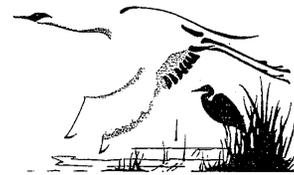


**Letter Dated September 6, 2011 from
Tom Dodson and Associates
Recommending a Statutory Exemption**

Attachment 2

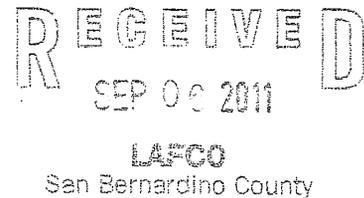
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September 5, 2011

Ms. Kathleen Rollings-McDonald
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490



Dear Kathy:

LAFCO Staff has revised and consolidated the Commission's Policy and Procedures Manual. This Manual is comprised of a mix of procedures that have no potential to affect the environment and policies, some of which may establish criteria that can affect the physical environment. The Policy and Procedures Manual consists of the following sections:

1. Mission Statement and Commission Operations
2. Accounting and Financial Policies for San Bernardino LAFCO
3. Human Resources Policies and Procedures and Benefit Plan
4. Guidelines for Evaluating Proposals
5. Environmental Review: Administrative Guidelines, Policies, and Procedures
6. Special Districts: Special District Representation
7. California Guide to the LAFCO Process for Incorporations
8. Municipal Service Review Guidelines

Many of the sections, such as the Human Resources Policies and Procedures and Benefit Plan are defined by CEQA as not being a "Project." As an example, Section 15378(b)(2) states: *Project does not include: (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making....* The Human Resources policies fall under this type of exemption. Other actions are ministerial, i.e. "Section 15268 Ministerial Projects" are those for which there is no discretionary decision on the part of the agency making the decision. An example for LAFCO is an island annexation were the Commission does not have discretion to deny an annexation if the property of concern meets the definition of an "island." The Policy and Procedures Manual incorporates recent changes in LAFCO policies that are mandated by law, which for the Commission means that they are ministerial since the Commission cannot change them.

After meeting with the LAFCO Staff it was determined that aside from those changes mandated by law, the Manual does not incorporate any changes in the policies that may have an effect on the physical environment. That is, the policies remain the same as that found in the previous policies. Therefore, the adoption of the Policy and Procedures Manual does not have any potential to cause physical changes in the environment. Based on the above proposal, I conclude that the Manual can be implemented without causing any physical changes to the environment or any adverse environmental

impacts. This finding is based on the continuation of existing policies or incorporation of mandated changes in LAFCO policies.

Therefore, I recommend the Commission find that the revised and updated (consolidated) LAFCO Policy and Procedures Manual is Statutorily Exempt under Sections 15268 and 15378. It is my opinion, and recommendation to the Commission, that these sections of the State CEQA Guidelines applies to consideration and approval of the circumstance applies to the LAFCO Policy and Procedures Manual. The Commission can approve the review and findings for this action and I recommend that you notice consideration and approval of the LAFCO Policy and Procedures Manual LAFCO as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson