

**Draft LAFCO
Resolution No. 3232**

Attachment 2

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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RESOLUTION NO. 3232

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, ADDING TO, AMENDING, AND RESCINDING ITS POLICY AND PROCEDURE MANUAL

On Wednesday, August 17, 2016, 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 amend its Policy and Procedure Manual approved by the Commission at its August 15, 2015 hearing. The amendments include non-substantive changes.

SECTION 2. 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:

1. **Section II (Accounting and Financial), Chapter 1 (Internal Operations), Policy 8 (Apportionment) is added to read as follows:**

In apportioning the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381, the apportionment distribution provided by the Auditor-Controller based upon State Controller data available at the time of the proposed LAFCO budget shall be used for billing purposes - regardless if new State Controller data are issued prior to July 1 of each year.

2. **Section II (Accounting and Financial), Chapter 2 (Application Processing), Policy 2 (Filing Fee Refund) is amended to read as follows:**

If withdrawal of an application is requested, the LAFCO Filing Fee paid for processing will be refunded in the following manner:

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- A. Following issuance of the Notice of Filing but prior to the commencement of the property tax negotiations for changes of organization or Department Review Committee consideration for sphere of influence amendment: 2/3 refund.
- B. Following commencement of the property tax negotiations or Department Review Committee process but prior to the advertisement of the Commission's consideration: 1/3 refund.
- C. Following advertisement of the Commission's consideration: no refund.
- ...

3. Section II (Accounting and Financial), Chapter 2 (Application Processing), Policy 3 (Indemnification) is amended to read as follows:

...

PROCEDURES:

A. Acknowledgement of LAFCO Indemnification Requirement:

- 1. When a public agency adopts a resolution of application to initiate an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the resolution shall include a provision acknowledging the Commission's requirement for indemnification as outlined in this Manual.
- 2. When a state agency or a real party of interest initiates an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the written request shall include a statement acknowledging the Commission's requirement for indemnification as outlined in this Manual.

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4. Section III (Human Resources), Chapter 2 (Employment), Policy 4 (Performance Management) is amended to read as follows:

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B. ELIGIBILITY FOR STEP ADVANCEMENT *(Amended June 16, 2011)*

New employees shall be hired at step 1 of the established base salary range, except as otherwise provided in this section. Variable entrance steps may be established if justified by recruitment needs through Step 7 with the approval of the Executive Officer and through the top step with the approval of the Commission or designee.

Within the base salary range, all step advancements will be made at the beginning of the pay period in which the employee completes the required number of service hours. However, when an employee reaches the required number of service hours with 80 hours in each pay period, the step advance will be made at the beginning of

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the next pay period. Approval for advancement shall be based upon completion of required service hours in the classification, satisfactory work performance, and Appointing Authority recommendation.

Completed service hours shall be defined as regularly scheduled hours in a paid status, up to 80 hours per pay period. Overtime hours, disability payments, medical emergency leave, and time without pay shall not count toward step advancements. Unless otherwise approved by the Commission, step advancements within a base salary range shall be based upon a one step increment, approximately two and one-half percent. The employee shall be eligible for the first step advancement after completion of 1,040 hours and subsequent step advancements after completion of additional increments of 2,080 hours.

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5. Section III (Human Resources), Chapter 5 (Benefit Plan), Policy 6 (Flexible Spending Account) is amended to read as follows:

The County has established a medical expense reimbursement plan, Flexible Spending Account (FSA), for employees in regular positions. The Exempt FSA is established in accordance with the provisions of Internal Revenue Code (IRC) Section 125. The Human Resources Employee Benefits Department will serve as the Plan's Administrator and will administer the Exempt FSA in accordance with the County's exempt medical expense reimbursement plan document. SB LAFCO contracts with SB County to provide this benefit to its employees.

Eligible employees may contribute to the FSA, on a pre-tax basis, up to the IRC maximum per biweekly pay period. SB LAFCO will contribute up to (\$40.00) per bi-weekly pay period, matching employee contributions dollar for dollar (effective July 23, 2016).

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6. Section IV (Application Processing), Chapter 1 (Proposals), Policy 14 (Disadvantaged Unincorporated Communities) is amended to read as follows:

- A. LAFCO shall utilize the ESRI Community Analyst Online, a web-based application, to develop the demographic data needed to define the "disadvantaged unincorporated community" as outlined in Government Code Section 56033.5. The data shall be developed and mapped every five years in years ending in 1 and 6 (for example 2011 and 2016) and made available on the LAFCO website.

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7. Section VII (Forms), Landowner Protest Petition is rescinded.

8. Section VII (Forms), Registered Voter Protest Petition is rescinded.

9. Section VII (Forms), Written Protest Form is added.

