

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE : JANUARY 9, 2012 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #11 – Status Report on Policy and Procedure Manual Update and Island Annexation Policy Update

RECOMMENDATION:

Staff recommends that the Commission:

1. Direct staff to set the matters for full consideration on the March 21, 2012 Commission agenda with the required advertisement and notifications; and,
2. Note receipt of the Status Report and file.

BACKGROUND:

At the September 28, 2011 hearing the Commission discussed the update and reorganization of its Policy and Procedure Manual and reviewed its existing Island Annexation policies (excerpt of the minutes from the hearing included as Attachment #1). At that time, the Commission continued the matter indefinitely to: (1) receive the Attorney General's opinion on island annexations, and (2) to have staff amend its policies and forms to clarify indemnification issues.

Staff conveyed to the Attorney General's office the Commission's interest in receiving the opinion requested by Senator Gloria Negrete McLeod (copy of September 28, 2011 hearing staff report included as Attachment #2). In late October LAFCO staff was informed that the opinion had been submitted for final review, but to date no further information has been received. Ms. Sue Hulse identified at the September Hearing that it was her understanding that the opinion would be issued shortly. Staff has inferred this to mean by the beginning of the New Year. It is the staff's position that it is now appropriate to move forward with this consideration.

Since the September hearing, the Governor has signed SB 244 related to addressing disadvantaged unincorporated communities and the services they receive or don't receive. Passage of SB 244 will require that the Commission adopt new policies related to "disadvantaged unincorporated communities" and the needs required for additional considerations in service reviews (Government Code §56430) and sphere of influence updates (Government Code §56425). In addition, at the direction of the Commission, staff has worked on new language for policies to assure that the governing body of an entity submitting an application and/or affected landowners and voters understand the indemnification requirements of the Commission as well as refining the forms we use for application submission. Since the Commission will be initiating its next required round of service reviews/sphere of influence updates in the near future, it is important to have identified the necessary policies and procedures applicable.

Based upon these positions, LAFCO staff believes that the time is right for considering these items. Therefore, staff is recommending that the Commission set this matter for full consideration on the March 21, 2012 agenda. This will require new advertisement and notifications for the consideration.

KRM

Attachments:

- 1 - [Excerpt of Minutes related to Item #12 Related to Island Annexation Policies](#)
- 2 -- [September 28, 2011 Staff Report](#)