

## CHAPTER I. GENERAL AUTHORITY & MANDATE

### **Section 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.

### **Section 2. General Legislative Authority**

These Policies, Procedures and Guidelines shall apply to the Local Agency Formation Commission of the County of Marin (hereinafter referred to as LAFCO or the Commission) and are adopted pursuant to the authority vested in the Commission by Division 3 (commencing with §56000) of Title 5 of the California Government Code (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000). Amendments to these Policies, Procedures and Guidelines shall be made by majority vote of the Commission.

All rules and regulations heretofore adopted by this Commission are hereby repealed, and the rules and regulations herein adopted shall be the rules and regulations of this Commission.

As provided under the Cortese-Knox-Hertzberg Act, the Local Agency Formation Commission (LAFCO) is required by the State Legislature to regulate the orderly formation and expansion of local government agencies. 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 and efficiently extending government services, as well as providing housing for persons and families of all incomes. (§56001)

LAFCO has responsibility in four areas affecting local government in Marin County:

1. To review and approve or disapprove - wholly, partially or conditionally, with or without amendments - proposals for changes in the boundaries and organization of the 11 cities and 30 independent special districts within Marin County plus incorporations of new cities, formation of new special districts and consolidation of existing special districts; and
2. To conduct studies (municipal service reviews) of existing local government services with the goal of improving the efficiency and reducing the cost of providing local government services; and

3. To establish spheres of influence – plans for the probable boundaries of each local agency – for the cities and special districts in the County and to review and update those spheres of influence every five years.
4. To provide assistance to other government agencies and the public concerning changes in local government boundaries and organization.

Marin LAFCO has seven members selected from the members of the governing bodies of the County, the cities and independent special districts and from the public at large. The members of the Commission exercise their judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities. (§56325.1)

In order to carry out its functions, the Legislature requires that LAFCO adopt policies, procedures and guidelines governing the implementation of the Cortese-Knox-Hertzberg Act of 2000. (§§56300(a) and 56375)

### **Section 3. Compliance with the California Environmental Quality Act (CEQA)**

Many of the decisions rendered by Marin LAFCO are "projects" as defined by the California Environmental Quality Act (CEQA). For purposes of complying with CEQA, Marin LAFCO has adopted the "State Guidelines" published by the California Office of Planning and Research. The State CEQA Guidelines are incorporated by this reference into the Marin LAFCO Policies, Procedures and Guidelines. Amendments to the State CEQA Guidelines are automatically effective unless otherwise noted by action of the Commission. (CEQA Guidelines §15022(d))

### **Section 4. Repealer**

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

## CHAPTER II. LAFCO OPERATIONS

### Section 1. Selection of Commissioners

Marin LAFCO has seven regular members consisting of two members of the County Board of Supervisors (selected by the Board of Supervisors), two city council members (selected by the mayors of the 11 cities in Marin County), two special district board members (selected by the 30 special districts) and one public member (selected by the other six members of the Commission). For each of the four categories of LAFCO membership, there is also selected an alternate member to serve in the absence of a regular member.

The County Board of Supervisors and the City Selection Committee have established procedures for selection of LAFCO's county and city representatives pursuant to §56325(a). Pursuant to §56332, Marin LAFCO has established the following procedure for the selection of the Commission's public member and special district members and alternate members.

#### A. Procedure 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 the appointment, the Executive Officer shall issue a news release announcing the existence of a vacancy on the Commission.
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 the Marin LAFCO, all local governments within Marin County and to community organizations including homeowners' associations and civic groups who are on file with the Marin LAFCO. 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.
3. Interviews 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

each candidate. 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 the public member and public member alternate shall be made at the Commission's regular meeting scheduled in May and effective immediately.

4. Selection Criteria: The public member shall be a resident of Marin County. In selecting the Public Member, the Commission shall consider the applicant's qualifications as described in his or her application and the reasons listed for wanting to serve as a member of the Commission.
5. Vacancy of Regular Public Member: Should a vacancy occur during the public member's term of office, a new appointment shall be made for the unexpired term of the public member. 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 obtain new applications; 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. Special District Member Selection

Government Code §56332(c)(1) provides for selection of regular and alternate special district LAFCO 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.

It is the policy of Marin Local Agency Formation Commission to conduct selection proceedings of regular and alternate special district members by a mail ballot process.

### **Procedure for Special District Member Selection**

1. The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the expiration of the term of a special district member or immediately upon notification that the service of a special district member on 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.
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 districts. 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 within 60 days of distribution of the ballots.
5. A majority of independent special district must cast ballots in order 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.
6. 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 LAFCO office by mail or by facsimile.
7. All ballots and other records of each selection process shall be retained in the LAFCO office for at least four years and shall be available for public inspection.

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. Vacancy of Special District Member: 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. The Commission may:
    - a) Direct the Executive Officer to initiate the mail ballot process for appointment of a new member for the un-expired term; or
    - b) Appoint the alternate special district member to serve as regular public member for the remainder of the regular member's term of office.

C. City Member Selection

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 within Marin County. City members shall be appointed by the City Selection Committee according to the procedures adopted by that body and attached to these Guidelines as Attachment 1.

D. County Member Selection

Government Code §56325(a) provides for the appointment of two LAFCO members each of whom shall be a serving member of the Marin County 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. Alternate Commissioners

Alternate members for county, city, 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.

## **Section 2. Disqualification of Commissioners and Conflict of Interest**

Pursuant to Government Code §56336, the representation by a member or alternate of a city or district shall not disqualify the member or alternate from acting on a proposal affecting that city or the district.

A regular or alternate Commissioner shall 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.

## **Section 3. Absence of Commissioners**

In the event a regular Commissioner intends to be absent from a Commission 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.

## **Section 4. Commissioner Compensation**

Commissioners shall receive a stipend of \$100 per regular meeting of the Commission. Alternate members shall receive an equal stipend when seated as voting members. Alternate members attending regular meetings of the Commission but not seated as voting members shall receive a stipend of \$50.

Commissioners and Alternate Commissioners shall also receive reimbursement for reasonable and necessary expenses incurred in attendance of Commission meetings or performance of other official Commission business. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

## **Section 5. Election of Officers**

- A. The Commission, annually, at the first regular meeting in May, shall elect a Chair from among its members. The Chair shall serve until a successor is duly elected.
- B. The Chair shall preside at all meetings of the Commission and shall 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.

- C. The Commission, annually, at the first meeting in May, shall elect a Vice-Chair from among its members. 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.

## **Section 6. Conduct of Meetings**

Local Agency Formation Commissions are authorized to make regulations for the conduct of hearings under Government Code §56375(h).

- A. 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.
- B. Vote Requirements: No act of the Commission shall be valid, legal or binding unless a majority of the Commission members (4) concur therein.
- C. Commission Actions: The Commission may act by resolution or motion. All final determinations of the Commission on proposals, spheres of influence, contracts, standards and procedures, and rule adoptions shall be made by resolution.
- D. 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 clerk 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?"
- E. Consent Calendar: Routine proposals that do not require a public hearing may be placed on a Commission consent calendar. 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.
- F. Robert'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 "Robert'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.
- G. Public Participation: All meetings of the Commission shall be open to the public. Any interested person(s) may address the Commission on matters not included on

the agenda as provided by §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 shall be required to give their name and address for the record.

H. Off-Site Meetings and Workshops in Affected Communities:

The Commission, 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 LAFCO process while taking into consideration the administrative constraints of meeting in an affected community, it is the policy of this Commission that:

1. The Commission shall normally hold public hearings in its regular hearing room, the City Council Chambers of the City of San Rafael.
2. 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 approval.
3. The Commission, at the request of the Executive Officer, may consider holding a public workshop or a public hearing 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.
4. Any member of the Commission at any time may request that the Commission hold a public workshop or a public hearing 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.

## Section 7. Budget Process

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

### A. Procedure

1. The Commission will appoint a Budget Subcommittee to meet in March of each year.
2. Staff and the Budget Subcommittee will submit a budget proposal to the Commission at its April meeting for preliminary review.
3. Following preliminary review, the Commission's draft budget will be circulated to each city, the County Board of Supervisors, the clerk and the chairperson of the City Selection Committee, to each independent special district and to the County Auditor for minimum of 60 days.
4. Staff will provide an opportunity for informal discussion of the draft budget within the 60-day circulation period.
5. The Commission will hold a for public hearing for consideration and final action on the proposed budget and circulate the adopted budget as specified under Step 3 above prior to June 15<sup>th</sup> of each year.
6. The County Auditor shall apportion the net costs of the Commission's budget to the County, cities and independent special districts under the provisions of Government Code §56381.
7. If the County, a city or an independent special district does not remit its required payment within 60 days, 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 or district pursuant to Government Code §56381(4)(c).

## Section 8. Personnel Policies

### Equal Employment Opportunity Policy

#### A. Purpose

The purpose of this policy is to comply with Federal and State law with regard to Equal Employment Opportunity (EEO) in the workplace, and to establish reporting procedures and disciplinary sanctions for violators of the Commission's EEO policy.

#### B. Equal Employment Opportunity Policy

Marin LAFCO is committed to equal employment opportunity and will evaluate each application and employee on the basis of personal skill and merit. The Commission does not discriminate based on an individual's race, sex, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sexual orientation, age, or any other basis prohibited by law. This policy governs all aspects of employment, including hiring, assignments, training, promotions, compensation, employee benefits, employee discipline and discharge, and all other terms and conditions of employment.

Marin LAFCO will reasonably accommodate an individual's physical or mental disability in accordance with its legal obligations.

#### C. Complaint Procedure

Any employee who believes that he or she has been subjected to unlawful discrimination, or who has observed or has become aware of unlawful discrimination, should immediately report the incident to the Executive Officer. If, for some reason, the employee feels uncomfortable about making a report to the Executive Officer, the report should be made to the Chair of the Commission.

The Executive Officer or a person designated by the Commission shall promptly investigate any such report of discrimination and after completing his or her investigation, shall report the findings to the Commission with recommendation for corrective action, if appropriate.

The investigator will document all matters related to complaints of alleged discrimination, including the contents of meetings, interviews, results of investigations, and all other actions attendant to the allegations. All documentation must be maintained for all charges, substantiated and unsubstantiated, in CONFIDENTIAL SEALED INVESTIGATION FILES, in the Commission's personnel office.

D. New Employees Shall Not Be Related to Current Employees or Commission Members

To the extent permitted by law, the policy of the Commission is that new employees shall not be related to current employees or Commission members.

At the time a person is applying for a position with the Commission, the person must identify any individual who is a close relative employed by the Commission. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, and sister-in-law.

E. Working Conditions

1. Purpose

State and Federal laws mandate that employees have a right to work in an environment that is free from all forms of unlawful discrimination, including harassment. Harassment on the basis of an individual's race, color, sex, religion, sexual orientation, age, national origin, ancestry, citizenship, marital status, and physical or mental disability is a form of discrimination that is prohibited by federal and state law. Commission employees have a personal responsibility for maintaining high standards of honesty, integrity, impartiality, and conduct to assure proper performance of the Commission's business. The policy of Marin LAFCO is that unlawful harassment is unacceptable and will not be tolerated.

2. Scope of Policies Governing Employment and Working Conditions

This policy applies to all employees, volunteers and Commissioners of Marin LAFCO, and it governs their conduct toward each other and toward all members of the public with whom they come in contact because of their position.

3. General Harassment Policy

Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated.

Marin LAFCO prohibits the harassment of any of its employees based on an individual's race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability, regardless of whether that harassment is targeted specifically to the employee.

Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats,

assault or any physical interference with the employee's normal work or movement, directed at an employee because of their race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on Marin LAFCO premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above.

Whether or not the offending employee means to offend or believed his or her comments or conduct were welcome is not significant. Rather, the Commission's policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are based on race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation or disability.

#### 4. Sexual Harassment

Marin LAFCO is committed to provide a workplace free of sexual harassment. Sexual harassment is defined as unwelcome sexual conduct of any nature that creates an offensive or hostile work environment or unwelcome sexual conduct that is made a condition of working at LAFCO.

Prohibited sexual harassment includes unwelcome sexual conduct such as:

- Verbal harassment (e.g., sexual requests, comments, jokes, slurs);
- Physical harassment (e.g., touching, kissing) and;
- Visual harassment (e.g., posters, cartoons or drawings of a sexual nature.)

The Commission's policy rests on the fundamental precept that each employee must treat all others with respect, dignity and professionalism. Deviation from that standard will not be tolerated. Whether or not the offending employee meant to offend, or believed his or her comments or conduct were welcome, is not significant. Rather, the policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are sexual in nature.

## 5. Complaint Procedure

Any employee who believes that he or she is the victim of harassment, or who has observed or has become aware of harassment, should immediately report the incident to the Executive Officer. If for some reason the employee feels uncomfortable about making a report to the Executive Officer, the report should be made to the Chair of the Commission.

The Executive Officer or a person designated by the Commission shall promptly investigate any such report of harassment and after completing his or her investigation, shall report the findings to the Commission with recommendation for corrective action, if appropriate.

In the event that the Commission's investigation of the alleged incident of harassment fails to substantiate that a violation of the Policies Governing Employment and Working Conditions occurred, management will inform both the employee and the complaining party that a thorough investigation has been conducted and that there exists no grounds or basis to substantiate the alleged claim.

In the event that the Commission's investigation reveals that an employee has engaged in actions or conduct in violation of this Policy, disciplinary action will be taken up to and including immediate termination depending upon the seriousness of the violation. Disciplinary action may range from written warnings, suspensions, demotion, discharge, etc., or a combination of actions. Following an investigation sustaining an allegation of harassment and the completion of appropriate corrective measures, the Executive Officer will advise the complaining party that a thorough investigation has been conducted and that appropriate corrective action has been taken by management.

The investigator will document all matters related to complaints of alleged harassment, including the contents of meetings, interviews, results of investigations, and all other actions attendant to the allegations. All documentation must be maintained for all charges, substantiated and unsubstantiated, in CONFIDENTIAL SEALED INVESTIGATION FILES, in the Commission's personnel files.

## 6. Confidentiality of Personnel Files

California State law states that personnel files shall be kept private and confidential and that no one without a legitimate business reason to do so shall have access to these files without consent from the individual.

The Executive Officer and his/her designated staff shall be the only persons allowed to access any individual's file without permission from the individual. Said personnel files shall be kept in a locked file at all times.

## F. Employment Status

### 1. Pre-Employment Physical Examination

All offers of employment may be conditioned upon the certification of a qualified physician that the applicant is qualified to do the type of work required by the position being applied for.

The Commission may also require an applicant being offered a job to submit to drug screening and, in that case, the offer of employment is contingent upon a negative drug screen result.

### 2. Probationary Period

The first six months of employment is considered a probationary period. During this time, the Executive Officer will closely monitor a new employee's performance, and may dismiss the employee for any reason. Continued employment with the Commission is contingent on the successful completion of this probationary period. The Executive Officer's decision to release an employee from probation is not subject to appeal and is not subject to the grievance processes set forth in Chapter II, Section 8.J of these Policies, Procedures and Guidelines.

### 3. Employment Categories

Each employee of the Commission is categorized as full-time or part-time, and as exempt or non-exempt.

#### a) *Full-Time/Part-Time*

Full-time employees are regularly scheduled to work 37.5 hours or more per week. Part-time employees are regularly scheduled to work fewer than 37.5 hours per week.

#### b) *Exempt/Non-Exempt*

Each employee will be informed when hired whether he or she is considered a non-exempt or exempt employee under the Fair Labor Standards Act. These categories refer to whether the employee is eligible for FLSA overtime pay. The EXEMPT category applies to certain administrative, professional

and executive staff. The NON-EXEMPT category applies to all other employees. Non-exempt employees receive extra pay for overtime work. Exempt employees' salaries already take into account that they sometimes work additional hours.

#### 4. Personal Data

All employees must promptly notify the Commission of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, beneficiaries, tax-withholding information, individuals to be contacted in the event of an emergency, and educational accomplishments. Such data must be accurate and current at all times. The Commission will maintain the confidentiality of such information in accordance with its legal obligations.

#### 5. Performance Reviews

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Ongoing discussions between supervisors and employees about job duties, performance, and the work environment furthers employees' satisfaction with the Commission and the Commission's satisfaction with employees.

A formal performance evaluation will be conducted after six months of employment and annually thereafter. The performance review will be the primary determinant of merit-based pay adjustments as recommended by the Executive Officer granted by the Commission.

### G. Compensation and Benefits

Compensation and benefits for the Commission's Executive Officer shall be specified in an employment agreement. The employment agreement shall be authorized by action of the Commission and signed by the Executive Officer and shall further define the Executive Officer's duties and terms and conditions of his or her employment.

The County of Marin provides payroll and benefits administration services for Commission employees. Commission employees participate in standard benefit programs offered by the County to County employees. For purposes of equity and administrative convenience, it is the intention of the Commission to provide its employees with pay and benefits directly comparable to equivalent positions in the County's employment classification system and to adopt the policies and procedures for accrual and use of annual leave and annual performance review adopted by the County of Marin. A copy of the applicable policies and procedures as published by

the County of Marin for its employees is attached to this document and incorporated herein as Attachment 2.

LAFCO shall specify the number and classification of all positions. A position description specifying duties and responsibilities for each classification position will be approved by LAFCO; each LAFCO position will be linked by the Commission to a comparable or similar classification within the Marin County classification plan for purposes of determining compensation and benefits.

All changes approved by the County Board of Supervisors for county employees in comparable positions may be reviewed and considered by LAFCO for its employees. Unless otherwise specified by LAFCO policy, employees of LAFCO shall receive compensation and benefits available to employees of Marin County in comparable classifications.

## H. Work Environment

### 1. Workplace Violence

#### a) Workplace Violence Prohibition

The Commission is committed to providing a workplace that is free of threats or acts of violence and to protecting its employees from such conduct on its premises. The Commission prohibits any employee from engaging in behavior that is violent, threatening or intimidating, while on duty or on Commission business. This policy applies to all employees, including management and non-supervisory staff. The Commission will not tolerate employees who make threats, engage in threatening behavior, or commit acts of violence against others. Such behavior will be subject to disciplinary action up to and including termination. In addition, the Commission is committed to preventing violent or threatening behavior on its premises by non-employees, such as visitors, guests, customers, or family members of its employees.

#### b) Prohibited Conduct

This policy prohibits not only physically violent behavior, but also behavior that is threatening, harassing or intimidating. Prohibited behavior includes, but is not limited to:

- Possession of firearms, explosives, weapons such as knives, or any other hazardous or dangerous devices on any employer property or at any organization function, whether on or off premises. Additionally, use of any item as a weapon is prohibited.
- Disorderly conduct on Commission premises, including fighting, inciting/provoking another to fight, battery, attempted bodily injury, or physically abusing any employee or visitor.
- Using abusive or threatening language, coercing, threatening or otherwise harassing any employee or visitor.
- Actual or threatened physical violence towards another employee or visitor.

c) Policy and Response Guidelines

All employees are responsible for reporting any incident involving threats or acts of violence immediately to their supervisor. The matter will be investigated and any appropriate corrective action taken. Violations of this policy will lead to disciplinary action, up to and including immediate dismissal.

2. Non-fraternization Policy

The Commission is committed to fostering a professional work environment where all employees are treated fairly and impartially by their supervisors. Intimate personal relationships between supervisors and subordinates may result in workplace problems, such as a lack of objectivity in supervising and evaluating employees, the perception of favoritism by other employees (whether justified or not), and the potential for sexual harassment claims if a relationship ends. Therefore, supervisors are prohibited from dating, engaging in amorous relationships with, or participating in sexual relations with employees who report to them, either directly or indirectly. Employees who violate this policy will be subject to discipline, up to and including termination of employment.

3. Personal Conduct and Appearance

Employees of the Marin LAFCO are encouraged to wear standard business attire as commonly accepted for our region of California, as they are representatives of the Commission.

4. Use of Telephone

The Commission's telephone system is designed and intended for business use. Employees are expected to limit all personal calls so as not to interfere with work. Employees are required to reimburse the Commission for any special charges for personal telephone calls.

#### 5. Information Systems/Electronic Mail (E-Mail)

The computer and other electronic communications and information systems of the Commission, including voice mail, electronic mail and access to the Internet, are the property of the Commission and should be used for business purposes only. Although employees have passwords that restrict access to their voice mail and computers, the Commission may access any files, voice mail, or e-mail messages stored on *or deleted from* the computer system or voice mail system. The Commission reserves the right to access such information and to monitor on-line activities.

Although the Commission reserves the right to access such information, employees are strictly prohibited from accessing another employee's personal voice mail or e-mail messages without the latter's express permission. In addition, the voice mail and e-mail systems are not to be used in a way that may be disruptive or offensive to others. For example, the Commission prohibits the display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, e-mail or Internet communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs. Nor may employees use the Internet, voice mail or e-mail system to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. E-mail messages are official internal Commission communications, subject to summons in legal proceedings.

Copyrights and restrictions that pertain to outside materials and trade secrets shall be respected, and employees are prohibited from the unauthorized downloading of software or other copyrighted materials.

### I. Employee Conduct

#### 1. Standards of Conduct

The Commission prides itself on a friendly and flexible environment. As in other organizations, however, order and discipline are essential to the Commission's ability to provide excellent service to the public and other public agencies. Employees are expected to comply with basic standards of conduct and professionalism in the workplace and while conducting Commission business.

Although it is impossible to provide a complete list of conduct that is not tolerated at the Commission, the following are examples:

- Unsatisfactory job performance.
- Poor attitude and/or behavior (for example, rudeness or lack of cooperation).
- Excessive absenteeism or tardiness, or an unacceptable pattern of absences.
- Insubordination.
- Dishonesty.
- Use of the Commission's name or letterhead for personal business.
- Harassing, including sexually harassing, employees, customers, clients or other persons with whom the Commission has a business relationship.
- Theft, unauthorized possession or removal of property belonging to the Commission, fellow employees, customers, clients or other persons with whom the Commission has a business relationship.
- Engaging in behavior that is threatening, physically aggressive or violent.
- Failure or refusal to cooperate in or interference with an internal Commission investigation.
- Possession, distribution, sale or use, or being under the influence of, illegal drugs while on Commission property or Commission business.
- Violation of Commission policy.

## 2. Attendance and Punctuality

To maintain a productive work environment, the Commission expects employees to be reliable and punctual in reporting for work at their regularly scheduled start time. Absenteeism and tardiness place a burden on other employees and on the Commission. Excessive absenteeism or an inappropriate pattern of absences can lead to disciplinary action, up to and including termination.

## 3. Drug and Alcohol Use

The presence or use of illegal drugs or unauthorized alcohol on Commission premises will not be tolerated. Illegal drugs, as referred to in this policy, include

drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes.

The sale, purchase, transfer, distribution, use or possession of illegal drugs, as defined above, by anyone on Commission premises is prohibited. Moreover, employees are prohibited from reporting to work under the influence of alcohol or illegal drugs.

#### 4. Outside Employment

No Commission employee shall be permitted to accept employment in addition to or outside of Commission service if:

- a) The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or
- b) The additional or outside employment interferes with the employee's ability to perform his/her Commission job; or
- c) The nature of the additional or outside employment is such that it will reflect unfavorably on the Commission.

The duties to be performed in the additional or outside employment shall not be accomplished with the use of Commission records, materials, equipment, facilities or other Commission resources.

#### 5. Outside Inquiries/Employee References

All outside inquiries regarding employment references for current or former Commission employees must be directed to the Executive Officer. "Off the record" comments are strictly prohibited.

The Commission will release only an employee's job title, salary and dates of employment to third parties unless the employee signs a written authorization to disclose further information about his/her employment.

All media inquiries regarding the Commission should be referred to the Executive Officer.

#### 6. Leaving the Commission

The Commission shall provide employees written notice two weeks in advance of any action that terminates his or her employment with the Commission.

Although advance notice is not required of employees, the Commission requests two weeks' notice if an employee intends to resign. An employee's consideration in this regard will enable the Commission to arrange for a replacement and assist in the smooth transition of responsibilities. An employee may be asked at the time he or she leaves the Commission to provide an evaluation of the employee's employment with the Commission ("exit interview"). The Commission hopes that this constructive exchange will help it identify any areas that need further attention to provide the best possible work environment.

## J. Grievance Procedure

### 1. Scope of Grievance Procedure Policy

This policy shall apply to all regular employees in all classifications.

### 2. Purpose of Grievance Procedure Policy

The purpose of this policy is to provide a procedure by which employees may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of these Policies and may appeal disciplinary action as provided for in Policy No. P 119.

### 3. Exclusions

Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law and Commission resolutions. Also specifically excluded from this grievance procedure are complaints of discrimination and harassment which are covered by Personnel Policies Nos. P 103.01-103.06.

### 4. Grievance Procedure Steps

#### a) Level I, Preliminary Informal Resolution

Any employee who believes he/she has a grievance shall present the evidence thereof orally to the Executive Officer within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The Executive Officer shall hold discussions and attempt to resolve the matter within three (3) working days after the presentation of such evidence. The Executive Officer shall document the informal meeting including the outcome and provide a copy to the employee and the Chair of the Commission, as appropriate.

#### b) Level II, Appeal of Grievance to the Commission

If the grievance has not been resolved at the Level I, the grievant must present his/her grievance in writing on a form provided for this purpose (attached hereto as Attachment 3) to the Chairman of the Commission and to the Executive Officer within three (3) working days after the date of the Executive Officer's response to the Level I grievance process.

## 5. Procedure

Upon receiving a written appeal of a grievance from an employee, the Executive Officer shall place the matter on the agenda of the next available Commission agenda. The Commission shall convene in executive session to review the written grievance submittal and determine how the grievance will be addressed. In making this determination, the Commission may direct one of the following procedures:

- a) The Commission will meet in executive session to investigate the grievance, determine what corrective actions, if any, will be required to address the grievance and provide written documentation of its actions;
- b) Appoint a subcommittee of one, two or three of its members to investigate the grievance. The subcommittee will determine what corrective actions, if any, should be taken to address the grievance, provide written documentation of its meetings and report its recommendations to the Commission for action by the Commission in closed session;
- c) Retain or request the voluntary participation of an independent hearing officer. The independent hearing officer shall will recommend what corrective actions, if any, should be taken to address the grievance, provide written documentation of its meetings and report its recommendations to the Commission for action by the Commission in closed session; or
- d) Take other steps that the Commission deems necessary and appropriate to address the written grievance.

## 6. Procedural Rules

- a) If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
- b) By agreement in writing, the grievant and the Executive Officer may extend any time limitations on steps of the grievance procedure.
- c) A copy of all formal grievance decisions shall be retained in the Commission grievance file.
- d) The employee filing a grievance is obligated to participate in good faith in the grievance procedure. If the employee filing the grievance does not participate in good faith, the grievance shall be considered resolved.

## K. Disciplinary Actions

### 1. Types of Disciplinary Actions

The following are types of actions that may be utilized by the Executive Officer in disciplining employees. The specific type of disciplinary action taken is a decision made by the Executive Officer based on the severity of the employee's actions.

- a) **Oral Reprimand:** A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to the grievance process set forth in Policy P 118.
- b) **Written Reprimand:** A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to the grievance process set forth in Policy P 118.
- c) **Disciplinary Suspension:** An involuntary absence without pay for a fixed period of time.
- d) **Reduction in pay:** A reduction in pay for a fixed or indefinite period of time.
- e) **Termination:** Discharge or removal from Commission service.

- f) **Administrative Leave:** An employee may be placed on administrative leave with pay immediately in an emergency situation or when the seriousness of a matter warrants such action pending the proper disciplinary process.

## 2. Reasons for Reprimand, Suspension or Termination

An employee's failure to meet the standards of employee conduct set forth in these Policies, Procedures and Guidelines will result in disciplinary action up to and including termination.

## 3. Pre-Disciplinary Notice and Meeting

Prior to suspending, reducing the pay of, or terminating an employee who has completed his or her probationary period, the Executive Officer shall provide the employee with a written notice of the proposed disciplinary action, a statement of the charges and reasons supporting the proposed disciplinary action and copies of the materials upon which the proposed action is based. Within five working days, the Executive Officer shall provide the employee with the opportunity to respond in person or verbally to the proposed discipline as to why the proposed disciplinary action should not be taken. After considering the response provided by the employee, the Executive Officer shall proceed with the proposed disciplinary action or modification thereof.

## 4. Disciplinary Appeal

An employee may appeal a suspension, reduction in pay or termination to the Commission by presenting the appeal in writing on a form provided for this purpose (attached hereto as Attachment 4) to the Chair of the Commission within three working days after receipt of the Executive Officer's notice of final disciplinary action. The Commission shall then hear the appeal in accordance with the procedures set forth in the Commission's Level II Grievance Procedure. The decision of the Commission shall be final.

## L. Layoff - Authorization

The Commission may layoff any employee because of lack of appropriate funds, curtailment or lack of work, changes in duties or organization, abolition of position or other reasons. When reduction of personnel is necessary, the criteria for determining employees to be laid off shall be consideration of the work and administrative needs of the Commission as determined by the Executive Officer. Within a classification to be reduced, employees shall be laid off in the following order: (1) temporary employees, (2) part-time employees and then (3) full-time employees.

### CHAPTER III. POLICIES AND PROCEDURES FOR THE EVALUATION OF PROPOSALS

#### Section 1. General Policies & Standards

##### A. Agency Consolidation Policy

It is the intent of LAFCO to encourage the rationalization of local government organization through the elimination or consolidation of small, single purpose special districts. Wherever the full range of urban services is required, general-purpose governments are preferred to special districts for the provision of services.

It is the intent of LAFCO to strengthen the role of city governments in the provision of urban services. In the city-centered corridor of Marin County as designated in the Marin Countywide Plan, general-purpose governments are preferred over special districts for the provision of services. Where provision of a service by a general purpose local government is not practical, 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.

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

##### B. Agricultural Lands Policies

1. Land which is currently engaged in the substantial production of food, fiber, or livestock, or is identified as agricultural land under Williamson Act contract shall not be annexed to a city or a sanitary sewer agency for the purpose of promoting urban development. (Originally Adopted: July 13, 1977; Revised: January 13, 1983)
2. Development of existing vacant or non-prime agricultural lands for urban uses within a city's and/or special district's jurisdiction or within a city's and/or special district's sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing agricultural or open-space lands for nonagricultural or non open-space uses 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. (Adopted July 13, 1977)

C. Prezoning Policy

As required by State Law, applicants whose proposals include annexation to a city shall obtain prezoning approval from the city prior to submitting the annexation application to the Local Agency Formation Commission for consideration. The city shall be lead agency for environmental review in such cases, and proof of environmental documentation and certification shall accompany the application. (§56375.3)

D. County Service Area (CSA) Policy

A County Service Area 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.

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 County Service Area except when (a) evaluation on a case-by-case basis justifies creation and (b) the affected city, by letter, expresses approval of such action. (Originally Adopted: July 13, 1977; Revised: January 13, 1983)

E. Outside Service Agreement Policy

As specified in Government Code § 56133, cities and special districts seeking to extend services to areas outside their jurisdiction shall apply to LAFCO for approval. LAFCO may approve such agreements for areas within the applying agency's sphere of influence in anticipation of eventual annexation to that agency. Approval may be granted for such agreements 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.

LAFCO approval is not required for service agreements between two public agencies where service has already been established.

The Commission procedure for processing of applications for outside service agreements shall follow all steps required for changes of organization up to and including requests for reconsideration. Any approval granted by LAFCO for outside service agreements shall be complete at the expiration of time for requests for reconsideration.

F. 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. The Commission may, however, defer the requirement for annexation to the city if the Commission determines that each of the following conditions has been met:

- 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); and
- All affected agencies have been notified and given adequate time to review and comment on the proposed annexation; and
- Application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

The purposes of this policy are to allow the Commission to:

- Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- 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.<sup>i</sup>
- Provide for the orderly implementation of adopted city and special district spheres of influence.
- 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.

1. Legislative Authority

Government Code §56844 and its subsections give LAFCO broad authority to add conditions to the approval of boundary changes:

Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions.

....

(o) The initiation, conduct, or completion of proceedings on a proposal made under, and pursuant to, this division.

....

(v) Any other matters necessary or incidental to any of the terms and conditions specified in this section.

## 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 the Commission 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. Procedure

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 the Cortese-Knox-Hertzberg Act) will be extended for response by the affected city council if requested.

Applicants may comply with the Dual Annexation 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, the Commission may attach conditions providing for city annexation at a later date.

## 4. 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) The Commission 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.

## **Section 2. General Procedures for the Evaluation of Proposals**

The following is a step-by-step guide to the procedures followed by LAFCO in evaluating proposed changes in local government boundaries and organization.

### **A. Preliminary Steps**

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 LAFCO office for an appointment.
2. The applicant should bring the following information:
  - a) A map of the property and affected area.
  - b) General plan and zoning designations.
  - c) Information on development plans, if applicable.
3. LAFCO staff will review procedure, applicable spheres of influence, information requirements and processing fees, provide application forms, and determine environmental review requirements.
4. Proponent prepares application for proposal. An application includes the following:

- a) An application on the form provided by LAFCO.
  - b) A petition of landowners or registered voters making application OR a certified resolution of application. Note: The applicant must provide file a notice of intention to circulate a petition with the Executive Officer prior to collection of signatures.
  - c) 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 LAFCO staff for details.
  - d) A map and a metes and bounds description of the subject property which meet the requirements of the State Board of Equalization. LAFCO staff can provide examples.
5. Copies of any environmental documents associated with the project.
6. The following information, depending upon the type of proposal:
- a) If a proposal is submitted by resolution of a public agency, it must include a "plan for providing services" (§56653). The plan may follow the format provided by 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. The resolution rezoning the territory shall specify that there will be no change in zoning for two years from the date annexation becomes effective.
  - 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.
7. If the proposal includes incorporation of a new city, a comprehensive fiscal analysis which includes 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 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 LAFCO. If prepared by or under contract to LAFCO, the costs of the comprehensive analysis may be charged to the proponents. (§§56383 and 56654)

8. Processing fee per the schedule of process fees adopted by the Commission.

B. Determination of Boundaries

1. Definiteness and Certainty of Boundaries:

Boundary descriptions accompanying proposals for changes of organization or boundaries of local agencies shall be definite and certain. If the descriptions accompanying the proposal are reported by the County Department of Public Works to be indefinite and uncertain, the Commission will direct the Executive Officer to withhold the filing of final documents until the proponent submits a revised boundary description which is certified by the County Department of Public Works as being definite and certain. If the Commission determines to approve a proposal conditioned upon boundary amendment, it shall request the County Department of Public Works to prepare a new boundary description.

2. Boundaries Which Create Islands, Strips or Corridors:

Boundaries should not be drawn so as to create an island, corridor, or strip either within the proposed territory or immediately adjacent to it. Where such an island, corridor or strip would be created, the proponent shall justify the reasons for nonconformance with this standard. (§56668)

3. Streets and Highways

Whenever practicable, boundary lines of areas proposed to be annexed to cities and/or districts shall be so located that all streets and rights-of-way will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended. (§56668)

B. Conformance with Political, Natural and Man Made Boundaries:

To the greatest possible extent, boundaries should follow existing political boundaries, and natural or man made features such as streams, lakes, natural terrain, railroad tracks, and freeways. Where boundaries do not meet this standard, the proponent may be required to provide justification for the nonconformance to this standard. (§56668)

C. Conformance with City or County General and Specific Plans:

Proposals shall be consistent with the appropriate city or county general, specific or community plans. Where the proposal does not abide by these plans, the proponent shall specify the reasons for plan nonconformance. (§56668)

D. Economic Feasibility of Proposed Formations

When formation of a new agency is proposed, the proponents shall demonstrate the economic feasibility of the proposed formation, based on a specific fiscal analysis which identifies services provided by the proposed district and projects costs of services and needed facilities with available revenues.

### **Section 3. Application Staff Review**

#### **A. Initial Factors**

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

##### **1. Notice of Application – For Applications Submitted by Petition Only**

The proposal is placed on the Commission'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. (§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. (§§56751/56857)

##### **2. Completeness of the Application**

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

##### **3. Certificate of Sufficiency**

Within 30 days after receiving a petition, LAFCO Staff will review the petition or request evaluation of the petition signatures by the County elections official. (§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. (§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. (§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 LAFCO within 10 days with any comments the agency may have regarding the application. (§56663(b))

B. Filing of the Application

When an application 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 the Commission. (§56658(g)) The hearing date must be set within 90 days of the date the Certificate of Completion is issued.

C. Presentation to the Commission

1. Public Notice

The Commission 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>. (§56150-4) Mailed notice shall be given to the County, all affected agencies or cities, the subject agencies or cities, 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. (§56157)

In instances in which the Commission 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.

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 (§56663).

## 2. Staff Report and Recommendation

The Executive Officer shall review the application and prepare a report and recommendation. 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)

## D. The Commission Hearing

The 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, the Commission will hear and receive any oral or written protests, objects, or evidence which shall be made, presented or filed, and consider the Staff Report and Recommendations. (§56666) The factors which will be considered by the Commission 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.
14. Any information relating to existing land use designations.

F. Commission Adoption of a Resolution

In its actions, the Commission may:

- Approve the proposal as submitted;
- Approve the proposal with modified boundaries;
- Approve the proposal with conditions; or
- Deny the proposal.

Adoption of a Resolution Making a Determination: Within 35 days after the conclusion of the hearing, the Commission shall adopt a resolution approving, approving conditionally or disapproving the proposal. (§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. (§56882)

1. If the proposal is approved, a protest hearing shall be scheduled 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 Commission hearing. (§§56663(c,d))
2. If the proposal is approved with conditions, the resolution of approval shall include a description of the required terms and conditions for approval. The Commission 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. (§§56885.5, 56886)
3. If the proposal is denied, no further proceedings shall be taken on that proposal and no similar proposal involving the same territory may be initiated for one year unless the Commission waives that stipulation as detrimental to the public interest and denies approval "without prejudice". (§56884)

F. Reconsideration

When the Commission 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. (§56895)

The purpose of the reconsideration process is to provide a mechanism for the Commission 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.

The Commission shall include a charge for reconsideration in its schedule of processing fees. The Commission may waive the fee for reconsideration as specified by separate policy.

## 1. Procedure

- a) 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:
  - Be made in writing.
  - State the specific modification to the resolution being requested.
  - Identify new or different facts or applicable new law not previously considered by the Commission.
  - Include required processing fees.
- b) Upon receipt of a timely request, the Executive Officer shall immediately notify the conducting authority not to take any further action until the Commission acts on the request.
- c) The Executive Officer shall place the request on the agenda of the next meeting of the Commission for which any required notice can be given.
- d) At that meeting, the Commission shall consider the request and receive any oral or written testimony. The Commission may continue the hearing for a maximum of 70 days.
- e) At the conclusion of the public hearing, the Commission 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.

## Section 4. Following the Commission Action

### A. Protest Hearing

California Government Code §57000, et seq., provides a forum and a process for protest of resolutions adopted by LAFCO approving changes to local government boundaries or organization.

It is the policy of Marin Local Agency Formation Commission to delegate the responsibility for conducting protest hearings 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 the Commission'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

1. Within 35 days of LAFCOs 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 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, the Commission 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. The Commission's action shall be determined by the value of the protest and Government Code §§57075 through 57087.3, as applicable.

C. Final Filing

The 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. (§57202) If the Certificate of Completion has not been filed within one year after the Commission approves a proposal, the proceeding is deemed abandoned unless the Commission authorizes an extension prior to the expiration of that year. (§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. (§57203,4)

## **Section 5. Polices & Procedures for Specific Application Types**

A. Activation of New Services by Special Districts (Exercise of "Latent Powers")

Policy and Procedure for the Activation of Special District Latent Powers previously adopted as "Rules and Regulations Governing Special Districts with representation on LAFCO".

1. Regulation of New Functions or Services

New or different functions or classes of service shall only be provided by an existing 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 the Commission has previously established as currently being provided by such special district.

## 2. Review of Functions and Services

The Commission shall periodically review and update the inventory of functions and services established for each special district as part of its review of adopted spheres of influence. In conducting such a review, the Commission may require the special districts to provide current information concerning established functions and services. The Commission may, after public hearing, remove from its inventory any function or service established for a special district, if the Commission determines that the function or service is not currently being provided by the district.

## 3. Procedure

- a) Any special district desiring to undertake the provision of any new or different function or class of service within its boundaries shall adopt a resolution of application 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;
  - Alternatives to the proposed provision of the new or different function or class of service by the district;

## 4. Public Hearing

The Commission shall hear and act upon the application at a noticed public hearing according to the requirements of Government Code §56824.14. 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.

5. Joint Exercise of Powers

The Commission's Rules, Regulations and Guidelines regulating the provision of new or different functions or classes of service by special districts shall not abridge a district's rights and powers relative to joint powers agreements between that district and another public agency providing the same existing services at the time of the adoption of these rules.

B. Initiation of Proposals by the Local Agency Formation Commission

Pursuant to Government Code §56375(a), the Commission is authorized to initiate the following specific types of proposals to change the organization of special districts:

1. Consolidation of special districts formed under the same enabling act.
2. Dissolution of a special district, where another agency can assume service responsibility.
3. Merger of a district with a city, where the city encompasses the entire district.
4. Establishment of a subsidiary district of a city, where at least 70% of the district's territory and population are within the city.
5. A reorganization which includes two or more of the above changes of organization.

It is the policy of the Marin Local Agency Formation Commission 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. The Commission will consider initiation of such proposals in instances in which the following conditions apply:

- ❑ A sphere of influence 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.
- ❑ The Commission 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.

The Commission 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.

#### Procedure

- a. The Commission 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 the Commission 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. The Commission 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. The Commission 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.

## CHAPTER IV. SPHERES OF INFLUENCE

### Section 1. Legislative Authority

Government Code Section 56425 requires LAFCO to perform studies and adopt boundary plans for each local government agency subject to its authority. Those boundary plans are called "spheres of influence." A sphere of influence is defined as "...a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission."

A sphere of influence represents the area to which a city or special district is expected to eventually provide services. LAFCO will use spheres of influence to guide its consideration of proposals to change local government boundaries.

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 when and if they seek additional or higher level services.

The Commission'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.

State law requires the Commission to consider the following factors in determining a sphere of influence boundary:

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.

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

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

- ❑ 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 the Commission anticipates territory to be annexed or detached.
- ❑ Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that the Commission does not anticipate any change to the agencies boundary (annexations or detachments) or organization (consolidation, dissolution) in the foreseeable future.
- ❑ Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates LAFCO's determination that, after consideration of all factors in Section 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.
- ❑ 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 LAFCO believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates the Commission's determination that two or more districts should be combined through consolidation or other reorganization process.

## **Section 2. Purposes**

The purposes of the Commission's policies and procedures for implementation of Government Code Section 56425 are to:

1. Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process.
2. Provide for extension of urban services only within adopted spheres of influence.
3. Promote orderly growth of communities whether or not services are provided by a city, county-governed district or independent special district.

4. Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible.
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 amendment of adopted spheres of influence.
8. Preserve open space and agricultural resources.

### **Section 3. General Spheres-of-Influence Policies**

The Commission 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 or special district and which benefit from municipal services provided by such city or special district should be annexed to that city or special district. Vacant land in the same position should be annexed prior to development.
2. In its periodic review of adopted spheres of influence, the Commission will identify any instances in which city and county general plans are in conflict. The Commission will act to resolve such conflicts by facilitating direct negotiations between the affected city and the County prior to taking action to amend or reaffirm the adopted sphere of influence.

In instances in which a city requests review of, or amendment to its own sphere of influence, the city making the request must 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 Section 56425(b).

The Commission will delay action on (or deny "without prejudice")<sup>1</sup> proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.

3. In reviewing city and district spheres of influence, the Commission will exclude lands in agricultural or open space use that function as community separators.

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<sup>1</sup> Once a proposal application is complete, the Commission must hear the proposal within 90 days. If a longer delay is necessary to effect a negotiated resolution, the Commission could deny the proposal "without prejudice", allowing resubmittal without new application fees or the required one-year delay.

4. Where possible, a single larger agency will be preferred to a number of adjacent smaller agencies providing the same service.
5. General-purpose local government agencies will be preferred to limited-purpose services districts. Wherever possible, provision of multiple services by cities 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.
6. In designating spheres of influence for local agencies, the Commission 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 or other land resources in city or county general plans will generally be excluded from city and special district spheres of influence and thereby not be considered eligible for an extension of an urban level of services.

A. Policies for the Review of City Spheres of Influence

1. Territory will be considered for inclusion within a city's sphere if that city's services can be efficiently extended and are shown to be needed within the next 10 to 15 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 and independent special districts.
3. Sphere-of-influence lines adopted by the Commission 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. The plans and objectives contained within the adopted General Plans of the cities and the County will be supported including recognition of urban growth boundaries and urban service areas designated by the County and cities in the County. Conflicts between city and county general plans for unincorporated territory may be identified in the course of sphere-of-influence studies. LAFCO will specify how those conflicts are addressed in the adoption of spheres of influence.
5. City spheres of influence should include unincorporated islands and corridors closely associated with the city's boundaries unless these areas are reserved for open space, agriculture or regional facilities which are best left unincorporated.

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

1. Where a special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a general-purpose government which is capable of assuming the public service responsibilities and functions of that special district, the special district may be allocated a designation of a zero influence which encompasses no territory. However, the provision of services to a multi-city area may be a logical role for special districts in urban areas where affected cities are less capable of providing a service than a regional special district.
2. 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 LAFCO believes that the particular service would be most efficiently provided to the entire area by a single special district.

### C. Service Reviews

In order to prepare and update spheres of influence, LAFCO will conduct service reviews as required by Government Code Section 56430. A service reviews is an analysis of the provision of each service provided by agencies under LAFCO's jurisdiction within a defined geographic area as defined by the Commission. The Commission will review all of the agencies that provide the identified service or services within the designated geographic area and include written statement of its determinations with respect to the following factors as required by State Law:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;

8. Evaluation of management efficiencies; and
9. Local accountability and governance.

Service reviews will be used by the commission to expand public knowledge of how local services are provided and as data for its sphere-of-influence determinations. The Commission will generally follow State Guidelines governing the conduct of service reviews, exercising its discretion to fit local conditions.

#### **Section 4. Procedures for Review of Adopted Spheres of Influence**

California Government Code Section 56425 (b) requires LAFCOs to "...periodically review and update..." adopted spheres of influence. LAFCOs are also required to schedule a hearing on a proposal for an amendment to a sphere of influence when submitted by resolution of the County or a local agency.

The adequacy of each adopted sphere of influence will be reviewed every five years from the date of its adoption or most recent review. The Commission may either reaffirm spheres as previously adopted or may restudy spheres to evaluate the need to amend them. Spheres may be restudied where significant changes in land use, planning policy, demand for public service, service capabilities, or relationship to other government agencies have occurred. The Commission may consider amendments to adopted spheres of influence out of the order determined by the five-year cycle when requested to do so by resolution of a local agency or where the Commission otherwise deems appropriate. Each subject agency will be notified of pending review of its sphere of influence and will be requested to participate actively in any restudy deemed necessary by the Commission.

##### **A. Procedure for Periodic Review**

1. Each year the Commission will consider the oldest one-fifth of the adopted spheres of influence and determine which may be reaffirmed without additional review and which will require restudy for possible amendment. In order to assist the Commission in its determinations, staff will conduct a preliminary survey to assess the adequacy of the selected spheres and make recommendations for reaffirmation or restudy to the Commission at a public hearing.
2. The Commission will take action to reaffirm existing spheres not selected for restudy following a noticed public hearing.
3. Spheres of influence authorized for restudy will be examined for changes in conditions and policies since adoption or most recent review.

4. The Commission will hold noticed public hearings and make determinations on the spheres of influence which have been restudied. Staff will provide a report and recommendation on spheres of influence reviewed by the Commission.
5. Commission actions to adopt, amend or affirm spheres of influence will be taken by resolution, including a map of the adopted sphere of influence and a statement of the Commission's determinations.

#### B. Procedure for Requests for Sphere of Influence Amendments

The Commission will at any time receive and schedule hearing requests for amendment to spheres of influence submitted by any person or by resolution of an affected local agency as required by Government Code Section 56428.

The request for sphere-of-influence amendment shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

Minor amendments of adopted spheres of influence may be considered by the Commission concurrently with a proposal for a change of organization. Any significant change to an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal according to the process for periodic review and amendment of spheres of influence established elsewhere in these Policies, Procedures and Guidelines.

The Commission will undertake requested review of adopted spheres of influence where it determines that significant changes in land use, planning policy, demand for public service, service capabilities, or relationship to other government agencies have occurred.

In scheduling requests for sphere-of-influence review hearings, the Commission may at its option adhere to the five-year cycle established by this policy or set an earlier hearing date.

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<sup>1</sup> Government Code Section 56001, as amended, reads in part: ". . . The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services.