



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

NOTICE OF POLICY AND PERSONNEL COMMITTEE MEETING AND AGENDA Marin Local Agency Formation Commission

July 25th, 2024, ▪ 3:00 PM

Marin LAFCo Conference Room | Suite 220 | 1400 Los Gatos Drive, San Rafael, CA

Appointed Members

Barbara Coler | Larry Chu | Eric Lucan

CALL TO ORDER BY EXECUTIVE OFFICER

ROLL CALL BY CLERK

SELECTION OF CHAIR

The Committee shall nominate and select a Chair of the Policy and Personnel Committee for calendar year 2024.

AGENDA REVIEW

The Chair or designee will consider any requests to remove or rearrange items by members.

PUBLIC OPEN TIME

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the current agenda. All statements that require a response will be referred to staff for reply in writing or will be placed on the Commission's agenda for consideration at a later meeting. Speakers are limited to three minutes.

BUSINESS ITEMS (discussion and possible action)

Business Items involve administrative, budgetary, legislative or personnel matters and may or may not be subject to public hearings.

1. Approval of January 2022 Meeting Minutes
2. Discussion of Possible Amendments to the Policy Handbook

COMMISSIONER ANNOUNCEMENTS AND REQUESTS

ADJOURNMENT TO NEXT MEETING

TBD

Attest: Claire Devereux
Clerk/Jr. Policy Analyst

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

July 25th, 2024

Item No. 1 (Business Item)

TO: Local Agency Formation Commission

FROM: Claire Dever Clerk/Junior Analyst

SUBJECT: **Approval of Minutes for January 6th, Policy and Personnell Committee Meeting**

Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCos.

Discussion

The action minutes for the January 6th, 2022 Policy and Personnel Committee meeting accurately reflect the Commission's actions as recorded by staff. A video recording of the meeting is also available online for viewing at <https://www.marinlafco.org/meetings>

Staff Recommendation for Action

1. Staff recommendation – Approve the draft minutes prepared for the January 6th meeting with any desired corrections or clarifications.
2. Alternative option – Continue consideration of the item to the next regular meeting and provide direction to staff, as needed.

Procedures for Consideration

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Attachment:

- 1) Draft Minutes for January 6th

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County of Marin
Eric Lucan, Regular
County of Marin
Stephanie Moulton-Peters, Alternate
County of Marin

Barbara Coler, Chair
Town of Fairfax
Steve Burdo, Regular
Town of San Anselmo
Stephen Burke, Alternate
City of Mill Valley

Lew Kiou, Regular
Almonte Sanitary District
Craig Murray, Regular
Las Gallinas Valley Sanitary District
Cathryn Hilliard, Alternate
Southern Marin Fire Protection District

Larry Chu, Regular
Public Member
Roger Smith, Alternate
Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

DRAFT

NOTICE OF POLICY AND PERSONNEL COMMITTEE MEETING MINUTES Marin Local Agency Formation Commission

Thursday, January 6th, 2022

CALL TO ORDER

Chair James Campbell called the meeting to order.

ROLL CALL BY COMMISSION CLERK

Roll was taken and quorum was met. The following were in attendance:

Commissioners Present:	James Campbell Sashi McEntee Damon Connolly
Marin LAFCo Staff Present:	Jason Fried, Executive Officer Olivia Gingold, Clerk/Jr. Policy Analyst
Marin LAFCo Counsel Present:	N/A
Commissioners Absent:	N/A
Alternate Members Absent:	N/A

PUBLIC OPEN TIME

Chair Campbell opened the public open time period. Hearing no request to speak, Chair closed the public open time, seeing no one wishing to speak.

BUSINESS ITEMS

1. Approval of Minutes for November 13, 2020 Regular Meeting

No Comments made regarding the meeting minutes

Approved: M/S by Commissioners Connolly and McEntee to approve the 2020 P&P Minutes

Ayes: Commissioners Campbell, Connolly, and McEntee

Nays:

Abstain:

Absent:

Motion approved unanimously

2. Approval of Resolution 22-01 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361

No Comments made regarding the resolution

Approved: M/S by Commissioners Connolly and McEntee to approve the 2020 P&P Minutes

Ayes: Commissioners Campbell, Connolly and McEntee

Nays:

Abstain:

Absent:

Motion approved unanimously

3. Discussion and Possible Amendments to Policy Handbook

EO Fried gave the staff report. Stating that there is one new policy and 4 amendments. Finishing that they will run through the changes and vote on them at the end.

a. Review of and Possible Change to LAFCo Policy 3.4 B's Reimbursement Language

EO Fried gave a report

Chair Cambell asked for questions or comments. Seeing none the commission moved on to the next

b. Review of and Possible Change to LAFCo Policy 3.10(B) Regarding Reserves

EO Fried gave a report.

Commissioner McEntee stated the current policy in place. She suggested adding that we don't need a litigation fund per se but adding a sentence about unanticipated legal fees.

Commissioner Connolly stated that the language is confusing and we could allocate funds on an ad-hoc basis.

EO Fried stated if McEntee does not want to reserve funds specifically for litigation then we can ignore changes to this part and potentially add a section that indicates the discussion.

Commissioner McEntee stated that having a way of telegraphing use of funds for legal purposes is good.

EO Fried summarized leaving it as is and indicating that the fund can be used for litigation purposes.

Chair Campbell asked how many months the 25% reserve policy covers.

EO Fried stated that is 3 months.

Commissioner McEntee stated that although no one may read this each LAFCO has its own policy but it is important to put out our own interpretation of the law.

Commissioner Campbell stated he did not believe it warrants having a separate legal fund but expanding on the use of the general fund for legal funds would be sufficient. He asked if adding wording that anticipated legal funds includes enforcement.

EO Fried stated the consensus is that there is no need to add any new language but to have a discussion with legal counsel on wording.

Commissioner McEntee suggested bringing it to the full commission as a regular item.

c. Review of and Possible Change to LAFCo Policy 3.13(B) Regarding County Account

EO Fried presented a staff report.

McEntee stated using Executive Officer over staff

The committee agreed.

d. Review of and Possible Change to LAFCo Policy 4.9 Regarding Outside Service Agreements

EO Fried presented the staff report.

Commissioner McEntee asked if saying "findings" may have an implication of something bigger.

EO Fried stated that there may be a legal definition in there that he is not thinking about. He suggested that it could say “ The EO at the next meeting shall report as to the information behind the decision and inform the commission of any approvals”

Commissioner McEntee suggested shorter wording.

EO Fried suggested “approvals and justifications”.

Commissioner Connolly asked for clarification on if this was for expediency or for an emergency.

EO Fried stated for expediency.

Chair Campbell asked if there was anything that could get the commission in trouble by adopting a policy like this.

EO Fried stated that it could backfire if a future EO is not paying attention to the politics or what is going on, causing an uproar in the public.

Commissioner Campbell asked if it needs chair approval, continuing that having chair approval may be necessary.

EO Fried stated no it would not need chair approval. Continuing on to state that the only place where chair sign-off is needed and getting removed is for Emergency OSA’s which need immediate attention.

Chair Campbell stated if an EO has the ability to bypass the commission it should at least have chair sign-off to have checks and balances.

EO Fried stated that should be done for non-emergency OSA’s

Chair Campbell agreed that not needing chair sign-off for emergencies but requiring them for non-emergency OSA’s

A consensus was reached on what needed chair consultation and what did not, and correct wording was discussed to reflect that.

e. Possible Addition of Electronic Signature Requirements

EO Fried gave a staff report.

Chair Campbell asked for questions or comments, there were none.

Chair Campbell opened the meeting for public comment. Seeing none public comment was closed.

Approved: M/S by Commissioners McEntee and Connolly to approve changes to the policy handbook with suggested amendments.

Ayes: Commissioner McEntee, Connolly and Campbell

Nays:

Abstain:

Absent:

Motion approved unanimously

4. Discussion and Possible Amendments to Fee Schedule

EO Fried presented the staff report.

Commissioner McEntee asked if we are relying on agencies to self-report.

EO Fried stated that letting the agency self-report. EO Fried that San 2 has expressed interest in doing this.

Commissioner McEntee asked to state this more explicitly

EO Fried stated that would be stated in the Staff Memo, but stated more shortly in the fee schedule.

Commissioner Campbell stated that it appears he is incentivizing this, and asked how the agency can tell who they are and aren't receiving money from.

EO Fried summarized that it would be by looking at tax rolls and who they are and aren't receiving money from.

Chair Campbell asked how this would play out on Paradise Dr. and if parcels are receiving service but Tiburon will not take them in despite servicing them.

EO Fried stated that the cities would not really get use out of this, because city lines are well known and established.

Chair Campbell opened public comment. Seeing none public comment was closed.

Approved: M/S by Commissioners McEntee and Connolly to approve amendments to the Fee Schedule.

Ayes: Commissioners McEntee, Connolly and Campbell

Nays:

Abstain:

Absent:

Motion approved unanimously

ADJOURNMENT TO NEXT MEETING

TBD



Attest: Olivia Gingold
Clerk/Junior Analyst

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AGENDA REPORT
July 25th, 2024
Item No. 2 (Business Item)

TO: Policy and Personnel Committee
FROM: Jason Fried, Executive Officer
SUBJECT: Review and Approval Of Updates To the Policy Handbook

Background

At the April 11, 2019, the Commission approved a complete overhaul of the Marin LAFCo Policy Handbook. It was the Commission's desire to simplify the handbook while keeping us in line with state government code as it pertains to LAFCo work. Since then, we have made a few minor changes with the last one being on October 23, 2023. This will be the first review, outside of the minor changes, of the Policy Handbook since it was approved 5 years ago. Staff has broken this down into two different parts. The first part is a review of the current handbook itself with redline edits for suggested changes. Each change will be explained below. After that will be new items that the Commission and/or staff thought need to be added to the handbook. On all these items staff has given some suggested language but before we get to either the redline edit or new policy the Committee should decide if it wishes to suggest a change then if desired look to the redline edit as a starting part for that discussion. The redline edits and new policy are simply starting points for discussion and crafted to fit in with the style of our handbook but the Committee should modify or change as it sees fit. Should the full Commission end up approving a new policy staff will find the appropriate place in the handbook to place new policies and deal with any edits needed due to changes.

In addition, if any of the Commissioners would like to discuss an item in the Policy Handbook or a new policy not in the handbook during the meeting, if you can give me a heads up so I can be sure to include it on my list of things to discuss during our meeting.

The following are the reasons for suggested changes to specific sections of the Policy Handbook.

Section 1.2 – Change to update our current office hour system.

Section 3.1 (A)(iv) – Section added to fully clarify the Commission's recent opinion that all applicants for the public seat should expect to be at the Commission meeting if they wish to be appointed. Staff did draft a section in the bracket that allows the person to join remotely if they qualify to join remotely for health reasons in a similar manner that would follow the rules for any Commissioner needing to do the same.

Section 3.1 (A)(vii) – Prior to 2019 the Commission had its two (regular and alternate) public seats alternated on its four-year appointments so one seat was up every two years. After the 2019 appointment process, the Commission decided that it wanted to align the two seats so they would be appointed at the same. A policy was crafted to make this happen with the 2023 public seat appointment process. Now that the process has occurred staff is suggesting changes to show the two seats are now appointed at the same time and to help simplify the policy.

Section 3.4 (A) – Does not have a redline editing but needs a high-level discussion of how this has been handled and perhaps clarification of language. Staff will note this is a carry-forward policy from the old handbook that predates current staff. First off, the first part about stipends gives the impression we should only be paying a stipend to Commissioners for attending LAFCo meetings and not things like the CALAFCO conference. For longer than the current staff has worked here the practice has been to pay a stipend for attendance at CALAFCO conferences or other related matters. It would be staff recommendation that we update the stipend section to clearly state that we either will or will not pay for CALAFCO conference and similar items.

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Craig Murray, Regular
Las Gallinas Valley Sanitary District
Cathryn Hilliard, Alternate
Southern Marin Fire Protection District

Larry Chu, Regular
Public Member
Roger Smith, Alternate
Public Member

Section 3.4 (B) – Similar to 3.4(A) does not have a redline edit but needs a high-level discussion of how this has been handled and perhaps clarification of language. In staff review, the first sentence seems in ways to conflict with the other parts. The first sentence states that stipends are given in lieu of expenses but then the last sentence gives a bunch of exemptions without distinguishing between what type of meeting. While it makes sense for LAFCo to cover transportation costs to go to a conference it does not make the same sense to pay mileage from a commissioner's home to a commission meeting in Marin County. Depending on how the discussion goes on, any changes to section 3.4 changes to this section may be warranted.

Section 3.5 (A) and (B) – At the workshop in January the Commission expressed interest in changing the current chair and vice chair process to one that rotates through the members of the Commission. Back in 2022 staff did a review of what other LAFCo do and reported it to the Commission at our August 11, 2022, meeting. I have attached that memo as staff is not aware of any real changes occurring since that memo was produced. If the Committee is looking to move forward with the change staff would suggest redoing this section to have one part talk about the role of Chair and Vice Chair and another separate part talk about how the rotation process works. Excluding what is mentioned in the next item, staff does not see a need to change any part of the duties part. Staff has included in the new policy section at the end of the redline policy handbook a suggested draft for selection of chair and vice chair on a rotating basis if that is what the Committee wishes to do. As background when staff did this survey a side discussion occurred between a few other EOs we had a chat on the positives and negatives of rotating chairs. Of those that use the rotating chair it was mentioned that at times you get an individual who either does not have the time, interest, or skills to be chair. When this occurs, it can be a little disruptive to the Commission's productivity. Monterey came up with an interesting way to deal with this issue. Instead of rotating through the 7 seats they simply assign by group type and allow each group to decide who will fill that role. So, for example the two City members could discuss amongst themselves who would fill the vice chair and following year chair role. Staff has provided in the new policy section below a new policy that has both types of rotating used by those that have a formal policy to do so.

Section 3.5 (A)(v) – No redline edit is provided here. This section gives the Chair the authority to approve Emergency OSA in accordance with procedures outlined in the handbook. Section 4.9(H) is the section referred to here, but that section makes no mention of the Chair and instead gives authority to the EO to act. Either section 3.5 (A)(v) or 4.9 (H) should be updated so it is clear in both sections who takes the lead on approving the Emergency OSA.

Section 3.9 – Add similar language that staff other than the EO may take the lead on scheduling and staffing a committee. For example, currently, the Deputy EO is responsible for doing all of this work for the Legislative Committee.

Section 3.9 (A)(i) – Simple addition mentioning that the Committee also handles the review and suggested updates to the fee schedule every other year.

Section 3.9 (A)(ii) – There is no red-line editing but a high-level discussion may be needed. This committee requires that one of the seats be held for either the Chair or Vice Chair. A prior chair asked why this is in the policy and since this policy predates the current staff could not give a reason why. Staff also does question if this should remain in the policy as in the future it is possible the best three Commissioners to serve on the Committee may not include the Chair or Vice Chair.

Section 3.12 – Last year the Commission increased the requirements from \$3,000 to \$3,500 when one signature or two signatures are required on a check. This change will make this consistent with that change. In addition, if we increase the amount for one transaction to occur should we also increase the \$5,000 per fiscal year amount?

Section 3.13 (B)(iii) – Two small changes to a policy that predates current staff. Staff changed the amount when money should be transferred from zero to \$1,000 to help ensure we don't accidentally have any checks bounce. I have been doing this since I started and think this is a better policy to have for future use. In addition, money is transferred online, and “signature” is not really used anymore for this process so changed that to “authorization” which better reflects how this occurs.

Section 3.13 (G) – Simple change since Marin County does not play any role in our payroll process.

Section 4.9 (H) – In addition to needing to deal with the issue raised above for section 3.5 (A)(v) about who is authorizing the Emergency OSA staff also adding at the end of this section that in the emergency OSA situation that the property owner either needs to fix the issue and disconnect or return with an application for annexation within one year. One year was picked because it both gives the applicant time to deal with the emergency and time to get an application to us along with the fact that in CKH by default has a clause that any condition of approval of a regular application is given automatically one year to complete unless the Commission approves a different time frame so staff would suggest we align this in a similar manner.

Section 4.15 – This section predates current staff, and the update was done by our legal counsel. Protest proceedings are a rare occurrence in Marin County, and current staff generally been able to get everyone on the same page before moving an application forward. However, we have had one instance where some members of the public triggered this section. Legal counsel correctly changed the title of this section from hearing to process since that is what it is. CKH also allows for the Commission itself to either oversee the process or delegate it to staff. When we went through this one protest proceeding staff and legal counsel noticed that while it was the intent of the Commission to have staff take care of this whole process, the way the policy was written only authorized staff to do most of the process but not the finishing parts. For this reason, staff brought the finishing part back to the Commission for approval. At the time the Commission agreed that they wanted to give staff the ability to finish the process so the additions proposed by legal counsel will do that.

New Policy – The Budget Committee at its meeting earlier this year wanted to suggest to the Policy Committee that a new reserve fund be created for legal services. While we don't have an annual need for high amounts of legal services in any given year we may have them. The Committee would like to in the future tighten the legal services line item and create a reserve for years where we may have higher than normal costs and lower the amount we budget for annually. Staff drafted a sample new policy which is a combination of our current policies 3.10(B)(viii) and 3.10(B)(ix) which are our consultant reserve and office equipment IT funds. While staff put a placeholder in the amount the reserve should have the Committee should discuss this amount. Staff did a survey of other LAFCo's and while most LAFCo's have some sort of reserve they tend not to be just for legal services. Those that have one specifically tied just to the legal services reserve fund must keep an amount of \$50,000-\$135,000 with one outlier of \$300,000. I will note that the one outlier was due to that particular LAFCo having a decision go to court and this amount only represented what they spent on court proceedings and not what they had to pay to the other side due to their loss.

Staff Recommendation for Action

1. Staff Recommendation – Staff view this as a Committee decision to amend any part of the policy handbook. When the Committee is done reviewing it should make a recommendation to the Full Commission for approval at our August meeting.
2. Alternate Option – Continue this item to a future Committee meeting for further review and consideration.

Attachment:

1. Marin LAFCo Policy Handbook with suggested redline edits
2. New Policies to be added to the handbook.
3. Memo from August 11, 2022

New Policy – Legal Reserve

Marin LAFCo may need in any given year to utilize legal services for more hours than had been originally anticipated when creating the budget. In order to mitigate large increases in requests from member agencies, LAFCo will maintain a reserve fund to fund this need when the Commission approves the need. LAFCo shall have a goal of building this reserve fund to \$50,000. The money for this will come from any unspent funds at the end of the fiscal year from the Legal Service line item in the LAFCo budget. Once this fund has \$50,000 in it, any leftover funds from the Legal Service line item shall be put into the unrestricted reserve account as described in LAFCo Policy 3.10 (B)(vii). If determined needed by the Commission, a new line item can be added to the budget to help raise money for this fund.

New Policy – Chair Rotation

Selection of Officers – The members of the Commission will elect a Chair and Vice Chair at the first meeting in or immediately after May of each year or as soon thereafter as practicable. The Chair and Vice Chair serve for one-year terms, or until their successors are elected, whichever occurs later.

Officers will be selected from the categories of members in the following order and then repeated:

City Member 1
County Member 1
Special District Member 1
Public Member
City Member 2
County Member 2
Special District Member 2

Or

Chair /Vice Chair
Year 1 City Member/County Member
Year 2 County Member/Special District Member
Year 3 Special District Member/Public Member
Year 4 Public Member/City Member

**MARIN COUNTY
LOCAL AGENCY FORMATION COMMISSION**



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

**ADOPTED
APRIL 11, 2019, AND LAST REVISED OCTOBER 23, 2023**

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CHAPTER 1 INTRODUCTION

1.1 INTRODUCTION AND PURPOSE

The California Legislature requires local agency formation commissions, or LAFCOs, to adopt policies and procedures to govern the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in all 58 counties. This Policy Handbook serves as Marin LAFCo’s principal document in outlining its policies consistent with the collective preferences of the Commission to promote and produce orderly local government. Nonetheless, Marin LAFCo reserves discretion in administering the Policy Handbook to remain responsive to unique and changing circumstances.








1.2 CONTACT INFORMATION

Marin LAFCo
1401 Los Gamos Drive, Suite 220, San Rafael, California 94903
(415) 448-5877
staff@marinlafco.org
<http://www.marinlafco.org>
Business Hours: 9 am to 5 pm, Monday through Friday

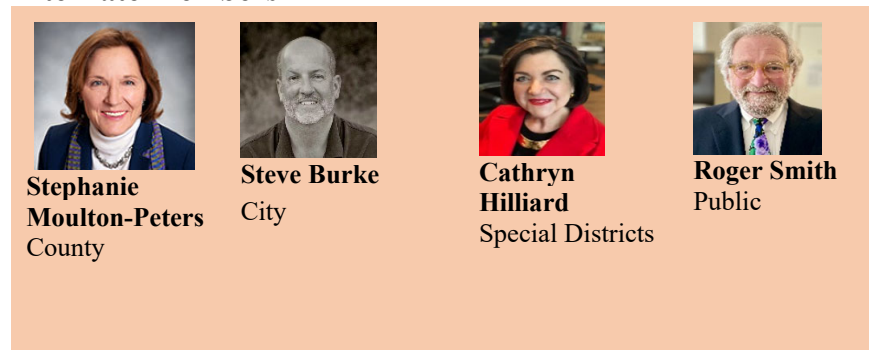
~~Because~~ Marin LAFCo is a small governmental agency. We hold open office hours on Wednesday for drop-in meetings. While staff may be in the office on other days the office is sometimes closed during normal business hours when staff is in the field. Appointments to discuss proposals or other matters are strongly encouraged on days other than Wednesday.

1.3 BOARD OF DIRCETORS

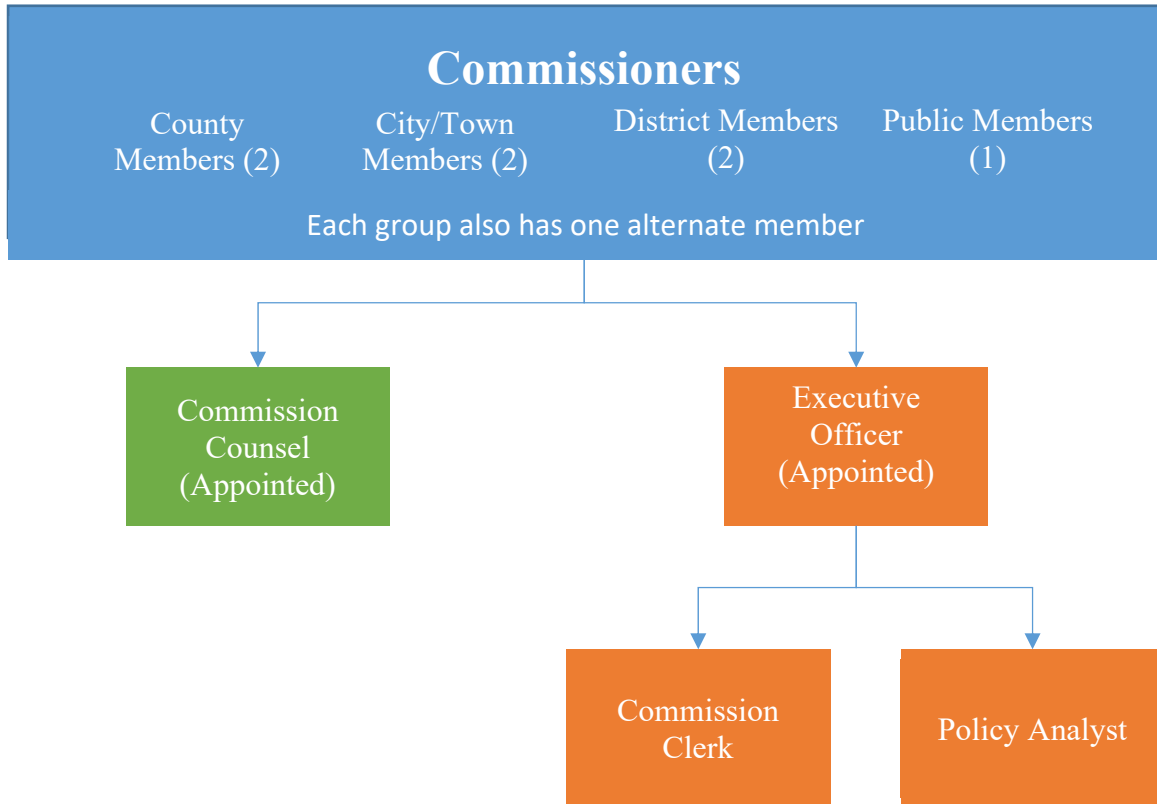
Regular Members

						
Barbara Coler Chair City	Dennis Rodoni Vice Chair County	Lew Kiou Special Districts	Craig K. Murray Special Districts	Eric Lucan County	Steve Burdo City	Larry Chu Public

Alternate Members



1.4 ORGANIZATIONAL CHART



1.5 AUTHORIZED AMENDMENTS BY STAFF

Staff is authorized to make clerical changes to the Policy Handbook without needing Commission approval.

CHAPTER 2 GENERAL AUTHORITY & MANDATE

2.1 MISSION STATEMENT

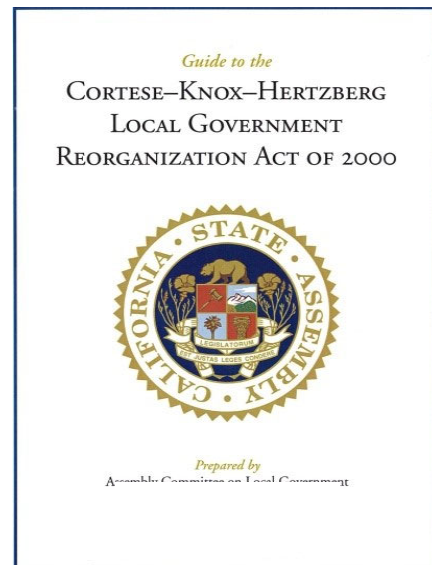
Marin LAFCo promotes and coordinates the efficient delivery of local governmental services and encourages the preservation of open space and agricultural lands.

2.2 LEGISLATIVE AUTHORITY AND DUTIES

2.2 (A) Responsibilities

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

Marin LAFCo is subject to a variety of State statutes aimed at accountable and open government. This includes, but is not limited to, the California Environmental Quality Act (CEQA), the Ralph M. Brown Act, and the Public Records Act.



2.2 (B) Decision-Making

Decision-making at Marin LAFCo is directly vested with the 7-member Commission. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities (Government Code §56325.1).

2.2 (C) Enforcement

As with all state laws, the Commission takes its responsibilities and duties under CKH seriously and requires that applicants fully comply with CKH, including without limitation submitting an application to LAFCo and complying with all conditions of approval in a timely manner. If an applicant and/or real party in interest fails to comply with any part of CKH or any related LAFCo regulations, the Commission shall consider all means to obtain compliance, including litigation.

2.3 LOCAL AGENCIES SUBJECT TO MARIN LAFCo JURISDICTION

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

Cities/Towns	Independent Special Districts	Dependent Special Districts
Belvedere Corte Madera Fairfax Larkspur Mill Valley Novato Ross San Anselmo San Rafael Sausalito Tiburon	Almonte Sanitary District Alto Sanitary District Bel Marin Key Community Services District Bolinas Fire Protection District Bolinas Community Public Utility District Homestead Valley Sanitary District Inverness Public Utility District Kentfield Fire Protection District Las Gallinas Valley Sanitary District Marin City Community Services District Marin County Resource Conservation District Marin Healthcare District Marin Municipal Water District Marinwood Community Services District Muir Beach Community Services District North Marin Water District Novato Fire Protection District Novato Sanitary District Richardson Bay Sanitary District Ross Valley Sanitary District No. 1 Sausalito-Marin City Sanitary District Sleepy Hollow Fire Protection District Southern Marin Fire Protection District Stinson Beach Fire Protection District Stinson Beach Water District Strawberry Recreation District Tamalpais Community Services District Tiburon Fire Protection District Tiburon Sanitary District No. 5 Tomales Village Community Services District	Community Service Area 1 (Loma Verde) Community Service Area 6 (Santa Venetia) Community Service Area 9 (Northbridge) Community Service Area 13 (Upper Lucas Valley) Community Service Area 14 (Homestead Valley) Community Service Area 16 (Greenbrae) Community Service Area 17 (Kentfield) Community Service Area 18 (Gallinas Village) Community Service Area 19 (Unincorporated San Rafael Area) Community Service Area 20 (Indian Valley) Community Service Area 27 (Ross Valley) County Service Area 28 (West Marin) County Service Area 29 (Paradise Cay) Community Service Area 31 (Unincorporated Area) Community Service Area 33 (Stinson Beach) Corte Madera Sanitary District No. 2 Marin County Flood Control and Water Conservation District Marin County Parks Open Space District San Quentin Village Sewer Maintenance District San Rafael Sanitation District

2.4 LOCAL AGENCIES NOT SUBJECT TO MARIN LAFCO JURISDICTION

State law exempts several types of local agencies from direct LAFCo oversight, including school districts, community college districts, assessment districts, improvement districts, community facilities districts (Mello Roos), air pollution control districts, bridge districts, highway districts, and transit districts.

Other types of local agencies that are indirectly overseen by LAFCos include counties (typically through the operations and services of their surrogate dependent districts), as well as joint-powers authorities (JPAs) if their membership includes a city/town or district.

CHAPTER 3 LAFCO BUSINESS AND OPERATIONS

3.1 SELECTION OF COMMISSIONERS

Marin LAFCo has seven regular voting Commissioners and four alternate members, consisting of:

- **2 City/Town Councilmembers**, selected as voting Commissioners by the Marin County Council of Mayors and Councilmembers (MCCMC), along with 1 alternate;
- **2 County Board of Supervisors**, selected as voting Commissioners by the Board of Supervisors, along with 1 alternate;
- **2 Special District Board Members**, selected by the special districts as prescribed below 3.1 (B), along with 1 alternate;
- **1 Public Member**, selected by the Commission as prescribed below, along with 1 alternate, for a four-year term.

Alternate members shall be automatically seated in the event of absence or disqualification of the regular member.

In accordance with Government Code §56334 all terms of commissions shall expire on the first Monday in May in the year the Commission Term expires.

3.1 (A) Procedures for Selection of Public Members

The public member and alternate public member shall be appointed by a majority vote of the regular County, City/Town, and Special District members and must include one positive vote from each group classification.

- 3.1 (A)(i) Ninety (90) days prior to an appointment, the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
- 3.1 (A)(ii) The news release shall be mailed or emailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed or emailed to all current regular and alternate members of Marin LAFCo, the clerk or secretary of the Board of all local governments within Marin County and to community organizations including homeowners' associations and civic groups on file with the Marin LAFCo and shall be posted as provided by Government Code §56158.
- 3.1 (A)(iii) The application period shall be at least twenty-one (21) days and shall begin upon the date legal notice appears in the Independent Journal, a posting of the notice as provided by Government Code

§56158, and notice sent to the clerk or secretary of the Board. Among other things, the notice/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.

- 3.1 (A)(iv) Interviews for pending vacancies for expiring terms should be held during the month of April prior to the May expiration date of the current member's term of office, if possible. A standard list of questions should be asked to each candidate as agreed to by the Commission. As required by the Ralph Brown Act, interviews shall be conducted in public sessions and formal selection shall be confirmed at a regular public meeting. Members of the public wishing to be appointed should expect to attend the April meeting in person for the interviews. (If a member of the public can not attend in person due to illness that would qualify them to attend remotely similar to that of a member of the Commission they make a request to do so.)
- 3.1 (A)(v) With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCo jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.
- 3.1 (A)(vi) In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may: (a) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission; or (b) Appoint the alternate public member to serve as regular public member until the appointment and qualification of regular public member to fill the vacancy.
- 3.1 (A)(vii) The terms for the Public Seat shall be as follows:
- 3.1 (A)(vii)(1) Regular and Alternate Public Seat shall be appointed in ~~2023~~ and every four years thereafter.

~~3.1 (A)(vii)(2) Alternate Public Seat shall be appointed in 2017 and again in 2021. The 2021 seat shall be for just 2 years to align the appointment with the Regular Public Seat and then shall be every four years thereafter.~~

3.1 (B) Procedures for Selection of Special District Members

Government Code §56332(c)(1) provides for selection of regular and alternate special district members by a mail ballot process when the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible. On October 6, 2020 the SDSC held a vote where it approved a new format for it to hold elections which works with the Marin County Special Districts Association (MCSDA) to help hold those elections. Based on these rules LAFCo will inform the MCSDA of any current or upcoming vacancies occurring due to resignation or term expiration of a Special District member. Should MCSDA not be able to assist SDSC in holding a LAFCo Special District Seat election for any reason then LAFCo shall use the most recent election rules approved by the SDSC that it has on file.

3.2 ROLE OF COMMISSIONERS

Commissioners shall independently fulfill their responsibilities while serving on Marin LAFCo in the best interests of the general public, irrespective of interests of their appointing authorities. Alternate Commissioners are encouraged to take an active role in Marin LAFCo to help further inform all related discussions and actions and should attend all meetings if at all possible. Alternate members may not vote, however, unless a regular member, from the same representation category as the alternate, is absent or disqualified from participating in an open meeting of the Commission. An alternate member may participate in a closed session. However, alternate members may not vote or make a motion in closed session when the regular member(s) is (are) present.

3.3 DISQUALIFICATION AND CONFLICT OF INTEREST

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

3.4 COMMISSIONER COMPENSATION

3.4 (A) Stipends

Commissioners shall receive a stipend of \$125 per regular or special meeting of Marin LAFCo and for each day of attendance at standing or ad hoc Commission committee meetings. Alternate commissioners shall receive an equal stipend for attending regular

or special meetings irrespective of voting status. Commissioners shall not receive more than five stipends per month.

3.4 (B) Expense Reimbursements

Stipends shall be in lieu of claiming reimbursements for actual expenses related to meetings. Commissioners shall receive reimbursement for reasonable and necessary expenses incurred in performance of official Commission business, including attendance at CALAFCO conferences or training sessions. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training, or events related to service on the Commission.

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

3.5 ELECTION OF OFFICERS

3.5 (A) Selection and Duties of the Chair

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

- 3.5 (A)(i) Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- 3.5 (A)(ii) Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- 3.5 (A)(iii) Make appointments to committees as needed;
- 3.5 (A)(iv) Call special meetings of the Commission as needed;
- 3.5 (A)(v) Approve emergency outside service extensions consistent with the procedures outlined in this Policy Handbook; and
- 3.5 (A)(vi) Perform ceremonial duties on behalf of Marin LAFCo.

3.5 (B) Selection and Duties of the Vice Chair

Annually at the first regular meeting in or immediately after May, Marin LAFCo shall elect a Chair from among its members by majority vote. The Vice-Chair shall have all of the powers and duties of the Chair during the absence of the Chair or the Chair's inability to act.

3.6 APPOINTMENT AND DUTIES OF EXECUTIVE OFFICER

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

3.7 APPOINTMENT AND DUTIES OF COMMISSION COUNSEL

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

3.8 COMMISSION MEETINGS

Regular meetings of Marin LAFCo shall be calendared every 12 months by the Commission at its December meeting. Regular meetings may be held either monthly or every other month on the second Thursday and based on anticipated workload. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings shall be called to order at 6:30 P.M. and held in Marin Fire Prevention Authority at 1600 Los Gamos Drive, Suite 335 unless advertised differently. Notice of all regular meetings shall be provided no less than 72 hours in advance.

3.8 (A) Special Meetings

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

3.8 (B) Conducting of Meetings

- 3.8 (B)(i) **Meeting Quorum:** A majority of the members of the Commission (four members) constitutes a quorum for the transaction of business. In absence of a quorum, the Executive Officer shall adjourn the meeting to a stated time and place.
- 3.8 (B)(ii) **Vote Requirements:** No act of the Commission shall be valid, legal, or binding unless a majority of the Commission members present and voting concur therein.
- 3.8 (B)(iii) **Commission Actions:** The Commission may act by resolution or motion. All final determinations of the Commission on spheres of influence, change of organizations, outside service extensions, municipal service reviews, contracts, standards and procedures, and budget adoptions shall be made by resolution.
- 3.8 (B)(iv) **Voting Procedures:** The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member or if required under the Brown Act. Prior to calling the roll, the Commission Clerk or his/her designee shall repeat the motion for the record.
- 3.8 (B)(v) **Consent Calendar:** Routine proposals that do not require a public hearing may be placed on a Commission consent calendar at the discretion of the Executive Officer. Approval of the consent calendar shall be made in one action that includes two motions involving: (1) Commission acknowledgment of environmental consequences and analysis followed by; (2) Commission approval of the basic proposal. Matters placed on the consent calendar may be removed by any Commissioner or member of the public in order to allow general discussion and more detailed review of the proposal.
- 3.8 (B)(vi) **Parliamentary Procedure:** Except as herein otherwise provided or as provided in law, the parliamentary proceedings of the Commission shall be governed by the latest edition of "Rosenberg's Rules of Order." However, 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.
- 3.8 (B)(vii) **Public Participation:** All meetings of the Commission shall be open to the public and adhere to the requirements of the Ralph Brown Act. 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.

3.8 (C) Off-Site Meetings and Workshops in Affected Communities

From time to time, Marin LAFCo 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. A majority of the Commission shall approve the scheduling of an off-site meeting of the Commission.

3.9 COMMISSION COMMITTEES

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

3.9 (A) Standing Committees

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

- 3.9 (A)(i) **Budget and Work Plan:** This Committee shall review and prepare recommendations on fiscal year work plans and operating budgets for formal presentation and adoption by the Commission in April (proposed) and June (final). Every other year the Committee shall review the Marin LAFCo fee schedule and suggest any updates to the full Commission per section 3.11. The Committee shall include three members (regulars or alternates) that comprise appointments from each funding category on Marin LAFCo (county, city/town, and special district). The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.
- 3.9 (A)(ii) **Policy and Personnel:** This Committee shall review and prepare revisions for Commission consideration on Marin LAFCo's adopted Policy Handbook to address new statutes as well as help ensure appropriate implementation of LAFCo law in Marin County. The

Committee shall also convene as necessary in open or closed session to address personnel issues as requested by the Chair. The Committee shall include three members (regulars or alternates) with one appointment reserved for either the Chair and/or Vice Chair.

- 3.9 (A)(iii) **Legislative:** This Committee shall review and provide possible position recommendations on current or pending legislation matters directly affecting LAFCo law or laws LAFCos help to administer, with particular focus on items of specific interest in Marin County. The Committee shall include three members (regulars or alternates).

3.9 (B) Ad Hoc Committees

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

3.10 BUDGET PROCESS

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

3.10 (A) Budget Objectives

In the course of adopting and amending its annual budget, Marin LAFCo will strive to balance effectively and proactively fulfilling its regulatory and planning responsibilities while taking measures to limit new cost-impacts to the funding agencies.

3.10 (B) Procedures

- 3.10 (B)(i) Budget Committee shall prepare and present a proposed budget and accompanying workplan for adoption by Marin LAFCo no later than May 1st at a noticed public hearing as provided under Government Code §56381.
- 3.10 (B)(ii) Following adoption, Marin LAFCo's proposed budget and workplan will be made available for review by the public, the Board of Supervisors, each city/town, and each independent special district for a minimum of 45 days.
- 3.10 (B)(iii) Staff will provide an opportunity for informal discussion of the adopted proposed budget by the Commission within the 45-day circulation period.

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- 3.10 (B)(iv) Marin LAFCo will hold a public hearing for consideration and final action on the budget and accompanying workplan no later than June 15th as provided under Government Code §56381. Following adoption, a certified copy of the adopted final budget shall be transmitted to the Board of Supervisors, the County Department of Finance, each city/town, and to each independent special district.
- 3.10 (B)(v) The County Department of Finance shall apportion the net costs of Marin LAFCo's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
- 3.10 (B)(vi) If the County, a city/town or an independent special district does not remit its required payment within 60 days of notice, the Executive Officer shall request that the County Department of Finance collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(c).
- 3.10 (B)(vii) Marin LAFCo will strive to maintain an unrestricted reserve account balance of at least 25% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies, and environmental review. Once accounting has been completed for the fiscal year, any unspent funds from that fiscal year will be transferred to this fund unless other actions have been taken by the Commission or another LAFCo policy determines the use of all or some apportionment of those unspent funds. Should funds in this account be higher than needed, the Budget Committee can make recommendations for its use to the full Commission as part of the budget process.
- 3.10 (B)(viii) In an effort to be better prepared for and to anticipate the cost to replace various technology needs including, but not limited to, computers, printers, servers, iPads, and accessories, Marin LAFCo shall have a technology replacement fund. The money for this will come from any unspent funds at the end of the fiscal year from the Office Equipment Purchases line item in the LAFCo budget. Once this fund has \$20,000 in it, any leftover funds from the Office Equipment Purchases line item shall be put into the unrestricted reserve account as described in LAFCo Policy 3.10 (B)(vii). LAFCo staff, as needed, shall update the replacement cost chart to determine if the amount in the annual budget is enough to properly replace items as needed. Any adjustments needed

because of updates to the replacement chart will be made as part of the annual budget process.

- 3.10 (B)(ix) Marin LAFCo may need to hire outside experts to assist with large, specialized studies. In order to mitigate large increases in requests from member agencies, LAFCo will maintain a reserve fund to hire consultants when the Commission approves the need. LAFCo shall have a goal of building this reserve fund to \$50,000. When this fund is not at that set amount the LAFCo Chair and Budget Committee Chair shall annually review LAFCo's overall financial situation to determine if unspent funds from previous fiscal years should be transferred to this fund instead of the general reserve fund. If determined needed by the Commission, a new line item can be added to the budget to help raise money for this fund.

3.11 FEE SCHEDULE

Marin LAFCo will maintain a schedule of fees to reasonably recover the agency's costs in fulfilling its regulatory and planning responsibilities. Marin LAFCo shall periodically review the fee schedule and consider amendments therein no less than every two years.

3.12 PROCUREMENT

The Executive Officer is delegated purchasing authority on behalf of Marin LAFCo for goods and supplies not to exceed \$3,500 per transaction or \$5,000 per fiscal year for any one service provider or vendor. The Commission shall approve any purchase of goods, supplies, and/or services that exceed the monetary limits set forth in this section and may choose to utilize a competitive bid process (i.e., request for proposal) for these purchases at its discretion.

3.13 FINANCIAL ACCOUNTING AND INTERNAL CONTROLS

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

3.13 (A) Administration

- 3.13 (A)(i) Marin LAFCo shall be solely responsible for the financial management and accounting therein of the Commission's funds with day-to-day responsibility therein delegated to the Executive Officer.
- 3.13 (A)(ii) Marin LAFCo shall use the County of Marin and its Treasurer Division to serve as a central depository for all collected revenues from each jurisdiction within Marin LAFCo. This account ("County Account") shall maintain Marin LAFCo's fund balance (or reserves)

and be used to process payroll through the County Auditor Division unless otherwise directed by the Commission. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook.

- 3.13 (A)(iii) Marin LAFCo shall use one or more local commercial banks for the purpose of receiving transfers from the account maintained with the County of Marin and its Treasurer Division. These accounts (“Operating Accounts”) shall be used to make direct payments relating to the Commission’s operating costs. Marin LAFCo shall maintain and operate two checking accounts with a local commercial bank as designated by the Commission and termed Primary and Secondary Operating Accounts.

3.13 (B) Authorizations and Balance Limits

- 3.13 (B)(i) **County Account:** All deposits to this account shall be reviewed and approved by the Executive Officer or the Chair (in the absence of the Executive Officer). There shall be no balance limit on this account. Staff is authorized to transfer out of the County Account and into the Primary Operating Account on a quarterly basis the anticipated needed amount to cover costs that are part of the Commission approved budget for the upcoming quarter. The Executive Officer is also authorized to make payments to MCERA from the County Account. Any other transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.
- 3.13 (B)(ii) **Primary Operating Account:** This account shall serve as the Commission’s main operating fund to make payments and related disbursements on budgeted operating costs that are more than \$3,500.00 per single occurrence. The balance limit on this account shall not exceed the adopted annual operating budget at any one time as set by the Commission. Any transfers or related transactions of monies out of this account shall require two signatures: the Chair and the Executive Officer unless it is for purposes stated in Policy Handbook Section 3.13 (B)(iii) and 3.13 (B)(iv) stated below.
- 3.13 (B)(iii) **Secondary Operating Account:** This account shall serve to expedite payments for budgeted operating costs that are less than \$3,500.00 per occurrence. When bookkeeping indicates the fund balance for this account will go below ~~\$1,000~~zero the staff can transfer \$6,000.00 at any one time. Any transfers or related transactions of monies out of this account shall require only the

authorization signature of the Executive Officer or the Chair.

- 3.13 (B)(iv) **Payroll and Benefits Payment Account:** This account will be used for the purposes of making payments for payroll and any staff benefits not paid through County of Marin account. Staff will ensure there is proper money in this account to make all payments.

3.13 (C) Reconciliations and Reporting

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

3.13 (D) Check Stock

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

3.13 (E) Expenditures and Disbursements

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

3.13 (F) Revenues

The Executive Officer shall be responsible for providing notice to the County of Marin Finance Department of the adopted operating budget total to be collected from the local agencies.

3.13 (G) Payroll and Benefits Administration

Marin LAFCo determines pay and benefits for all employees with consideration given to pay and benefits for comparable positions with the County of Marin. At the present time, and at its sole discretion, Marin LAFCo utilizes the County of Marin and its contractors (including the Marin County Employee Retirement Association) to administer ~~payroll and~~ benefits. Outside providers are used for some services such as payroll services.

3.13 (H) Capital Asset Management

- 3.13 (H)(i) **Capitalization Policy:** Physical assets acquired through purchase or contribution with fair market value in excess of \$1,500.00 are capitalized as fixed assets on the financial statements and accounted for at their historical costs. All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.

- 3.13 (H)(ii) **Fixed Assets Inventory:** All capitalized fixed assets shall be recorded in a property log, maintained by the Commission Clerk and including date of acquisition, acquisition type (purchase or contribution), description (color, model, serial number), location, depreciation method, and estimated useful life. The Commission Clerk shall perform a physical inventory of all capitalized assets on an annual basis. This physical inventory shall be reconciled to the property log and adjustments made as necessary with approval by the Executive Officer. If a fixed asset is sold, donated, stolen, or otherwise removed, the inventory will be duly updated.

- 3.13 (H)(iii) **Depreciation Policy:** Fixed assets shall be depreciated over their estimated useful lives as determined by the Executive Officer. Depreciation expense shall be calculated on an annual basis. The following depreciation schedule is suggested:

Fixed Asset	Estimated Useful Life
Furniture and fixtures	10 years
General office equipment	5 years
Computer hardware	5 years
Computer software	3 years
Leased assets	Life of lease

- 3.13 (H)(iv) **Repairs of Fixed Assets:** Expenses to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the item or materially prolong the estimated useful life of the item.

3.13 (I) Financial Reporting & Annual Audit

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

Marin LAFCo shall utilize an independent auditor to prepare annual or biennial financial statements. The audit report, including the firm's opinion, shall be presented to the Commission for formal acceptance. Marin LAFCo shall select a different independent auditor no less than every six years. The Commission may waive this requirement upon a majority vote of the membership at a public meeting.

3.13 (J) Fraud Prevention

It is the policy of Marin LAFCo to follow ethical, responsible, and reasonable procedures related to purchasing, claims, money management and other financial matters. For purposes of this section, fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury.

Each Marin LAFCo employee and Commissioner should be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is suspected or detected shall be reported to the Chair and, alternatively, to the Executive Officer or LAFCo Legal Counsel.

Examples may include, but are not limited, to any of the following:

- Any dishonest or fraudulent act.

- Forgery or alteration of any document or account belonging to Marin LAFCo.
- Forgery or alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, equipment, or other assets of Marin LAFCo.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential or proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to Marin LAFCo.
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment belonging to Marin LAFCo.
- Any similar or related irregularity.
- Personal use of the Marin LAFCo credit card.

Responsibility for investigating suspected fraudulent acts may be conducted by the Executive Officer, Commission Chair, LAFCo Legal Counsel, and/or other internal or external party as necessary. If an investigation substantiates that fraudulent activity has occurred, the investigating authority will issue a report to the Commission for further action.

3.14 RECORDS RETENTION

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

3.15 LEGISLATIVE MATTERS

3.15(A) Process

Under ideal circumstances, newly introduced or identified legislation that may directly or indirectly impact Marin LAFCo is to be designated by Executive Officer for further review. Such applicable legislation shall then be presented to and reviewed by the Legislative Committee. Finally, the Legislative Committee shall then offer recommendations to the full Commission for approval. This ideal process may be altered or modified if the legislation is time sensitive situation (3.15 D).

3.15(B) Formal Position on Legislation

LAFCo shall take one of the following positions:

- 3.15 (A)(i) **Sponsor** – A position given to bills that the Commission helped draft and believes to be consistent with or would further Marin LAFCo policy positions or implementation of the Cortese-Knox-Hertzberg Act, would benefit Marin LAFCo, or reflects good

governance principles as public policy.

- 3.15 (A)(ii) **Support** - A position given to bills that the Commission believes are consistent with or would further Marin LAFCo policy positions or implementation of the Cortese-Knox-Hertzberg Act, would benefit Marin LAFCo, or reflects good governance principles as public policy.
- 3.15 (A)(iii) **Neutral** - A position given to bills that have no direct impact upon Marin LAFCo or have been sufficiently amended to remove Marin LAFCo support or opposition, but for which the sponsor and/or legislative author requests a position from Marin LAFCo.
- 3.15 (A)(iv) **Watch** - A position given to bills that are of interest to Marin LAFCo but do not directly affect Marin LAFCo at that time, including spot bills or two-year bills where the author has indicated that the bill will be amended or the subject area may change to impact Marin LAFCo (also known as gut and amend bills). These bills will be tracked but do not warrant taking a position at that time.
- 3.15 (A)(v) **Oppose** - A position given to bills or propositions that the Commission believes would be detrimental to the policy position or implementation of the Cortese-Knox-Hertzberg Act, or Marin LAFCo, or to good governance principles as public policy.
- 3.15 (A)(vi) **Support/Oppose Unless Amended** - A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated Marin LAFCo position. This position can be changed by the Executive Director if identified amendments are presented and accepted by the legislator. Timeliness is usually important in responding to requests on these types of bills.
- 3.15 (A)(vii) **No Position** - A position given to bills that either are of interest to or have an impact on Marin LAFCo and for which no adopted position is possible and for which there is a clear lack of consensus amongst the Commission on the appropriate position. This may include situations in which a substantive number of Commissioners have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.

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- 3.15 (A)(viii) **Alignment with CALAFCO** - A position for bills that have little to no impact on Marin LAFCo but where CALAFCO has taken a position and Marin LAFCo wishes to be supportive of other LAFcos across the state. As the legislative process moves forward, the Executive Officer shall send in letters in support of the CALAFCO position as requested by CALAFCO. Should CALAFCO change positions, then Marin LAFCo shall automatically change position to mirror. In cases where CALAFCO is the “Sponsor” of a bill but Marin LAFCo did not help draft then Marin LAFCo’s position shall be “Support.”

3.15(C) Resource Priorities

Given the limited resources of Marin LAFCo, any bill that the Commission takes action on shall be given one of the following priorities:

- 3.15 (A)(ix) **Priority 1** - Bills that have highest importance and a direct impact on Marin LAFCo. These bills receive primary attention and comprehensive advocacy by the Executive Officer and Commissioners. Such advocacy may include letters of position, testimony in policy committees, contact with legislators, and grassroots mobilization to members of the legislator. This level requires the greatest resource commitment.
- 3.15 (A)(x) **Priority 2** - Bills that have a significant impact on or are of interest to Marin LAFCo, may set a policy precedent or have impact relevant to the mission of Marin LAFCo, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters and testimony to policy committees as time permits or upon request of the author or sponsor.
- 3.15 (A)(xi) **Priority 3** - Bills that have an interest to Marin LAFCo (or CALAFCO) but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a member or stakeholder, Marin LAFCo will send a position letter but will not testify unless unusual circumstances arise and if time allows. All bills where the Commission has taken an alignment with CALAFCO position, shall by default be a Priority 3 bill unless another priority level is designated.

3.15(D) Time-Sensitive Situations

In the absence of an opportunity for a timely meeting by the Committee or Commission,

the Executive Officer may take a position, or change a previously taken position, on a bill with the concurrence of the Commission Chair or, in the absence of the Chair, the Vice Chair. The Committee and Board shall be informed of such an action as soon as practically possible to ensure the Committee and Board have up to date information on the legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances, and when consideration and a vote of the Committee and/or Board is not possible due to the timeliness of the actions occurring as part of a fluid legislative process.

3.16 E-SIGNATURE

As part of Marin LAFCo's desire to go paperless, Marin LAFCo will allow the use of electronic signatures in all internal and external activities, documents, and transactions pursuant to the Uniform Electronic Transactions Act (UETA) where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate to do so. In such situations, affixing an electronic signature to the document in a manner consistent with this policy shall satisfy Marin LAFCo's requirements for signing a document. While the use of electronic signatures is an option, this policy does not require any staff or Commissioner to use electronic signatures, nor can LAFCo mandate that any third party signing a document to use an electronic signature.

- 3.16 (A)(i) Requirements of eSignature. The choice to use electronic signatures is permitted by Marin LAFCo. In cases where electronic signatures are used, they shall have the same force and effect as the use of a "wet" or manual signature if at minimum the following criteria are met:
 - 3.16 (A)(i)(1) The electronic signature is unique to the person using it
 - 3.16 (A)(i)(2) The electronic signature is capable of verification.
 - 3.16 (A)(i)(3) The electronic signature is under the sole control of the person using it.
- 3.16 (A)(ii) Electronic signatures are additionally constrained by the following criteria, and if any are violated, LAFCo retains the right to invalidate the electronic signature and request that a different signature method be used:
 - 3.16 (A)(ii)(1) Email notifications requesting electronic signatures are prohibited from being forwarded.
 - 3.16 (A)(ii)(2) The use of proxy signatures is prohibited.
 - 3.16 (A)(ii)(3) The data must be capable of retention on behalf of the receiver.
 - 3.16 (A)(ii)(4) Any party may request additional criteria in situations where that may be necessary, given that these criteria are communicated to the other party/parties prior to their giving consent to use electronic signatures to conduct a transaction or any other form of official business. If criteria change after consent is initially given, the initial consent is nullified, and consent must be given again under the new

terms.

- 3.16 (A)(ii)(5) Documents involving other parties - In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of an electronic signature. No party to a contract or other document may be forced to accept an electronic signature; they must be permitted to decide either way. Such consent may be withdrawn by the other party at any time such that future documents must be signed in hardcopy format. When a document is electronically signed by all parties, Marin LAFCo will provide a copy of the electronically-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.
- 3.16 (A)(ii)(6) Acceptable technologies and eSignature providers shall be consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature.

CHAPTER 4 EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS & OTHER REGULATORY ACTIVITIES

4.1 ANNEXATION TIMING POLICY

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

4.2 CONSOLIDATION POLICY

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

4.3 URBAN-CENTERED POLICY

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

4.4 ESTABLISHMENT OF NEW LOCAL AGENCIES POLICY

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

4.5 AGRICULTURAL LANDS POLICIES

Marin LAFCo discourages the annexation of lands currently engaged in the substantial production of food, fiber, or livestock, or qualify as agricultural land to a city or a special district for the purpose of promoting urban development. Development of existing vacant or non-prime agricultural lands for urban uses within a city's and/or special district's jurisdiction or

sphere of influence should be encouraged before any proposal is approved that would lead to the urban development of existing agricultural or open-space lands that are outside of the city's and/or special district's jurisdiction or sphere of influence.

4.6 PREZONING POLICY

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

4.7 COUNTY SERVICE AREA POLICY

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

4.8 REORGANIZATION (DUAL ANNEXATION) POLICY

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.

4.8 (A) Policy Intent

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

- 4.8 (A)(i) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- 4.8 (A)(ii) 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.
- 4.8 (A)(iii) Provide for the orderly implementation of adopted city and special district spheres of influence.
- 4.8 (A)(iv) 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.

4.8 (B) Policy Application

This policy will be applied to annexations and reorganizations affecting property located within a city's sphere of influence. Implementation of this policy may be deferred at the discretion of Marin LAFCo through 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.

4.8 (C) Written Notice To Affected Agencies

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

4.8 (D) Applicant Compliance

Applicants may comply with this policy either by filing application for a reorganization that includes annexation to both the special district and the city, or by filing application for district annexation only with a request for deferral of this policy. If the proposal is approved, Marin LAFCo may attach conditions providing for city annexation at a later date.

4.8 (E) Request for Delayed Implementation

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. 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. Marin LAFCo will give great weight to the comments of any affected agency objecting to the action. 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.

4.8 (F) Conditions for Deferral

Marin LAFCo may defer the requirement for annexation to the city if the Commission determines that three specific conditions have been met:

- 4.8 (F)(i) 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

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- area).
- 4.8 (F)(ii) All affected agencies have been notified and given adequate time to review and comment on the proposed annexation.
- 4.8 (F)(iii) The application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

4.8 (G) Unincorporated Island Annexation Policy

Marin LAFCo encourages annexations of unincorporated areas or “islands” to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable, Marin LAFCo shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost-efficiencies.

Marin LAFCo will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under Government Code §§56744 and 56375(m).

4.9 OUTSIDE SERVICE AGREEMENT POLICY (NON-FIRE)

As specified in Government Code §56133, cities, towns, and special districts seeking to provide new or extended services other than fire protection to areas outside their jurisdictions by contracts or agreements after January 1, 2001 shall apply to Marin LAFCo for approval. Marin LAFCo may approve requests under this section for new or extended services by contract or agreement within the applying agency's sphere of influence only in anticipation of eventual annexation. Approval may also be granted for such requests involving areas outside the applying agency's sphere of influence to respond to an existing or impending threat to the public health or safety of the public or the affected residents of the territory. Specific exemptions to this requirement for Marin LAFCo approval are found under Government Code §56133(e).

4.9 (A) Definitions

Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

- 4.9 (A)(i) “Service” shall mean any municipal service supporting (directly or indirectly) urban type uses with the referenced exclusion of fire protection.
- 4.9 (A)(ii) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.

- 4.9 (A)(iii) “Extended” shall mean the intensification use of a municipal service provided by a city, town, or special district to non-jurisdictional land that is directly tied to a redesignation and/or rezoning of the affected territory by the appropriate land use authority.

4.9 (B) Applicability Determination

Agencies may request a no-cost written response from Marin LAFCo as to whether any potential new or extended outside service contract or agreement qualifies as an exempted action under Government Code §56133(e). The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the Commission consistent with these policies.

4.9 (C) Submitting a Formal Approval Request

Requests shall be made only by the affected agency and through their appointed director/manager and filed with the Executive Officer. Joint requests by two or more affected agencies are permitted. Requests shall be made in letter form and shall include all of the following information:

- 4.9 (C)(i) A list of all addresses and/or parcel numbers comprising the subject territory along with the accompanying zoning assignments made by the applicable land use authority;
- 4.9 (C)(ii) A description of how the applying agency would provide the proposed new or extend service to the subject territory. This includes any infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory; and
- 4.9 (C)(iii) Any information or associated findings made pursuant to the California Environmental Quality Act.

4.9 (D) Request Review

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

- 4.9 (D)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
- 4.9 (D)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
- 4.9 (D)(iii) The consistency of the request with the Commission’s adopted policies.

4.9 (E) Public Hearing

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency’s sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

4.9 (F) Commission Action

Marin LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions.

4.9 (G) Reconsideration

Should Marin LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

4.9 (H) Health & Safety Emergency Approval

Marin LAFCo authorizes the Executive Officer to approve a city, town, or special district's request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Marin LAFCo shall ratify the Executive Officer's determination at the next regular scheduled meeting. The Emergency service shall only be allowed for one year in order to give the needed time to either fix the emergency need and stop receiving the service or time to be properly submit an application to LAFCo for annexation into the jurisdiction providing the service.

4.10 OUTSIDE SERVICE AGREEMENT POLICY (FIRE PROTECTION SERVICES)

4.10 (A) Applicability Conditions

As specified in Government Code §56134, the County, cities, towns, special districts, and State agencies seeking to provide new or extended fire protection services to areas outside their jurisdictions by contracts or agreements after December 31, 2015 shall apply to Marin LAFCo for approval should either of the following conditions apply:

- 4.10 (A)(i) Contracts that transfers responsibility for providing fire protection services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement, based on acreage differences calculated in Marina; or
- 4.10 (A)(ii) Contracts that changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement, based on actual and agency-wide staffing totals within the affected agencies as of the July 1st of the subject fiscal year.

4.10 (B) Definitions

Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56134:

- 4.10 (B)(i) "Fire protection" shall mean the provision of said services by contract or agreement as permitted under Government Code §55600 et al unless exempted under this policy.
- 4.10 (B)(ii) "New" shall mean the provision of fire protection services to previously unserved non-jurisdictional land by the affected agency; i.e., the applying County, city, town, special district, or State agency.

- 4.10 (B)(iii) “Extended” shall mean the intensification and/or improvement of a fire protection service provided by the County, city, town, special district, or State agency to non-jurisdictional land.
- 4.10 (B)(iv) “Employment status” shall apply to any one of the affected agencies subject to the fire protection contract or agreement. Changes in employment status is specific to emergency or sworn personnel and does not apply cumulatively across all affected agencies. Changes in wages, benefits, hours worked, or working conditions does not affect employment status.
- 4.10 (B)(v) “Jurisdictional boundary” shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

4.10 (C) Exemptions

Marin LAFCo approval under this section is not required for the County, cities, towns, special districts, or State agencies to provide new or extended fire protection services outside their jurisdictional boundaries that involve any of the following:

- 4.10 (C)(i) Contracts or agreements for fire protection services entered into before December 31, 2015 or recipient of LAFCo approval after December 31, 2015 and renewals or renegotiated terms of same, so long as it does not constitute a new 25% change in service area or employment status.
- 4.10 (C)(ii) Renewals of existing contracts or agreements, unless the renewal includes amendments or inclusions that triggers the referenced 25% threshold with respect to changing the service area or employment status of the affected agencies.
- 4.10 (C)(iii) Mutual aid agreements in which there is no monetary reimbursement for fire protection services. Reimbursement costs associated with mutual aid contracts between the State and local agencies are also exempt.
- 4.10 (C)(iv) Cooperative agreements for wildland fires under Public Resource Code §4143 or 4144.
- 4.10 (C)(v) Contracts or agreements that involve any of the following:

- 4.10 (C)(v)(1) Ambulance services, including billing and related administrative support.
 - 4.10 (C)(v)(2) Pre-hospital emergency medical services.
 - 4.10 (C)(v)(3) Permit and inspection review.
 - 4.10 (C)(v)(4) Fire alarm system plan reviews and inspections.
 - 4.10 (C)(v)(5) Business and occupancy reviews and inspections.
 - 4.10 (C)(v)(6) Vehicle maintenance and repair.
 - 4.10 (C)(v)(7) Sharing of management or other personnel between or among two or more agencies in which the contracts or agreements do not constitute a 25 percent change in employment status as defined.
 - 4.10 (C)(v)(8) Sharing of management or other personnel between or among two or more agencies in which the contracts or agreements do not constitute a 25 percent change in employment status as defined.
 - 4.10 (C)(v)(9) Sharing or loaning of equipment, facility, or property between or among two or more agencies
- 4.10 (C)(vi) Establishment of joint-power authorities to provide fire protection services in which all of the following criteria is satisfied as verified by the Commission's Executive Officer:
- 4.10 (C)(vi)(1) The jurisdictions wanting to establish the joint-power authority can demonstrate how they qualify for the exemption in Government Code Section 56134.
 - 4.10 (C)(vi)(2) The boundaries of the proposed joint-powers authority are entirely coterminous with the member agency boundaries, and therefore services are not extended to previously unserved areas by the agencies.
 - 4.10 (C)(vi)(3) The member agencies and the affected represented safety employees' organizations have ratified agreements in support of the proposed joint-powers authority and any changes therein to employment status.
 - 4.10 (C)(vi)(4) The proposed joint-powers authority does not create any conflicts with adopted LAFCo policies or recommendations

with respect to fire protection services in Marin County.

4.10 (C)(vi)(5) The proposed joint-powers authority does not create any conflicts with any active reorganization application on file with LAFCo.

4.10 (C)(vi)(6) The total service area for the proposed joint-powers authority does not exceed a resident service population of 50,000.

4.10 (D) Applicability Determination

The County, cities, towns, special districts, and State agencies may request at no-cost a written response from Marin LAFCo as to whether any potential new or extended contract or agreement for fire protection is subject or exempt to these proceedings. The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the Commission consistent with these policies. If a request is deemed incomplete, the Executive Officer shall immediately notify the applying agency and identify the information needed to deem it complete.

4.10 (E) Submitting a Request

Requests shall conform to the following procedures:

4.10 (E)(i) An affected agency will make a request by adopted resolution consistent Government Code §56134 (c) at a noticed public hearing.

4.10 (E)(ii) Requests shall be filed with the Executive Officer only after both of the conditions prescribed under Government Code §56134 (d) have been satisfied. Requests shall also include all the information prescribed under Government Code §56134 (e) in letter form.

4.10 (E)(iii) Joint requests by two or more affected agencies are permitted.

4.10 (F) Request Review

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

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- 4.10 (F)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
 - 4.10 (F)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
 - 4.10 (F)(iii) The consistency of the request with the Commission’s adopted policies.

4.10 (G) Public Hearing

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency’s sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

4.10 (H) Commission Action

Marin LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions. Marin LAFCo shall only approve requests under this section when the Commission determines the applying agency will have sufficient revenues to provide the underlying service consistent with Government Code §56134 (i)-(j). Conditioning approval on the applying agency establishing a new or augmented revenue source is permissible.

4.10 (I) Reconsideration

Should Marin LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

4.10 (J) Health & Safety Emergency Approval

Marin LAFCo authorizes the Chair to approve a city, town, or special district’s request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Marin LAFCo shall ratify the Chair’s determination at the next regular scheduled meeting.

4.11 GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS

4.11 (A) Processing Fees

- 4.11 (A)(i) **Fee Requirement:** All fees are due with application submittal. The application will not be deemed complete for processing until the application fee is submitted.
- 4.11 (A)(ii) **Application Fee Refund:** As provided in the adopted fee schedule, if an at-cost application is withdrawn by written request of the applicant before the item has been placed on the Marin LAFCo's agenda, the application fee will be refunded, less:
- 4.11 (A)(ii)(1) The estimated hourly cost for Marin LAFCo staff time spent on the application; and
 - 4.11 (A)(ii)(2) The direct cost of processing the application (map and legal description review, notices, postage, copy service, etc.).
- 4.11 (A)(iii) **Fee Reduction and Waiver Policy:** Marin LAFCo, upon majority vote, may reduce or waive application fees, service charge, or deposit if it finds a payment would be detrimental to the public or if renewed applications with current information (not previously denied) have prior processing that remains relevant to the renewed application. Notwithstanding the preceding statements, fee reductions shall not be granted for applications conditioned, denied, or previously denied or due to misinformation provided in the application or by other public agencies, groups, or individuals. Prior to consideration by Marin LAFCo, a request for a fee reduction shall be submitted in writing using the Marin LAFCo Fee Reduction Request Form. The request will be considered at the next regular meeting of Marin LAFCo.

4.11 (B) Indemnification Agreement

As a standard condition of approval, applicants shall indemnify Marin LAFCo against the costs of litigation arising from its actions on proposed change of organizations or other application requests by signing LAFCo's standard agreement.

4.11 (C) Initial Procedures

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

- 4.11 (C)(i) **Notice of Application - Proposals Submitted by Petition Only:** The proposal is placed on Marin LAFCo's agenda for information only. Sixty days must pass after the notice of application is on the Commission's agenda before the item can be presented to the Commission for a decision. (Government Code §56658) Affected agencies are sent referral information. The 60-day period after the notice of application allows time for cities losing territory and special districts gaining territory to adopt a resolution terminating proceedings if desired. (Government Codes §56751/56857)
- 4.11 (C)(ii) **Completeness of the Application:** Within 30 days of receipt, staff will provide the applicant a written status letter, which will include a Certificate of Filing if the application is deemed complete; if incomplete, staff will identify the information needed to deem it complete.
- 4.11 (C)(iii) **Certificate of Sufficiency:** Within 30 days of receipt, staff will review the petition or request evaluation of the petition signatures by the County elections official. If the petition is determined to be insufficient per the requirements of Government Codes §56704-56706, 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 per Government Code §56706.
- 4.11 (C)(iv) **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.
- 4.11 (C)(v) **Application Referral/Requests for Information:** The proposal shall be distributed to all affected agencies as a notice of filing as well as a request for information and comment. Affected agencies must respond to Marin LAFCo within 30 days with any comments the agency may have regarding the application. (Government Code §56663(b))

4.11 (D) Proposal Filing

The Certificate of Filing will specify the date upon which the proposal will be heard by Marin LAFCo, which must be set within 90 days of the date the Certificate of Filing is issued or after the application is deemed to have been accepted, whichever is earlier.

4.11 (E) Noticing

- 4.11 (E)(i) **Public Notice Without 100% Consent:** For proposals where there is not 100 percent written consent of the affected property owners, Marin LAFCo will publish notice of the public hearing no less than 21 days before the hearing in a newspaper of general circulation, on the bulletin board for legal notices at the County Civic Center, and on the Marin LAFCo website. Mailed notice shall be given to the County, all affected agencies, the subject agencies, all proponents in the petition, persons requesting special notice, and all landowners and registered voters in the subject area plus a buffer zone of 300 feet surrounding the subject area. To ensure adequate notice for proposals involving boundary amendments, the public hearing may be continued where necessary and the language of the published agenda may be modified.
- 4.11 (E)(ii) **Public Notice With 100% Consent:** Notice will not be published or posted for proposals for changes of organization wherein 100% of the affected property owners have consented in writing to the proposed change unless the Commission deems it appropriate relative to local conditions (Government Code §56664).

4.11 (F) Staff Report and Recommendation

The Executive Officer shall review the application materials and prepare a written report and recommendation on the proposal, to be distributed consistent with Ralph M. Brown Act. Copies shall be furnished to the persons specified in the application and all affected agencies. The report will consider the factors to be considered as required by Government Code §56668.

4.12 WITHDRAWAL OF CHANGE OF ORGANIZATION PROPOSALS

Prior to issuance of a Certificate of Filing, applicants wishing to withdraw their applications from further processing or review by Marin LAFCo may do so with the written request of all persons signing the petition of application (proposals submitted by petition) or by the applicant agency submitting a resolution requesting withdrawal from the applicant agency (proposals submitted by resolution). After issuance of a Certificate of Filing, proposals for change of local government organization may only be withdrawn at the discretion of Marin LAFCo.

4.13 COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS

A Marin LAFCo hearing may be continued from time to time but shall not exceed 70 days from the date specified in the original notice.

4.14 RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS

4.14 (A) Allowance

When Marin LAFCo has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting reconsideration of the resolution. The purpose of the reconsideration process is to provide a mechanism for Marin LAFCo to review new or different facts that could not have been presented previously that are claimed to warrant reconsideration. Therefore, it is the policy of Marin LAFCo to provide for reconsideration of Commission decisions in a manner that is consistent with State law and that does not unduly delay the processing of applications for changes of local government organization. Marin LAFCo shall include a charge for reconsideration in its schedule of processing fees. Marin LAFCo may waive the fee for reconsideration as specified by separate policy.

4.14 (B) Procedure

- 4.14 (B)(i) 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 that could not have been presented to Marin LAFCo, and include required processing fees, as per Government Code §56895.
- 4.14 (B)(ii) Upon receipt of a timely request, the Executive Officer shall immediately suspend conducting authority proceedings until Marin LAFCo acts on the request and shall place the request on the agenda of the next meeting of Marin LAFCo for which any required notice can be given. At that meeting, Marin LAFCo shall consider the request and receive any oral or written testimony. Marin LAFCo may continue the hearing for a maximum of 35 days.

- 4.14 (B)(iii) At the conclusion of the public hearing, Marin LAFCo will act on the request by approving or disapproving or approving with conditions or modifications. If the Commission approves the request with or without modification, the Commission will adopt a new resolution making determinations superseding the resolution previously issued.

4.15 PROTEST ~~PROCEEDINGS~~ HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

It is the policy of Marin LAFCo to delegate the responsibility for conducting protest ~~proceedings~~hearings for approved change of organizations or reorganizations to its Executive Officer as provided under Government Code §57000. The purposes of delegating responsibility for holding protest ~~proceedings~~hearings to staff are to increase Marin LAFCo's flexibility to expedite protest hearings and evaluate protest petitions, order the change of organization or reorganization, and take actions as permitted without extending the length of regular Commission meetings to include non-discretionary matters.

4.16 POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

4.16 (A) Latent Power Activations and Service Power Divestitures

- 4.16 (A)(i) **Determination of Latent Powers:** Marin LAFCo shall periodically review and update the inventory of functions and services established for each special district as part of its municipal service review study program under Government Code §56430. In conducting such a review, Marin LAFCo may require the special districts to provide current information concerning established functions and services. Marin LAFCo may, after public hearing, remove from its inventory any function or service established for a special district, if the Commission determines that the function of service is not currently being provided by the district.
- 4.16 (A)(ii) **Request to Activate a Latent Power or Divestiture of a Service Power:** Any special district desiring to undertake the provision of any new or different function or class of service or divest an existing power within its boundaries shall adopt a resolution of application for filing with Marin LAFCo pursuant to Government Code §56824.12. Adoption of such resolution of application requires a noticed public hearing. Applications for provision of new or different functions or classes of service must be accompanied by a plan for providing service pursuant to Government Code §56824.12.

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- 4.16 (A)(iii) **Procedures on Request:** All procedures tied to reviewing and acting on a request from a special district to activate a latent power or divest a service power shall follow the steps required change of organization proposals as provided in this Policy Handbook.
- 4.16 (A)(iv) **Public Hearing:** Marin LAFCo shall hear and act upon the proposal at a noticed public hearing according to the requirements of Government Code §56824.14.

4.16 (B) Initiation of Proposals by Marin LAFCo

- 4.16 (B)(i) **Policy Preference:** It is the policy of Marin LAFCo to prefer, but not require, that proposals be submitted by petition of voters or landowners or by resolution of application by an affected local agency. Marin LAFCo will consider initiation of such proposals in instances in which the following conditions apply:
- 4.16 (B)(i)(1) A sphere of influence, municipal service review, or other governmental study has shown that a proposal may result in lower overall public service costs, greater local government access and accountability, or both.
- 4.16 (B)(i)(2) Marin LAFCo can complete the necessary review, analysis, and processing with its own staff resources, or funds are available to pay for additional assistance needed to complete the review and processing of the proposal.
- 4.16 (B)(ii) **Implementation Factors:** Marin LAFCo reserves its discretion to initiate such proceedings in exceptional circumstances in which there exists a level of public concern about a district's services or governance that, in the Commission's view, warrants initiation of a proposal. The following factors will be considered by Marin LAFCo in determining and, if applicable, proceeding with a self-initiated proposal:
- 4.16 (B)(ii)(1) Marin LAFCo will consider whether 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 §56650.

4.16 (B)(ii)(2) If Marin LAFCo initiates a proposal, staff will commence formal review, including provision for agency participation and comment, environmental review, property tax exchange (if applicable), and an Executive Officer's Report and Recommendation, as required for all proposals considered by the Commission.

4.16 (B)(iii) **Referral to Committee:** Marin LAFCo may refer the proposal to a reorganization committee as provided in Government Code §56827 or to an advisory committee composed of a representative from each affected district and any additional representatives the Commission deems appropriate.

4.16 (C) Proposals Affecting More than One County

State law provides that the county having all or the greater portion of the entire assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization involving that district. The Act further provides that the LAFCo of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCo of the principal county vests exclusive jurisdiction in the LAFCo of another affected county, and both LAFCos agree to the transfer of jurisdiction.

4.16 (C)(i) **Transfer of Jurisdiction:** When requested by the LAFCo of an affected county, Marin LAFCo will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCo of the affected county.

4.16 (C)(ii) **Processing Procedures:** The following procedures apply for processing of applications affecting more than one county when Marin LAFCo is principal LAFCo:

4.16 (C)(ii)(1) Applications affecting the boundaries of a special district for which Marin LAFCo is principal LAFCo shall be submitted to Marin LAFCo, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Marin LAFCo staff and the staff of the LAFCo in the other affected county regarding process and application requirements.

4.16 (C)(ii)(2) Upon receipt of an application involving territory in another county, Marin LAFCo staff shall immediately forward a copy of the application to the LAFCo of the

other affected county. Marin LAFCo staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.

4.16 (C)(ii)(3) Marin LAFCo staff shall consult with the staff of the LAFCo of the other affected county and the staff of affected agencies, to gather data for the Executive Officer's report and recommendation.

4.16 (C)(ii)(4) Marin LAFCo shall schedule Commission consideration of the application so that the LAFCo of the other affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Marin LAFCo consideration.

4.16 (C)(ii)(5) During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCo of the other affected county, and the comments of interested persons and affected local agencies in making its determination.

4.16 (C)(ii)(6) Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCo of the affected county.

4.16 (C)(iii) **Referrals from Other LAFCOs:** Upon receipt by Marin LAFCo of a referral from the LAFCo of another county of an application for a change of organization affecting territory in Marin County, Marin LAFCo staff shall place the application and report and recommendation on Marin LAFCo's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCo. The application will be processed and a staff report will be prepared consistent with Marin LAFCo's Policy Handbook.

4.17 POLICY FOR DISADVANTAGED UNINCORPORATED COMMUNITIEIS

As set forth in SB 244, Marin LAFCo will include considerations of disadvantaged unincorporated communities within a city or district SOI in statements of written determinations of MSRs. Marin LAFCo will prohibit the approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community unless the city applies to annex the disadvantaged unincorporated community as well.

CHAPTER 5 ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE & OTHER PLANNING ACTIVITIES

5.1 GENERAL POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

Spheres of influence represent the Legislature’s version of urban growth boundary lines and mark the territory Marin LAFCo believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies’ spheres of influence with limited exceptions (Government Code §56425).

State law directs Marin LAFCo to establish spheres of influence for all local agencies within one year of their formation (district) or incorporation (city/town). State law also directs Marin LAFCo to review and update, as necessary, spheres of influence for all local agencies every five years beginning January 1, 2008 (Government Code §56425).

5.1 (A) Policy Intentions

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

- 5.1 (A)(i) Spheres of influence should promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.
- 5.1 (A)(ii) A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Marin LAFCo will use spheres of influence to guide its consideration of proposals to change local government boundaries to meeting existing and future community needs.
- 5.1 (A)(iii) Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher-level services.
- 5.1 (A)(iv) Marin LAFCo’s decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted or amended spheres of influence for the agencies affected by the proposal unless exempted under State law.

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- 5.1 (A)(v) Boundary change proposals should ensure that extension of services is reasonable and feasible given local conditions and circumstances and to avoid duplication of services. Territory will be considered for inclusion within a sphere of influence if services can be efficiently extended and are shown to be needed within the next 10 years.
 - 5.1 (A)(vi) Spheres of influence will be reviewed and updated every five years, as necessary, beginning January 1, 2008.
 - 5.1 (A)(vii) In addition to the requirements of Government Code §56425(e), Marin LAFCo will consider natural features in its adoption of spheres of influence, including topography, bodies of water, ridgelines, and wetlands. Spheres of influence will preserve open space and agricultural resources in Marin County.

5.1 (B) Designation Types and Anticipated Outcomes

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

- 5.1 (B)(i) Adopt a sphere of influence that is larger or smaller than the present boundaries of the agency. Such a designation will be accompanied by a map showing the agency's present boundary and the sphere of influence or planned boundary. The areas between the present and planned boundaries define the territory in which Marin LAFCo anticipates territory to be annexed or detached.
- 5.1 (B)(ii) Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that Marin LAFCo does not anticipate any change to the agency's boundary (annexations or detachments) or organization (consolidation, dissolution) in the next 5-10 years.
- 5.1 (B)(iii) Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Marin LAFCo's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.

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- 5.1 (B)(iv) Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated sphere of influence "in common" to include the areas served by both districts. This designation may be assigned where Marin LAFCo believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates Marin LAFCo's determination that two or more districts should be combined through consolidation or other reorganization process.

5.1 (C) Additional Guidelines

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

- 5.1 (C)(i) **Developed Unincorporated Communities:** Developed unincorporated lands that are located within the sphere of influence of a city/town or special district and which benefit from the jurisdiction's municipal services should be annexed to that jurisdiction when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.
- 5.1 (C)(ii) **General Plan Conflicts:** In its regular review and update of adopted spheres of influence, Marin LAFCo will identify any instances in which city/town and County general plans are in conflict. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Marin LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence. Marin LAFCo will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.
- 5.1 (C)(iii) **Timing of Amendments:** Marin LAFCo encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.
- 5.1 (C)(iv) **Consultation with County:** In instances in which a city/town requests and/or applies for an amendment to its own sphere of

influence in advance of Marin LAFCo's regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).

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

5.2 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

5.2 (A) Policies for the Review of City/Town Spheres of Influence

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

- 5.2 (A)(i) Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Marin and independent special districts.

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- 5.2 (A)(ii) Sphere of influence lines adopted by Marin LAFCo will act to encourage the political and functional consolidation of local government agencies where the boundaries of those agencies divide areas that are otherwise single communities.
 - 5.2 (A)(iii) City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.

5.2 (B) Policies for the Review of Special District Spheres of Influence

Marin LAFCo will incorporate into its review of special district spheres of influence the following policy factors:

- 5.2 (B)(i) Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government that is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
- 5.2 (B)(ii) Where two or more limited-purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Marin LAFCo determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.

5.3 PROCEDURES FOR REVIEW, UPDATE, AND OR AMENDMENT OF SPHERES OF INFLUENCE

5.3 (A) Procedures for Marin LAFCo Updates to Spheres of Influence

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

- 5.3 (A)(i) Marin LAFCo shall adopt a study schedule every five years as needed to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.

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- 5.3 (A)(ii) The study schedule shall be adopted at a public hearing and only after a minimum 21-day notice has been provided by Marin LAFCo to local agencies and the general public for review and comment.
 - 5.3 (A)(iii) The adopted study schedule may be amended by Marin LAFCo from time to time at public hearings to address changes in priorities and/or resources. In adopting or amending the study schedule, Marin LAFCo shall consider the following factors:
 - 5.3 (A)(iii)(1) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
 - 5.3 (A)(iii)(2) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
 - 5.3 (A)(iii)(3) Communications and requests from local agencies and the general public.
 - 5.3 (A)(iii)(4) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five-year period.
 - 5.3 (A)(iv) Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCo shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

5.3 (B) Procedures for Applicant Requests for Sphere of Influence Amendments

- 5.3 (B)(i) After receiving a written application for a sphere of influence amendment accompanied by an appropriate fee deposit, Marin LAFCo will schedule a public hearing to consider the application as required by Government Code §56428.
- 5.3 (B)(ii) The request or application shall state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.

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- 5.3 (B)(iii) Minor amendments of adopted spheres of influence may be considered by Marin LAFCo concurrently with a proposal for a change of organization.
 - 5.3 (B)(iv) Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Marin LAFCo's adopted study schedule unless Marin LAFCo determines otherwise.

5.3 (C) Action on Sphere of Influence Establishments, Amendments, and Updates

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

5.4 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS

5.4 (A) Legislative Authority

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

5.4 (B) Policy Intentions

- 5.4 (B)(i) Marin LAFCo will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Marin County.
- 5.4 (B)(ii) Marin LAFCo will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.

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- 5.4 (B)(iii) Municipal service reviews will be used by Marin LAFCo to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.
 - 5.4 (B)(iv) Marin LAFCo will generally schedule and prepare municipal service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.
 - 5.4 (B)(v) Marin LAFCo will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.

5.4 (C) Municipal Service Review Types

Marin LAFCo may calendar and prepare one of three types of municipal service reviews as provided below:

- 5.4 (C)(i) A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.
- 5.4 (C)(ii) A region-specific municipal service review will examine the range of governmental services provided by local agencies and any other identified entities within a defined area within Marin County.
- 5.4 (C)(iii) An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

5.4 (D) Implementation Objectives

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

- 5.4 (D)(i) Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Marin LAFCo.
- 5.4 (D)(ii) Generate civic engagement among the affected agencies and general public in addressing current and future challenges and opportunities in aligning municipal service provision with community needs.

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- 5.4 (D)(iii) Serve as the source document for Marin LAFCo to consider subsequent changes in spheres of influence; to inform future boundary changes and or outside service extensions; and to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

5.4 (E) Action on Municipal Service Reviews

All municipal service reviews will be adopted by resolutions that include determinative statements addressing all of the factors required for consideration Government Code 56430(a).

5.5 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

5.5 (A) Special Studies

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



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

August 11, 2022

Executive Officer Report – Section C

TO: Local Agency Formation Commission

FROM: Jason Fried, Executive Officer

SUBJECT: Survey of Other LAFCo's Chair/Vice Chair Election Process

Background

The Commission at its June Commission meeting asked the staff chair to survey the process that other LAFCos use in the selection process for the Chair and Vice Chair. Staff sent out a basic survey asking each LAFCo if they have any sort of term limits on the position, use some sort of rotating process of the seats, or similar to us have no limits or rotating process for the two positions. Not including us, we had 22 LAFCos reply to the question.

The response was evenly divided. 11 other LAFCos are similar to us with no limitations on how long a person can be Chair or Vice Chair. The other 11 LAFCos had 2 who had one year term on being Chair but no other rules with the remaining 9 LAFCos having a predetermined rotation of the positions.

Attached are all the policies we received from LAFCos that rotate or have term limits that the other LAFCos shared with us. I did not include policies shared with us from the 11 LAFCos who have a similar process to us with no limits on how the chair/vice chair is elected.

Possible Action (staff views this as a Commission level discussion so is taking no formal position on it)

Option 1 – Request the Policy Committee to meet and present a policy that changes the Chair and Vice Chair Election Process to be presented at a future meeting of the Commission for discussion and possible approval.

Option 2 – Decide to take no action and leave the current policy as is.

Attachment:

1. Sample policies on the election of chair and vice chair

Administrative Office

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T: 415-448-5877 E: staff@marinlafco.org
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Dennis Rodoni, Regular
County of Marin

Judy Arnold, Regular
County of Marin

Damon Connolly, Alternate
County of Marin

Vacant, Regular
City/Town Seat

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Lew Kious, Vice Chair
Almonte Sanitary District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

Ventura LAFCo

SECTION 1.1.4 OFFICERS

1.1.4.1 Chair: The Chair shall be selected by the members. The Chair shall serve for one year or until his/her successor is selected at the first meeting of each calendar year or at the next regular meeting following the appointment and qualification of the requisite member to fill any expired and/or vacant terms.

The office of Chair shall be rotated so that a member of each of the four represented groups of LAFCo serves one full year in every four-year period. Commencing January of 2002, the rotation of the chair shall be in the following sequence: County, Public, City, and Special District member.

1.1.4.2 Vice-Chair: The Vice-Chair shall be selected by the members. The Vice Chair shall serve for one year or until his/her successor is selected at the first meeting of each calendar year or at the next regular meeting following the appointment and qualification of the requisite member to fill any expired and/or vacant terms. In the absence of the Chair, the Vice-Chair shall serve in place of the Chair.

The office of Vice-Chair shall be rotated so that a member of each of the four represented groups of LAFCo serves one full year in every four-year period. In January 2002, the rotation of the vice-chair shall be in the following sequence: Public, City, Special District, and County member.

Santa Clara

7.APPOINTMENT OF OFFICERS

a. The Commission shall annually appoint a Chairperson and Vice Chairperson for the next calendar year at the December meeting. The Chairperson and Vice Chairperson shall be appointed based on the following rotation schedule unless otherwise determined by the Commission:

- Cities member
- County member
- San Jose member
- Special Districts member
- County member
- Public member
- Special Districts member

b. The Chairperson shall preside at all meetings of the Commission and the Vice Chairperson shall preside at meetings in the absence of the Chairperson.

Santa Barbara

RULES AND PROCEDURES

B. Officers

Selection of Officers -- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission of each year or as soon thereafter as practicable. The Chair and Vice Chair shall serve for one-year terms, It is intended and presumed that the Vice Chair will be appointed by the Commission as the Chair at the end of the term. Officers shall be selected from the categories of members in the following order: Public, County, Special District and City.

(Emphasis on intent, an alternate selection could occur. Generally, the Chair & Vice-Chair have rotated per the order listed.) – EO added this to comment

Fresno

Policy Language:

502 Chair

502.01 Election

The Chair of the Commission shall be elected by the members thereof by a majority vote of all the members.

502.02 Term

The term of office of the Chair shall be one calendar year beginning each May and shall be succeeded annually by the chair pro tempore.

502.03 Eligibility

All members of the commission are eligible to serve as chair.

503 Chair pro tempore

503.01 Term and Duties

There shall be a Chair Pro Tempore, whose term of office shall coincide with that of the Chair and who shall, in the absence of the Chair, perform all of the functions and duties of the Chair.

503.02 Election

The Chair Pro Tempore of the Commission shall be elected by the members thereof by a majority vote of all the members.

503.03 Eligibility

All members not representing the appointing authority of the chair may be nominated and serve as chair pro tempore.

NAPA

V. Appointment of Chair and Vice Chair

A) Term of Office: Beginning in 2024, the terms of office of the Chair and Vice Chair shall be for one year, beginning on January 1.

B) Rotation: The Chair and Vice Chair shall be appointed by the Commission according to the following annual rotational system, effective January 1, 2024, unless a temporary change is made pursuant to Section V(C):

<u>Chair Designations</u>	<u>Vice Chair Designations</u>
County Member II	Public Member
Public Member	City Member I
City Member I	County Member I
County Member I	City Member II
City Member II	County Member II

It shall be the responsibility of the Executive Officer to maintain a record of the seat designations and occupants, and to annually inform the Commission prior to the rotation.

C) The Commission may create temporary changes to the rotation as part of an action item placed on a meeting agenda. If the Chair and Vice Chair offices are both vacant, and in the event the procedures set forth in Section VI "Vacancy," below, are not feasible, the Executive Officer may call a meeting to order until the Chair and Vice Chair are appointed.

Placer

(No formal policy but passed a resolution in 2008 that shows order of seats and that the order continues to repeat itself indefinitely.)

Tulare

4.6 Officers

A. The officers of the Commission shall be a chair and vice-chair, and the vice-chair shall serve in the absence of the chairman. In the absence of both the chair and the vice-chair, the members present at such a meeting may elect a chair pro tem.

B. The Executive Officer shall be selected by the Commission in accordance with the Staff Services Agreement with the County (Policy D-3) and GC §56384.

C. The terms of office for chair and vice-chair shall be one year from January 1 to December 31: for chairman pro tem, for the meeting only at which he or she is appointed.

D. It is the policy of this Commission to annually rotate the membership of its officers so that all members of the Commission will have an equal opportunity to serve as an officer of the Commission.

Contra Costa

Selection of Officers – The members of the Commission will elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable. The Chair and Vice Chair serve for one-year terms, or until their successors are elected, whichever occurs later. Officers will be selected from the categories of members in the following order:

County Member 1

Public Member

Special District Member 1

City Member 1

County Member 2

Special District Member 2

City Member 2

Monterey

Section 12. CHAIR AND CHAIR PRO TEMPORE

At its first meeting in the month of May, the Commission shall by majority vote, select from its regular members one to serve as Chair and one to serve as Chair Pro Tempore of the Commission until the following May. Any Chair or Chair Pro Tempore selected under the provisions of this section shall continue to act as Chair or Chair Pro Tempore until the selection of their successors.

Beginning in May 2020, the positions of Chair and Chair Pro Tempore will be rotated among Commissioners according to the following schedule, and then repeated:

Chair Chair/Pro Tempore

Year 1 City Member/County Member

Year 2 County Member/Special District Member

Year 3 Special District Member/Public Member

Year 4 Public Member/City Member