

**Draft LAFCO Resolution No. 3188**

**Attachment 4**

# 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

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## RESOLUTION NO. 3188

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, REVISING ITS POLICY AND PROCEDURE MANUAL,

On Wednesday, October 22, 2014, on motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to revise and amend its Policy and Procedure Manual approved by the Commission at its June 20, 2012 hearing. Revisions include: a) annual updates, b) readopt the Prior Service Credit Policy of the Human Resources Section, c) Make necessary amendments to reflect staff restructuring, d) readopt Campaign Disclosure Requirements Policy and Procedure, and e) update forms adopted by the Commission.

**SECTION 2.** A statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that the changes proposed for the Policy and Procedure Manual are statutorily exempt from CEQA and such exemption was adopted by this Commission on October 22, 2014. The Executive Officer was directed to file a Notice of Exemption within five working days of its adoption.

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County therefore resolves and orders that the following changes to the Policy and Procedure Manual are approved:

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**A. Update the Accounting and Financial Policies as follows:**

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**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.

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

**Policy 302 Vacation; Section E is added**

- E. 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 October 22, 2014*):

<b>Position</b>	<b>Hourly Range</b>	<b>Annual Range</b>
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

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

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C. BENEFIT PLAN GROUPS

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Added June 16, 2011; Amended October 22, 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.

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### 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 10<sup>th</sup> 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.

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- 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 10<sup>th</sup> 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)

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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

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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.

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

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- 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.

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### **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 as shown on Attachment #1.

### **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

As provided on Attachment #2 and Eliminate the *Listing of Assessor Parcel Number within Area Proposal for Change*

**SECTION 4.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the revised and amended Policy and Procedure Manual to be

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posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Administrative Office, each City, Town, and Independent Special District in the County and to affected County Departments for implementation.

**THIS ACTION APPROVED AND ADOPTED BY THE LOCAL AGENCY FORMATION  
COMMISSION FOR SAN BERNARDINO COUNTY BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

.....  
STATE OF CALIFORNIA )  
 )ss.  
COUNTY OF SAN BERNARDINO )

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of October 22, 2014.

**DATED:**

\_\_\_\_\_  
KATHLEEN ROLLINGS-McDONALD  
Executive Officer