



Agenda Item: 7.B.

Meeting: December 16, 2020

To: Trinity LAFCO Commissioners

From: Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk

Subject: Commission Policies and Procedures Update – Section 5. Conducting Authority Proceedings

BACKGROUND:

Trinity LAFCo has drafted Policies and Procedures pursuant to Section 56300(a) of the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000. Previously at the June 16, 2020 Commission meeting, the Commission approved the staff updates for Section 1. General “Bylaws” and Related Administration Policies; and Section 2. LAFCo Operations and Financial Policies. Subsequently at the August 18, 2020 LAFCo meeting, the Commission approved updates for Section 3. Policies, Requirements & Criteria for Applications. At the October 20, 2020 LAFCo meeting, the Commission approved updates to Section 4. Services by Contract, which includes Outside Agency Services by Contract and Fire Protection Services by Contract. Staff will be providing to the Commission various sections of the Policies and Procedures until completed.

DISCUSSION:

Staff is provided the Commission with modifications to Section 5. Conducting Authority Proceedings for review and feedback. Once all Sections of the Policies and Procedures have been revised and updated, staff will provide a complete Policy and Procedures document in its entirety for the Commission’s final approval.

RECOMMENDATION:

Staff recommends that the Commission provide direction to staff regarding policy revisions and consider accepting proposed changes to Section 5. Conducting Authority Proceedings.

Attachment:
Section 5. Conducting Authority Proceedings

Section 5: CONDUCTING AUTHORITY PROCEEDINGS

5.1.1 Delegation of Authority. The Executive Officer is designated as the hearing officer for conducting authority proceedings. All functions and duties of the Conducting Authority as specified in §57000, et. seq., shall be delegated to the Executive Officer. The purpose of delegating certain duties to the Executive Officer is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures, and to expedite the boundary change process. If the Commission chooses to retain such authority, this decision shall be stated in the terms and conditions for approval of the subject proposal. The Executive Officer shall have the authority to issue the appropriate order upon completion of the protest proceedings.

~~5.1.2 The Executive Officer shall report the results of Conducting Authority Proceedings to the Commission.~~

5.1.2 Waiver of Conducting Authority Proceedings. The Commission may waive final Conducting Authority proceedings in accordance with CKH Act. §56662 and 56663, and otherwise authorize the Executive Officer to file a Certificate of Completion upon approval of a change of organization or reorganization and satisfaction of all terms and conditions pursuant to G.G. §57200.

5.1.3 Setting the Matter for Hearing. Within 35 days of final Trinity LAFCO action, the Executive Officer shall set the matter for hearing and cause a notice thereof to be published in accordance with G.C. §57025. The date of the hearing shall not be less than 21 nor more than 60 days, after the date the notice is given. The hearing may be continued for up to 60 days.

5.1.4 Conclusion of Hearing. Within thirty (30) days of the protest hearing, the Executive Officer shall, based on the value of written protests filed and not withdrawn as specified under G.C. §57052, either order the change, order the change subject to an election, or terminate the proposal. The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearing that is conducted.