

**Letter Dated October 8, 2014 from
Tom Dodson of
Tom Dodson and Associates for
Environmental Assessment**

Attachment 3

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October 8, 2014

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

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LAFCO
San Bernardino County

Dear Kathy:

The Local Agency Formation Commission (LAFCO) Staff proposes to update, revise and consolidate 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, none of which 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. Forms

Many of the section, 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 action, general policy and procedure making...* The Human Resources policies appear to fall under this type of exemption. Other actions may be ministerial, i.e. "Section 15268 Ministerial Projects" are those for which there is no discretionary decision on the part of the agency making the decisions. The Policy and Procedures Manual will incorporate recent changes in LAFCO policies that are mandated by law, which for the Commission means that they are ministerial since the Commission must implement 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 policies that may have an effect on the physical environment. That is, the policies remain the same as that found in previous policies.

Those policies and procedures that will be modified with this October 2014 update include:

1. Update Section 2, Accounting and Financial Policies and Procedures – Introduction
2. Update Section 3, Human Resources Personnel Policies and Procedures and LAFCO Benefit Plan - Add Policy 302 Vacation, Section E Prior Service Credit, Amend Policy 202 for Compensation; and Amend Benefit Plan Section I Item C.
3. Update Section 4, Application/Project Processing -Add Policy 14 – Campaign Disclosure Policy, Amend Policy 9 – Individual Notice of Commission Hearings to Landowners and Registered Voters, and Amend Policy 13(a) – Disadvantaged Unincorporated Community Annexation Policy
4. Update Section 6, Special District Representation Policies and Procedures – Amend Exhibit A Listing to reflect statutory changes
5. Update Section 7, Forms – Amend Application Submission Checklist, Amend Landowner and Registered Voter Protest Forms, and Add Campaign Disclosure Form

Therefore, the adoption of the updated and revised Policy and Procedures Manual does not have any potential to cause physical changes in the environment. Thus, based on the proposed updates and revisions, I conclude that the Manual changes 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 the mandated changes to LAFCO policies.

Therefore, I recommend that the Commission find that the revised and updated LAFCO Policy and Procedures Manual is Statutorily Exemption under Sections 15268 and 15378. It is my opinion and recommendation to the Commission that these sections of the State CEQA Guidelines apply to consideration and approval if the proposed Manual changes.. 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 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section 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,



Tom Dodson