

REGULAR MEMBERS

CHAIR
Donald P. Wagner
County Member

VICE CHAIR
Wendy Bucknum
City Member

IMMEDIATE PAST CHAIR
Douglass Davert
Special District Member

James Fisler
Special District Member

Derek J. McGregor
Special District Member

Bruce Whitaker
City Member

Vacant
County Member

ALTERNATES

Kathryn Freshley
Special District Member

Carol Moore
City Member

Lou Penrose
Public Member

Vacant
County Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: July 10, 2024

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer

SUBJECT: Commissioner Handbook

SUMMARY

On February 14 and April 10, 2024 the Commission engaged in discussions on the draft Commissioner Handbook. Facilitated by consultant, Bill Kelly, some Commissioners requested additional edits to the draft document including simplifying it in length and rewording of sections. To ensure that the consultant and staff could appropriately address these comments, Commissioners were asked to submit comments in writing to staff by May 3. The current version of the draft handbook, referenced in Attachment 1, includes edits based on Commissioner feedback given during the regular meeting and submitted to staff. Below are 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:

1. Commissioner Handbook (Version:7-2024)

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 (“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 guide 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 through fair, ethical, and accountable practices, exercise their independent judgement on behalf of the interests of Orange County’s residents, property owners, and the public as a whole. Such Commissioners are to operate under 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 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 OC LAFCO mission statement and governing principles outlined within the Handbook.

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.

Authority

Established in 1963 by the California Legislature, OC LAFCO is responsible for overseeing the boundaries, establishing spheres of influence (probable 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, 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 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 effectively, each Commissioner must understand their respective role and the relationship they have to other Commissioners, the Executive Officer and staff. 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 to act outside of the regular meetings involving procedural or administrative matters.

Role of the Commission

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

1. That the Commission hires an Executive Officer to manage the Commission's day-to-day operations and implement policies and properly evaluates the Executive Officer annually based on the goals and objectives the Commission adopts and outlines in the OC LAFCO strategic plan.
2. That the Commission is responsible (from a policy perspective) to ensure that the Commission is a progressive, innovative, and well-managed agency.

3. 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.
4. That the Commission supports orderly growth and the social, fiscal and economic well-being of Orange County’s local agencies, residents, and communities.

Chapter 2 – ORGANIZATIONAL PRINCIPLES

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

1. OC LAFCO bridges local government agencies and community service needs.
2. OC LAFCO provides 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 studies current trends and anticipates changes of organization and reorganization to assist the Commission in addressing potential jurisdictional challenges and identifying opportunities that guide local governments.
5. OC LAFCO conducts the Commission’s processes and operations objectively and transparently in accordance with State and other applicable laws and locally adopted policies, procedures and guidelines.

Chapter 3 – REPRESENTING AN OFFICIAL COMMISSION DECISION OR POSITION

In public interactions relating to Commission business, clarity about whether Commissioners are sharing the position or policy of the Commission, the position or policy of their home agency, or their own position, Commissioners should:

1. Officially represent the Commission at external meetings or communicate on behalf of the Commission only when authorized by the Commission.

2. When expressing their own position on pending Commission business outside of a Commission meeting, indicate that they are sharing their own position and not the Commission's.
3. When sharing an individual position on a pending proposal, do not commit to voting for or against a proposal subject to a public hearing before hearing review of statutory requirements presented at the Commission hearing on the proposal.
4. Before communicating with the news media, social media or other forms of communication about Commission business, inform the Executive Officer and/or the Commission Chair.

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:

Executive Officer and Staff

1. Commissioners are encouraged to contact the Executive Officer before staff about any subject related to the Commission's agenda, work in progress, or operations, including attendance at regularly monthly meetings so that the respective alternate may be notified in a timely manner.
2. The CKH Act anticipates that Commissioners wear at least two legislative hats. Nevertheless, involving Commission business, Commissioners should interact with the Executive Officer and staff as members of the Commission. If their interaction with the Executive Officer and staff is on behalf of their home agency, their appointing body, or any other body or person other than the Commission, they should clearly advise the Executive Officer and staff of that fact.
3. State law requires the Executive Officer to conduct the appointment proceedings for OC LAFCO special district commissioners. In this role, the Executive Officer is an agent of the State of California and any interaction from commissioners with the Executive Officer involving these proceedings should be on behalf of their home agency or position held with their home agency and not as a member of the Commission.
4. If, in the judgment of the Executive Officer, more than one hour of staff time will be required to complete an individual Commissioner request, the item may be

agendized to solicit Commission authorization to expend the additional time necessary on the requested item, and responses to individual Commissioner requests shall be distributed to all Commission members.

5. Commissioners 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 the law.
6. For the purposes of coordination and workflow management, communications, and questions regarding work in progress, the Executive Officer shall advise the Commission when he/she is out of the office for an extended period of time and shall designate the Assistant Executive Officer to act on his/her behalf during that time.

General Counsel

1. Legal inquiries involving less than three hours of attorney time may be made directly to the Commission's general counsel. Requests requiring more time should be directed to counsel through the Commission.
2. Commissioners are aware that all written and electronic documentation and communication are presumed to be public records. This excludes information protected by attorney-client privilege. Individual Commissioners are not authorized to waive the attorney-client privilege.