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County Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: April 10, 2024

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer

SUBJECT: Commissioner Handbook

SUMMARY

On February 14, 2024, the Commission conducted a study session to receive a presentation from OC LAFCO consultant, Bill Kelly of KAMG on the draft Commissioner Handbook. Brief and general feedback from Commissioners was given during the session, and members were asked to complete a review of the draft document for further discussion at the April 10 Regular Meeting. Bill Kelly will be present at the meeting to continue facilitation of Commission discussion. Additionally, staff and general counsel have included within the current draft version (see Attachment 1) changes for Commission consideration.

The next section of this report identifies alternatives for Commission action through a single motion for this item.

ALTERNATIVES FOR COMMISSION ACTION

The following alternatives for Commission action have been identified:

Alternative One

Adopt the Commissioner Handbook in final form with or without revisions.

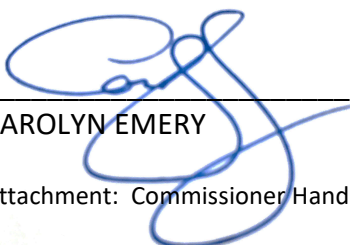
Alternative Two

Continue consideration of the Handbook to the next or future regular meeting.

Alternative Three

Not adopt the Commissioner Handbook.

Respectfully Submitted,



CAROLYN EMERY

Attachment: Commissioner Handbook (Version:4-2024)



DRAFT

COMMISSIONER HANDBOOK



TABLE OF CONTENTS [to be appended]

In support of the Orange County Local Agency Formation Commission’s (OC LAFCO) mission, the Commission will develop, adopt, and maintain the Commissioner Handbook. The intent is to educate and continually guide the Commission to govern and conduct the affairs of OC LAFCO at a high level through strategic planning and achievement in accord with best practices. This Handbook is in addition to the “Bylaws, Policies and Procedures of OC LAFCO, generally and most recently updated on March 8, 2023, which contains additional information concerning controlling legislation and rules and regulations having authority per the Cortese-Knox-Hertzberg Reorganization Act of 2000 (“CKH Act”), as well as local policies enacted by the Commission. The Handbook will serve as a resource for commissioners, staff and members of the public in determining the manner in which matters of Commission business are to be conducted.

Preamble

The population served by OC LAFCO is entitled to appointed Commissioners who are fair, ethical, and accountable and exercise their independent judgement on behalf of the interests of Orange County’s residents, property owners, and the public as a whole. Such Commissioners constantly seek to reflect the following qualities:

- They comply with both the letter and the spirit of the laws and policies affecting the operations of the Commission;
- They are independent, impartial, and fair in their judgment and actions;
- They use their public office for the public good, not for personal gain; and
- They conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect, civility and transparency.

To this end, OC LAFCO has adopted this Commissioner’s Handbook, along with its Bylaws, Policies, and Procedures, to encourage public confidence in the integrity of the Commission and its fair and effective operation. The Commission’s commitment to these principles is captured in the following Mission Statement and Governing Principles and messaging of **“ONE MESSAGE, ONE VOICE.”**

Chapter 1 – ROLE AND AUTHORITY

OC LAFCO Mission Statement

OC LAFCO serves Orange County cities, special districts, and the county to ensure effective and efficient delivery of municipal services.

Role of the ~~Board~~Commission

The Commission's primary role ~~of the Commission~~ is to establish policies that guide OC LAFCO ~~in to meeting~~ its mission. The Commission's policy decisions and actions ~~of the Commission~~ constitute “action” of the Commission as one governing body. In order to fulfill these responsibilities, Commissioners shall adhere to the following general guidelines:

1. That the Commission provides policy direction and leadership to support OC LAFCO's mission ~~statement~~ and legislative actions.
2. That the Commission ~~will hire~~s an Executive Officer to manage the Commission's day-to-day operations ~~of the Commission~~. The Commission supports and holds the Executive Officer accountable for OC LAFCO's ~~the~~ effective operational management ~~of OC LAFCO~~ and ~~will~~ properly evaluates the Executive Officer annually based on the goals and objectives ~~adopted by~~ the Commission adopts and outlines ~~sd~~ in the OC LAFCO three-year strategic plan.
3. That Commission ~~ers~~ members recognize and respect the distinction between ~~its~~ the policy setting role and ~~staff's~~ the day-to-day implementation of policy ~~by staff~~.
4. That ~~it is the responsibility of~~ the Commission is responsible (from a policy perspective) to ensure that the Commission is a progressive, innovative, and well-managed agency.
5. That the Commission exercises authority only collectively as a Commission, and individual Commission members shall not act on their own volition in representing the Commission as a whole.
6. That the Commission respects the role of Orange County's local agencies, residents, communities and other interested parties involving the Commission's role and authority and encourages public participation.

Authority

Established in 1963 by the California Legislature, OC LAFCO is responsible for overseeing the boundaries, establishing spheres of influence (probably physical boundaries), and preparing municipal service reviews (analysis of municipal services) for Orange County's 34 cities and 34 independent and dependent special districts. The Commission is governed by a seven-member ~~governing body~~~~board~~, with an additional four members that serve as alternate members. The Commission's authority operates under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Commission has ~~retained~~ authority to employ and set the terms and conditions of employment for the Executive Officer, but the Executive Officer has hiring and management authority over all other OC LAFCO employees.

In order for the Commission to function ~~in an effectively manner, it is important that~~ each Commissioner ~~must~~ understand ~~their~~~~his~~~~her~~ respective role and the relationship they have to other Commissioners and to the Executive Officer. This also requires an understanding of the level of performance required to carry out the duties of a Commissioner. The officers of the Commission include the Chair, Vice Chair, and Immediate Past Chair. In addition to preserving order and decorum at the Commission's regular meetings, the Chair has the authority, in consultation with the Executive Officer, to act outside of the regular meetings involving procedural or administrative matters.

Chapter 2 – GUIDING PRINCIPLES

Adherence to established organizational principles can help to promote collegiality amongst ~~Commissioners~~~~board members~~ and a collaborative work environment that encourages Commissioners and staff working together as a team to facilitate internal efficiencies and supports effective decision-making involving the population OC LAFCO serves.

1. OC LAFCO bridges local government agencies and community service needs.
2. OC LAFCO connects governance solutions to local government agencies and their communities.
3. OC LAFCO leads ~~and facilitates~~ conversations and develops governance solutions to ensure improved service efficiencies and financial sustainability of local government agencies.
4. OC LAFCO, with an eye towards the future, studies current trends and anticipates potential jurisdictional challenges ~~and changes of organization and reorganization~~ to assist the Commission with identifying opportunities that guide local government.

5. OC LAFCO conducts the Commission’s processes and operations ~~with objectivity~~objectively and ~~transparency~~transparently, understanding that it provides leadership in state, county and regional issues affecting the mission and operations of OC LAFCO.

Chapter 3 – REPRESENTING AN OFFICIAL COMMISSION DECISION OR POSITION

In order to ensure that they are properly representing their positions as officials of OC LAFCO, Commission members should adhere to the following guidelines:

1. Commission~~ers~~ ~~members~~ may use their title only when conducting official Commission business, for information purposes, or as an indication of background and expertise.
2. Once the Commission has taken a position on an issue, all official Commission correspondence regarding that issue will reflect the Commission's adopted position and logo.
3. Commission members may represent the Commission in business related matters at meetings and events other than regular meetings of the Commission.
4. No Commission member is permitted to attend a meeting of any outside agency or organization or distribute communication as an official representative of the Commission without prior authorization from the Commission Chair or majority.
5. If a member of the Commission appears before the meeting of another governmental agency organization to give a statement on an issue affecting the Commission, the Commission member shall indicate the majority position and opinion of the Commission or that the Commission has no official position on the issue.
6. Personal opinions and comments that may be contrary to adopted policy may be expressed only if the Commission~~er~~~~member~~ clarifies that these statements do not reflect the official position of the Commission or that the Commission has no such position.
7. Commission members should exercise caution when utilizing the news media, social media or other forms of communications to specifically express views which are in opposition to adopted Commission policy or for matters that have not yet been formally voted upon by the Commission.

8. Commissioners may share their current, individual position on a proposal, but should not commit to voting for or against a proposal before hearing evidence of alternatives present that the Commission hearing on the proposal.

Chapter 4 – INTERACTION WITH COMMISSION STAFF

Carrying out the Commission’s legislative authority and adopted mission statement is a collaborative effort of Commissioners and staff. The following guidelines are intended to help define the relationship between the Executive Officer and Commission staff:

Interaction with the Executive Officer

1. Commissioners ~~members~~ are encouraged to contact the Executive Officer about any subject related to the Commission’s agenda or operations ~~of the Commission~~.
2. The Commission is comprised of Commissioners who are elected to their home agencies’ governing bodies. Further, some Commissioners are appointed by other bodies (e.g., the County Board of Supervisors, the City Selection Committee, or the Independent Special District Selection Committee. In other words, the Act anticipates that Commissioners wear at least two legislative hats. Nevertheless, Commissioners should interact with staff as members of the Commission. If their interaction with staff is on behalf of their home agency or their appointing body, they should clearly advise the Executive Officer of that fact.
3. Commissioners will maintain a high level of communication with the Executive Officer when ~~he/she they~~ will not be attending the regular meeting in order for the alternate member to be notified in a timely manner.
4. Concerns regarding overall Commission operations or specific issues are to be addressed with the Executive Officer. Unresolved issues between Commissioners and the Executive Officer will be elevated to the Commission’s Chair/Executive Committee/Commission for resolution.
5. The Executive Officer handles internal operation ~~sal matters or issues~~.
6. The Executive Officer shall advise the Commission when the Officer he/she is out of the office for an extended period ~~of time~~ and shall designate the Assistant Executive Officer or other staff designee to act on ~~their/his/her~~ behalf during that time.

Interaction with Commission Staff and General Counsel

Commission staff and general counsel serve the entire Commission as a whole. Consequently, the Commission should adhere to the following guidelines in its interaction with the staff and general counsel:

1. A Commission member shall not direct staff to initiate any action, change a course of action, or prepare any report without the approval of the Executive Officer and, if necessary, a majority of the Board.
2. Commission members shall not attempt to pressure or influence staff recommendations, schedules, legislative requirement, or priorities.
3. When preparing for Commission meetings, Commission members should direct questions ahead of time to the Executive Officer so that staff can provide the desired information at the Commission meeting.
4. Any concerns by a member of the Commission regarding the behavior or work of a Commission employee should be directed to the Executive Officer privately to ensure that the concern is addressed. Commission members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the Executive Officer.
5. Individual Commission member requests for research or other staff work must be directed to the Executive Officer. Legal inquiries or matters may be directed to the Commission's general counsel. If, in the judgment of the Executive Officer, more than one hour of staff time will be required to complete the requested task/project, the item may be agendized to solicit Commission authorization to expend the additional time necessary on the requested item. Staff responses to individual Commission member requests shall be distributed to all Commission members.
6. Commission members are provided the same information, where practical, including staff reports, meeting agendas, background information, and other communication as deemed appropriate by the Executive Officer and in order to comply with any required laws.
7. Commission members are responsible for informing the Executive Officer of any specific information they want to receive from outside agencies or organizations. Staff is responsible for providing the same in a timely manner.

8. Commission members are aware that all written and electronic documentation and communication are legally considered in the public domain. This excludes information protected by attorney-client privilege.

Chapter 5 – KEY COMMUNICATION ELEMENTS: *One Message, One Voice*

Developed for internal use by Commissioners and staff, the following represent key OC LAFCO messaging to ensure consistent and cohesive communications with Orange County’s local agencies, communities, and other interested parties:

1. OC LAFCO values its objectivity, public outreach, involvement, and transparency when considering changes of organization and reorganization, establishing spheres of influence, conducting municipal service reviews, and proactively annexing unincorporated areas.
2. OC LAFCO is committed to informing local government agencies and the public of the Commission’s State mandates, local mission and resources.
3. In regulating the boundaries of cities and special districts, OC LAFCO gives great consideration of community needs involving critical, reliable, and sustainable municipal services such as water, wastewater, public safety, and parks and recreation.
4. OC LAFCO works effectively and collaborative with various stakeholders to benefit the residents of Orange County to ensure efficient and sustainable delivery of municipal services by local government agencies.
5. When determining spheres of influence and local agency boundaries, OC LAFCO carefully considers the interests of residents of disadvantaged communities ~~are carefully considered~~. This ensures all residents~~people~~ are afforded equal access to vital municipal services.
6. OC LAFCO plays a key role in ensuring local government agencies benefit the residents within their jurisdictions.
7. To ensure that all Orange County residents receive the most efficient, cost-effective, and equitable municipal services, OC LAFCO works to reduce the number of unincorporated areas surrounded by cities.

8. Consolidation of agencies will be conducted by the Commission in a deliberate and transparent manner, with a priority placed on the needs of affected residents and direct benefits of consolidation, and include input from the subject and affected agencies.
9. In addition to its legislative authority, OC LAFCO serves as a resource to the County’s local agencies and residential and business communities involving municipal services and governance options.

Chapter 6 – Strategic Plan 2022-2025 Implementation

On July 13, 2022 the OC LAFCO 2022-2025 was approved by the Commission. This plan outlined four goals as follows:

Goal 1: Staff Development, Retention and Recruitment

To promote staff development, talent building and acquisition.

Goal 2: Improve Municipal Service Review (MSR) Process for Future MSRs

Further refine the MSR process to support the efficiency and more effectiveness in preparing MSRs and completing SOI updates.

Goal 3: Promote Legislative Engagement

To build coalitions with external organizations (ACC-OC, CALAFCO, CSDA, CSAC, League of California Cities, OCCOG, and Orange County Division-League of Cities) on policy issues of mutual interest.

Goal 4: Optimize External Communication

To promote “ONE MESSAGE, ONE VOICE” through Commissioners and staff working jointly in carrying out the state and local missions and authority of the agency. Externally, effectively communicating OC LAFCO’s mission and authority to local agencies, affected communities, and other interested parties through consistent messaging of the Commission’s key communication elements.