



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

June 3, 2013

Agenda Item No. 7a (Action)

May 28, 2013

TO: Local Agency Formation Commission

FROM: Policy Committee (Luce, Rodeno, and Simonds)

SUBJECT: Amendments to Policy on Conducting Meetings and Business

The Commission will consider proposed amendments to existing policies concerning the conducting of meetings and business. The majority of the proposed amendments reflects and expands on current practices and address per diem allowances and reimbursement procedures. Amendments are also proposed to address setting agenda items.

Local Agency Formation Commissions (LAFCOs) are political subdivisions of the State of California tasked with providing regional growth management services in all 58 counties. These growth management services are anchored by exercising delegated regulatory and planning responsibilities to oversee the formation and development of cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This legislation, markedly, directs LAFCOs to establish written policies and procedures to administer their delegated responsibilities in a consistent and transparent manner.

A. Background

LAFCO of Napa County (“Commission”) maintains several policies prescribing various procedures involving the agency’s administrative operations. This includes outlining specific standards for conducting meetings and related business activities. The referenced policies were adopted in August 2001 and amended in June 2007 only to reflect an increase in the per diem rate from \$50 to \$100.

B. Discussion

At its February 4, 2013 meeting, and as part of the approval of a draft proposed budget for the upcoming fiscal year, the Commission directed the Policy Committee (Luce, Rodeno, and Simonds) to review and make recommendations on two related matters. These matters – both of which affect the *Policy on Conducting Meetings and Business* – involve expanding per diem allowances for members to attend outside events and formalizing reimbursement procedures for actual expenses. (This direction corresponded

Joan Bennett, Commissioner
Councilmember, City of American Canyon

Gregory Pitts, Commissioner
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Chair
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

with the Commission approving the Budget Committee's recommendation to increase the per diem rate from \$100 to \$125 beginning in 2013-2014.) The Policy Committee, accordingly, has prepared amendments addressing the requested matters for Commission consideration. Further, in the review of the affected policy document, additional amendments have been prepared to reflect existing or best practices in conducting meetings and business; the latter highlighted by setting agenda items.

C. Analysis

The Policy Committee proposes reorganizing the Commission's *Policy on Conducting Meetings and Business* into four distinct sections outlining rules and procedures for each of the following areas: (a) conducting meetings; (b) meeting agendas; (c) per diems; and (d) reimbursement for expenses. Substantive amendments are proposed for the latter three sections and are summarized below.

Meeting Agendas

Amendments are proposed to explicitly delegate to the Executive Officer to exercise his or her judgment in setting items for meeting agendas. Amendments are also proposed to specify each meeting agenda shall provide an opportunity for Commissioners to request a matter be agendized for a future meeting subject to majority concurrence of the voting membership. Further, to address time sensitive or urgent matters, amendments are proposed to empower the Chair to direct the Executive Officer to agendize matters for the next meeting in which applicable legal notice can be provided.

Commissioner Per Diems

Amendments are proposed to raise the per diem rate from \$100 to \$125 consistent with the anticipated actions of the Commission in adopting a final budget for 2013-2014 paired with expanding coverage for time and attendance at other recognized activities. The latter includes providing per diems for standing or ad hoc committees of the Commission as well as for each day in attendance at annual conferences or official meetings of the California Association of LAFCOs or CALAFCO. A limit is proposed to specify no Commissioner shall receive more than five per diems any month.

Commissioner Reimbursement for Expenses

Amendments are proposed to authorize reimbursement of actual expenses incurred by Commissioners in the course of performing their appointed duties as specified. This includes reimbursements associated with attending conferences, workshops, trainings, and official meetings of CALAFCO. Reimbursements shall also be provided with respect to attending other meetings and events if authorized by the Commission or Chair. It is proposed all reimbursements to Commissioners shall be provided in the same manner for staff and in accordance with County of Napa regulations.

D. Recommendation

The Policy Committee recommends the Commission approve the proposed amendments to the *Policy on Conducting Meetings and Business* as identified in the preceding section with any specified changes.

E. Alternatives for Action

The following alternative actions are available to the Commission.

Alternative Action One (Recommended):

Approve by motion to approve the proposed amendments with any desired changes to the *Policy on Conducting Meetings and Business* as provided in Attachment Two with any specified changes.

Alternative Action Two:

Approve by motion a continuance to a future meeting and provide direction to staff with respect to additional information requests as needed.

Alternative Action Three:

Take no action.

F. Procedures for Consideration

This item has been agenzized for action. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Policy Committee;
- 2) Invite comments from any interested audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Policy Committee,

Keene Simonds
Executive Officer

Attachments:

- 1) Current: *Policy on Conducting Meetings and Business*
- 2) Proposed with Track Changes

Local Agency Formation Commission of Napa County

Policy Concerning the Conducting of Commission Meetings and Business

Adopted on August 9, 2001
Last Amended on June 4, 2007

The Commission acknowledges and affirms that the conducting of its meetings and business are subject to applicable California law, most notably the provisions of the California Government Code and the Brown Act. Further, it is the policy of the Commission that:

1. Three members of the Commission constitute a quorum. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place of their choosing. If all members are absent, the Executive Officer or the Clerk of the Commission may adjourn the meeting to a stated time and place. In such a case, he shall cause written notice of adjournment to shall be given in the same manner as specified in Government Code §54956 for calling a special meeting. In either instance, the Executive Officer or the Clerk shall post a notice of adjournment as specified in Government Code §54955.
2. Any regular, adjourned regular, special or adjourned special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission.
3. If there is no business for the Commission's consideration five days before any regular monthly meeting, the Executive Officer shall have the power to cancel the meeting by notifying the Chairman and members that there is no business before the Commission and that the meeting has been cancelled for that reason.
4. Special meetings may be called by the Chairman or by the written request of a majority of the members of the Commission submitted to the Chairman. Notice of special meetings shall be given in accordance with the provisions of Government Code §54956.
5. Roll call vote - On all roll call votes, the names of the Commissioners shall be called in alphabetical order with the Chair voting last.
6. It is the responsibility of the Executive Officer to prepare an agenda and all supporting material for the Commission, and to distribute the agenda and material to the Commission and all affected and interested parties not less than five days prior to the scheduled meeting of that agenda.
7. It is the responsibility of the Executive Officer to see that legal notice for all items to be considered by the Commission is given in accordance with the provisions of the Government Code and all other applicable law. For items concerning any one of the five cities in Napa County, legal notices should be published in accordance with the provisions of the Government Code and in those sources used by the respective city governments.
8. It is the responsibility of the Executive Officer to ensure that adequate staff and resources are available for all Commission meetings.
9. Each Commissioner shall receive a per diem of \$100.00 per meeting (regular or special) attended, provided the Commission budget provides for per diems. Commissioners may elect to forego payment of a per diem.



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
Policy on Conducting Commission Meetings and Business

Adopted on August 9, 2001
 Last Amended on ~~June 4, 2007~~ June 3, 2013

I. Background

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The Cortese-Knox-Hertzberg Local Government Reorganization (“CKH”) Act of 2000, pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures.¹ This includes establishing written rules to help ensure all meetings and related business occurs in an orderly and transparent manner.

II. Purpose

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The purpose of this policy is to provide clear and concise direction to Commissioners and staff with regard to conducting Commission meetings and related business involving the preparation of agendas, issuance of per diems, and reimbursement for member expenses.

III. Rules and Procedures in Conducting Business

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A. Conducting Meetings

1. The Commission acknowledges and affirms ~~that~~ the conducting of its meetings and related business are subject to applicable California laws, most notably the provisions of ~~the California Government Code~~ CKH and the Ralph Brown Act. ~~Further, it is the policy of the Commission that:~~

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~~2.~~ Three members of the Commission constitute a quorum. In the absence of a regular member, his or her alternate member (city, county, public member as applicable) may serve and vote. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place of their choosing. If all members are absent, the Executive Officer or ~~the Clerk of the Commission~~ his or her designee may adjourn the meeting to a stated time and place. In such a case, he or she shall cause written notice of adjournment to ~~shall~~ be given in the same manner as specified in ~~Government Code §Section~~ 54956 for calling a special meeting. In either instance, ~~the Executive Officer~~ he or ~~the Clerk~~ she shall post a notice of adjournment as specified in ~~Government Code §Section~~ 54955.

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~~2.3.~~ Any regular, ~~adjourned regular, special~~ or ~~adjourned~~ special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission.

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¹ Hereinafter all section references are to the California Government Code unless otherwise noted.

~~3.4.~~ If there is no business for the Commission's consideration five days before any regular ~~monthly-scheduled~~ meeting, the Executive Officer shall have the power to cancel the meeting by notifying the Chair~~man~~ and members ~~that~~ there is no business before the Commission and ~~that~~ the meeting has been cancelled ~~for that reason~~.

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~~4.5.~~ Special meetings may be called by the Chair~~man~~ at his or her discretion. Special meetings may also be called upon or by the written request of a majority of the members of the Commission submitted to the Chair~~man~~. Notice of special meetings shall be given in accordance with the provisions of ~~Government Code §Section~~ 54956.

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~~5.6.~~ The Commission designates Robert's Rule of Order as the general guide for conducting meetings and to resolve points of order.

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~~6.7.~~ Roll call vote—On all roll call votes, the names of the Commissioners shall be called in alphabetical order with the Chair voting last.

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8. It is the responsibility of the Executive Officer to ensure that adequate staff and related resources are available for all Commission meetings.

7.B. Meeting Agendas

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~~8.1.~~ It is the responsibility of the Executive Officer to prepare an agenda and all supporting documents material for the Commission, and to distribute these materials agenda and material to the Commission and all affected and interested parties not less than five days prior to the a scheduled regular meeting of that agenda.

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~~9.2.~~ Meeting agendas shall concisely list the various items begin considered and include a formal title along with a brief description of the underlying action or discussion and the Executive Officer's recommendation, if applicable.

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~~10.3.~~ The Executive Officer shall exercise his or her judgment to help ensure items are agendized in an appropriate and timely manner relative to the Commission meeting its regulatory and planning responsibilities under CKH.

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4. Each meeting agenda shall provide an opportunity for Commissioners to identify and request a matter for future discussion or action with the concurrence of the majority of the voting membership present. The Chair shall also have discretion to direct the Executive Officer to agendize a matter on the next available meeting to address an urgent or otherwise time-sensitive issue in which applicable legal notice can be provided.

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~~11.5.~~ It is the responsibility of the Executive Officer to see that legal notice for all agenda items to be considered by the Commission is given in accordance with the provisions of the Government CodeCKH and all other applicable laws. For items concerning any one of the five cities in Napa County, legal notices should

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~~be published in accordance with the provisions of the Government Code and in those sources used by the respective city governments.~~

~~12.6. It is the responsibility of the Executive Officer to ensure that adequate staff and resources are available for all Commission meetings.~~

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C. Commissioner Per Diems

~~13.1. Each Commissioner shall receive a per diem of \$~~400~~125.00 for time and attendance at the following meetings: per meeting (regular or special) attended, provided the Commission budget provides for per diems. Commissioners may elect to forego payment of a per diem.~~

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- ~~a) Regular and special meetings of the Commission.~~
- ~~b) Meetings of standing or ad hoc committees of the Commission.~~
- ~~c) Each day of attendance at the annual conference held by the California Association of Local Agency Formation Commissions (CALAFCO).~~
- ~~d) Meetings of CALAFCO when a Commissioner is a member of the Board.~~

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~~2. A Commissioner shall not receive no more than five per diems per month.~~

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D. Commissioner Reimbursement for Expenses

~~1. Each Commissioner may claim reimbursement for the actual amount of reasonable and necessary expenses incurred in performing the duties of their office and include the following:~~

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- ~~a) Attending conferences, workshops, and training programs of CALAFCO.~~
- ~~b) Attending CALAFCO meetings if the member is on the Board.~~
- ~~c) Attending other Commission related meetings and events with prior authorization from the Commission or Chair.~~

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~~2. All reimbursement of expenses for Commissioners shall be provided in accordance with the same rules and manner as for staff.²~~

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² Refer to the current agreement for staff support services between the Commission and County of Napa.