage tanks, three pressure-reducing stations, 18 miles of transmission mains, and 23 miles of distribution pipeline.

Calaveras PUD Water Supplies

CPUD purchased its original water system from Mokelumne River Power and Water Company in 1939, and with it came water rights on the Middle, Licking and South Forks of the Mokelumne River. The District negotiated an agreement the following years with EBMUD which provides up to 9,125 afa, including rights to store water in Schaads reservoir.⁴ A subsequent water right order limits the maximum diversion to 6,656 af; that amount is more than adequate to supply the 2,181 af in projected CPUD water demand well past 2030.⁵

⁴ Peterson, Brustad, Inc., *CPUD Water Master Plan*, October 2008, p. 14. State Water Resources Control Board, permit number 16338.

⁵ Water Right Order 16338. The 6,656 af right is a part of the 27,000 afa of Mokelumne River water reserved for Calaveras County.

CPUD obtains its water from the South Fork of the Mokelumne River where the District has a diversion dam; the dam is located just below the confluence of the South and Licking Forks of the Mokelumne River. The dam causes the river water to pool, so CPUD can extract the water from the river through a pump station (3,300 gpm capacity) and transport it via a three-mile pipeline (9.7 mgd capacity) to the Jeff Davis Reservoir. From there, it enters the treatment plant and then flows through transmission mains into the distribution system.

The District also has facilities for extracting water from the Middle Fork of the Mokelumne River. CPUD's Schaads Reservoir on the Middle Fork of the Mokelumne River is used to supply CCWD with up to 200 afa. The reservoir capacity is 1,800 afa. Historically, water was moved from Schaads Reservoir through a diversion canal to the Licking Fork of the Mokelumne River (which is upstream from the CPUD pump station). Due to the poor condition of the diversion canal, the Middle Fork water has not been diverted into the Licking Fork for some time.⁶ Schaads Reservoir is not connected hydraulically to the CPUD treated water system at this time. Schaads Reservoir needs improvements to remove siltation, install flashboards and reconstruct the pressure reducing facility there; CPUD plans to do these improvements by FY 12-13.

CPUD reported that it has rights to store 400 afa of Calaveras River water at its Redhawk Reservoir located to the east of the intersection of Ridge Road and Railroad Flat. The water was used in the past to supply downstream agricultural users.⁷ CPUD has not supplied those agricultural users since approximately 2002, and is not actively operating the Redhawk Reservoir.⁸

Calaveras PUD Treatment Systems⁹

The District owns, operates and maintains a treatment plant for surface water. The Jeff Davis WTP consists of six dual media pressure filters, and has capacity to produce 6 mgd of treated water. The WTP was designed to allow for expansion to 12 mgd capacity with the addition of six pressure filters. By comparison, average day demand is 1.3 mgd and peak day demand is 3.02 mgd. There is adequate WTP capacity. CPUD plans to start planning for WTP expansion within the next 10-15 years.¹⁰ The WTP is in good condition, having been upgraded recently.¹¹ When it is expanded, the WTP will need to provide more treated water storage and to re-engineer to avoid in-plant pumping.

Calaveras PUD Water Storage

The Agency owns and maintains six treated water storage facilities. The storage tanks have a combined storage of 5.66 mg of water. Treated water storage would accommodate 1.9 days of peak demand or 4.4 days of average system demand. Four storage tanks were built in the 1970s, a minor storage tank in Golden Hills was built in the 1980s, and the Railroad Flat storage tank was built in 2002. Storage facilities in Golden Hills and Paloma lack capacity to meet District standards.

⁶ California Department of Public Health, *2009 Annual Inspection Report*, June 10, 2009, p. 2.

⁷ Dennis Dickman and Associates. *Service Review Report for the Calaveras Local Agency Formation Commission: Public Agency Water Purveyors*, December 2003, p. VII-3.

⁸ Interview with CPUD General Manager Donna Leatherman, October, 4, 2010.

⁹ Calaveras LAFCO, *Final Water and Wastewater Municipal Service Review*, Adopted June 18, 2012, Page 174.

¹⁰ Peterson, Brustad, Inc., *CPUD Water Master Plan*, October 2008, p. 34.

¹¹ Peterson, Brustad, Inc., *CPUD Water Master Plan*, October 2008, p. 34.

Calaveras PUD Distribution and Transmission

The transmission system consists of 18 miles of mains made primarily from cement, mortar-lined and-coated steel pipe of 16 to 27 inches in diameter. The transmission main runs from the WTP and generally follows SR 26 but crosses open country in some locations. The distribution system consists of 20 miles of pipeline made of steel, PVC and other materials; some distribution pipelines are 50 years or older in age. The CPUD master plan calls for \$795,000 in annual pipeline replacement expenditures to replace aging pipelines; under this plan 25 percent of the CPUD pipeline will be replaced by 2030. The most recent State inspection report indicated that a majority of distribution lines are steel mains installed in the 1940s and 1950s.¹²

The District quantified its long-term capital plans in 2008, identifying \$22 million in capital needs (in 2009 dollars) through 2030. CPUD updates the CIP annually during the budget process. Due to the housing market collapse, projected revenue and facility expansion needs were less than anticipated by the 2008 CIP. CPUD capital spending steadily declined between FY 06-07 and FY 08-09; however, capital outlays in FY 10-11 approach the level in FY 06-07. Significant capital outlays have been financed in the past with connection fees, loans, rates and reserves. The District's master plan contemplates funding some capital projects through an assessment district. In the past five fiscal years, capital outlays have not kept pace with capital depreciation.

The District had \$0.7 million in long-term debt at the end of FY 10-11. Of this amount, 56 percent involves a 1970 loan for constructing CPUD water facilities, two percent of debt is for a 1972 water construction project, seven percent for a 1977 loan to finance water facilities in Paloma, and 35 percent for a USDA loan to finance construction of the Railroad Flat water plant.

2.2.2 *SOI Determinations on Present and Probable Capacity and Need for Calaveras Public Utility District*

- 2-1] As of 2009, the district boundaries included approximately 5,089 residents.
- 2-2] Modest growth is anticipated within the District in the next 20 years. The existing SOI includes 11 proposed and planned residential development projects involving 350 potential dwelling units, most of which lie within existing CPUD bounds.
- 2-3] The proposed Calaveras Oaks projects is partly within the CPUD bounds, and the Alan King project in Paloma is outside CPUD bounds.
- 2-4] Non-residential development projects are planned or proposed in San Andreas and Railroad Flat within District bounds, as well as an industrial project in Toyon which lies inside the existing CPUD SOI. CPUD had determined in its 2008 Master Plan that water service to the Toyon area appears not to be cost-effective

¹² California Department of Health Services, *2009 Annual Inspection Report*, 2009, p. 15.

2.3 The Present Capacity of Public Facilities and Adequacy of Public Services Provided by Calaveras Public Utility District

2.3.1 Adequacy of Services Provided by Calaveras Public Utility District

Key infrastructure for water service includes the District's water supplies, its water treatment plant, three pump stations, two reservoirs, six storage tanks, three pressure-reducing stations, 18 miles of transmission mains, and 23 miles of distribution pipeline. These facilities are described above in this report.

2.3.2 SOI Determinations on Adequacy of Services Provided by Calaveras Public Utility District

- 3-1] CPUD has adequate water supplies to serve anticipated growth beyond 2030.
- 3-2] Treatment capacity is adequate to serve near-term growth, but will eventually need to be expanded to serve long-term growth. CPUD intends to initiate WTP expansion planning within the next 15 years.
- 3-3] Aging pipelines are a challenge for CPUD, and may be the reason for the District's relatively high water loss rate. The District has a plan to replace one quarter of its pipeline by 2030. According to the State inspection report, a majority of CPUD's distribution lines were installed in the 1940s and 1950s.
- 3-4] There are water pressure issues in portions of the CPUD system, specifically low pressure in Church Hill and Golden Hills.
- 3-5] Financing is adequate to deliver minimally adequate services to the CPUD systems. However, CPUD reported that additional funding is needed for paid staffing to provide adequate service levels.
- 3-6] CPUD has the lowest service rates and connection fees among the service providers. The District should consider updating its rates so that they are comparable to area providers and enhance revenue sources for capital improvements and additional staffing.
- 3-7] CPUD appears to have adequate financial reserves.
- 3-8] CPUD capital outlays have not kept pace with depreciation in recent years.

2.4 Social or Economic Communities of Interest

2.4.1 San Andreas Area Community Background

Communities of interest within the District's boundary and SOI include the unincorporated communities of Mokelumne Hill, San Andreas, Paloma, and portions of Glencoe and Railroad Flat.

San Andreas, the largest community within the District, is an unincorporated census designated place and the county seat of Calaveras County. The population was 2,783 at the 2010 census, up from 2,615 at the 2000 census. Like most towns in the region, it was originally founded during the California Gold Rush. The town is located on State Highway 49 and is registered as California Historical Landmark #252.¹³

Mokelumne Hill (also, Big Bar, Mok Hill, and The Hill) is also a census designated place (CDP) in Calaveras County. The population was 646 at the 2010 census, down from 774 at the 2000 census. It is commonly referred to as "Moke Hill" by locals. The town takes its name from the neighboring Mokelumne River, which in turn is Miwok for the "people of Mokel," the likely name of an Indian village in the area.

San Andreas is the focus of the communities within the Calaveras PUD. There are more services in San Andreas and the other communities are dependent on most of these services.

2.4.2 *SOI Determinations on Social or Economic Communities of Interest for Calaveras PUD*

4-1] San Andreas is the focus of the communities within the Calaveras PUD.

4-2] The communities within the Calaveras PUD are not divided by the District's boundaries or SOI.

2.5 *Disadvantaged Unincorporated Community Status*

2.5.1 *Disadvantaged Unincorporated Communities*

In addition to a consideration of population growth, the State Law requires LAFCO to consider whether or not an area is a Disadvantaged Unincorporated Community (DUC). A DUC is an area where the Median Household Income is less than 80% of the State of California Median Household Income.

For 2009 the Median Household Income for San Andreas (the largest community within the Calaveras PUD) was \$41,096. Since 80% of the \$58,931 State of California Median Household Income for 2009 is \$47,145,¹⁴ the San Andreas area is a DUC. However, there is no incorporated city for this area to be annexed into.

2.5.2 *Calaveras PUD Area and Disadvantaged Unincorporated Community Status*

5-1] The San Andreas area is a disadvantaged unincorporated community because the median household income is below 80% of the State median household income; however, there is no incorporated area for this community to join.

¹³ State of California, Office of Historical Preservation, California State Parks.
<http://ohp.parks.ca.gov/ListedResources/Detail.aspx?num=252>. Retrieved 2012-10-06.

¹⁴ <http://www.city-data.com/city/San-Andreas-California.html>, February 10, 2013.

ABBREVIATIONS

af	Acre-feet
afa	Acre-feet per annum
CCWD	Calaveras County Water District
CEQA	California Environmental Quality Act
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CPUD	Calaveras Public Utility District
District	Calaveras Public Utility District
DUC	Disadvantaged Unincorporated Community
EBMUD	East Bay Municipal Utility District
FY	Fiscal Year
gpm	gallons per minute
LAFCO	Local Agency Formation Commission
mgd	million gallons per day
MHSD	Mokelumne Hill Sanitary District
MSR	Municipal Service Review (LAFCO)
PG&E	Pacific Gas and Electric Company
PUD	Public Utility District
PVC	poly-vinyl-chloride (pipe material)
SOI	Sphere of Influence (LAFCO)
USDA	United States Department of Agriculture
WTP	Water Treatment Plant

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State of California, Water Right Order 16338.

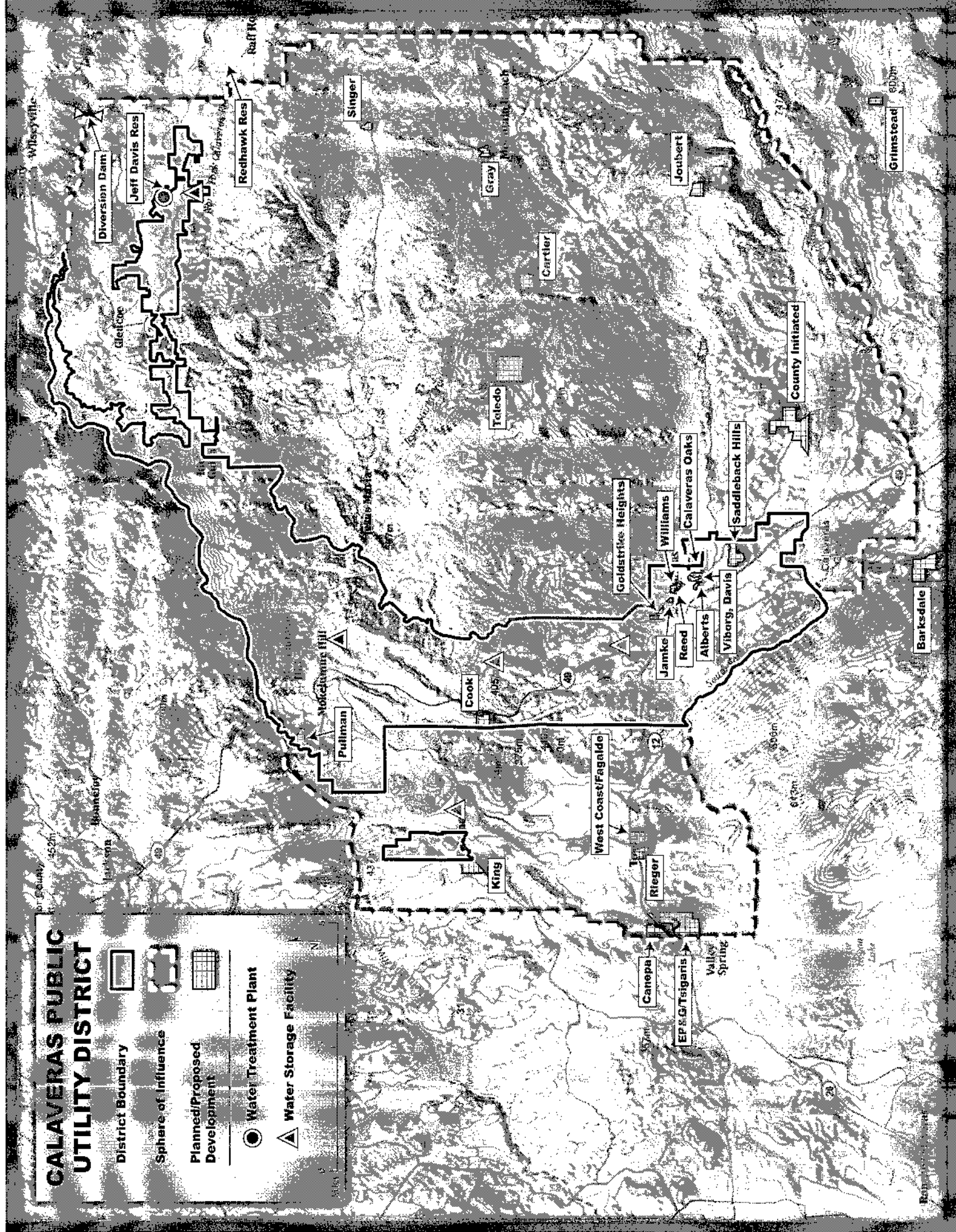
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CALAVERAS PUBLIC UTILITY DISTRICT

- District Boundary
- Sphere of Influence
- Planned/Proposed Development
- Water Treatment Plant
- Water Storage Facility



**BEFORE THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION
COUNTY OF CALAVERAS, STATE OF CALIFORNIA**

IN RE:

RESOLUTION AMENDING BYLAWS)

TO ADOPT ROSENBERG'S RULES)

OF ORDER) RESOLUTION NO. 2013-0008

WHEREAS, the Calaveras Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on September 19, 2005 by adopting Resolution 2005-0013.

WHEREAS, the Calaveras Local Agency Formation Commission believes it is important to use rules of order, which are easily understood by the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Calaveras Local Agency Formation Commission as follows:

1. The Calaveras Local Agency Formation Commission hereby amends its Bylaws to adopt new Rules of Order.
2. Section 5.7, Conduct of Meetings in LAFCo's Bylaws is hereby amended to include the latest edition of Rosenberg's Rules of Order to read as follows:

Rules of Procedure

Except as otherwise provided herein, the rules of order governing the conduct of business at all meetings of the Commission shall be the latest edition of Rosenberg's Rules of Order.

3. The Calaveras Local Agency Formation Commission hereby adopts a Notice of Exemption based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. All previously adopted Bylaws conflicting with the usage of Rosenberg's Rules of Order are hereby repealed in favor of this amendment.

5. This bylaw amendment is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission in the County of Calaveras, State of California, on November 18, 2013 by the following vote:

AYES:

NOES:

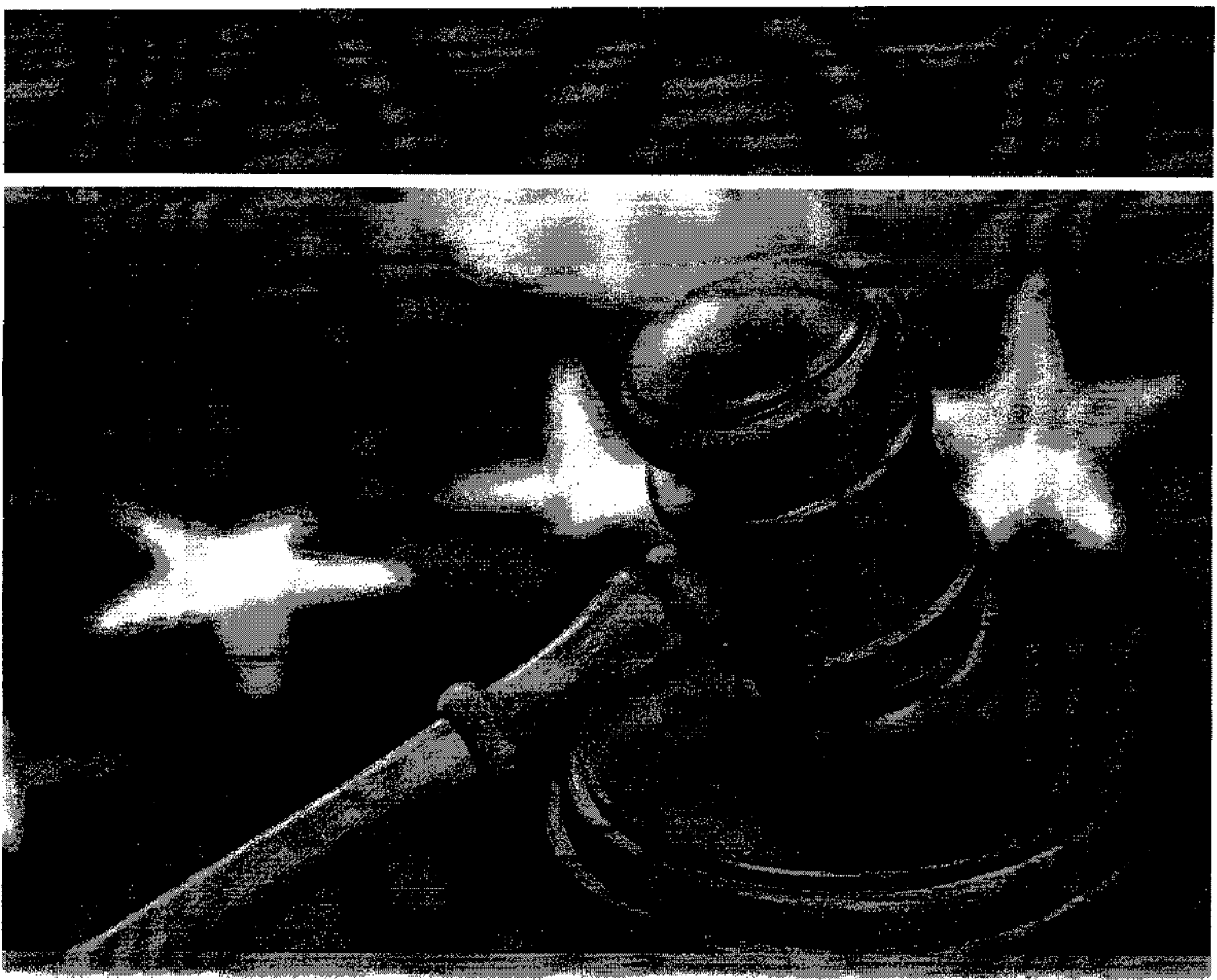
ABSENT:

ABSTAIN:

JACK LYNCH, CHAIR
CALAVERAS LOCAL AGENCY
FORMATION COMMISSION

ATTEST:

John Benoit
LAFCO Executive Officer



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum	2
The Role of the Chair	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions	3
Multiple Motions Before the Body	4
To Debate or Not to Debate	4
Majority and Super-Majority Votes	5
Counting Votes	5
The Motion to Reconsider	6
Courtesy and Decorum	7
Special Notes About Public Input	7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote?

Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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**BEFORE THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION
COUNTY OF CALAVERAS, STATE OF CALIFORNIA**

IN RE:

**RESOLUTION AMENDING BYLAWS)
TO INCLUDE A RECORDS RETENTION)
POLICY)**

RESOLUTION NO. 2013-0009

WHEREAS, the Calaveras Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on September 19, 2005 by adopting Resolution 2005-0013.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Calaveras Local Agency Formation Commission as follows:

1. The Calaveras Local Agency Formation Commission hereby amends its Bylaws to include a Records Retention Policy.
2. Section 5.10 (c) is hereby amended to Calaveras LAFCo's Bylaws as shown in the attached Exhibit "A".
3. The Calaveras Local Agency Formation Commission hereby adopts a Notice of Exemption based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. All previously adopted Bylaws conflicting with the attached Records Retention Policy previously approved by the Commission are hereby repealed in favor of this amendment.
5. The bylaw amendment attached hereto as shown in Exhibit "A" is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission in the County of Calaveras, State of California, on November 18, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JACK LYNCH, CHAIR
CALAVERAS LOCAL AGENCY
FORMATION COMMISSION

ATTEST:

John Benoit
LAFCO Executive Officer

**CALAVERAS LAFCO RECORDS RETENTION POLICY
BYLAW AMENDMENT**

Section 5.10 (c) Amended Records Retention Policy:

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code section 56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code section 56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code section 56382 and will be retained and disposed of according to the Records Retention Schedule in Exhibit A.

For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in pages 2-5 of this Exhibit A, “records” include the following:

- LAFCO Meeting Minutes
- LAFCO Resolutions
- Documents related to LAFCO proposals such as the:
 - Application, petition or other initiating documents
 - Assessor’s Statement of Property Valuation
 - Agreement to Pay / Indemnification
 - Certificate of Completion
 - Certificate of Filing
 - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
 - Map and Legal Description
 - Notices
 - Order for Change of Organization
 - Staff Reports
 - Statement of Boundary Change
 - Statement of Tax Rate Area

*** 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

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 CFR 31.6001-1(e)(2)	4 years
Agreements/ Contract	Original contracts and agreements and back-up materials, including leases, rentals and any amendments	CCP 337 CCP 337.2	4 years after termination/ completion
Annual Reports			2 years
Audit Reports	Financial services; internal and/or external reports; independent auditor analyses		2 years
Brochures/ Publications			2 years or longer for historical value
Budget, Annual	Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets,		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)

* 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

EXHIBIT A

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

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CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

EXHIBIT A

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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CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

EXHIBIT A

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
LAFCO Proposals- Annexations, Reorganizations, or other proposals	Application, petition or other initiating documents, Assessor's Statement of Property Valuation, Agreement to Pay / indemnification, Certificate of Completion, Environmental Review / CEQA documents (such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration), Map and Legal Description, Notices, Order for Change of Organization, Staff Reports, Statement of Boundary Change, Statement of Tax Rate Area		*Permanent
Resolutions			*Permanent
Other Misc. Records / Documents			
Demographic/ Statistical Data			Current + 2 years
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)		Until superseded + 2 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.	

* 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

EXHIBIT A

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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*** 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

2.19 DISADVANTAGED UNINCORPORATED COMMUNITIES

The Commission will identify Disadvantaged Unincorporated Communities, as defined below, for the purpose of:

1. *Municipal Service Reviews.* *Water, Wastewater, and Fire Protection Municipal Service Reviews will discuss and identify opportunities for the provision of those services to Disadvantaged Unincorporated Communities within or contiguous to the Sphere of Influence of an agency.*
2. *City Annexations.* *Disadvantaged Unincorporated Communities that are located contiguous to areas proposed for annexation to the City of Angels Camp shall normally be included in the annexation or reorganization proposal or be separately proposed for annexation, unless the Commission has determined that the disadvantaged community would not be benefited by annexation, or if at least 50% the registered voters have indicated opposition to annexation.*
3. *Definition of Disadvantaged Unincorporated Community.* *A Disadvantaged Unincorporated Community is defined as a developed area that has been identified as such by LAFCo, the County or the City, or one that meets all the following standards:*
 - a) *Substantially developed with primarily residential uses*
 - b) *Contains at least 25 parcels in close proximity to each other that do not exceed 1.5 acres in size*
 - c) *Does not have reliable public water, sewer or structural fire protection service available*
 - d) *Contains at least 12 registered voters*
 - e) *Has a median household income level of less than 80% of the statewide median household income*
4. *Request for Determination.* *In addition to those Disadvantaged Unincorporated Communities identified by LAFCo or other agencies, residents or property owners may request that LAFCo determine whether a specific area meets the criteria listed in Item 3, to be treated as a Disadvantaged Unincorporated Community. Such request must be submitted by at least twelve registered voters of the area. The review shall be conducted by LAFCo staff and shall, if appropriate, be submitted for consideration and approval by the Commission.*

**Local Agency Formation Commission of Calaveras County
Local Procedural Guidelines
for Municipal Service Reviews**

LOCAL PROCEDURAL GUIDELINES:

Purpose and Objectives of Service Reviews

The purpose of a Municipal Service Review (MSR) is to support the update of a Sphere of Influence. The objective of Municipal Service Reviews is to develop recommendations that will promote more efficient and higher quality service patterns, identify areas for service improvement, and assess the adequacy of service provision as it relates to determination of appropriate sphere boundaries.

Approach and Scope

The Commission will review services comprehensively, on a service-by-service basis within sub-regions, given consistent and specific target growth periods and a realistic estimate of growth adopted for that period. Some studies will review multiple services, if the Commission deems such grouping appropriate. When appropriate, the Commission will follow the methodology developed by the Governor's Office of Planning and Research as provided in the Service Review Guidelines notwithstanding local conditions and circumstances. Above all, the Commission understands the Service Review Guidelines promulgated by the Governor's Office of Planning and Research, are advisory by nature, and therefore will make every feasible effort to ensure MSR's prepared and adopted by Calaveras LAFCO reflect local conditions and circumstances. Where feasible, MSR's shall provide information comparing service levels and cost structure between the various agencies providing similar services within the study area to assist the Commission when it is considering which agency is best able to provide services.

Schedule for Completion of Studies

The Commission's goal is to comply with the provisions of the Cortese-Knox-Hertzberg Act, as amended by completing reviews of all services in a timely manner. While the Commission has adopted a schedule for the reviews, schedule changes are inevitable. The schedule reflects the Commission's effort to balance various factors, such as the need to update particular Sphere Plans, consideration of proposals, opportunities for improved efficiency and governance, availability of staff and financial resources, community needs and demand for information, and other factors.

The Commission will re-evaluate the schedule from time to time and may reposition studies to accommodate changes in the factors listed above. Typically this will be done as part of the Commission's annual work plan, which shall occur prior to the preparation of the Proposed Budget to occur in March or April of each year.

Conducting the Studies

The Commission will work with public and private service providers to obtain information to make statutorily required determinations and will actively seek opportunities to collaborate with service providers in this regard (e.g., by collecting data as service providers update their

Exhibit "A"

Local Procedural Guidelines for Municipal Service Reviews

General Plans, Master Plans, and Capital Improvement Plans). However, LAFCO will not delegate responsibility or decision-making with respect to Service Reviews to affected agencies.

Assuming a sufficient budget appropriation, the Commission may utilize consultants to conduct the studies, particularly for services that involve complex infrastructure or in cases where the study might generate controversy and the impartiality of an outside consultant would be beneficial. The Commission may utilize its staff to conduct studies when staff resource levels are adequate to carry out the work.

The Cortese-Knox-Hertzberg Act places responsibility for the conduct and financing of these studies on LAFCO, and since the Act apportions the cost of LAFCO among the affected agencies, it is most appropriate to include the cost of conducting the studies in LAFCO's annual budget.

The Commission will adopt its written determinations resulting from each Service Review at a noticed public hearing. The affected public and private service providers shall be given a copy of the draft service review at least 30 days prior to the hearing and shall have opportunity to comment in writing and orally at the hearing.

Service Reviews and Sphere Updates

The purpose of Service Reviews is to support preparation and updating of Spheres of Influence, in accordance with the provisions of the Cortese-Knox-Hertzberg Act, as amended. Therefore, as appropriate, the Commission will coordinate Sphere of Influence updates with the Service Reviews.

Service reviews will generally qualify for exemption from the California Environmental Quality Act since they do not directly result in any action. Recommendations resulting from Service Reviews will be considered for possible implementation as part of an agency's Sphere of Influence update or in conjunction with a change of organization that is subject to the CEQA process.

Sphere updates will meet the requirements included in LAFCO's adopted policies and procedures unless that information is included in the applicable MSR or inconsistent with the Cortese-Knox-Hertzberg Act, as amended.

Municipal Service Review Determinations

Calaveras LAFCO shall make determinations for Municipal Service Reviews consistent with those required in section 56430 of the Government Code. Government Code section 56430(a)(6) specifies the following optional determination for the Commission:

"Any other matter related to effective or efficient service delivery, as required by commission policy".

It is the policy of Calaveras LAFCO to exercise this optional determination, at its sole discretion, on a case by case basis. The commission's decision may be made as a result of any circumstance affecting a review of a particular service or set of services. In the event the commission wishes to require inclusion of this determination, it may do so at anytime by a majority vote prior to the adoption of a particular municipal service review.

- ii) **Multi-service Districts.** LAFCO shall adopt a sphere of influence plan for each distinct function or class of service provided by a district. These sphere plans may or may not be coterminous. Each sphere shall establish the nature, location, and extent of the functions or classes of services provided by the district.
- iii) **Spheres for New Districts.** LAFCO will adopt a sphere of influence plan for a newly formed district within 2 years of the completion of formation proceedings.

3.3 Municipal Service Reviews

In order to establish an appropriate sphere for an agency, LAFCO must have adequate information on present and future service needs in the area and the capabilities of the agency to meet those needs. To this purpose, the Cortese-Knox-Hertzberg Act requires LAFCO to conduct service reviews prior to establishing or updating spheres of influence. A service review is a comprehensive review of provision of specified services within a designated geographic area. Its purpose is to evaluate the provision of services on a regional basis and to recommend actions, when necessary, to promote the efficient provision of those services. The service reviews are intended to help LAFCO, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services. LAFCO uses the information and analysis provided by the Municipal Service Review (MSR) to ascertain whether an agency can provide adequate and efficient services to the areas in the agency's sphere within the applicable time frame.

LAFCO will prepare or update the appropriate Municipal Service Reviews prior to or in conjunction with the adoption or update of an agency's sphere of influence plan. In general, LAFCO will conduct such reviews on a service-by-service basis for designated geographic areas. The Commission will periodically develop and implement a multi-year coordinated schedule for preparing MSRs and updating spheres of influence, in accordance with LAFCO's budget and the legislature's direction to review each agency's sphere of influence every five years and update as necessary.

- a. **General Standards.** LAFCO shall prepare Municipal Service Reviews in conformance with the provisions of Government Code §56430 and its policy regarding Municipal Service Review determinations. A Municipal Service Review must provide information specific to each agency to support the Commission's written determinations with respect to the following:

Growth and population projections for the affected area.

Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.

Financial ability of agencies to provide service.

Status of, and opportunities for, shared facilities.

Accountability for community service needs, including governmental structure and operational efficiencies.

Any other matter related to effective or efficient service delivery.

- b. Municipal Service Reviews Must Support Spheres of Influence.** In addition to the requirements discussed above, Municipal Service Reviews shall normally contain information on which the Commission can base its determination of the appropriate sphere of influence for an agency, including:
- i)** Identification of existing land uses and a reasonable projection of land uses, which would occur if services were provided consistent with each agency's sphere of influence plan. This analysis should include maps and explanatory text detailing the following:
 - Present designated and actual land uses in the area, improved and unimproved properties, and agricultural and open space lands, as defined by Government Code Sections 56064 and 56059.
 - Proposed future land uses in the area.
 - ii)** Discussion of present and probable future needs for public facilities and services in the sphere area. The discussion should include consideration of the need for all types of major facilities, not just those provided by the agency.
 - iii)** A determination of the present and future capacity of facilities and adequacy of services the agency provides or has plans to provide. The review must include specific information and analysis of how the agency will meet anticipated growth in demand within its current boundaries and within the area included in its sphere. This information will guide the Commission's designation of appropriate sphere horizons in the Sphere of Influence Plan. The required information should include the following:
 - Maps and explanatory text that indicate the location and capacity of existing and proposed facilities, including a plan for timing and location of new or expanded facilities.
 - An estimate of projected revenue and expense over the sphere horizons, specifically identifying the cost of planned new facilities or services and projected source(s) of revenue to fund those new facilities or services.
 - Actual and projected costs of services to consumers in current dollars. A statement of actual and projected allocations of the cost of services between existing and new residents shall be included.
 - iv.** Identification of any relevant social or economic communities of interest in the area. For example, an area which is completely within one subdivision governed by a single homeowner's association should be noted, in order to avoid unnecessary division of the territory between service agencies.
 - v.** Any other information as determined appropriate by the Commission.
- c. Uses of the Municipal Service Review.** Upon approval of the Municipal Service Review, it will be utilized by LAFCO both in establishing the agency's sphere of influence and in the consideration of all proposals affecting that agency.