

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490
(909) 383-9900 • Fax (909) 383-9901
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: OCTOBER 14, 2014 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item 8 – Proposed Amendments to LAFCO Policy and Procedure Manual

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. For environmental assessment certify that the proposed additions and amendments, to the Policy and Procedure Manual are statutorily exempt from the provisions of the California Environmental Quality Act and instruct the Executive Officer to file a Notice of Exemption within five (5) days of this action; and,
2. Approve the following revisions and amendments to the Commission's Policy and Procedure Manual:

A. Update the Accounting and Financial Policies as follows:

Introduction:

The following is intended to provide an overview of the accounting and financial policies and procedures applicable to San Bernardino LAFCO. San Bernardino LAFCO has entered into agreements with the County of San Bernardino to perform Information Technology (IT) support and financial and accounting services as follows:

- a) Production Support Agreement with the San Bernardino County Information Services Department. San Bernardino LAFCO contracts for the provision of IT services from the County for its network system, computer operations, and geographic information systems services. The current contract was entered into October 2012 and continues until terminated or amended. LAFCO pre-approves all projects and maintenance prior to any Information Services Department (ISD) time being expended for such purposes. ISD provides LAFCO with an itemized monthly bill for services rendered per the Board of

Supervisors' approved fees, and processes payment monthly via an interdepartmental transfer.

...

B. Update the Human Resources Personnel Policies and Procedures as follows:

Policy 302 Vacation; Section E is added

New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

Policy 202 Compensation is amended to read:

...

B. Effective March 22, 2014, the following shall be the salary ranges for LAFCO positions *(Added June 16, 2011; Amended May 16, 2012; Amended September 17, 2014):*

Position	Hourly Range	Annual Range
Executive Officer	As determined by the Commission	
Assistant Executive Officer	\$38.58 to \$49.33	\$80,246 to \$102,606
Project Manager	\$30.17 to \$38.58	\$62,754 to \$80,246
LAFCO Analyst	\$21.44 to \$27.39	\$44,595 to \$56,971
Clerk to the Commission/Office Manager	\$22.51 to \$28.73	\$46,821 to \$59,758
Administrative Assistant	\$18.52 to \$23.64	\$38,521 to \$49,171

...

BENEFIT PLAN Section 1; Section C is amended as follows:

...
C. BENEFIT PLAN GROUPS

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Added June 16, 2011; Amended September 17, 2014)*

1. Group A. Executive Officer
2. Group B. All SB LAFCO Employees not in Groups A or C
3. Group C. Administrative Assistant (hired after September 17, 2014)

C. Updates to Section 4 – Project/Application Processing:

Add Policy 14 – Campaign Disclosure Requirements:

1. Definitions

- a. "Contribution" as used herein shall have the same definition as provided in Government Code Section 82015, as amended.
- b. "Expenditure" as used herein shall have the same definition as provided in Government Code Section 82025, as amended.
- c. "Independent expenditure" as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term "measure" as used in Section 82031 shall be replaced with the term "proposal for organization or reorganization."
- d. "Political Purposes" as used herein shall mean for the purpose(s) of:
 - (i) Influencing public opinion;
 - (ii) Lobbying public officials; and/or,
 - (iii) Influencing legislative or administrative action as defined in Government Code § 82032.

It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

2. Disclosure Requirements for Petitions for Proposals for Organization or Reorganization

- a. Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- b. Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section 5 below.

- c. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the “election” date for this purpose.
- d. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues. Reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

3. Disclosure Requirements for Conducting Authority Proceedings

- a. Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- b. Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section 5 below.
- c. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the “election” date for this purpose.
- d. In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued

to a later date, the obligation to file continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

4. Certain Reports and Disclosures Excluded

This policy requires only that the persons subject to it disclose via reports to the Fair Political Practices Commission contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition to the commission for a proposal for an organization or reorganization and does not impose on such persons the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

5. Where to File

All reports and disclosures required hereunder shall be filed with the Fair Political Practices Commission.

Amend Policy 9 -- INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS (*Adopted February 19, 1997; Amended February 17, 1999, February 21, 2001{legislatively required}, April 17, 2002, January 17, 2007, April 21, 2010, and October 22, 2014*)

...

The adopted procedure for Individual Notice is as follows:

- a. LAFCO staff shall prepare landowner information within and surrounding the proposal for change of organization, sphere of influence change or development-related service contract through data included on the most current Assessment Roll prepared by the County Assessor's office. LAFCO staff shall also utilize the parcel information to coordinate with the Registrar of Voters office to provide information on the registered voters within and surrounding the area proposed for change.
- b. The parameters for preparing the notice for surrounding landowners and registered voters by LAFCO staff shall include the distance requirement, or number of parcels, in a linear direction from all points of the area proposed for change.
- c. The individual notice of Commission proceedings shall be provided for all changes of organization, sphere of influence changes or

development-related service contracts. Exceptions to this requirement are noted in Items 2 and 3 below.

...

Amend Policy 13 - Disadvantaged Unincorporated Community Annexation
(Adopted June 20, 2012, Amended October 22, 2014)

...

- a) LAFCO shall utilize the ESRI Community Analyst Online, a web-based application, to develop the demographic data needed to define a “disadvantaged unincorporated community” as outlined in Government Code Section 56033.5. In addition, a community, as identified in this section, shall be defined as meaning an inhabited area that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

...

D. Updates to Section 6 – Special Districts:

Amend the Exhibit “A” Listing of Special Districts Functions and Services to reorganize to reflect changes in the definition of dependent and independent special districts, effective January 1, 2012.

E. Updates to Section 7 – Forms:

Approve the updated Forms for use by the Commission in its activities for:

- Application Submission Checklist
- Landowner Protest Form
- Registered Voter Protest Form
- Campaign Disclosure Form

And Eliminate the *Listing of Assessor Parcel Number within Area Proposal for Change*

3. Adopt LAFCO Resolution No. 3188 reflecting the changes to the Policy and Procedure Manual and direct the Executive Officer to distribute to affected and interested parties and to update the Commission Website.

BACKGROUND:

At the June 2012 Commission hearing, the LAFCO Policy and Procedure Manual was reorganized and updated. As a part of that discussion, Item #7 of the recommendation was to:

Establish an annual review of the Policy and Procedure Manual to be undertaken in August or September of every year to ensure that the document remains current and relevant.

Since there was no August hearing, the matter was originally placed on the September hearing scheduled. However, the matter was not advertised correctly and was, therefore, continued to the October hearing. Today we are presenting items for updates and amendments to the Commission's Policy and Procedure Manual identified during the prior fiscal year.

**A. Update to Section 2
Accounting and Financial Policies**

In July of 2012 the County notified the Commission of its desire to terminate the existing Information Services contract and to enter into a new contractual relationship. In October 2012 the Commission authorized the signing of the new agreement which provided for annual payments of charges and the removal from the Countywide Cost Allocation Plan (COWCAP) of the services performed for LAFCO. The following updates the Introduction to the Accounting and Financial Policies outlining this relationship:

- ...
- a. *Production Support Agreement with the San Bernardino County Information Services Department. San Bernardino LAFCO contracts for the provision of IT services from the County for its network system, computer operations, and geographic information systems services. The current contract was entered into October 2012 and continues until terminated or amended. LAFCO pre-approves all projects and maintenance prior to any Information Services Department (ISD) time being expended for such purposes. ISD provides LAFCO with an itemized monthly bill for services rendered per the Board of Supervisors' approved fees, and processes payment monthly via an interdepartmental transfer.*
- ...

**B. Updates to Section 3:
Human Resources Policies and Procedures and Benefit Plan**

Readopt Policy for Prior Service Credit

In September 2004 the Commission contracted with Alcock and McFadden, the Commission's human resources consultant, to review the LAFCO Terms of Employment. Their recommendation was to divide it into three separate documents; which was subsequently approved. The staff report at the time identified that the division of the Terms of Employment into three documents did not change any of the then-current provisions for LAFCO employees, nor provide any additional benefits. Inadvertently, the policy related to determining the vacation accrual rate for employees with prior service (adopted in 2002) was not included in the 2004 documents. The policy as taken from the 2002 Terms of Employment read as follows:

LAFCO employees, who have previously been employed by a public jurisdiction in a comparable position, or position which has prepared such employee for an assignment to a position in LAFCO, may receive credit for such previous experience in the former agency or agencies in determining their vacation accrual rate. Such determination as to comparability of previous experience and amount of credit to be granted rests solely with the Commission.

In 2014 LAFCO staff referred to the San Bernardino LAFCO Policy Manual to utilize the provision to provide credit for the vacation accrual rate for the most recently hired employee, who has prior public service experience. To our chagrin, the policy was absent; although staff verified its 2002 adoption. In addition, San Bernardino LAFCO mirrors the County's Exempt Compensation Plan which contains an updated version of the same policy (Leave Provisions, Section P-4). To clear up this matter, LAFCO staff recommends that the Commission readopt the following policy in the Human Resources Policies and Procedures:

Human Resources Policies and Procedures
Section 302: Vacation Leave, Subsection E: Prior Service Time

New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

...

Amend Policies Related to Staff Restructuring

Due to changes in responsibilities assigned in the LAFCO office, the staffing structure was reorganized as part of the annual 2014-15 budget review and approval process. The reorganization included:

- Deletion of the Deputy Clerk to the Commission and Secretary positions
- Addition of the LAFCO Analyst and Administrative Assistant positions

Due to the reorganization, two amendments are required; one in the Human Resources Policies and one in the Benefit plan. The first amendment reflects the active staff positions and related compensation tables. The second amendment updates the authorized positions for Benefit Group C. The changes include additions shown in bold and deletion shown with a strikethrough text.

1. **Amend Section 202 (Compensation) to Human Resources Policies and Procedures**

...

- B. Effective March 22, 2014, the following shall be the salary ranges for LAFCO positions (*Added June 16, 2011; Amended May 16, 2012; Amended September 17, 2014*):

Position	Hourly Range	Annual Range
Executive Officer	As determined by the Commission	
Assistant Executive Officer	\$38.58 to \$49.33	\$80,246 to \$102,606
Project Manager	\$30.17 to \$38.58	\$62,754 to \$80,246
LAFCO Analyst	\$21.44 to \$27.39	\$44,595 to \$56,971
Clerk to the Commission/Office Manager	\$22.51 to \$28.73	\$46,821 to \$59,758
Administrative Assistant	\$18.52 to \$23.64	\$38,521 to \$49,171
Deputy Clerk to the Commission	\$18.52 to \$23.64	\$38,522 to \$49,171
LAFCO Secretary	\$17.22 to \$21.99	\$35,818 to \$45,739

...

2. **Amend Section 1 (Introduction) to Benefit Plan**

...

2 BENEFIT PLAN GROUPS

For the purpose of this Benefits Plan, employees shall be divided into the following groups: (*Added June 16, 2011; Amended September 17, 2014*)

1. Group A. Executive Officer
2. Group B. All SB LAFCO Employees not in Groups A or C
3. Group C. **Administrative Assistant (hired after September 17, 2014)**
Deputy Clerk to the Commission (hired after July 7, 2007) and LAFCO Secretary

C. **Updates to Section 4:
Project/Application Processing**

Readopt Policy for Campaign Disclosure

Effective January 1, 2008 the Cortese-Knox-Hertzberg Local Government Reorganization Act was amended to address issues related to campaign disclosure requirements for LAFCO proceedings. To implement the statutory amendments, in November 2007 the Commission adopted a policy titled "Campaign Disclosure Requirements". In January of 2009 amendments were made to the reporting requirements directing that the filing was to be with the Fair Political Practices Commission and not LAFCO, but it did not change the existing obligations upon the groups which have sought to influence the outcome of an application. The direction of the Commission was for staff to amend its operational procedures and inadvertently this was translated into a removal of the Commission policy. At this time staff is recommending that the Commission readopt its policy related to

Campaign Disclosure Requirements as amended to reflect the filing is to be provided to the Fair Political Practices Commission not LAFCO and add it as Policy #14 to the Guidelines for Evaluating Proposals, Project/Application Processing. The new policy reads as follows:

Policy 14 – Campaign Disclosure Requirements:

1. Definitions

- a. *“Contribution” as used herein shall have the same definition as provided in Government Code Section 82015, as amended.*
- b. *“Expenditure” as used herein shall have the same definition as provided in Government Code Section 82025, as amended.*
- c. *“Independent expenditure” as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term “measure” as used in Section 82031 shall be replaced with the term “proposal for organization or reorganization.”*
- d. *“Political Purposes” as used herein shall mean for the purpose(s) of:*
 - (i) Influencing public opinion;*
 - (ii) Lobbying public officials; and/or,*
 - (iii) Influencing legislative or administrative action as defined in Government Code § 82032.*

It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

2. Disclosure Requirements for Petitions for Proposals for Organization or Reorganization

- a. *Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures*

and shall include disclosure of contributions, expenditures and independent expenditures.

- b. Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section 5 below.*
 - c. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the "election" date for this purpose.*
 - d. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues. Reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.*
- 3. Disclosure Requirements for Conducting Authority Proceedings*
- a. Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.*
 - b. Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section 5 below.*
 - c. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or*

she shall request that the Fair Political Practices Commission establish a date to serve as the “election” date for this purpose.

- d. In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.*

4. Certain Reports and Disclosures Excluded

This policy requires only that the persons subject to it disclose via reports to the Fair Political Practices Commission contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition to the commission for a proposal for an organization or reorganization and does not impose on such persons the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

5. Where to File

All reports and disclosures required hereunder shall be filed with the Fair Political Practices Commission.

Amend Policy 9 for Individual Notice

When the Commission amended its individual notice policy it identified that in order to implement these requirements, the completion of an “Assessor Parcel Number Listing” form would be required. This was required since LAFCO staff did not have the technological tools to develop the listing in-house. Since 2002, technological improvements in the staff office have provided the needed expertise and access to data to perform this task more accurately and expeditiously by LAFCO staff without the provision of data from the applicant. Therefore, staff is amending the Notice policy to reflect the methods for developing the data for delivery of those notices. Additionally, a subsequent action to be taken as a part of this review for Section 7 – Forms will eliminate the “Assessor Parcel Number Listing” form. The amended language would read as follows:

- 9. INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS** *(Adopted February 19, 1997; Amended February 17, 1999, February 21, 2001{legislatively required}, April 17, 2002, January 17, 2007, April 21, 2010, and October 22, 2014)*

1. INDIVIDUAL NOTICE

In implementing the provisions of Government Code Section 56157, the Commission determines that LAFCO staff shall provide individual notice to all landowners and registered voters of Commission hearings within the boundaries of a proposal for change of organization, sphere of influence change, or development-related service contract. In addition, the distance requirements for providing notice to landowners and registered voters surrounding the exterior boundaries, as required by Section 56157, will be determined according to the following criteria:

<u>PROPOSAL AREA</u>	<u>DISTANCE</u>
Less than 20 acres	Four (4) parcels or 700 feet
20 acres or more	Four (4) parcels or 1,350 feet

For the periodic sphere of influence review and update program required by Government Code Section 56425, notice will be limited to the manner required by law unless specific sphere changes are identified.

The adopted procedure for Individual Notice is as follows:

- a. LAFCO staff shall prepare landowner information within and surrounding the proposal for change of organization, sphere of influence change or development-related service contract through data included on the most current Assessment Roll prepared by the County Assessor's office. LAFCO staff shall also utilize the parcel information to coordinate with the Registrar of Voters office to provide information on the registered voters within and surrounding the area proposed for change.
- b. The parameters for preparing the notice for surrounding landowners and registered voters by LAFCO staff shall include the distance requirement, or number of parcels, in a linear direction from all points of the area proposed for change.
- c. The individual notice of Commission proceedings shall be provided for all changes of organization, sphere of influence changes or development-related service contracts. Exceptions to this requirement are noted in Items 2 and 3 below.

Amend Policy for Disadvantaged Unincorporated Community Annexation

When the Commission adopted the policy for annexing disadvantaged unincorporated communities (DUCs) in 2012, the demographic data needed to define a DUC was obtained from ESRI's Business Analyst application. Through LAFCO's relationship with the County's Information Service Department (ISD), LAFCO has access to the sister application of Business Analyst – Community Analyst. The applications have significant overlap, and include the same source

data. There is no need to have access and pay for two similar applications, so LAFCO staff is choosing Community Analyst to meet our data needs. In order to recognize this change, staff recommends updating the policy to reflect the application change as shown below:

13. Disadvantaged Unincorporated Community Annexation (Adopted June 20, 2012; Amended September 17, 2014)

- (a) LAFCO shall utilize the ESRI ~~Community Business~~ Analyst Online, a web-based application, to develop the demographic data needed to define a “disadvantaged unincorporated community” as outlined in Government Code Section 56033.5. In addition, a community, as identified in this section, shall be defined as meaning an inhabited area that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

**D. Updates to Section 6:
Special Districts**

Amend Definition of Dependent Special District

Effective January 1, 2012, the Cortese-Knox-Hertzberg Local Government Reorganization Act definitions for special district and the differences between a dependent special district and an independent special district were amended. This change affects the organization of the Commission’s “Exhibit A” which provides a listing of the function and services authorized the special districts under LAFCO purview.

Amend Exhibit A Listing

Exhibit A to Section 6 lists the functions and services that each special district under LAFCO’s purview is authorized by the Commission to provide. Since “dependent special district” and “independent special district” are now defined, LAFCO staff recommends that Exhibit A be organized in a similar manner as follows:

- Independent Special Districts
- Dependent Special Districts
 - Governed by City Councils - Subsidiary Districts
 - Governed by County Board of Supervisors

**E. Updates to Section 7:
Forms**

The Commission is required to adopt its forms for use, at a minimum, to address the submission of protest. For San Bernardino LAFCO, the Commission has reviewed and adopted the full range of forms used in application processing. Several of the forms used by the Commission require updating and the following outlines staff’s recommended changes:

1. Application Submission Checklist: Updates to the outline of the submission requirements and the elimination of the form entitled “*Listing of Assessor Parcel Number*”

Within Area Proposed for Change”.

2. Landowner and Registered Voter Protest Forms to correct printing error on Residence Address for submission.
3. Campaign Disclosure Form and Information Sheet: As outlined in the Application Processing Section, the Campaign Disclosure Form was not included in the original adoption of the Forms Section in 2012. The attached Form and Information Sheet will assist those affected in completing the filing requirements for campaign disclosure.

ENVIRONMENTAL CONSIDERATION:

At the September 17, 2014 hearing, staff identified that the review of the changes to the Commission’s Policy and Procedure Manual with the Commission’s Environmental Consultant, Tom Dodson, resulted in the recommendation that an environmental assessment of the project be undertaken. This prompted the need to continue the matter to the October hearing for that consideration and the required legal advertisement. Mr. Dodson has reviewed the actions proposed to amend and update the Policy and Procedure Manual and has indicated that it is his recommendation that the matters are statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the changes proposed for the Commission’s approval are not projects as defined by CEQA and can be implemented without effect upon the physical environment; therefore, the project is exempt from the requirements of CEQA as outlined in the State CEQA Guidelines, Section 15378(b)(2) and the Commission’s Environmental Guidelines. It is recommended that the Commission adopt the Statutory Exemption for this project and direct the Executive Officer to file a Notice of Exemption with the appropriate agency within five days.

CONCLUSION:

Staff recommends that the Commission adopt the proposed amendments, additions and updates to its Policy and Procedure Manual. Staff will be happy to answer any questions prior to or at the Commission hearing.

KRM

Attachments:

1. [Exhibit A—Listing of Special Districts Functions and Services](#)
2. [Forms:](#)
 - a. [Application Submission Checklist](#)
 - b. [Landowner Protest Form](#)
 - c. [Registered Voter Protest Form](#)
 - d. [Campaign Disclosure Form](#)
3. [Letter Dated October 8, 2014 from Tom Dodson of Tom Dodson and Associates for Environmental Assessment](#)
4. [Draft LAFCO Resolution No. 3188](#)