Letter Dated August 6, 2015 from Commission's Environmental Consultant Tom Dodson and Associates

Attachment 2

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August 6, 2015

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LAFCO
San Bernardino County

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

Dear Kathy:

The Local Agency Formation Commission (LAFCO) Staff has conducted its annual review of the Commission's Policy and Procedures Manual (Manual) and is proposing to update several section of the Manual for 2015. This Manual is comprised of a mix of procedures that have no potential to affect the environment and policies, none of which establish actions 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: Changes related to County Code Changes
3. Human Resources Policies and Procedures: Changes related to County Code Changes and Titles
4. Application/Project Processing
5. Environmental Guidelines, Policies, and Procedures
6. Special Districts: Representation Rules and Regulations
7. Forms

Many of the sections, such as the Human Resources Policies and Procedures 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. 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 15061(b), 15268 and 15378 of the State CEQA Guidelines. It is my opinion and recommendation to the Commission that these sections of the State CEQA Guidelines apply to consideration and approval of 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 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,

Tom Dodson

Tom Dodson