

**MARIN COUNTY  
LOCAL AGENCY FORMATION COMMISSION**



**POLICY HANDBOOK**  
POLICIES, PROCEDURES, AND GUIDELINES

**ADOPTED**  
JUNE 9, 2016

**LAST AMENDED**  
FEBRUARY 9, 2017

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# CHAPTER ONE

## PREAMBLE

### 1.1 INTRODUCTION AND PURPOSE

In order to carry out its functions, the California Legislature requires local agency formation commissions or LAFCOs to adopt policies and procedures to govern the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in all 58 counties. Accordingly, Marin LAFCO has adopted the ensuing policies and procedures hereafter referred to as the “Policy Handbook,” to help ensure the fair and consistent implementation of the agency’s delegated regional growth management responsibilities in Marin County. The Policy Handbook serves as Marin LAFCO’s principal document in outlining standards, goals, strategies, and requirements in uniformly fulfilling its prescribed duties consistent with the collective preferences of the membership to promote and produce orderly local government. Nonetheless, Marin LAFCO reserves discretion in administering the Policy Handbook to remain responsive to unique and changing circumstances.

This Policy Handbook serves as the Commission’s principal management tool in helping to ensure the fair and uniform implementation of LAFCO law in Marin County.

### 1.2 HANDBOOK ORGANIZATION

The Policy Handbook is divided into five distinct sections as summarized below.

- The first section – Chapter Two – contains key background information on Marin LAFCO’s legislative authority and direction to exercise regional growth management services in Marin County and purposes therein.
- The second section – Chapter Three – details policies and procedures regarding Marin LAFCO’s administrative operations. This includes standards on the selection of members, conducting of meetings, accounting, and related matters.
- The third section – Chapter Four – details policies and procedures regarding Marin LAFCO’s regulatory duties and powers. This includes standards to guide the review and action on change of organization proposals and outside service extension requests.
- The fourth section – Chapter Five – details policies and procedures regarding Marin LAFCO’s planning duties. This includes standards to guide the review and action on preparing studies to contribute to the orderly development of local communities as well as setting spheres of influence for all local agencies.


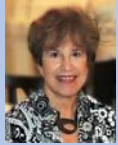





- The fifth section – Chapter Six – details policies and procedures regarding Marin LAFCO’s internal functions. This includes standards on employee classifications, workplace conduct and conditions, and related personnel matters.

### 1.3 CONTACT INFORMATION

Marin LAFCO’s administrative office is located at 1401 Los Gamos Drive, Suite 220 San Rafael, California 94903 and immediately accessible from Highway 101 by taking the Lucas Valley Road exit. Normal business hours are Monday through Friday and between 9:00 A.M. and 5:00 P.M. However, because LAFCO is a small governmental agency the office is sometimes closed during normal business hours when staff is in the field. Accordingly, appointments to discuss proposals or other matters are strongly encouraged and can be scheduled by calling 415-448-5877. Communication by e-mail is also welcome and should be directed to [staff@marinlafco.org](mailto:staff@marinlafco.org). General information – including video recordings of past meetings – is also available at [www.marinlafco.org](http://www.marinlafco.org).

### 1.4 CURRENT COMMISSION ROSTER

#### A. Regular Members

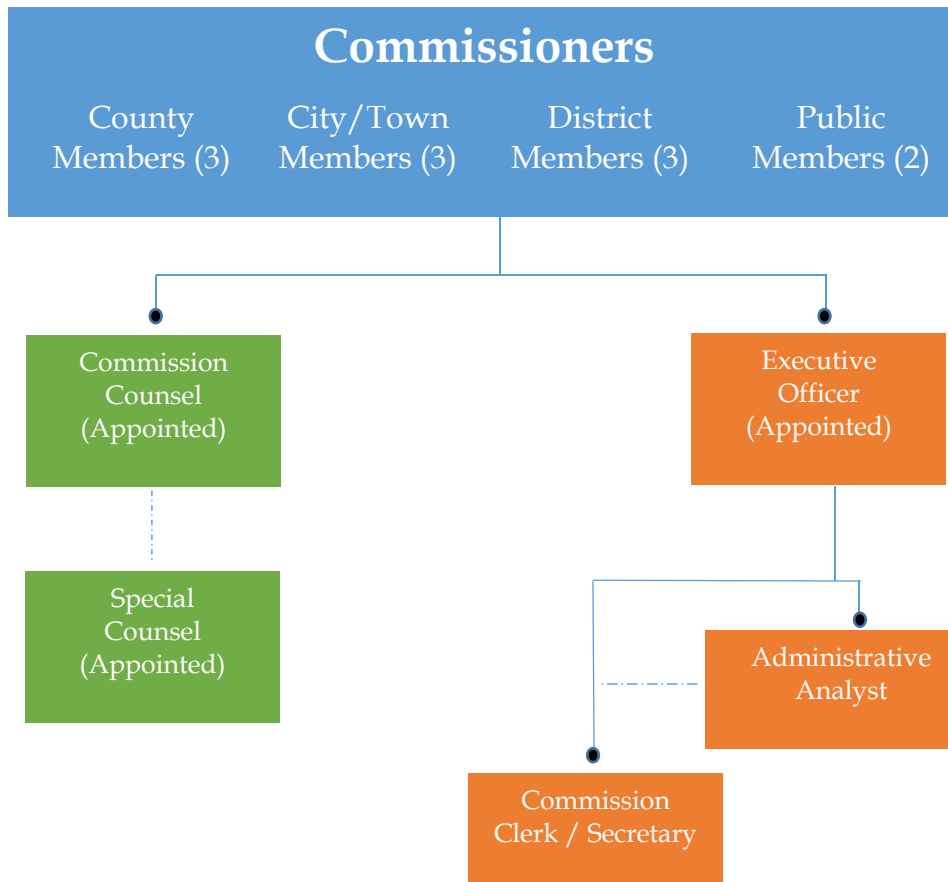
						
Jeffry Blanchfield	Carla Condon	Jack Baker	Damon Connolly	Sashi McEntee	Craig K. Murray	Dennis J. Rodoni
Public Chair	City Vice Chair	District	County	City	District	County

#### B. Alternate Members

			
Judy Arnold	Matthew Brown	Chris Burdick	Lew Kious
County	City	Public	District



## 1.5 ORGANIZATIONAL CHART



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## CHAPTER TWO GENERAL AUTHORITY & MANDATE

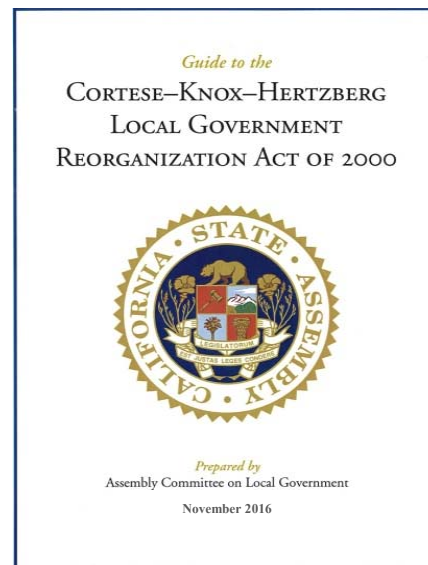
### 2.1 MISSION STATEMENT

The Marin Local Agency Formation Commission (LAFCO) promotes and coordinates the efficient delivery of local governmental services and encourages the preservation of open space and agricultural lands.

### 2.2 LEGISLATIVE AUTHORITY AND DUTIES

#### A. Responsibilities

Marin LAFCO is a subdivision of the State of California and currently responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This includes regulating and planning the orderly formation and expansion of local government agencies and their municipal service areas based on local conditions and circumstances. In carrying out its duties, LAFCO is required to balance orderly development with the sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently extending government services, and providing housing for persons and families of all incomes. (Government Code §56001)



#### B. Authorities

Marin LAFCO's authorities in regulating and planning local government boundaries and municipal service areas in Marin County include, but not limited to, the following:

1. Approve or disapprove proposals from local agencies, landowners, or registered voters to form, expand, reorganize, and dissolve cities/towns and special districts with or without amendments and conditions; and
2. Approve or disapprove proposals from special districts to activate latent powers provided under their enabling legislation or divest existing service powers with or without amendments and conditions; and

3. Initiate and approve proposals to form, dissolve, consolidate, or merge special districts with or without conditions; and
4. Approve or disapprove proposals from cities/towns and special districts to provide new or extended municipal services by contract or agreement outside their jurisdictional boundaries with or without conditions; and
5. Conduct studies - including municipal service reviews - of existing local government services to inform regulatory duties; and
6. Establish spheres of influence - plans for the probable jurisdictional boundaries and service areas - for the cities/towns and special districts and to review and update those spheres of influence every five years; and
7. Provide independent analysis to other State, regional, and local government agencies as well as the public concerning the availability, adequacy, and need for local government and merited changes therein.

### C. Decision-Making

Decision-making at Marin LAFCO is directly vested with the 11-member Commission. The Commission is divided between seven regular voting members and four alternate voting members. Representation on the Commission is also divided between four distinct appointee categories: (a) three appointees from the County of Marin, (b) three appointees from the cities/towns, (c) three appointees from the independent special districts, and (d) two appointees from the general public. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities (Government Code §56325.1). Further details on the appointment process on the Commission is provided in Chapter Three of this Policy Handbook.

State law directs all LAFCO members to independently discharge their responsibilities for the good of the region and irrespective of the interests of their local appointing authorities.

### D. Reconsideration

Marin LAFCO decisions are final and are not subject to an outside appeal process. Any affected agency or member of the public, however, may submit a written request for amendments or reconsideration of a specific Marin LAFCO action if they believe certain and relevant facts were not considered at the time a decision was made. Reconsideration requests must be filed with the Executive Officer within 30 days from the date of Commission action. The decision to accept or deny the reconsideration is solely at the discretion of the Commission (Government Code §56895).

## 2.3 LOCAL AGENCIES SUBJECT TO MARIN LAFCO JURISDICTION

Marin LAFCO has explicit jurisdiction over 65 local governmental agencies throughout Marin County. These agencies include 11 cities/towns, 30 independent special districts (i.e., directly elected board members), and 24 dependent special districts (i.e., appointed board members from other governmental agencies). A current listing of the local agencies subject to LAFCO's regulatory and planning oversight follows.

### A. Cities and Towns:

- Belvedere
- Corte Madera
- Fairfax
- Larkspur
- Mill Valley
- Novato
- Ross
- Sausalito
- San Rafael
- San Anselmo
- Tiburon

### B. Independent Special Districts (Directly Elected Governing Boards)

- Almonte Sanitary District
- Alto Sanitary District
- Bel Marin Key Community Services District
- Bolinas Fire Protection District
- Bolinas Community Public Utility District
- Homestead Valley Sanitary District
- Inverness Public Utility District
- Kentfield Fire Protection District
- Las Gallinas Valley Sanitary District
- Marin City Community Services District
- Marin County Resource Conservation District
- Marin Healthcare District
- Marin Municipal Water District
- Marinwood Community Services District
- Muir Beach Community Services District
- North Marin Water District
- Novato Fire Protection District

- Novato Sanitary District
- Richardson Bay Sanitary District
- Ross Valley Sanitary District (also known as County Sanitary District 1)
- Sausalito-Marín City Sanitary District
- Sleepy Hollow Fire Protection District
- Southern Marin Fire Protection District
- Stinson Beach Fire Protection District
- Stinson Beach Water District
- Strawberry Recreation District
- Tamalpais Community Services District
- Tiburon Fire Protection District
- Tiburon County Sanitary District (also known as County Sanitary District 5)
- Tomales Village Community Services District

### C. Dependent Special Districts (Appointed Governing Boards)

- County Service Area 1 (Loma Verde)
- County Service Area 6 (Gallinas Creek)
- County Service Area 9 (Northbridge)
- County Service Area 13 (Upper Lucas Valley)
- County Service Area 14 (Homestead Valley)
- County Service Area 16 (Greenbrae)
- County Service Area 17 (Kentfield/Larkspur)
- County Service Area 18 (Las Gallinas)
- County Service Area 19 (Country Club)
- County Service Area 20 (Indian Valley, Country Club, and Domingo Canyon)
- County Service Area 23 (Terra Linda)
- County Service Area 25 (San Marin)
- County Service Area 27 (Ross Valley)
- County Service Area 28 (West Marin)
- County Service Area 29 (Paradise Cay)
- County Service Area 31 (Unincorporated Area)
- County Service Area 33 (Stinson Beach)
- Marin/Sonoma Mosquito and Vector Control District
- Marin County Parks Open Space District
- San Rafael Sanitation District
- Corte Madera Sanitary District No. 2
- Murray Park Sewer Maintenance District
- San Quentin Village Sewer Maintenance District
- Marin County Flood Control and Water Conservation District

## 2.4 LOCAL AGENCIES NOT SUBJECT TO MARIN LAFCO JURISDICTION

State law exempts several types of local agencies from direct LAFCO oversight. These exempted agencies are listed below (Government Code §56036).

- School districts
- Community college districts
- Assessment districts
- Improvement districts
- Community facilities districts (Mello Roos)
- Air pollution control districts
- Bridge districts
- Highway districts
- Transit districts

There are also other types of local agencies that are not directly overseen but indirectly overseen by LAFCOs. Most notably, indirectly overseen agencies include counties and typically through the operations and services of their surrogate dependent districts as well as joint-power authorities if their membership includes a city/town or district.

## 2.5 COMPLIANCE WITH OTHER STATUTES

Marin LAFCO is subject to a variety of State statutes aimed at accountable and open government. This includes, but not limited to, the statutes identified below.

### A. California Environmental Quality Act

Many of the decisions rendered by Marin LAFCO are "projects" as defined by the California Environmental Quality Act (CEQA) under California Code of Regulations § 1500-15387. For purposes of complying with CEQA, Marin LAFCO has adopted the "State Guidelines" published by the California Office of Planning and Research under California Administrative Code. The State CEQA Guidelines are incorporated by this reference into the Policy Handbook. Additionally, amendments to the State CEQA Guidelines are automatically effective unless otherwise noted by action of the Commission. (CEQA Guidelines §15022(d))

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## B. Ralph M. Brown Act

Marin LAFCO qualifies as a “local legislative body” and must adhere to the public access standards required under the Ralph M. Brown Act (Government Code §54950-54963). Towards this end, all LAFCO regular meetings are noticed no less than 72 hours in advance and open to the general public. Special meetings may also be convened under the Brown Act under specified circumstances so long as notice has been provided no less than 24 hours in advance. All regular and special meeting notices must be accompanied by written agendas briefly describing each item to be considered at the meeting. Actions or discussions not tied to an item listed on the agenda may not be taken.

## 2.6 DEFINITIONS

The following definitions describe common and pertinent LAFCO terms directly drawn from CKH and used in this Policy Handbook. An expanded list is available beginning with Government Code §56010.

**“Agricultural lands”** means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

**“Annexation”** means the inclusion, attachment, or addition of territory to a city/town or special district.

**“Certificate of completion”** means the document issued by the executive officer that confirms an application for a change of organization or reorganization has been approved and ordered.

**“Certificate of filing”** means the document issued by the executive officer that confirms an application for a change of organization or reorganization has met submission requirements and is accepted for filing.

**“Change of organization”** means any of the following:

- a) city/town incorporation
- b) special district formation
- c) annexation to a city/town or special district
- d) detachment from a city/town or special district



- e) disincorporation of a city/town
- f) dissolution of a special district
- g) consolidation of cities/towns
- h) consolidation of special districts
- i) merger of a special district into a city/town
- j) establishment of a subsidiary special district
- k) exercising new service powers or divesting existing service powers for a special district.

**“Commissioner”** means an appointed member on LAFCO.

**“Consolidation”** means the uniting or joining of two or more cities/towns located in the same county into a single new successor city/town or two or more special districts into a single new successor special district.

**“Dependent special district”** means a special district whose board of directors are directly appointed by another legislative body, such as a city/town council or board of supervisors.

**“Detachment”** means the exclusion, deletion, or removal from a city/town or special district of any portion of the territory of that city/town or special district.

**“Disincorporation”** means the dissolution, extinguishment, or termination of the existence of a city/town and the cessation of its corporate powers, except for the purpose of drawing down the affairs of the city/town.

**“Dissolution”** means the disincorporation, extinguishment, or termination of the existence of a special district and the cessation of all its corporate powers, except as LAFCO may otherwise provide for the purpose of drawing down the affairs of the special district.

**“Executive Officer”** means the person appointed by LAFCO to perform the day-to-day business of the commission and to make related recommendations.

**“Formation”** means the creation of a special district.

**“Incorporation”** means the creation or establishment of a city/town.

**“Independent special district”** means any special district having a legislative body all of whose members are elected by registered voters or landowners within the district.

**“Inhabited territory”** means territory within which there reside 12 or more registered voters.

**“Initiate”** means the issuance of a certificate of filing by the executive officer.

**“Latent service”** means those services, facilities, functions, or powers authorized by the principal act under which the special district is formed, but that are not being exercised as determined by LAFCO.

**“Merger”** means the termination of the existence of a special district when the responsibility for the functions, services, assets, and liabilities of that district are assumed by a city/town.

**“Outside service extension”** means the delivery of new or extended municipal service by contract or agreement with between a city/town or special district with a landowner beyond the agency’s jurisdictional boundary.

**“Prime agricultural land”** means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the qualifications prescribed under §56064.

**“Reorganization”** means two or more changes of organization, such as a concurrent annexation and detachment, contained in a single proposal.

**“Sphere of influence”** means a plan for the probable physical boundaries and service areas of a city/town or district as determined by LAFCO.

**“Subsidiary district”** means a special district in which a city/town council is designated as, and empowered to act as, the ex officio board of directors of that district.

**“Uninhabited territory”** means territory within which there reside less than 12 registered voters.

## 2.7 REPEALER

All previous resolutions of Marin LAFCO establishing policies, procedures, guidelines, rules, and regulations are hereby repealed.

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## CHAPTER THREE

# LAFCO BUSINESS AND OPERATIONS

### 3.1 SELECTION OF COMMISSIONERS

Marin LAFCO has eleven Commissioners divided between seven regular and four alternate members. Regular members have voting authority and consist of two members of the County of Marin Board of Supervisors (selected by the Board of Supervisors), two city council members (selected by the City Selection Committee), two special district board members (selected by the 30 special districts) and one public member (selected by the other six regular members). For each of the four categories of LAFCO membership, an alternate member is appointed to serve in the absence of a regular member.

The nine county, city, and district members on Marin LAFCO are elected officials appointed by their respective authorities. These nine elected officials appoint two public members on Marin LAFCO.

Selection procedures for all four member categories – public, special district, city/town, and county – on Marin LAFCO are summarized below.

#### A. Procedures for Selection of Public Members

The public member and alternate public member shall be appointed by a majority vote of the regular LAFCO County, City, and Special District members. This procedure shall be followed upon expiration or replacement of the regular or alternate public member.

1. Ninety (90) days prior to an appointment, the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
2. The news release shall be mailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed to all current regular and alternate members of Marin LAFCO, all local governments within Marin County and to community organizations including homeowners' associations and civic groups on file with the Marin LAFCO.
3. The application period shall be thirty (30) days and shall begin upon the date legal notice appears in the Independent Journal. Among other things, the news release shall outline the function and purpose of the Commission, indicate the application filing period and invite interested persons to contact the Executive Officer for an application and information concerning the general duties and responsibilities of the public member.

4. Interviews for pending vacancies for expiring terms shall be held during the month of April prior to the May expiration date of the current member's term of office. A standard list of questions should be asked to each candidate as agreed to by the Commission. As required by the Ralph Brown Act, interviews shall be conducted in public sessions and formal selection shall be confirmed at the next regular meeting. The appointment of the public member and public member alternate shall be made at the next Commission's regular meeting and effective immediately.
5. With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident-voter of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCO jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.
6. In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may:
  - a) Select a new member from the applications previously submitted for the current appointment, provided not more than twelve (12) months have passed since such applications were filed with the Commission.
  - b) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission; or
  - c) Appoint the alternate public member to serve as regular public member for the remainder of the regular member's term of office.

## **B. Procedures for Selection of Special District Members**

Government Code §56332(c)(1) provides for selection of regular and alternate special district members by a mail ballot process when the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible. Meetings of the Marin County Special District Selection Committee have previously failed to reach a quorum, indicating the infeasibility of Selection Committee meetings. Accordingly, it is the policy of Marin LAFCO to conduct selection proceedings of regular and alternate special district members by a mail ballot process consistent with the procedures outlined below.

1. The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the pending expiration of the term of a special district member or immediately upon notification the eligibility of a special district member on Marin LAFCO will end prior to the expiration of his or her term.
2. The Executive Officer shall initiate the mail ballot process by distributing to each independent special district a call for nominations, including a schedule of the selection process and a copy of this policy. Nominations must be submitted in writing by special district governing boards within 60 days of the date of the call for nominations. The submittal of a nomination must include a statement of the candidate's qualifications. With the prior concurrence of any special district, the Executive Officer may transmit these materials to and receive nominations from that special district by electronic mail.
3. Within five working days of the close of the nomination period, the Executive Officer shall distribute by certified mail one ballot to each independent special district. The distribution of ballots shall include a statement of qualifications for each candidate on the ballot.
4. Ballots may be submitted by mail or facsimile or electronic mail within 60 days of distribution of the ballots. A majority of independent special district must cast ballots to select a special district member. Selection shall be made by majority of votes cast and a majority of independent special districts in Marin County.
5. Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote. Ballots may be returned to the Marin LAFCO office by mail or by facsimile or electronic mail.
6. All ballots and other records of each selection process shall be retained in the Marin LAFCO office for at least four years and shall be immediately available for public inspection.
7. When more than two candidates are nominated, the ballot form shall provide for selection by majority of votes cast through an "instant runoff" as follows:
  - a) Each district casting a vote shall rank the candidates in order of their preference. District boards would simply indicate a "1" next to their first choice, a "2" next to their second choice, a "3" next to their third choice etc.
  - b) In counting the votes by the Executive Officer, all first choice votes are counted. If any candidate receives over 50 percent of the first choice votes, that candidate is selected as special district member.

- c) If no candidate receives a majority, then the candidate with the fewest "1" votes is eliminated. The ballots of the supporters of the eliminated candidate are then transferred to whichever of the remaining candidates they marked for their second choice. This process shall be continued until one candidate receives a majority and is selected as special district member.
8. Should a vacancy occur during a special district member's term of office, a new appointment shall be made for the unexpired term of the special district member or alternate member according to the process above.

### **C. Procedures for Selection of City/Town Members**

Government Code §56325(b) provides for appointment of two LAFCO members each of whom shall be a serving mayor or council member of a city/town within Marin County. City/Town members shall be appointed by the City Selection Committee according to the procedures adopted by that body.

### **D. Procedures for Selection of County Members**

Government Code §56325(a) provides for the appointment of two LAFCO members each of whom shall be a serving member of the County of Marin Board of Supervisors. Appointment of LAFCO members by and from the membership of the Board of Supervisors is according to the procedures determined by that body.

### **E. Procedures for Selection of Alternate Commissioners**

Alternate members for county, city/town, special district and public members of the Commission shall be selected using the same procedures and selection criteria used for regular members. Alternate members shall serve and vote on the Commission in the event of absence or disqualification of the regular member.

### 3.2 ROLE OF COMMISSIONERS

Commissioners shall independently fulfill their responsibilities while serving on Marin LAFCO in the best interests of the general public, irrespective of interests of their appointing authorities. Alternate Commissioners are encouraged to take an active role in Marin LAFCO to help further inform all related discussions and actions and

All Commissioners – regular and alternates – are expected to actively participate in the business of Marin LAFCO to help further inform all related discussions.

should attend all meetings if at all possible. Alternate members may not vote, however, unless a regular member, from the same representation category as the alternate, is absent or disqualified from participating in an open meeting of the Commission. An alternate member may participate in a closed session. However, alternate members may not vote or make a motion in closed session when the regular member(s) is (are) present.

### 3.3 COMMISSION TERMS

The term of each Marin LAFCO member shall be four years and commence on the first Monday in May for the affected year as provided under Government Code §56334. A Commissioner shall continue to serve beyond their expired term until the appointment and qualification of his or her successor. There are no term limits.

### 3.4 DISQUALIFICATION OF COMMISSIONERS AND CONFLICT OF INTEREST

Pursuant to Government Code §56336, the representation on Marin LAFCO by a member or alternate of a city/town or special district shall not disqualify the member or alternate from acting on a proposal affecting that city/town or the special district. A regular or alternate Commissioner shall only be disqualified from voting on matters in which the Commissioner has a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision as provided by the Fair Political Practices Act.

### 3.5 ABSENCE OF COMMISSIONERS

In the event a regular Commissioner intends to be absent from a Marin LAFCO meeting or disqualify himself/herself from voting on a proposal, he/she shall so notify the Executive Officer at the earliest possible date in advance of the meeting. The Executive Officer shall notify and request the attendance of the appropriate alternate commissioner.



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## 3.6 COMMISSIONER COMPENSATION

### A. Stipends

Commissioners shall receive a stipend of \$125 per regular or special meeting of Marin LAFCO for time and attendance. Alternate members shall receive an equal stipend for attending regular or special meetings irrespective of voting status. Stipends shall also be provided to members in the following cases and in lieu of claiming reimbursements for actual expenses:

- Each day of attendance at standing or ad hoc Commission committee meetings.

Commissioners shall not receive more than five stipends per month.

### B. Expense Reimbursements

Commissioners shall receive reimbursement for reasonable and necessary expenses incurred in attendance of Commission meetings or performance of other official Commission business – including attendance at CALAFCO conferences or training sessions – unless prohibited as provided in Section A. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

Claims for expense reimbursement for Commissioners shall be submitted to the Commission Clerk for processing. Claims for expense reimbursement for all staff members shall be submitted to the Chair for approval and returned to the Commission Clerk for processing. Disputes regarding reimbursable expenses shall be resolved by the Chair or his/her designee. All expense claims shall be submitted with the use of a standard expense claim form approved for use by the Commission.

## 3.7 ELECTION OF OFFICERS

### A. Selection and Duties of the Chair

Marin LAFCO, annually, at the first regular meeting in or immediately after May, shall elect a Chair from among its members on the basis of a majority voting approval. The Chair shall serve until a successor is duly elected. The Chair shall preside at all meetings of the Commission and conduct the business of the Commission in the manner prescribed by law and by these rules. The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to the confirmation of a majority of the Commission. Other duties of the Chair include all of the following activities.



- Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission.
- Make appointments to committees as needed.
- Call special meetings of the Commission as needed.
- Approve emergency outside service extensions consistent with the procedures outlined in this Policy Handbook.
- Perform ceremonial duties on behalf of Marin LAFCO.

### **B. Selection and Duties of the Vice Chair**

Marin LAFCO, annually, at the first meeting in or immediately after May, shall elect a Vice-Chair from among its members on the basis of a majority voting approval. The Vice-Chair shall have all of the powers and duties of the Chair during the absence of the Chair or the Chair's inability to act.

## **3.8 APPOINTMENT AND DUTIES OF EXECUTIVE OFFICER**

Marin LAFCO shall appoint its own Executive Officer to administer the day-to-day business of the agency and all other duties as prescribed in an employee contract and as directed under Government Code §56384(a). The Executive Officer is at-will position. If the Executive Officer is subject to a conflict of interest, the Commission shall appoint an Alternate Executive Officer to advise Marin LAFCO for a specific project.

## **3.9 APPOINTMENT AND DUTIES OF COMMISSION COUNSEL**

Marin LAFCO shall appoint its own Commission Counsel to advise the agency on all related matters as directed under Government Code §56384(b). If the Commission Counsel is subject to a conflict of interest, the Commission shall utilize Alternate Counsel to advise Marin LAFCO for a specific project.

## **3.10 COMMISSION MEETINGS**

LAFCOs are authorized to make regulations for the conduct of meetings under Government Code §56375(h). The following policy directives shall guide the manner in which the Commission conducts meetings.

## A. Regular Meetings

Regular meetings of Marin LAFCO shall be calendared every 12 months by the Commission at its December meeting. Regular meetings may be held either monthly or every other month on the first Thursday and based on anticipated workload. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings shall be called to order at 7:00 P.M. and held in the Marin Clean Energy's Board Room at 1125 Tamalpais Avenue, San Rafael unless advertised differently. Notice of all regular meetings shall be provided ahead no less than 72 hours.

## B. Special Meetings

A special meeting may be called at any time by the Chair of the Commission, or by a majority of the members of the Commission. Notice of such meeting must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.

## C. Conducting of Meetings

### 1. Meeting Quorum:

A majority of the members of the Commission (four members) constitutes a quorum for the transaction of business. In absence of a quorum, the Executive Officer shall adjourn the meeting to a stated time and place.

### 2. Vote Requirements:

No act of the Commission shall be valid, legal or binding unless a majority of the Commission members (quorum) concur therein.

### 3. Commission Actions:

The Commission may act by resolution or motion. All final determinations of the Commission on spheres of influence, change of organizations, outside service extensions, municipal service reviews, contracts, standards and procedures, and budget adoptions shall be made by resolution.

### 4. Voting Procedures:

The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member. Prior to calling the roll, the Commission Clerk or his/her designee shall repeat the motion for the record. If the roll is not called, in the absence of an objection, the Chair may order a vote by asking "All in favor?", "Commissioners against?" and "Commissioners abstaining?"

5. Consent Calendar:

Routine proposals that do not require a public hearing may be placed on a Commission consent calendar at the discretion of the Executive Officer. Approval of the consent calendar shall be made in one action that includes two motions involving: (1) Commission acknowledgment of environmental consequences and analysis followed by; (2) Commission approval of the basic proposal. Matters placed on the consent calendar may be removed by any Commissioner in order to allow general discussion and more detailed review of the proposal.

6. Rosenberg's Rules of Order:

Except as herein otherwise provided or as provided in law, the proceedings of the Commission shall be governed by the latest edition of "Rosenberg's Rules of Order" on all matters pertaining to parliamentary law, but no resolution, proceedings or other action of the Commission shall be invalid or the legality thereof otherwise affected by the failure of the Commission to observe or follow such rules.

7. Public Participation:

All meetings of the Commission shall be open to the public and adhere to the requirements of the Ralph Brown Act. Any interested person(s) may address the Commission on matters not included on the agenda as provided by Government Code §54954.3(a). At the request of any Commissioner, public participation may be received regarding non-public hearing matters and other items on the agenda of public interest. The Chair may regulate the order of any public testimony and limit the time allowed to each person desiring to speak subject to the assent of a majority of Commissioners present. Upon being recognized by the Chair, persons addressing the Commission may give their name for the record.

#### **D. Off-Site Meetings and Workshops in Affected Communities**

Marin LAFCO, from time to time, initiates special studies or considers applications that generate substantial public interest. These issues usually have significant regional implications and have periodically prompted the Commission to hold meetings in the affected community. Meetings in the community foster public input and make the LAFCO process readily available to citizens.

To encourage public participation in the Marin LAFCO process while taking into consideration the administrative constraints of meeting in an affected community, it is the policy of this Commission that:

1. A request to hold a public workshop in the affected community shall be submitted by the applicant or an affected agency to the Executive Officer for review prior to being forwarded to the Commission for its consideration.

2. Marin LAFCO, at the request of the Executive Officer, may consider holding a public workshop or a public meeting in an affected community for any proposal or special study that is determined to have issues that affect a significant number of Marin County citizens or have significant financial, socio-political or land use considerations to one or more cities or defined communities.
3. Any member of Marin LAFCO at any time may request that the Commission hold a public workshop or a public meeting in an affected community for any proposal or special study. A majority of the Commission shall approve the scheduling of an off-site meeting of the Commission.

### 3.11 COMMISSION COMMITTEES

Marin LAFCO shall regularly utilize standing and ad hoc committees to help evaluate and inform the Commission on various matters pertinent to the agency in fulfilling its regional growth management responsibilities and duties. All work and recommendations shall be advisory and subject to formal approval by the Commission.

#### A. Standing Committees

Marin LAFCO shall maintain the following four standing committees on an annual basis with appointments and/or reappointments made at the beginning of each calendar year. All meetings of the standing committees shall comply with the Brown Act and conduct business in noticed and open public meetings. The Executive Officer shall be responsible for scheduling and staffing these committee meetings as needed.

1. Budget and Work Plan

This Committee shall review and prepare recommendations on fiscal year work plans and operating budgets for formal presentation and adoption by the Commission in April (proposed) and June (final). The Committee shall include three members – regulars or alternates – that comprise appointments from each funding category on Marin LAFCO (county, city/town, and special district).

2. Policy and Personnel

This Committee shall review and prepare revisions for Commission consideration on Marin LAFCO's adopted Policy Handbook to address new statutes as well as help ensure appropriate implementation of LAFCO law in Marin County. The Committee shall also convene as necessary in open or closed session to address personnel issues as requested by the Chair. The Committee shall include three members – regulars or alternates – with one appointment reserved for either the Chair and/or Vice Chair.

3. Legislative

This Committee shall review and provide information with possible position recommendations on current or pending legislation matters directly affecting LAFCO law or laws LAFCOs help to administer with particular focus on items of specific interest in Marin County. The Committee shall include three members and may be either regulars or alternates.

4. Public/Technical Information

This Committee shall review and provide direction to staff on website design and improvements and other social medial communicative platforms. The Committee shall also review and provide recommendations to the Commission on recommended capital purchases involving computers and related programs. The Committee shall include three members and may be either regulars or alternates. Termed tasks – including the selection of vendors for specific projects – may be oversee by the Committee on an ad hoc basis.

**B. Ad Hoc Committees**

Marin LAFCO shall utilize ad hoc committees as needed and specific to defined and limited-term topics as assigned by the Commission at public meetings.

### 3.12 BUDGET PROCESS

It is the policy of Marin LAFCO to provide local agencies and the public full opportunity to participate in the development and adoption of its annual budget.

**A. Budget Objectives**

1. Marin LAFCO will strive to balance the needs of the Commission to effectively and proactively fulfill its regulatory and planning responsibilities while taking measures to limit new cost-impacts to the funding agencies in the course of adopting and amendments thereafter to a fiscal year budget.

**B. Procedures**

1. Marin LAFCO will appoint a Budget Committee ahead of each new fiscal year to consist of three members. The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.
2. The Budget Committee shall prepare and present a draft budget with a proposed work plan for approval by Marin LAFCO no later than March 15<sup>th</sup>. The approved

draft budget and proposed work plan shall be circulated for review and comment to all funding agencies and posted on the website.

3. The Budget Committee will incorporate comments received on the draft in preparing a proposed budget for formal adoption by Marin LAFCO at a noticed public hearing no later than May 1<sup>st</sup> as provided under Government Code §56381. The proposed budget will also be accompanied by a proposed work plan.
4. Following adoption, Marin LAFCO's proposed budget will be circulated to all funding agencies for review and comment for minimum of 45 days.
5. Staff will provide an opportunity for informal discussion of the adopted proposed budget within the 45-day circulation period.
6. Marin LAFCO will hold a public hearing for consideration and final action on the budget and associated work plan no later than June 15<sup>th</sup> as provided under Government Code §56381. A certified copy of the adopted final budget shall be immediately transmitted to the County Auditor.
7. The County Auditor shall apportion the net costs of Marin LAFCO's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
8. If the County, a city/town or an independent special district does not remit its required payment within 60 days of notice, the Executive Officer shall request that the County Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(4)(c).
9. Marin LAFCO will strive to maintain an unrestricted reserve account balance of approximately 20% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies and environmental review.

### C. Implementation

1. Staff shall prepare and present recommendations for amendments as needed during the fiscal year to help ensure Marin LAFCO's budgeted expenses and revenues accurately reflect trends and needs.
2. Staff shall prepare regular reports to Marin LAFCO during the course of the fiscal year to track the relationship between budgeted and actual transactions as well as to project year-end totals.

### 3.13 FEE SCHEDULE

It is the policy of Marin LAFCO to set and update, as needed, a schedule of fees to reasonably recover the agency's costs in fulfilling its regulatory and planning responsibilities. Marin LAFCO shall periodically review the fee schedule and consider amendments therein no less than every two years.

### 3.14 PROCUREMENT

LAFCOs are directed to make their own provision for necessary quarters, equipment, supplies, and services under Government Code §56380. LAFCOs may choose to contract with any public agency or private party. The following policy directives shall guide the manner in which the Commission secures necessary services.

#### A. Procurement Objectives

1. It is the general intent of Marin LAFCO to charge the Executive Officer with the responsibility and authority for coordinating and managing the procurement of goods, equipment, and services unless specified otherwise.

#### B. Procedures

1. The Executive Officer is delegated purchasing authority on behalf of Marin LAFCO for goods and supplies not to exceed \$3,000 per transaction.
2. The Executive Officer is delegated purchasing authority on behalf of Marin LAFCO for goods and supplies not to exceed \$5,000 per fiscal year for any one service provider or vendor.
3. The Commission shall approve any purchase of goods, supplies, and/or services that exceed the monetary limits set forth in this section.
4. Marin LAFCO shall exercise discretion in determining when it is appropriate to utilize a competitive bid process (i.e., request for proposal) to inform the procurement of goods, equipment, or services. This discretion should be considered any time procurement is reasonably expected to exceed the monetary limits set forth in this section.



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### 3.15 FINANCIAL ACCOUNTING AND INTERNAL CONTROLS

Marin LAFCO maintains and records all financial transactions and is guided by the following accounting controls and procedures.

#### A. Administration

1. Marin LAFCO shall be solely responsible for the financial management and accounting therein of the Commission's funds with day-to-day responsibility therein delegated to the Executive Officer.
2. Marin LAFCO shall use the County of Marin and its Treasurer Division to serve as a central depository for all collected revenues. This account shall maintain Marin LAFCO's fund balance (or reserves) and be used to process payroll through the County Auditor Division unless otherwise directed by the Commission. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook
3. Marin LAFCO shall the use one or more local commercial banks for the purpose of receiving transfers from the account maintained with the County of Marin and its Treasurer Division. These accounts shall be used to make direct payments relating to the Commission's operating costs. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook.

#### B. Authorizations and Balance Limits

1. Marin LAFCO shall require all deposits with the County of Marin and its Treasurer Division to be reviewed and approved by the Executive Officer or in the absence thereof by either the Chair or Vice Chair.
  - a) There shall be no balance limit on this account.
  - b) Any transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.
2. Marin LAFCO shall maintain and operate two checking accounts with a local commercial bank as designated by the Commission and termed primary and secondary.
3. Marin LAFCO's primary commercial checking account shall serve as the Commission's main operating fund to make payments and related disbursements on budgeted operating costs that are more than \$3,000.00 per single occurrence.



- a) The balance limit on this account shall not exceed the adopted annual operating budget at any one time as set by the Commission.
  - b) Any transfers or related transactions of monies out of this account shall require two signatures: 1) the Chair or Vice Chair and 2) Executive Officer.
4. Marin LAFCO's secondary commercial checking account shall serve to expedite payments for budgeted operating costs that are less than \$3,000.00 per occurrence.
- a) The balance limit on this account shall not exceed \$6,000.00 at any one time.
  - b) Any transfers or related transactions of monies out of this account shall require only the signature of the Executive Officer, or in his or her place the Chair or Vice Chair.

### C. Reconciliations and Reporting

1. Marin LAFCO shall reconcile account statements in QuickBooks on a monthly basis by someone other than the Executive Officer, such as a contract bookkeeper.
2. All checks and payments authorized pursuant to this Policy Handbook shall be reported to the Commission at the next available meeting for formal ratification.

### D. Check Stock

1. Check stock for Marin LAFCO's checking accounts within commercial banks shall be maintained in a locked drawer in the Executive Officer's office. Access to the check stock shall be limited to the Executive Officer, Commission Clerk, and authorized bookkeeper.

### E. Petty Cash

1. Marin LAFCO shall maintain a petty cash account for non-routine purchases and staff reimbursements under \$50.00.
  - a) The account balance shall not exceed \$200.00 at any one time.
  - b) The Commission Clerk shall be the custodian of the account and responsible for the security and reconciliation of funds.
  - c) All transactions for the account shall be preapproved by the Executive Officer with the Commission Clerk maintaining a registry with all related receipts, invoices, etc.

- d) The Executive Officer shall replenish the account as needed and consistent with the policies and requirements in this Policy Handbook.

## F. Expenditures and Disbursements

1. Marin LAFCO shall process all invoices, claims, disbursements, and receipts utilizing its own financial accounting system through QuickBooks. The Commission Clerk or authorized bookkeeper initiates the payment and the Executive Officer approves, as appropriate, within the confines of the adopted Marin LAFCO budget or by approval of the Commission.
2. If a payment is a reimbursable expense to a staff member, prior authorization must be received by the Executive Officer, Commission Chair or Vice-Chair before payment can be initiated. If a payment is a reimbursable expense to the Executive Officer or Commission member, prior authorization must be received by the Commission Chair or Vice-Chair.
3. Credit card and other lines of purchases shall not exceed parameters set by Marin LAFCO procurement policies and comply with all payment terms.
  - a) The Chair, Vice Chair, and Executive Officer are authorized users of the Marin LAFCO credit card(s) and other lines of credit.
4. All disbursements must include original documentation.

## G. Revenues

1. Agency Contributions
  - a) Marin LAFCO's annual operating budget shall be appropriated among the County of Marin, cities, and independent special districts by the County of Marin Auditor's Office and based on the standard formula provided under Government Code §56381.
  - b) The Executive Officer shall be responsible for providing notice to the County of Marin Auditor's Office of the adopted operating budget total to be collected from the local agencies.
  - c) All local agency contributions received by Marin LAFCO shall be deposited with the County of Marin Treasurer Division.

## 2. Application Fees

- a) Marin LAFCO shall collect and deposit all application fees and related revenues collected in administering the adopted fee schedule with the County of Marin Treasurer Division.

## H. Payroll and Benefits Administration

1. Marin LAFCO determines pay and benefits for all employees with consideration given to pay and benefits for comparable positions with the County of Marin. Specific policies and procedures on establishing and amending employee pay and benefits is provided in this Policy Handbook.
2. At the present time, and at its sole discretion, Marin LAFCO utilizes the County of Marin and its contractors - including the Marin County Employee Retirement Association - to administer payroll and benefits.

## I. Fund Balance Designations

1. Marin LAFCO shall establish a policy on fund balance designations at a later date.

## J. Capital Asset Management

### 1. Capitalization Policy

- a) Physical assets acquired through purchase with unit costs in excess of \$1,500.00 are capitalized as fixed assets on the financial statements.
- b) Physical assets acquired through contribution with fair market unit value in excess of \$1,500.00 are capitalized as fixed assets on the financial statements.
- c) Capitalized fixed assets are accounted for at their historical costs if purchased or fair market value if contributed. All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.

### 2. Establishment and Maintenance of a Fixed Assets Listing

- a) All capitalized fixed assets shall be recorded in a property log maintained by the Commission Clerk. This log shall include the following information with respect to each asset:
  - Date of acquisition.
  - Acquisition type (purchase or contribution)

- Description (color, model, serial number)
- Location of asset
- Deprecation method
- Estimated useful life

b) The Commission Clerk shall perform a physical inventory of all capitalized assets on an annual basis. This physical inventory shall be reconciled to the property log and adjustments made as necessary with approval by the Executive Officer.

### 3. Deprecation Policy

a) Fixed assets shall be depreciated over their estimated useful lives as determined by the Executive Officer. Estimated useful lives for common assets follow:

- |                               |                |
|-------------------------------|----------------|
| • Furniture and fixtures...   | Up to 10 years |
| • General office equipment... | Up to 5 years  |
| • Computer hardware...        | Up to 5 years  |
| • Computer software...        | Up to 3 years  |
| • Leased assets...            | Life of lease  |

b) Deprecation expense shall be calculated on an annual basis.

### 4. Repairs of Fixed Assets

a) Expenses to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the item or materially prolong the estimated useful life of the item.

### 5. Dispositions of Fixed Assets

a) If a fixed asset is sold, donated, stolen, or otherwise removed adjustments shall be immediately made to the fixed asset listing.

## K. Financial Reporting

### 1. Reporting Policies on Operating Budget

a) The Executive Officer shall present financial reports to the Commission at all regular meetings identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts.

## 2. Reporting Policies on Financial Statements

- a) Marin LAFCO shall utilize an independent auditor to prepare annual or biennial financial statements.

## 3. Auditing Policies

- a) Marin LAFCO shall arrange for an annual or biennial audit of its financial statements by an independent accounting firm. The audit report – including the firm’s opinion – shall be presented to the Commission for formal receipt.
- b) Marin LAFCO shall select a different independent auditor no less than every five years. The Commission may waive this requirement upon a majority vote of the membership at a public meeting.

## L. Investments

1. Marin LAFCO shall establish a policy on investments at a later date.

## M. Fraud Prevention

1. It is the policy of Marin LAFCO to follow ethical, responsible, and reasonable procedures related to purchasing, claims, money management and other financial matters.
2. For purposes of this section, fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury.
3. Each Marin LAFCO employee and Commissioner should be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is suspected or detected shall be reported to the Chair and, alternatively, to the Executive Officer. The terms fraud, defalcation, misappropriation and other fiscal irregularities refer, but are not limited, to any of the following.
  - a) Any dishonest or fraudulent act.
  - b) Forgery or alteration of any document or account belonging to Marin LAFCO.
  - c) Forgery or alteration of a check, bank draft, or any other financial document.
  - d) Misappropriation of funds, securities, supplies, equipment, or other assets of Marin LAFCO.

- e) Impropriety in the handling or reporting of money or financial transactions.
  - f) Disclosing confidential or proprietary information to outside parties.
  - g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to Marin LAFCO.
  - h) Destruction, removal or inappropriate use of records, furniture, fixtures and equipment belonging to Marin LAFCO.
  - i) Any similar or related irregularity.
  - j) Personal use of the Marin LAFCO credit card.
4. Responsibility for investigating suspected fraudulent acts as defined in the Policy Handbook is dependent upon the suspected fraudulent act, and may be conducted by the Executive Officer, Commission Chair, LAFCO Legal Counsel, and/or other internal or external party as necessary to conduct an investigation.
  5. If an investigation substantiates that fraudulent activity has occurred, the investigating authority will issue a report to the appropriate party (i.e., Executive Officer, LAFCO Counsel, Commission Chair, etc.). Further action will be taken in conjunction with the appropriate parties.
  6. Investigation results are confidential and will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons who may be suspected, but subsequently found innocent of wrongful conduct and to protect Marin LAFCO from potential civil liability.

### 3.16. RECORDS RETENTION

#### A. Purpose

The purpose of this policy is to specify retention periods for compliance with Government Code §56382 and to define time limits for retention of records not addressed in Government Code §56382.

#### B. Records Retention Schedule

The various forms of records created and received by Marin LAFCO shall be retained for minimum time periods as specified in adopted written procedures and maintained at the LAFCO office. Records extending beyond time periods specified in these written procedures will be subject to disposal.

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## CHAPTER FOUR

# EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS AND OTHER REGULATORY ACTIVITIES

### 4.1. GENERAL POLICIES & STANDARDS

#### A. Legislative Authority

Marin LAFCO is responsible for regulating local governmental boundaries and municipal service areas in Marin County for purposes of facilitating orderly growth and development. This authority principally involves controlling city and special district boundaries by approving or disapproving proposed changes of organization as defined in this Policy Handbook and Government Code §56021.

LAFCOs have been responsible since 1963 to oversee formation, expansion, reorganization, and dissolution actions involving cities and special districts in California with limited exceptions.

Marin LAFCO is also authorized to exercise broad discretion in amending as well as establishing conditions in approving changes of organization and outside service extensions as long it does not directly regulate land use, subdivisions requirements, or property development.

#### B. Types of Change of Organization Proposals

The following types of change of organizations fall under Marin LAFCO's authority. Two or more of these actions are referred to as a "reorganization."

1. Annexations

An example of an annexation occurs when territory is legally added to a city or special district's jurisdictional boundary and generally done to facilitate a development project and or establish public services to the affected land.

2. Detachments

An example of a detachment occurs when territory is legally removed from a city or special district's jurisdictional boundary and usually done in conjunction with a concurrent annexation of the affected land to another city or special district.

3. Incorporations

An example of an incorporation occurs with the legal formation of a new city and generally done to establish more local control over land use decisions from county government. The minimum requirement of new cities is 500 registered voters.

4. Disincorporations

An example of a disincorporation is when a city is legally dissolved with all remaining service responsibilities, assets, and liabilities transferred to one or more successor agencies as determined by LAFCO.

5. Formations

An example of a formation is when a special district is established and generally done to serve as a governmental vehicle capable of financing and delivering one or more desired municipal services to a specific area at the request of area landowners and/or registered voters.

6. Dissolutions

An example of dissolution is when a special district is legally dissolved with all remaining powers, responsibilities, assets, and liabilities transferred to one or more successor agencies as determined by LAFCO.

7. Consolidations

An example of a consolidation is when two or more cities legally join together into a single city, or when two or more special districts legally unite as a single district. Recent legislation now allows the consolidation of two or more special districts formed under different principal acts.

8. Mergers

An example of a merger is when a city legally takes over a special district within the incorporated limits and usually for purposes of cost-savings.

9. Subsidiary Districts

An example of a subsidiary district occurs with the establishment and operation of a special district governed by the council of an existing city that provides one or more services inside and outside the affected city. A subsidiary district may only be established if no less than 70% of the existing or proposed special district's territory is within the affected city's limits.

10. Latent Power Activations / Existing Power Divestures

An example of a latent power activation is when a special district requests and receives approval from LAFCO to provide a municipal service within its jurisdictional boundary that is authorized under the principal act but to date not provided. A special district must also request LAFCO approval to divest itself from providing a municipal service already provided.



### C. Types of Other Proposals

#### 1. Outside Service Extension

An example of an outside service extension is when a city/town or special district requests and receives approval from LAFCO to provide a municipal service by contract or agreement outside its jurisdictional boundary to an individual landowner(s) when annexation is not permissible or desired.

### D. Annexation Timing Policy

Marin LAFCO discourages change of organization proposals that involve annexations of undeveloped or underdeveloped lands to urban service providers unless special circumstances warrant otherwise. This policy does not apply to proposals in which the affected lands are subject to a specific and or known development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island as determined by Marin LAFCO.

### E. Consolidation Policy

It is the intent of Marin LAFCO to encourage the rationalization of local government organization through the elimination or consolidation of small, single purpose special districts. Accordingly, wherever the full range of urban services is required, general-purpose governments, such as cities and community service districts, are preferred to one or more limited purpose special districts for the provision of services. Additionally, where provision of a service by a general purpose local government is not practical, Marin LAFCO favors the consolidation or reorganization of small, single purpose special districts when such consolidation can be shown to reduce aggregate costs of service and/or improve local government accountability.

### F. Urban Centered Policy

It is the intent of Marin LAFCO to strengthen the role of city governments in the provision of urban services. It is also the intent of Marin LAFCO to direct and prioritize urban development and uses to the developed and developing areas along the Highway 101 corridor. Additionally, and in the Highway 101 corridor, general-purpose governments are preferred over limited purpose special districts for the provision of services.

## G. Establishment of New Local Agencies Policy

Marin LAFCO discourages the proliferation of local governmental agencies and the existence of overlapping public service responsibilities. Marin LAFCO discourages the formation of new special districts where service can be efficiently provided by existing local government agencies.

## H. Agricultural Lands Policies

The following policy statements apply.

1. Marin LAFCO discourages the annexation of lands currently engaged in the substantial production of food, fiber, or livestock, or qualify as agricultural land to a city or a special district for the purpose of promoting urban development.
2. Development of existing vacant or non-prime agricultural lands for urban uses within a city's and/or special district's jurisdiction or sphere of influence should be encouraged before any proposal is approved which would lead to the urban development of existing agricultural or open-space lands which are outside of the city's and/or special district's jurisdiction or outside of a city's and/or special district's sphere of influence.

## I. Rezoning Policy

As required by State law, applicants whose proposals include annexation to a city shall obtain rezoning approval from the city or present evidence the existing development entitlements on the territory are vested or already at build-out relative to the city's general plan. The city shall generally serve as lead agency for environmental review in such cases, and proof of environmental documentation and certification shall accompany the application. (Government Code §56375(a)(7))

## J. County Service Area Policy

A County Service Area (CSA) special district may be formed when unincorporated areas that are located outside municipal sphere of influence boundaries desire extended urban-type services including police and fire protection from the County of Marin. Nonetheless, unincorporated lands located within a municipal sphere-of-influence boundary should not be eligible to receive extended urban-type services from the County in the form of a CSA except when (a) evaluation on a case-by-case basis justifies creation and (b) the affected city or special district, by letter, expresses approval of such action. (Originally Adopted: July 13, 1977; Revised: January 13, 1983)

## K. Outside Service Agreement Policy

1. As specified in Government Code §56133, cities and special districts seeking to provide new or extended services to areas outside their jurisdiction by contract or agreement shall apply to Marin LAFCO for approval. Marin LAFCO may approve such proposals for areas within the applying agency's sphere of influence in anticipation of eventual annexation to that agency. Approval may also be granted for such proposals involving areas outside the agency's sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory.
2. Marin LAFCO approval is not required for cities or special districts to provide new or extended services outside their jurisdictional boundaries if any of the following conditions apply as outlined under Government Code §56133(e):
  - a) Outside service agreements between two or more public agencies where the contracted service is an alternative or substitute for public service already established.
  - b) Outside service agreements involving the transfer of non-potable or non-treated water.
  - c) Outside service agreements involving the provision of surplus water to agricultural lands for conservation projects or to directly support agricultural industries.
  - d) Outside service agreements involving a service that a city or special district was providing on or before January 1, 2001.
3. Marin LAFCO authorizes the Chair to approve a city or special district's proposal for an outside service agreement if there is an existing or impending public health or safety emergency. Marin LAFCO shall ratify the Chair's determination at the next regular scheduled meeting.
4. Marin LAFCO incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:
  - a) "Service" shall mean any municipal service supporting – directly or indirectly – urban type uses and includes, but not limited to, water, wastewater, fire protection, and police protection.

- a) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.
- c) “Extended” shall mean the intensification use of a municipal service provided by a city or special district to non-jurisdictional land that is directly tied to a redesignation and/or rezoning of the affected territory by the appropriate land use authority.

#### L. Dual Annexation Policy (As Approved by LAFCO on October 11, 2001)

Annexations of unincorporated land to special districts that provide services necessary for urban development shall require concurrent or subsequent annexation to a city if the land is located within the city's sphere of influence. Marin LAFCO may, however, defer the requirement for annexation to the city if the Commission determines that three specific conditions have been met. First, the County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area). Second, all affected agencies have been notified and given adequate time to review and comment on the proposed annexation. Third and last, the application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

The additional following policy statements also apply.

##### 1. Dual Annexation Intent

The underlying intents of this policy are to allow Marin LAFCO to:

- a) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- b) Make boundary decisions in the long-term best interests of the efficient delivery of local services and the assignment of appropriate local political responsibility for those services pursuant to Government Code §56001.
- c) Provide for the orderly implementation of adopted city and special district spheres of influence.
- d) Restrict extension of urban services to areas within cities or to unincorporated areas where County-adopted planning policies support provision of urban services for that area.

2. Policy Application

The Dual Annexation Policy will be applied to annexations and reorganizations affecting property located within a city's sphere of influence. Implementation of this policy may be deferred at the discretion of Marin LAFCO through the use of an agreement between the city and the property owner providing for future annexation by the city. Approval of such boundary changes will comply with this policy upon execution of such an agreement.

3. LAFCO Procedure

Marin LAFCO staff shall provide written notice to affected agencies of the applicability of the Dual Annexation Policy with a request for agency comment on the proposal. Additional time (within timeframes specified in CKH) will be extended for response by the affected city/town council if requested.

4. Applicant Compliance

Applicants may comply with this policy in one of two ways:

- a) Filing application for a reorganization that includes annexation to both the special district and the city, or
- b) Filing application for district annexation only with a request for deferral of the Dual Annexation Policy. If the proposal is approved, Marin LAFCO may attach conditions providing for city annexation at a later date.

5. Request for Delayed Implementation

- a) Applicants seeking delayed implementation of the policy shall make the request in writing at the time of application and state the reasons in support of the request.
- b) The applicant's request for deferral will be circulated to all affected agencies for comment for a minimum of 60 days. LAFCO staff will extend the comment period for an additional 30 days at the request of an affected agency.
- c) Marin LAFCO will give great weight to the comments of any affected agency objecting to the action.
- d) Applicants will retain the option of amending their proposal up to the issuance of the Certificate of Filing (scheduling a hearing before LAFCO) for the proposal.

## M. Unincorporated Island Annexation Policy

The following policy statements apply.

1. Marin LAFCO encourages annexations of unincorporated areas or “islands” to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable, Marin LAFCO shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost-efficiencies.
2. Marin LAFCO will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under Government Code §56744.
3. Marin LAFCO shall define “substantially surrounded” for purposes of identifying unincorporated islands in Marin County at a later date.

## 4.2 GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS

The following is a step-by-step guide to the procedures followed by Marin LAFCO in evaluating proposed change of organizations as identified in Section 4.1 of this Policy Handbook

### A. Preliminary Steps

Marin LAFCO encourages a pre-application discussion between the proponent and LAFCO staff, which can save the prospective applicant substantial time once the process has begun. The following steps are suggested:

1. Call the Marin LAFCO office for an appointment.
2. The applicant should bring the following information:
  - a) A map of the property and/or affected area.
  - b) General plan and zoning designations.
  - c) Information on development plans, if applicable.

3. Staff will review procedure, applicable spheres of influence, information requirements and processing fees, provide application forms, estimated processing costs, and determine environmental review requirements.

## B. Proposal Submittal

Proponent prepares application for proposal. A complete application includes the following baseline information:

- A. An application in the form provided by Marin LAFCO.
- B. A petition of landowners or registered voters making application OR a certified resolution of application by a local agency.

*Note: The applicant must file a notice of intention to circulate a petition with the Executive Officer prior to collection of signatures.*

3. If submitted by petition, it is necessary to submit a copy with original signatures plus additional photocopies as specified on the application instructions. Signature requirements vary depending on the type of proposal; please consult Marin LAFCO staff for details.
4. A map and geographic description of the subject property which meet the requirements of the State Board of Equalization. Marin LAFCO staff can provide examples.
5. Copies of any environmental documents associated with the project.
6. Appropriate fee as prescribed by Marin LAFCO's adopted fee schedule.
7. The following additional information, depending upon the type of proposal, will also be required as part of a complete application:
  - a) If a proposal is submitted by resolution of a public agency, it must include a "plan for providing services" (Government Code §56653). The plan may follow the format provided by Marin LAFCO.
  - b) If the proposal includes annexation to a city, indication that the annexing city has rezoned the property, such as a copy of the city council resolution approving the rezoning.
  - c) If the proposal is for the formation of a special district, the application should include a plan for providing services that gives the following information:

- The statutory section under which the formation is proposed to occur.
  - A description of the services to be extended, accompanied by a justification.
  - The level and range of the proposed services.
  - The schedule for extending services.
  - A description of any new facilities or improvements to existing facilities proposed.
  - A description of any conditions which the new district would impose or require within its boundaries upon formation.
  - An explanation of how district services and facilities would be financed and an operating budget for the proposed district including estimates of revenues and expenditures.
  - The rationale for proposed boundaries and discussion of alternative boundaries if applicable.
8. If the proposal includes incorporation of a new city/town, a comprehensive fiscal analysis must be included in a complete application and include the following (§56833.1):
- a) A description of the local agencies which presently serve the community, with a discussion of the range and level of services currently provided.
  - b) A description of services to be provided by the proposed city/town after incorporation, including the range and level of those services.
  - c) The costs to the proposed city of providing public services and facilities during the three fiscal years following incorporation and the estimated revenues during the same period.
  - d) The effects of the proposed incorporation on the adjacent communities and affected agencies, including the county.
  - e) A rationale for the proposed boundaries and a discussion of possible boundary alternatives.



The comprehensive fiscal analysis may be prepared by a qualified consultant for the proponents or under contract to Marin LAFCO. If prepared by or under contract to Marin LAFCO, the costs of the comprehensive analysis may be charged to the proponents. (Government Codes §56383 and 56654)

### C. Processing Fees

#### 1. Fee Schedule

Marin LAFCO shall adopt a fee schedule to help provide a reasonable level of cost-recovery to the Commission in processing proposals. The fee schedule will include both “fixed” and “at-cost” fees with the former emphasized and based on reasonable cost estimates for processing common proposals and tied to a predetermined number of staff hours.

#### 2. Review and Amend

Marin LAFCO shall regularly review and amended as needed the fee schedule to help ensure an appropriate level of cost-recovery and implementation.

#### 3. Application Fee Refund

As provided in the adopted fee schedule, if a at-cost application is withdrawn by written request of the applicant before the item has been placed on the Marin LAFCO’s agenda, the application fee, less:

- a) The estimated hourly cost for Marin LAFCO staff time spent on the application; and
- b) The direct cost of processing the application (map and legal description review, notices, postage, copy service, and etc.), will be refunded.

#### 4. Fee Reduction and Waiver Policy

All fees are due with application submittal. The application will not be deemed complete for processing until the application fee is submitted. Marin LAFCO, upon majority vote, may reduce or waive application fees for:

- a) Severe economic hardship cases and Commission determined matters of overriding public benefit.
- b) Renewed applications with current information, not previously denied, for which prior processing remains relevant to the renewed application.
- c) Notwithstanding the preceding statements, fee reductions shall not be granted for the following reasons:

- Applications conditioned, denied, or previously denied.
- Misinformation provided in the application or by other public agencies, groups, or individuals.

Prior to consideration by Marin LAFCO, a request for a fee reduction shall be submitted in writing using the Marin LAFCO Fee Reduction Request Form. The request will be considered at the next regular meeting of Marin LAFCO.

#### **D. Indemnification Agreement**

As a standard condition of approval, applicants shall indemnify Marin LAFCO against the costs of litigation arising from its actions on proposed change of organizations or other application requests by signing an agreement containing the following language:

As part of, and in consideration of, the granting, in whole or in part, of this application, the applicant and the real party in interest agree that they, and each of them, shall, upon the written request of the Commission, appear for and defend, indemnify and hold harmless the Marin County LAFCO, its agents, officers, employees, commissioners and their attorneys in and from any claim, action, appeal, or legal proceeding brought against them to set aside, attack, void, delay or annul all or any portion of the application (including actions approving a change of organization, sphere of influence amendment or extension of service by contract outside of local government boundaries or to certify environmental review documents under the California Environmental Quality Act related to such approvals.

This obligation to appear for, defend, indemnify and hold harmless shall include, but not be limited to, all damages, costs, court-awarded fees and costs, expenses, attorneys fees (including any such fees incurred directly by the Commission itself) that may be asserted or incurred by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Marin County Local Agency Formation Commission, its agents, officers, attorneys, or employees.

The Commission shall have the reasonable right to insure that the attorneys selected by the applicant/real party are skilled and experienced in the areas of law involved in such action, appeal or proceeding and shall have the right to reject the selection of counsel by the applicant/real party of any counsel or attorneys who, in the opinion of Commission, lack such experience and expertise.

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## 4.3. PROPOSAL REVIEW INVOLVING CHANGE OF ORGANIZATIONS

### A. Initial Procedures

When a proposal is submitted, staff takes the following steps within 30 days:

1. Notice of Application - Proposals Submitted by Petition Only

The proposal is placed on Marin LAFCO's agenda for information only. Sixty days must pass after the notice of application is on the Commission's agenda before the item can be presented to the Commission for a decision. (Government Code §56658) Affected agencies are sent referral information. The 60-day period after the notice of application allows time for cities losing territory and special districts gaining territory to adopt a resolution terminating proceedings if desired. (Government Codes §56751/56857)

2. Completeness of the Application

After submittal, staff will review the proposal materials for completeness and issue a status letter to the applicant within 30 days of receipt. If deemed complete, a Certificate of Filing will accompany the status letter. If the proposal is determined not to be complete, the Executive Officer will transmit that determination to the applicant as part of the status letter specifying those parts of the application that are incomplete and the manner in which they can be made complete. (Government Codes §56658(g/h))

3. Certificate of Sufficiency

Within 30 days after receiving a petition, staff will review the petition or request evaluation of the petition signatures by the County elections official. (Government Code §56706) The petition must have original signatures and each signature must be dated. All signatures must have been collected within 60 days of filing. Petitions by landowners must include a written description sufficient to identify the location of the land owned by each person signing the petition. (Government Codes §56704-5) If the petition is determined sufficient, the Executive Officer will prepare and distribute to the proponents a Certificate of Sufficiency indicating the signatures received and the requisite number of signers. If the petition is determined to be insufficient, the Executive Officer will give notice by certified mail to the proponents. Within 15 days after the notice of insufficiency, a supplemental petition may be filed with the Executive Officer. Within 10 days after the date of filing a supplemental petition, the Executive Officer will examine the supplemental petition and certify in writing the results of that examination. (Government Code §56706)

4. Consent of Property Owners

If all of the owners of land within the affected territory have given their written consent to the change or organization or reorganization, the application may proceed without public notice.

5. Application Referral/Requests for Information

The proposal shall be distributed to all affected agencies as a notice of filing as well as a request for information and comment. Affected agencies must respond to Marin LAFCO within 10 days with any comments the agency may have regarding the application. (Government Code §56663(b))

## B. Proposal Filing

When a proposal is accepted for filing, the Executive Officer will issue a Certificate of Filing to the applicant. The Certificate of Filing will specify the date upon which the proposal will be heard by Marin LAFCO. (Government Code §56658(g)) The hearing date must be set within 90 days of the date the Certificate of Completion is issued.

## C. Noticing

1. Public Notice Without 100% Consent

Notice will be published and posted for proposals for changes of organization wherein there is not 100% written consent of the affected property owners (Government Code §56663). Hearing of the proposal must be given public notice no less than 21 days before the hearing. The notice shall be published in a newspaper of general circulation, posted on the bulletin board for legal notices at the County center and posted on the Marin LAFCO website at <http://lafco.marin.org>. (Government Code §56150-4) Mailed notice shall be given to the County, all affected agencies, the subject agencies, all proponents in the petition, persons requesting special notice, and all landowners and registered voters in the subject area plus a buffer zone of 300 feet surrounding the subject area. (§5Government Code 6157)

In instances in which Marin LAFCO considers amendments to the boundaries of proposals, adequate notice will be ensured through continuation of the public hearing where necessary and through inclusion of the modification in the language of the Commission's published agenda.

2. Public Notice With 100% Consent

Notice will not be published or posted for proposals for changes of organization wherein 100% of the affected property owners have consented in writing to the proposed change unless the Executive Officer deems it appropriate relative to local conditions (Government Code §56663).

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## D. Staff Report and Recommendation

The Executive Officer shall review the application materials and prepare a written report and recommendation on the proposal. The report shall be distributed no less than five days before the hearing. Copies shall be furnished to the persons specified in the application and all affected agencies. (§56665) The factors to be considered in making a recommendation as required by Government Code §56668 include:

1. Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
2. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
3. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
4. The conformity of both the proposal and its anticipated effects with both the adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in §56377.
5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by §56016.
6. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
7. Consistency with city or county general and specific plans.
8. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

9. The comments of any affected local agency.
10. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for such services following the proposed boundary change.
11. Timely availability of water supplies adequate for projected needs including, but not limited to, the projected needs as specified in §§65352.5.
12. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
13. Any information or comments from the land owner or owners, voters, or residents of the affected territory.
14. Any information relating to existing land use designations.
15. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

#### 4.4 WITHDRAWAL OF CHANGE OF ORGANIZATION PROPOSALS

##### A. Prior to Certificate of Filing

Applicants wishing to withdraw their applications from further processing or review by Marin LAFCO may do so under the following conditions:

- a. Prior to issuance of a Certificate of Filing, proposals submitted by petition may be withdrawn with the written request of all persons signing the petition of application.
- b. Prior to issuance of a Certificate of Filing, proposals submitted by resolution of application may be withdrawn on receipt of a resolution requesting withdrawal from the applicant agency.

##### B. After Certificate of Filing

After issuance of a Certificate of Filing, proposals for change of local government organization may only be withdrawn at the discretion of Marin LAFCO.

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## 4.5 COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS

A Marin LAFCO hearing may be continued from time to time but shall not exceed 70 days from the date specified in the original notice. At the hearing, Marin LAFCO will hear and receive any oral or written protests, objects, or evidence which shall be made, presented or filed, and consider the Executive Officer's report and recommendations therein. (§56666)

## 4.6 COMMISSION ACTIONS INVOLVING CHANGE OF ORGANIZATIONS

### A. Hearing Actions

Marin LAFCO may take one of the following actions at the conclusion of a hearing item:

1. Approve the proposal as submitted;
2. Approve the proposal with amendments and/or conditions;
3. Deny the proposal ;or
4. Continue the item to a future meeting.

### B. Adoption of a Resolution Making a Determination

Within 35 days after the conclusion of the hearing, Marin LAFCO shall adopt a resolution approving, approving conditionally or disapproving the proposal. (Government Code §56880) Upon execution of the resolution, copies shall be mailed to the chief petitioners, if any, and the affected agencies whose boundaries would be changed by the proposal. (Government Code §56882)

1. If Approved

A protest hearing shall be scheduled by the Executive Officer unless it has been waived. The protest hearing may be waived if landowners have given written consent to the change of organization, all affected local agencies that will gain or lose territory have consented in writing to a waiver of protest proceedings, and no opposition as a result of public notice was received prior to the hearing. (Government Code §56663(c,d))



2. If Approved with Conditions and/or Amendments

If the proposal is approved with conditions, the resolution of approval shall include a description of the required conditions and/or amendments for approval. Marin LAFCO may order that any further action be continued and held in abeyance for a period of time designated by the Commission, not to exceed six months from the date of that conditional approval. (Government Codes §56885.5, 56886) A protest hearing may also be scheduled by Executive Officer if needed and as described in the preceding section.

3. If Denied

No further proceedings shall be taken on a denied proposal and no similar proposal involving the same territory may be initiated for one year unless Marin LAFCO waives that stipulation as detrimental to the public interest and denies approval "without prejudice". (Government Code §56884)

## 4.7 RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS

### A. Allowance

When Marin LAFCO has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting reconsideration of the resolution. (Government Code §56895) The purpose of the reconsideration process is to provide a mechanism for Marin LAFCO to review additional information not included in the development of a resolution adopted by the Commission making determinations. Therefore, it is the policy of Marin LAFCO to provide for reconsideration of Commission decisions in a manner that is consistent with State law and that does not unduly delay the processing of applications for changes of local government organization. Marin LAFCO shall include a charge for reconsideration in its schedule of processing fees. Marin LAFCO may waive the fee for reconsideration as specified by separate policy.

### A. Procedure

The following procedures apply to reconsideration requests.

1. A request for reconsideration may be filed by any interested person or agency within 30 days of the date of adoption of a resolution making determinations or prior to the adoption of a resolution by the conducting authority, whichever is earlier. Such requests must:

- a) Be made in writing.



- b) State the specific modification to the resolution being requested.
  - c) Identify new or different facts or applicable new law not previously considered by Marin LAFCO.
  - d) Include required processing fees.
2. Upon receipt of a timely request, the Executive Officer shall immediately suspend conducting authority proceedings until Marin LAFCO acts on the request.
  3. The Executive Officer shall place the request on the agenda of the next meeting of Marin LAFCO for which any required notice can be given.
  4. At that meeting, Marin LAFCO shall consider the request and receive any oral or written testimony. Marin LAFCO may continue the hearing for a maximum of 70 days.
  5. At the conclusion of the public hearing, Marin LAFCO will act on the request by approving or disapproving or approving with conditions or modifications. If the Commission approves the request with or without modification, the Commission will adopt a new resolution making determinations superseding the resolution previously issued.

## 4.8 PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

### A. Delegation of Duties to the Executive Officer

It is the policy of Marin LAFCO to delegate the responsibility for conducting protest hearings for approved change of organizations or reorganizations to its Executive Officer as provided under Government Code §57000(c). The purposes of delegating responsibility for holding protest hearings to staff are to increase Marin LAFCO's flexibility to expedite protest hearings and evaluate protest petitions without extending the length of regular Commission meetings to include non-discretionary matters.

### B. Procedure for Protest Hearings

The following procedures apply to reconsideration requests.

1. Within 35 days of Marin LAFCO's adoption of a resolution making determinations, the Executive Officer shall give notice of the time and place of the protest hearing by mail, publication and posting as required by Government Code §57025 and 57026. The date of the protest hearing shall be set for no less than 15 and no more than 60 days from the date that notice is given.

2. Land owners and/or registered voters as specified in the notice of hearing may submit written protest to the Executive Officer at any time between the date of the notice of hearing to the conclusion of the hearing.
3. A protest petition or other written protest may utilize one of the two petition forms (for property owners or registered voters, attached). However, if these forms are not used, the written protest must conform to the requirements of Government Code §57051.
4. At the protest hearing, the Executive Officer will summarize the action taken by Marin LAFCO in its resolution making determinations. The Executive Officer shall provide reasonable time to hear and receive any oral or written protests, objections or other evidence as provided in Government Code §57051.
5. The protest hearing may be continued for up to 60 days.
6. Written protest may be withdrawn at any time prior to the conclusion of the protest hearing.
7. Upon conclusion of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn as specified under §57052 and prepare a report to the Commission.
8. Within 30 days of the protest hearing, Marin LAFCO shall adopt a resolution making findings of the value of protest and taking action to complete or terminate the proposal or to request that the County Board of Supervisors or a city council call an election if needed. The Commission's action shall be determined by the value of the protest and Government Code §57075 through 57087.3, as applicable.

#### 4.9 FINAL FILING INVOLVING CHANGE OF ORGANIZATIONS

Marin LAFCO's Certificate of Completion is issued by the Executive Officer after the conducting authority proceedings have been conducted and verification is received that conditions required by the Commission's resolution have been fulfilled. The effective date of the change of organization or reorganization is the date the signed Certificate of Completion is filed at the County Recorder's Office unless otherwise specified by the Commission. (Government Code §57202) If the Certificate of Completion has not been filed within one year after Marin LAFCO approves a proposal, the proceeding is deemed abandoned unless the Commission receives and approves an extension request prior to the expiration of that year. (Government Code §56895)

The Certificate of Completion including the recording numbers affixed by the County Recorder will be distributed to property owners, affected agencies, County Surveyor, County Assessor, County Auditor, and the State Board of Equalization. The State Board of Equalization will distribute relevant information to the Department of Finance, the Controller and to the Secretary of State, as appropriate. (Government Code §57203,4)

#### 4.10 POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

##### A. Latent Power Activations and Service Power Divestitures

###### 1. Legislative Authority

New or different functions or classes of service shall only be provided by an existing special district in accordance with these rules and regulations and pursuant to Government Code §56824.10. These rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service which Marin LAFCO has previously established as currently being provided by the affected special district.

###### 2. Determination of Latent Powers

Marin LAFCO is responsible for determining latent powers for special districts under the Commission's jurisdiction. Towards this end, Marin LAFCO shall periodically review and update the inventory of functions and services established for each special district as part of its municipal service review study program under Government Code §56430. . In conducting such a review, Marin LAFCO may require the special districts to provide current information concerning established functions and services. Marin LAFCO may, after public hearing, remove from its inventory any function or service established for a special district, if the Commission determines that the function of service is not currently being provided by the district.

###### 3. Request to Activate a Latent Power or Divestiture of a Service Power

a) Any special district desiring to undertake the provision of any new or different function or class of service or divest an existing power within its boundaries shall adopt a resolution of application for filing with Marin LAFCO pursuant to Government Code §56824.12. Adoption of such resolution of application requires a noticed public hearing.

b) Applications for provision of new or different functions or classes of service must be accompanied by a plan for providing service. Plans for providing service shall include:

- The total estimated cost to provide the new or different function or class of service;
  - The estimated cost of service to district customers;
  - An identification of existing providers (if any) of the new or different function or class of service and the potential fiscal impact to the customers of those existing providers;
  - A plan for financing the establishment of the proposed new service; and
  - Alternatives to the proposed provision of the new or different function or class of service by the district;
4. Procedures on Request  
All procedures tied to reviewing and acting on a request from a special district to activate a latent power or divest a service power shall follow the steps required change of organization proposals as provided in this Policy Handbook
5. Public Hearing  
Marin LAFCO shall hear and act upon the proposal at a noticed public hearing according to the requirements of Government Code §56824.14. Marin LAFCO may approve or disapprove the proposal with or without amendments, wholly, partially, or conditionally and shall hear and consider the testimony presented by any interested person or organization appearing at that hearing.

## B. Initiation of Proposals by Marin LAFCO

1. Legislative Authority  
As provided under Government Code §56375(a), Marin LAFCO is authorized to initiate the following specific types of proposals to change the organization of special districts:
- a) **Consolidation** of two or more special districts.
  - b) **Dissolution** of one or more special districts, where another agency or agencies can assume service responsibilities.
  - c) **Merger** of a special district with a city, where the city encompasses the entire district.
  - d) **Establishment of a subsidiary district** of a city, where at least 70% of the district's territory and population are within the city.

- e) **Reorganization** which includes two or more of the above changes of organization.

## 2. Policy Preference

It is the policy of Marin LAFCO to prefer, but not require, that proposals be submitted by petition of voters or landowners or by resolution of application by an affected local agency. Marin LAFCO will consider initiation of such proposals in instances in which the following conditions apply:

- a) A sphere of influence, municipal service review, or other governmental study has shown that a proposal may result in lower overall public service costs, greater local government access and accountability, or both.
- b) Marin LAFCO can complete the necessary review, analysis, and processing with its own staff resources, or funds are available to pay for additional assistance needed to complete the review and processing of the proposal.

## 3. Implementation Factors

Marin LAFCO reserves its discretion to initiate such proceedings in exceptional circumstances in which there exists a level of public concern about a district's services or governance which, in the Commission's view, warrants initiation of a proposal. The following factors will be considered by Marin LAFCO in determining and, if applicable, proceeding with a self-initiated proposal:

- a) Marin LAFCO will consider whether or not to initiate a proposal at a regular public meeting. The Commission will consider a preliminary staff report, which estimates, to the extent possible without a full study, potential service cost savings and which summarizes any other factors which warrant consideration. After reviewing the preliminary report, if the Commission decides to proceed, it will adopt a resolution of application pursuant to Government Code §56800.
- b) If Marin LAFCO initiates a proposal, staff will commence formal review, including provision for agency participation and comment, environmental review, property tax exchange (if applicable), and an Executive Officer's Report and Recommendation, as required for all proposals considered by the Commission.
- c) Marin LAFCO may refer the proposal to a reorganization committee as provided in Government Code §56475. As an alternative, the Commission may refer the proposal to an advisory committee composed of a representative from each affected district and any additional representatives the Commission deems appropriate.

- d) Marin LAFCO shall hear and act upon the application at a noticed public hearing according to the processing requirements of the Cortese-Knox-Hertzberg Act and these Policies, Procedures and Guidelines. The Commission may approve or disapprove the proposal with or without amendments, wholly, partially, or conditionally and shall hear and consider the testimony presented by any interested person or organization appearing at that hearing.

### C. Outside Service Extensions

This section will be added at a later date.

### D. Proposals Affecting More than One County

1. Legislative Authority

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 ("the Act") provides that the county having all or the greater portion of the assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization involving that district. The Act further provides that the LAFCO of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCO of the principal county vests exclusive jurisdiction in the LAFCO of another affected county, and both LAFCOs agree to the transfer of jurisdiction.

2. Transfer of Jurisdiction

When requested by the LAFCO of an affected county, Marin LAFCO will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCO of the affected county.

3. Processing Procedures

The following procedures apply for processing of applications affecting more than one county when Marin LAFCO is principal LAFCO:

- a) Applications affecting the boundaries of a special district for which Marin LAFCO is principal LAFCO shall be submitted to Marin LAFCO, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Marin LAFCO staff and the staff of the LAFCO in the other affected county regarding process and application requirements.

- b) Upon receipt of an application involving territory in another county, Marin LAFCO staff shall immediately forward a copy of the application to the LAFCO of the other affected county. Marin LAFCO staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.
  - c) Marin LAFCO staff shall consult with the staff of the LAFCO of the other affected county and the staff of affected agencies, to gather data for the Executive Officer's report and recommendation.
  - d) Marin LAFCO shall schedule Commission consideration of the application so that the LAFCO of the other affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Marin LAFCO consideration.
  - e) During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCO of the other affected county, and the comments of interested persons and affected local agencies in making its determination.
  - f) Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCO of the affected county.
4. Referrals from Other LAFCOs  
Upon receipt by Marin LAFCO of a referral from the LAFCO of another county of an application for a change of organization affecting territory in Marin County, Marin LAFCO staff shall place the application and report and recommendation on Marin LAFCO's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCO. The application will be processed and a staff report will be prepared consistent with Marin LAFCO's Policy Handbook.

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## CHAPTER FIVE

### ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE AND OTHER PLANNING ACTIVITIES

#### 5.0 GENERAL POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

##### A. Legislative Authority

1. Marin LAFCO is responsible for informing its prescribed regulatory activities through a series of planning actions and highlighted by the establishment and update of spheres of influence for all local governmental agencies under Marin LAFCO's jurisdiction. Spheres of influence represent the Legislature's version of urban growth boundary lines and mark the territory Marin LAFCO believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies' spheres of influence with limited exceptions. (Government Code §56425)
2. State law directs Marin LAFCO to establish spheres of influence for all local agencies within one year of their formation (district) or incorporation (city/town). State law also directs Marin LAFCO to review and update, as needed, spheres of influence for all local agencies every five years beginning January 1, 2008. (Government Code §56425)

##### B. Policy Intentions

Spheres of influence represent Marin LAFCO's principal planning tool in facilitating orderly and responsive local government. The following statements reflect the collective policy intentions of Marin LAFCO in establishing, updating, and amending spheres.

1. A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Marin LAFCO will use spheres of influence to guide its consideration of proposals to change local government boundaries.
2. Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher level services.

3. Marin LAFCO's decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted spheres of influence for the local government agencies affected by the proposal. Proposals that are not consistent with adopted spheres of influence may not be approved without prior amendment to those spheres of influence unless exempted under State law.

### C. Baseline Review Factors

State law requires Marin LAFCO to consider the following factors in determining a sphere of influence boundary (Government Code §56425(e)):

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city/town or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

In addition, Marin LAFCO will consider natural features in its adoption of spheres of influence, including topography, bodies of water, ridgelines and wetlands.

### D. Designation Types and Anticipated Outcomes

In acting to adopt spheres of influence for each local government agency under its jurisdiction, Marin LAFCO may take the following types of actions:

1. Adopt a sphere of influence that is larger or smaller than the present boundaries of the agency. Such a designation will be accompanied by a map showing the agency's present boundary and the sphere of influence or planned boundary. The areas between the present and planned boundaries define the territory in which Marin LAFCO anticipates territory to be annexed or detached.

2. Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that Marin LAFCO does not anticipate any change to the agency's boundary (annexations or detachments) or organization (consolidation, dissolution) in the next 5-10 years.
3. Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Marin LAFCO's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.
4. Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated sphere of influence "in common" to include the areas served by both districts. This designation may be assigned where Marin LAFCO believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates Marin LAFCO's determination that two or more districts should be combined through consolidation or other reorganization process.

### E. Implementation Objectives

The purposes of Marin LAFCO's policies and procedures in the establishment, amendment, and update of spheres of influence are listed below.

1. Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process relative to meeting existing and future community needs.
2. Provide for extension of urban services only within adopted spheres of influence unless public health or safety issues warrant extensions under Government Code §56133.
3. Promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.
4. Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible given local conditions and circumstances.
5. Assist local agencies in planning the logical and efficient extension of services and facilities to avoid duplication of services.

6. Assist property owners in anticipating the availability of services in planning for the use of their property.
7. Provide for the periodic review and possible update of adopted spheres of influence at least once every five years as appropriate beginning January 1, 2008.
8. Preserve open space and agricultural resources in Marin County.

## F. Additional Guidelines

Marin LAFCO will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

1. Developed unincorporated lands located within the sphere of influence of a city/town or special district and which benefit from municipal services provided by such city/town or special district should be annexed to that city/town or special district when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.
2. In its regular review and update of adopted spheres of influence, Marin LAFCO will identify any instances in which city/town and County general plans are in conflict. Marin LAFCO will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence.
3. Marin LAFCO encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.
4. In instances in which a city/town requests and/or applies for an amendment to its own sphere of influence in advance of Marin LAFCO's regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).
5. Marin LAFCO will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.

6. In reviewing a city/town or special district sphere of influence, Marin LAFCO will exclude lands in agricultural, open space, or serve as community separators, unless special considerations warrant otherwise.
7. Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service.
8. Multi-purpose agencies are preferred to limited-purpose agencies. Wherever possible, provision of multiple services by cities/towns will be preferred because general purpose agencies are best equipped to weigh community service priorities and their relationship to growth management and land-use planning authority.
9. In designating spheres of influence for local agencies, Marin LAFCO will avoid including territories which will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.

## 5.1 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

### A. Policies for the Review of City/Town Spheres of Influence

Marin LAFCO will incorporate into its review of city/town spheres of influence the following policy factors.

1. Territory will be considered for inclusion within a city/town's sphere of influence if that city'/town's services can be efficiently extended and are shown to be needed within the next 10 years.
2. Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Marin and independent special districts.
3. Sphere of influence lines adopted by Marin LAFCO will act to encourage the political and functional consolidation of local government agencies where the boundaries of those agencies divide areas that are otherwise single communities.

4. Marin LAFCO shall consider the plans and objectives contained within the adopted general plans of the cities/towns and the County of Marin in designating spheres of influence. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Conflicts between city/town and County for unincorporated territory may be identified in the course of sphere of influence studies. Marin LAFCO will specify how those conflicts are addressed in the adoption of spheres of influence.
5. City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.

## **B. Policies for the Review of Special District Spheres of Influence**

Marin LAFCO will incorporate into its review of special district spheres of influence the following policy factors.

1. Territory will be considered for inclusion within a special district's sphere of influence if that special district's services can be efficiently extended, are consistent with the applicable general plan, and are shown to be needed within the next 10 years.
2. Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government which is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
3. Where two or more limited purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Marin LAFCO determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.

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## 5.2 PROCEDURES FOR REVIEW, UPDATE, AND OR AMENDMENT OF SPHERES OF INFLUENCE

### A. Procedures for Marin LAFCO Updates to Spheres of Influence

Marin LAFCO will incorporate the following guidelines in preparing its own sphere of influence updates for local agencies.

1. Marin LAFCO shall adopt a study schedule every five years or thereabouts to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.
2. The study schedule shall be adopted at a public hearing and only after a minimum 21-day notice has been provided by Marin LAFCO to local agencies and the general public for review and comment.
3. The adopted study schedule shall generally cover a five year period beginning with 2012-2013.
4. The adopted study schedule may be amended by Marin LAFCO from time to time at public hearings to address changes in priorities and/or resources.
5. In adopting or amending the study schedule, Marin LAFCO shall consider the following factors.
  - a) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
  - b) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
  - c) Communications and requests from local agencies and the general public.
  - d) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five year period.
6. Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCO shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.



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## **B. Procedures for Applicant Requests for Sphere of Influence Amendments**

1. Marin LAFCO will, at any time, receive and schedule a public hearing to consider requests or applications for an amendment to a sphere of influence submitted by any person or by resolution of an affected local agency as required by Government Code §56428.
2. The request or application for a sphere of influence amendment shall be made in writing and state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.
3. Minor amendments of adopted spheres of influence may be considered by Marin LAFCO concurrently with a proposal for a change of organization.
4. Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Marin LAFCO's adopted study schedule unless Marin LAFCO determines otherwise. .

## **C. Action on Sphere of Influence Establishments, Amendments, and Updates**

1. All approved changes to spheres of influence shall be made by adopted resolution of Marin LAFCO and include determinations addressing all of the factors required for consideration under Government Code §56425(e).
2. All approved changes to spheres of influence shall also include any terms and conditions as determined appropriate by Marin LAFCO.

## **5.3 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS**

### **A. Legislative Authority**

1. In order to prepare and update spheres of influence, Marin LAFCO will conduct municipal service reviews to independently assess the availability, demand, capacity, and performance of governmental services necessary to support orderly growth in Marin County. A municipal service review is an analysis of the provision of each service provided by local agencies under Marin LAFCO's jurisdiction within a defined geographic area as defined by the Commission. Marin LAFCO will review all of the agencies that provide the identified service or services within the designated geographic area. (Government Code §56430)



## B. Policy Intentions

1. Marin LAFCO will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Marin County.
2. Marin LAFCO will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.
3. Municipal service reviews will be used by Marin LAFCO to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.
4. Marin LAFCO will generally schedule and prepare municipal service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.
5. Marin LAFCO will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.

## C. Baseline Review Factors

State law requires Marin LAFCO to consider and include written statements of its determinations with respect to all of the following factors (Government Code §56430(a)):

1. Present and planned capacity of public facilities and infrastructure needs or deficiencies;
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the spheres of influence;
3. Growth and population projections for the affected area;
4. Financial ability of the agencies to provide services;
5. Status and opportunities for shared facilities;
6. Accountability for community service needs, including government structure options; and
7. Any other matter related to effective or efficient service delivery, as required by Marin LAFCO policy.

## D. Municipal Service Review Types

Marin LAFCO may calendar and prepare one of three types of municipal service reviews as provided below.

1. A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.
2. A region-specific municipal service review will examine the range of governmental services provided by local agencies and any other identified entities within a defined area within Marin County.
3. An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

## E. Implementation Objectives

The purposes of Marin LAFCO's policies and procedures in the conducting municipal service reviews include, but not limited to:

1. Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Marin LAFCO.
2. Generate civic engagement among the affected agencies and general public in addressing current and future challenges and opportunities in aligning municipal service provision with community needs.
3. Serve as the source document for Marin LAFCO to consider subsequent changes in spheres of influence as well as inform future boundary changes and or outside service extensions.
4. Serve as the source document for Marin LAFCO to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

## F. Action on Municipal Service Reviews

1. Marin LAFCO shall adopted resolutions to complete all municipal service reviews that include determinative statements addressing all of the factors required for consideration Government Code 56430(a).

## 5.4 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

### A. Special Studies

1. Marin LAFCO will conduct any study of local government services or structure it deems necessary as authorized by Government Code § 56378 to fulfill its legislative mandates. Such studies will be funded through Marin LAFCO's regular financial resources and reserves, supervised and controlled by Marin LAFCO with the advice of affected agencies as deemed appropriate and or necessary by the Commission.
2. In the event that the County of Marin, cities/towns, special districts or civil organizations request Marin LAFCO to undertake intergovernmental or multi-jurisdictional study of municipal type services in addition to studies undertaken by the Commission for municipal service review or sphere of influence update purposes, Marin LAFCO will consider management and/or contributing to the cost of the study based on the proposed study's relevance to Marin LAFCO. Requesting agencies or other potential applicants will be required to pay study costs in excess of those costs to be incurred by Marin LAFCO in the regular fulfillment of its legislative mandates.
3. Applications for changes of organization requiring extended study in order to provide adequate information to Marin LAFCO to support its determinations shall be undertaken by the Commission at the expense of the applicant.

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## CHAPTER SIX PERSONNEL POLICES

### 6.0 GENERAL OBJECTIVES

This chapter will be added at a future date by Commission action.