

CITY COUNCIL MEETING
OCTOBER 15, 1986

25

LOCAL AGENCY
FORMATION
COMMISSION

CC-7 (m)

Council was apprised that Mayor Reid and Council Member Olson recently attended a study session attended by the LAFCO commission members, alternates, and mayors of the six cities in San Joaquin County. The main topic of discussion at that meeting was the current LAFCO requirement that City-members abstain from voting on matters affecting the member's city. The same requirement does not currently

apply to the County-members. It was the consensus at this study session that the mayors of each city present this matter to their respective City Councils for review and recommendation.

Following discussion, Council concurred that both County-members and City-members should abstain from voting on matters affecting the member's jurisdiction.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE: October 15, 1986

NO.

SUBJECT: LOCAL AGENCY FORMATION COMMISSION (LAFCO) PROCEDURES

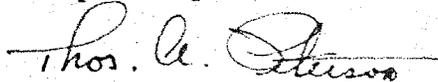
PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council discuss existing Local Agency Formation Commission (LAFCO) structure and procedures and take action as deemed appropriate.

BACKGROUND INFORMATION: Mayor Reid and Councilmember Olson recently attended a study session attended by the LAFCO commission members, alternates and mayors of the six cities in San Joaquin County. The main topic of discussion at that meeting was the current LAFCO requirement that City-members abstain from voting on matters affecting the member's city. The same requirement does not currently apply to the County-members. It was the consensus at this study session that the mayors of each city present this matter to their respective City Councils for review and recommendation. Attached (Exhibit A) is additional background information for the Council's review.

Mayor Reid and Councilmember Olson will be prepared to present this matter to the City Council.

Respectfully submitted,



Thomas A. Peterson
City Manager

TAP:br

attachment

LOCAL AGENCY FORMATION COMMISSION

LAFCO

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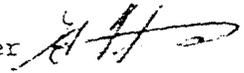
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1ST DISTRICT SUPERVISOR

March 1, 1985

EXHIBIT A

TO: LAFCo Commissioners

FROM: Gerald F. Scott, Executive Officer 

SUBJECT: City-Member Disqualification when Proposals affect
the Member's City (History and current rule)

HISTORY:

Prior to 1983, State law required that a City-Member be disqualified and abstain from participation (discussion and voting) when a proposal affected the member's city.

Effective January 1983, the City Selection Committee in each County was given the responsibility to decide if a City-Member would be disqualified.

On May 4, 1983, the San Joaquin County City Selection Committee adopted the rule that: "The city member will not need to abstain from voting."

On January 6, 1984, the City Selection Committee modified its rule: "All City Members can participate in discussion of proposals pertaining to their cities, but may not vote."

On May 2, 1984, the City Selection Committee considered a motion to allow City-Members to vote on proposals affecting their city. However the motion did not pass due to a 3 to 3 tie vote of committee member.

CURRENT RULE:

The current rule remains as established on January 6, 1984 as follows:

City-Members shall be disqualified and abstain from voting on any proposal which affects their own city. However the member may participate in discussion of such proposal.

City selection committee

56335. In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1. Regular members of the commission shall be appointed by the city selection committee pursuant to Sections 56325, 56326, and 56327.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of that regular city member for that meeting.

Except in the case of a member appointed pursuant to subdivision (d) of Section 56326 or subdivision (b) of Section 56327, a city selection committee, may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on annexations to the city of which the member is a representative.

If the office of a regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

**Disqualification of
member; regulations**

56336. Each commission may adopt regulations with respect to disqualification of members from participating in the review of a proposal. In the absence, however, of those regulations, Section 56332 or 56335 shall apply. The representation by a member of a city shall not disqualify, or be cause for disqualification of, the member from acting on a proposal affecting the city, and any regulation providing for the disqualification of a city representative is null and void.

STANISLAUS LAFCO
RULES ON DISQUALIFICATION

STANISLAUS COUNTY

ARTICLE VI: DISQUALIFICATION OF COMMISSIONERS

Section 1: Disqualification of County Commissioners. A county commissioner shall be disqualified from participating in the Commission's consideration of a proposal which involves territory in the commissioner's supervisory district. (Adopted 5-24-77; readopted 6-1-83).

Section 2: Limitation on Disqualification of County Commissioners.

Not more than one county commissioner shall be disqualified from participating in the Commission's consideration of a proposal. Accordingly:

- (a) If a proposal involves all of the territory in Stanislaus County, none of the county members shall be disqualified. (Adopted 5-24-77).
- (b) If a proposal involves land within the supervisorial districts of two or more County commissioners, only the commissioner in whose district the largest percentage of the land area is located shall be disqualified. (Adopted 8-15-75).
- (c) A county commissioner, who would otherwise be disqualified, may participate in the consideration of a proposal if participation is necessary for quorum purposes. (Adopted 8-15-75).

Section 3: Disqualification of City Members. A city commissioner shall not be disqualified from participating in the Commission's consideration of a proposal which involves territory in the city. (Adopted 6-1-83).

Section 4: Disqualification of Public Member. A public member shall not be disqualified from participating in the Commission's consideration of a proposal which involves territory of a city in which they reside. (Adopted 10-17-84).

Section 5: Participation of Disqualified Commissioners. A commissioner who is disqualified from voting on a proposal or matter before the Commission pursuant to Article VI of these Bylaws may nevertheless participate in the discussion of the proposal or matter. A commissioner disqualified per the Fair Political Practices Act may not participate in the discussion. (Adopted 8-15-75; amended 10-17-84).

LEGISLATIVE REPORT - CALAFCO ANNUAL CONFERENCE
SANT CRUZ - SEPTEMBER 17, 1986

AB 2612 (Frazee)

Would permit special district members of LAFCOs to vote on proposals affecting their own districts and nullify any local regulations creating automatic disqualification.

Status: Chapter 86. Takes effect January 1, 1987.

Legislative Committee Recommendation: Support

Executive Board Action: Support

AB 2674 (Connelly)

This bill makes substantial changes to the Ralph M. Brown Act. The bill requires a 2/3 vote of a Board or Commission to consider an action which arose subsequent to agenda posting. The bill would also require a period for "public comment" on each agenda.

Status: Chapter 641. Takes effect January 1, 1987.

Legislative Committee Recommendation: No position

Executive Board Action:

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AB 2820 (Lewis)

Would exempt LAFCO Commissioners from the "automatic disqualification" provisions of Section 84308 of the Political Reform Act. (Subcommittee formed: Jane Merrill, Ruth Benell, Richard Turner, Veronica Ferguson)

Status: Hearings cancelled at the request of the author.

Legislative Committee Recommendation: Support

Executive Board Action: Support
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AB 3075 (Cortese)

Would establish special proceedings for "university lands". It would grant collegiate institutions the authority to veto annexations of their land to cities and would require LAFCOs to consider such lands in adopting spheres and in reviewing