

Alameda

LAFCO

ALAMEDA LOCAL AGENCY FORMATION COMMISSION
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By-laws and Budget & Operating Policies

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1. COMMISSION ORGANIZATION AND ROLE

1.1 **Governing Law**

The Alameda Local Agency Formation Commission (LAFCo) is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), Sections 56000 et seq. of the California Government Code, as amended. In any conflict between the CKH and these bylaws, the CKH shall prevail.

1.2 **Guidelines, Policies and Procedures**

Alameda LAFCo has adopted guidelines, policies and procedures to assist the Commission with far and consistent implementation of the CKH and to provide information to prospective applicants and the public. In any conflict between the CKH and these guidelines, policies and procedures, the CKH shall prevail.

1.3 **Mission**

Alameda LAFCo works with integrity to protect the quality of life for the citizens of Alameda County by ensuring that government agencies provide efficient municipal services; balancing infrastructure needs for sustainable growth; and conserving the environment and limited resources including prime agricultural and open space lands.

1.4 **Strategic Plan**

Alameda LAFCo has adopted a strategic plan that incorporates local circumstances and conditions to guide the Commission in fulfilling its legislative mandate including requirements for service reviews, sphere of influence updates and other mandated functions. The Commission's strategic plan will be reviewed and updated periodically.

1.5 **Membership**

Alameda LAFCo shall be composed of seven regular members and four alternate members. Selection of members shall be done pursuant to Government Code Section 56325.

1.6 **Commissioner Removal**

The Commission may recommend to the appointing authority that a member be removed for the following reasons:

- The unexcused absence of that member for three (3) consecutive meetings or more than half of the meetings in any twelve-month period.
- Malfeasance of office or dereliction of duty by that member.

1.7 **Role of Commissioners**

Although members represent constituents groups, each Commissioner is independent when weighing and reviewing information and when making determinations.

Commissioners shall represent the public as a whole and not solely the interests of the appointing authority. Alternate Commissioners are encouraged to take an active role in Alameda LAFCo business including discussions and deliberations on project proposals. Alternate Commissioners may only participate in closed sessions when sitting in and voting for an absent Commissioner.

1.8 **Terms**

The term of each commissioner shall be four years. The expiration date of each Commissioner's term is the first Monday in May. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body. A Commissioner is required to vacate their seat if he or she ceases to hold the originating

office. All appointed members may be reappointed to an unlimited number of consecutive terms provided they meet the membership criteria for that body. The Commission Clerk will administer the Oath of Office at the installation of a new member.

1.9 **Officers**

Regular members of the Commission elect a Commission Chair and Vice Chair at the May meeting. The newly elected officers shall assume office at the next Commission meeting. Unless otherwise determined by the Commission, the Chair and Vice Chair will each serve one two-year term, and, commencing November 2008, rotation of Officers shall be as follows: Special District, County, Public, and City. However, if the Chair becomes vacant mid-term, the Vice Chair shall be given the opportunity to serve as Chair for the remainder of the term. If the Vice Chair declines, the vacancy shall be filled for the remainder of the term by election at the next regular meeting following occurrence of the vacancy.

1.10 **Commissioner Compensation**

Commissioners shall receive a \$125 stipend for attendance at the following LAFCo-related meetings:

1. Regular and special meetings of the Commission.
2. Meetings of standing and ad hoc committees of the Commission when they meet on a day separate from a day in which the Commission meets.

The payment of stipends is limited to no more than five per member in any month.

Commissioners shall receive reimbursement for expenses incurred in performance of official Commission business, including attendance at CALAFCO conferences or training sessions. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission. Claims for expense reimbursement for Commissioners shall be submitted to Staff for processing.

1.11 **LAFCo Funding**

Most Alameda LAFCo expenses are funded by equal contributions from Alameda County, its cities and its special districts. LAFCo also recovers a portion of actual proposal processing costs by charging fees for certain services (See LAFCo Schedule of Fees and Charges).

1.12 **Staffing**

LAFCo shall independently appoint the Executive Officer, staff and legal counsel. LAFCo may contract with Alameda County for the provision of staff, offices, equipment, and supplies as permitted in its budget and policies. The Commission may use other means for acquiring personnel, services and supplies as deemed appropriate by the Commission.

1.13 **CALAFCO**

Alameda LAFCo shall be a member of the California Association of Local Agency Formation Commissions (CALAFCO) and will participate in the State association.

1.14 **Legislation**

The Executive Officer is authorized to submit position letters that do not support unfunded mandates in accordance with the California Association of Local Agency Formation Commissions' (CALAFCO) annual legislative platform upon consultation with the Chair or Vice Chair when time does not allow approval by the Commission at a regular meeting.

1.15 **Public Member Selection Process**

The regular and alternate public members of Alameda LAFCo are selected by the other members of the Commission. At least four affirmative votes are required to appoint the public members, and there must be at least one vote from each of the other appointing authority categories: City, County and Special District.

Unless the Commission gives alternative direction, the following procedure is used to recruit and select public members:

- The Executive Officer or Clerk shall notify the Commission in advance of a public member's term expiration or when such seat becomes vacant.
- The Commission may consider reappointment of a regular and/or alternate public member no more than twice. Subsequently, the Commission will conduct its regular recruitment process as noted below.
- The Commission Chair will appoint an ad hoc public member selection committee consisting of a City member, County member and Special District member.
- The Clerk will provide notice of a vacancy to the clerk or secretary of the legislative body of each city, special district, and the county; will distribute the notice to local media outlets and place a display ad in one or more newspapers of general circulation; will post the notice at the LAFCo office and on the LAFCo website. The notice shall include a summary of the qualifications for the position as specified in Government Code Section 56331 (e.g., can't be an officer or employee of the county, city, or district).
- Interested persons shall submit a written application form provided by LAFCo staff and return the form to the LAFCo office before the deadline. The deadline for applications shall be at least 21 days following the distribution of notice.
- The Clerk shall make and distribute a roster of all applicants and their applications to the members of the ad hoc committee. A Commissioner who identifies a conflict of interest with any of the applicants must either recuse him/herself or be replaced by another Commissioner from the same appointing category (e.g., a city member replaces a city member).
- The ad hoc committee will evaluate applications, select candidates to interview, and conduct interviews of selected candidates.
- The ad hoc committee will make a recommendation to the full Commission.
- Alternatively, the ad hoc committee may recommend that any or all applicants be interviewed by the full Commission.
- The Commission will make a selection as part of the agenda of the first regularly scheduled meeting following the application deadline.

- If no candidate receives the required votes from the full Commission, then a new recruitment shall be conducted.
- A candidate may withdraw an application before or after the application deadline. If a candidate withdraws an application after the deadline, the candidate shall not be considered for the appointment unless the Commission performs a new recruitment and the person reapplies.
- When a regular public member vacancy occurs, the Commission may alternatively consider appointing the alternate public member to the regular public member seat. If the alternate public member is so appointed, then the Commission will proceed with an alternate public member recruitment process.

2. MEETINGS AND CONDUCT OF BUSINESS

2.1. Regular Meetings

Regular meetings are typically held on the second Thursday of every other month in the Dublin San Ramon Services District Board Room, 7051 Dublin Boulevard, Dublin, California at 2:00 p.m. Meetings are scheduled for January, March, May, July, September and November. Meeting location and date may change depending on the nature of agenda items.

2.2. Special Meetings

A special Commission meeting may be requested by submitting a written request to the Executive Officer indicating the specific reason(s) for such a meeting. The request will be considered at the next regularly scheduled meeting for which adequate notice can be provided. If the request is granted, the applicant is responsible for all costs associated with the conduct of the special meeting. The Chair, Vice Chair acting as Chair, or Commission may call special meetings if deemed necessary.

2.3. Meeting Procedures

Rosenberg's Rules of Order is designated as the general guide for conducting meetings and will be used to resolve points of order. Each agenda item is addressed as follows:

- Chair clearly announces the agenda item number and states the agenda item subject.
- Chair invites 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.
- Chair asks 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.
- Chair invites 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 announces that public input has concluded (or the public hearing as the case may be is closed).
- Chair invites a motion and, if made, a second and announces the names of the members of the body who makes and seconds the motion.
- Chair ensures that 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. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.
- Chair invites discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair announces 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.

- 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 then a simple majority determines whether the motion passes or is defeated.
- Chair announces the result of the vote and should announce 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 10 days notice for all future meetings of this body.”

2.4. **Meeting Agenda**

A written agenda shall be prepared for each meeting which lists the various items being considered including the title, a brief description of the item, the requested action and LAFCo staff's recommendation, if applicable. The agenda will be provided to LAFCo's established agenda mailing list, including appropriate media, project applicants and proponents, and interested parties requesting notice for a specific hearing.

2.5. **Order of Business**

Commission agendas shall include the following items:

- Call to Order and Pledge of Allegiance
- Roll Call
- Public Comment
- Closed Session (if needed)
- Approval of Minutes
- Consent Items
- Public Hearings
- Administrative Business
- Matters Initiated by the Commission
- Information Items/Announcements
- Adjournment

2.6. **Public Notice**

Public notice of regular and special meetings will be provided in accordance with the provisions of the CKH Act, the Brown Act and the California Environmental Quality Act, as applicable. The Executive Officer may provide public notice, above that required by law, when appropriate.

2.7. **Public Participation**

All citizens are encouraged to attend Commission meetings and state their views during public hearings. Alameda LAFCo shall hear and consider all oral or written testimony presented by any affected agency or any interested person on any agenda item. The Commission Chair may direct the focus of public comment for any given proposal.

2.8. **Public Comment**

An opportunity for public comment on any item not listed on an agenda will be provided at each meeting. Public comments are limited to no more than three minutes. Additional time may be granted at the discretion of the Chair. Only those issues, which are brought up at the public hearing or in written correspondence delivered to the Commissioners at or prior to the hearing, may be raised in any legal challenge to actions taken by the Commission.

2.9. Written Comments

Submission of written comments regarding an item on the agenda is encouraged to facilitate thorough and thoughtful consideration of issues. Written comments will be distributed in agenda packets if received prior to packet distribution; for comments received up to 48 hours prior to the meeting, the Executive Officer will copy and distribute such comments at the meeting; for comments submitted less than 48 hours before the meeting, the writer must provide at least 15 copies for distribution, or may directly distribute written comments and materials to the Commission any time prior to the end of the public hearing.

2.10. Consent Calendar

Routine proposals and issues that do not require a public hearing may be placed on the Commission's consent calendar. Approval of all items on the consent calendar may be made in one motion. Matters placed on the consent calendar may be removed by any Commissioner, staff person or member of the public in order to allow discussion or postponement.

2.11. Quorum

A quorum is the number of Commissioners that must be present to legally conduct business. Four members of the seven-member commission constitute a quorum.

2.12. Majority Vote

Four affirmative votes, or a majority of the Commission, constitute a majority vote and are required for the adoption of any motion that has been duly made and seconded. On a tie vote, the motion fails.

2.13. Record of Proceedings

The Commission Clerk shall record and prepare minutes of each meeting. The minutes shall record major actions of the Commission at the meeting, but are not intended as a complete transcript of discussions. Upon approval, the minutes with any corrections thereto, shall become the official record of the action of the Commission. Commission proceedings shall be tape recorded and transcripts will be prepared upon request. The cost of transcription will be charged to the person or entity making the request in a manner established by the Executive Officer.

2.14. Staff Reports

Not less than five days prior to the hearing, the Executive Officer shall complete a staff report including his or her recommendations for each item to be heard. Copies, along with the agenda, shall be provided to each member of the Commission and to parties as required by the CKH. Staff reports related to change of organization, reorganization, and out of area service agreement proposals shall include the application questionnaire, a vicinity map; a boundary map showing existing and proposed boundaries along with relevant sphere of influence and other boundaries (e.g., Measure D and urban growth limits) superimposed, as appropriate; environmental documentation; and any related draft LAFCo resolutions.

2.15. Committees

LAFCo may establish committees deemed necessary for the purpose of conducting its proceedings. The Commission chair shall appoint members to the committees.

2.16. Policy and Budget Committee

LAFCo shall have a standing policy and budget committee for the purpose of reviewing and recommending policies, an annual workplan and annual budget to the Commission. The Policy and Budget Committee will meet the second Thursday of the even-numbered months

(February, April, June, August, October and December) at 1:00 p.m. at the Dublin San Ramon Services District, 7051 Dublin Boulevard, Dublin, California.

3. CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

3.1. **Conflict of Interest Code**

Alameda LAFCo shall adopt a conflict of interest code and update as necessary.

3.2. **Disqualification**

A Commissioner must disqualify herself or himself and not participate in a proceeding involving any proposal if, within the last 12 months, that Commissioner has received \$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter pursuant to §84308.

If a Commissioner's impartiality with respect to a proposal is questioned by any person appearing before the Commission and that member has not disqualified himself or herself, the member may be permitted to abstain from participation in the proceedings by unanimous vote of the remaining Commission members. In such an event, the alternate member would be qualified to vote in the place of the regular member. A Commission member or alternate may not be disqualified from voting on any matter pertaining to his or her area or political jurisdiction.

3.3. **Financial Disclosure**

Pursuant to §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package. Disclosures must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact for the official record of the Commission §84308(d). The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner(s) must be made: (1) in writing and delivered to the Executive Officer of the Commission prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

3.4. **Other Disclosures**

The applicant and any participant in the application, as defined in §84308, shall file with the Executive Officer any disclosure filings required by §56700.1.

4. BUDGET

4.1 **Annual Budget**

LAFCo will adopt an annual budget that identifies the resources available for LAFCo's use under the law and those resources necessary for the purpose of carrying out state law, including requirements for service reviews, sphere of influence updates and other mandated functions.

4.2 Annual Workplan

LAFCo will adopt an annual work plan that aligns with the Commission's adopted strategic plan. The work plan will guide the development of the budget.

4.3 Proposed Budget

The Commission's Policy and Budget Committee shall meet in January and make recommendations regarding the proposed budget and workplan to the Commission at its regular March meeting each year. The budget shall not be less than the prior year's budget unless the Commission determines that such decreases will not impair its ability to comply with the CKH Act.

4.4 Comment Period

Following adoption of the proposed budget, copies shall be transmitted to the county, and cities and independent special districts within the county for comment. The comment period will be at least 30 days.

4.5 Final Budget

Final action on the proposed budget will be taken at the commission's regular May meeting. The adopted final budget will be transmitted to all agencies listed in 4.3.

4.6 Member Agency Apportionment

Pursuant to §56381, net budget cost shall be borne equally by the county, special districts and cities, and shall be collected by the County Auditor. LAFCo may request loans from the county in the event that budgeted funds are inadequate due to changes in operating needs and requirements. If the county, a city or an independent special district does not remit its required payment within 60 days, the Commission authorizes and directs the Executive Officer to request that the County Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city or special district pursuant to Government Code §56381(c).

4.7 Cooperative Intent

LAFCo cooperates with local agencies as much as possible to accept budget cuts when necessary and when the requested cuts are compatible with the goals and work plan adopted by the Commission. LAFCo shall decline to accept appropriation reduction requests, which are found to be unreasonable or incompatible with adopted policies and goals. Appropriations cannot be reduced without the Commission's prior approval.

4.8 Budget Administrator

The LAFCo Executive Officer shall serve as budget administrator to prepare, present, and transmit the budget to other agencies, and to review, execute and maintain the budget. As requested, the Executive Officer may prepare two year planning budgets for the Commission's consideration.

4.9 Contingency

The Commission's annual operating budget shall include a contingency amount of \$50,000 to allow for the allocation of funds for fiscal emergencies, unanticipated legal fees, and elimination of operating shortfalls and related negative impacts on LAFCo operations. The Executive Officer shall place a request to use contingency funds on the Commission's next LAFCo agenda for which adequate notice may be given. If time does not allow that to occur, the Executive Officer may allocate contingency funds to cover emergency operating expenses after consulting with the Chair and Vice-Chair. Within 24 hours of such allocations, the Executive Officer shall notify all Commissioners in writing and place a

discussion of contingency fund allocation on the next LAFCo agenda for which adequate notice may be given

4.10 **Use of Fund Balance to Offset Expenditures**

Each year, in conjunction with the County Auditor's Office, the Executive Officer shall identify the amount of fund balance available to be used to offset expenditures in the following fiscal year.

4.11 **Periodic Fiscal Reports**

The Executive Officer will provide periodic financial status reports of the budget to the Commission. The Commission may make adjustments to its budget at any time during the fiscal year, as it deems appropriate.

4.12 **Audit**

Alameda LAFCo shall utilize an independent auditor to prepare annual or biennial financial statements. The audit report, including the firm's opinion, shall be presented to the Commission for formal receipt.

Alameda LAFCo shall select a different independent auditor no less than every five years. The Commission may waive this requirement upon majority vote of the membership at a public meeting.

5. LAFCO FEES

5.1. The Commission shall periodically review fees and adopt a fee schedule for the purpose of recovering the costs of all proceedings taken pursuant to the CKH Act. Recoverable costs may include those necessary to revise the plans and policies that must be adopted before necessary findings or determinations may be adopted (See LAFCo Schedule of Fees and Charges.)

5.2. The schedule of fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.

5.3. Proposals that include requests for minor administrative or corrective actions shall be "De Minimis" for application processing and fee collection purposes if staff determines that the project:

- Is consistent with §56668, factors to be considered, and LAFCo policies and procedures;
- Will not cause significant adverse impacts upon any agency or individual; does not involve any new extension of service;
- Is proceeding with the consent of all affected landowners; and
- Is defined as ministerial under, or qualifies for an Exemption from, the requirements of the California Environmental Quality Act.

5.4. De Minimis projects may be approved without notice or public hearing.

5.5. Applications submitted to LAFCo shall be accompanied by a non-refundable initial fee as detailed in the LAFCo Schedule of Fees and Charges. The Executive Officer may stop

work on any proposal until the applicant submits a requested deposit. No application shall be deemed filed until required fees are deposited.

- 5.6. Applicants are responsible for any fees or charges incurred by LAFCo or required by other agencies in the course of processing an application.
- 5.7. Initial fees include a fixed number of staff hours (including Executive Officer, legal counsel, planning and support) as detailed in the fee schedule. Additional LAFCo staff time (in excess of initial fee) shall be charged at actual cost.
- 5.8. Applicants are responsible for any extraordinary administrative costs as determined by the Executive Officer and detailed for the applicant in a written statement.
- 5.9. Additional LAFCo staff time and administrative costs shall not be charged for city annexation applications that are comprised solely of one, entire unincorporated island.
- 5.10. If the Executive Officer estimates that a proposal will require more than the fixed number of staff hours covered by the initial fee to complete, she/he shall provide a written statement to that effect to the applicant and request a deposit in an amount sufficient to cover anticipated costs. If this or any subsequent deposit proves insufficient, the Executive Officer shall provide an accounting of expenditures and request a deposit of additional funds.
- 5.11. If the processing of an application requires that LAFCo contract with another agency or with a private firm or individual for services that are beyond the normal scope of LAFCo staff work (e.g., drafting an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract. The applicant will provide LAFCo with deposits sufficient to cover the cost of the contract.
- 5.12. Written appeal of fees and/or deposits, specifying the reason for the appeal, may be submitted to LAFCo prior to the submission of an application or prior to the submission of a deposit requested by the Executive Officer. The appeal will be considered at the next regular meeting of the Commission.
- 5.13. The Commission may waive a fee if it finds that payment is detrimental to the public interest pursuant to §56383(d).
- 5.14. Upon completion of a project, the Executive Officer shall issue to the applicant a statement detailing all expenditures in excess of the deposit, or credits if warranted. Excess funds shall be refunded to the applicant as appropriate.
- 5.15. If an application is withdrawn, LAFCo will refund 50% of the submitted fee, or a sum equal to the original fee minus processing costs to date, whichever ensures that LAFCo recovers its actual costs. Petition checking fees will not be refunded.
- 5.16. No refunds will be provided after a public hearing has been scheduled and LAFCo's scheduling procedure has been concluded.
- 5.17. As a condition of approval for any action, the Commission may impose a condition which requires, in the event of legal challenges, that the applicant assume the full legal defense costs because they are a liability incurred by LAFCo after, and as a result of, project approval (§56886(f), §56383, §57302).

- 5.18. The Commission may include, within its resolution of approval, a condition that requires the applicant to defend, indemnify, and hold the Commission harmless, in the event that legal action is taken against LAFCo as a direct result of a project's approval.

6. OPERATIONS

6.1 Executive Officer

The LAFCo Executive Officer conducts and performs the day-to-day business of the Commission and is responsible for providing managerial, analytical and administrative support to the Commission so it can fulfill its duties. The Executive Officer implements the policies and directives established by the Commission; acts as liaison between the Commission, the general public, CALAFCO and other public and private entities; and supervises any LAFCo employees and consultants retained by the Commission.

6.2 Executive Officer Performance Review

The Cortese-Knox-Hertzberg Local Government Reorganization Act declares the Commission should function independent of any local agency, and the policy of the Commission is that, pursuant to Government Code Section 56384, it shall appoint an Executive Officer. The Executive Officer shall be subject to regular performance review by the Commission. With respect to this performance review, the policy of the Commission is:

1. The performance review shall occur annually.
2. The process for these performance reviews shall be:
 - a) At least three weeks prior to the meeting at which the review is to take place, the Executive Officer shall send to each Commissioner a letter of self-evaluation and a performance review form.
 - b) At least one week prior to the review, each Commissioner shall send a completed form to the Commission Chair.
 - c) The Chair shall tabulate and summarize the forms and present this information to the County Administrator / Community Development Director. The County Administrator / Community Development Director will complete his or her own performance review form. This information will subsequently be presented to the Executive Officer during the performance review conducted by the County Administrator / Community Development Director.
3. Any Commissioner or the Executive Officer may request the use of an outside facilitator. The Chair shall appoint the facilitator in consultation with the Executive Officer. Should the cost of the facilitator's services exceed the Executive Officer delegated purchasing authority, the cost will be subject to a vote of the Commission at either a regular or special meeting and the facilitator may or may not commence services until budget authority has been obtained.

6.3 Small Contract Authority

The Executive Officer is authorized to negotiate contracts up to \$5,000 on behalf of the Commission within the authority conferred by the adopted budget. The Executive Officer shall obtain concurrence of the Chair and consult with the LAFCo legal counsel prior to entering into any contract outside the usual course of Commission business, including contracts for legal, consulting or other professional services. Staff shall promptly notify the members of the Commission regarding contracts made on the Commission's behalf.

6.4 **Records Retention**

As used in this policy, the term "record" (or "record of proceedings") is defined to mean documents that show decisions or actions taken by the Commission in fulfillment of its statutory responsibilities.

Except as otherwise provided herein, and subject to the conditions contained in this policy, all original records and documents maintained by LAFCo will be retained for a period of five (5) years. A true copy of all documents shall be kept in a safe and separate place for security purposes.

Records maintained by the Commission include, but are not limited to the following:

- Records of proceedings (examples include the LAFCo application, petition or other initiating documents; statement of property valuation; statement of tax rate area assignment; indemnification and agreements to pay; Certificates of Filing and Completion; copies of public hearing notice; environmental review documents prepared for purposes of complying with the California Environmental Quality Act ("CEQA"); plan for service; map and legal description; staff reports; impartial analysis; order for change of organization/reorganization; documentation of election and results; Statement of Boundary Change; State Board of Equalization acknowledgement letter; LAFCo meeting minutes; Municipal Service Reviews)
- Administrative/Financial documents (budgets, accounts payable, accounts receivable, audits, invoices, ledgers, registers, Commissioner reimbursements, Commissioner policies and procedures, agreements, contracts, leases, purchase orders, requisitions, recruitment/selection/resumes, claims)
- Original statements of economic interest (Form 700) which will be retained for a period of seven (7) years.

At the conclusion of the applicable required retention period, the Executive Officer is authorized to destroy records as needed, provided that a photographic or electronic copy of the original record is first made and preserved in the manner specified in Government Code section 56382. The reproductions must be made as accessible for public reference as the original records were.

6.5 **Purchasing**

Alameda LAFCo generally follows the purchasing policies of Alameda County as applicable to operations of the Commission. If there are any conflicts between Alameda County's and LAFCo's policies and procedures, the policies and procedures of the LAFCo shall prevail. The Commission Clerk shall initiate transactions such as purchase orders and payment of invoices and claims. The Executive Officer shall review all claims and invoices received by LAFCo and may authorize payment, as appropriate, within the framework and limitations of the budget as adopted by the Commission. The Commission Clerk and Executive Officer shall maintain and reconcile records of all financial transactions. The primary objectives for accounts payable and cash disbursements are to ensure disbursements are properly authorized, invoices are processed in a timely manner,

and invoice charges do not exceed the purchase order or contract amount. Credit card purchases shall be made in accordance with the Alameda County Procurement Card program policies and procedures.