



**Marin Local Agency Formation Commission**  
**Regional Service Planning | Subdivision of the State of California**

**NOTICE**

**POLICY AND PERSONNEL COMMITTEE MEETING AND AGENDA**

Thursday, February 7, 2019  
1401 Los Gamos Drive Suite 220  
San Rafael, California 94903

**Appointed Members**

Sashi McEntee (Chair) | Damon Connolly (Vice Chair) | Sloan Bailey

8:00 AM – Call to Order by Chair McEntee

**ROLL CALL BY COMMISSION CLERK**

**PUBLIC COMMENT**

This portion of the meeting is reserved for persons desiring to address the committee on any relevant matter not listed on this agenda and that are within the jurisdiction of the committee. Speakers are limited to three minutes.

**BUSINESS ITEMS**

The Committee is scheduled to discuss and provide direction on the following items.

1. Approval of January 22-25 2019 Meeting Minutes
2. Review of Amendments for the Marin LAFCo Policy Handbook

**ADJOURNMENT**

ATTEST:

\_\_\_\_\_  
Jason Fried  
Executive Officer

**Administrative Office**

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Dennis J. Rodoni, Regular  
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Judy Arnold, Alternate  
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Sashi McEntee, Chair  
City of Mill Valley

Sloan Bailey, Regular  
Town of Corte Madera

Matthew Brown, Alternate  
City of San Anselmo

Craig K. Murray, Vice Chair  
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Jack Baker, Regular  
North Marin Water District

Lew Kiou, Alternate  
Almonte Sanitary District

Vacant, Public  
Public Member

Chris Skelton, Alternate  
Public Member

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# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

February 7, 2019

Item No. 1 (Business)

**TO:** Policy and Personnel Committee

**FROM:** Candice Bozzard, Commission Clerk

**SUBJECT:** Approve the January 22 with Continuation to 25, 2019 Committee Meeting Minutes

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### 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. The “Brown Act” requires – and among other items – public agencies to maintain minutes for all meetings.

### Discussion

The draft minutes for the January 22 with continuation to January 25, 2019 Committee meeting accurately reflect the Committee’s actions as recorded by staff and are attached. A copy of the approved meeting minutes are available online.

### Staff Recommendation for Action

- 1. Staff recommendation** – Approve the draft minutes prepared for the Policy and Personnel Committee meeting with any desired corrections or clarifications.
- 2. Alternative Option** - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

### Attachment:

- 1) Draft Minutes for January 22 with continuation on January 25, 2019

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Almonte Sanitary District

**Vacant, Regular**  
Public Member

**Chris Skelton, Alternate**  
Public Member



***DRAFT***

## **POLICY AND PERSONNEL COMMITTEE MEETING MINUTES**

Monday, January 22, 2019 and Continued to Friday, January 25, 2019

1401 Los Gamos Drive Suite 220

San Rafael, California 94903

### **Appointed Members**

Sashi McEntee (Chair) | Damon Connolly (Vice Chair) | Sloan Bailey

### **CALL TO ORDER**

Chair McEntee called the meeting to order at 9:08am.

### **ROLL CALL**

Commission Clerk called roll.

Commissioners McEntee and Connolly present

Commissioner Bailey (arrived 9:20am)

### **PUBLIC COMMENT**

Chair McEntee asked for public comment. Hearing none, Chair McEntee closed public comment.

### **BUSINESS ITEMS**

#### **2. Review of Amendments for the Marin LAFCo Policy Handbook**

The Committee began at Financial Accounting and Internal Controls (on page 30) of the Policy Handbook by reviewing the suggestions made by counsel.

It was agreed upon by the Committee to remove in Section 3.15 Subsection I. Fund Balance Designations; Subsection L. Investments and Subsection M. Fraud Prevention. The Committee as a whole agreed that since those sections were earmarked for “discussion at a later date” that it was not necessary to include those in the Handbook at this time.

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The Retention Policy was sent to Counsel for review of current government code requirements. Staff will report back with any findings.

There was considerable discussion regarding Chapter Four, Part Two – Fire Protection Services. Executive Officer Fried suggested language for an additional requirement for the agency to justify qualification for exemption under Government Code Section 56134. After much consideration, it was agreed by the Committee to remove the additional requirement unless otherwise directed by Counsel.

Chair McEntee recessed the meeting at 10:30am to be continued to January 25, 2019 at 7:30am.

**The Policy and Personnel Committee reconvened at 7:40am on January 25, 2019.**

Commission Clerk called roll to confirm quorum.

Commissioners McEntee and Bailey present  
Commissioner Connolly (arrived 7:50am)

**1. Approval of December 10, 2018 Meeting Minutes**

Approved; M/S by Commissioners Bailey and McEntee to approve the December meeting minutes.

Ayes: Commissioners Bailey, McEntee

Noes: None

Absent: Commissioner Connolly

Abstaining: None

Motion was approved by majority.

**2. Review of Amendments for the Marin LAFCo Policy Handbook (Continued)**

The Committee picked up reviewing the handbook on page 42.

The Policy Committee agreed unanimously to remove Chapter Four, Part One, Subsection F, since it is referenced in the prior section. The Committee also agreed to change the language of Chapter Four, Part One, Subsection L, from “Dual Annexation” to “Reorganization”.

Under Chapter Four, Part One, Subsection M.3, Staff was to confer with other LAFCOs about their definition of “substantially surrounded” and report back to the Committee.

Some other suggestions made by the Policy and Personnel Committee were to not use bullet points, strictly subsections for easier referencing, and to schedule another review of the Handbook in 2024 to maintain accuracy with legislation changes.

The Committee felt it was in the best interest of Marin LAFCo staff to have Counsel prepare the Personnel Policy and return the draft to the Committee for review.

After additional discussion, the Committee unanimously agreed that Committee Chair McEntee and Executive Officer Fried would “accept changes” on the current draft, review the handbook, and then offer other amendments, such as only citing government codes, not “copy and paste” them.

Throughout the entire Policy Handbook analysis, the Committee approved the amendments made by Counsel, including the suggestion to follow Santa Clara LAFCO’s Indemnification Policy.

Staff, after review by Committee Chair McEntee, will email the newly revised draft to the Committee for assessment before submitting to the full Commission.

Chair McEntee called for adjournment at 8:52am.

ATTEST:

\_\_\_\_\_  
Candice Bozzard  
Clerk to the Commission



# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### AGENDA REPORT

February 7, 2019

Item No. 2 (Business)

**TO:** Marin LAFCo Policy & Personnel Committee

**FROM:** Jason Fried, Executive Officer

**SUBJECT:** Review of Amendments for the Marin LAFCo Policy Handbook

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### Background

At the January 22<sup>nd</sup> Committee meeting, the initial review of the Marin LAFCo Policy Handbook was completed. At the meeting the Committee decided to reformat the presentation of the Policy Handbook.

One area the Committee wanted more information on, was how Marin LAFCo should define “Substantially Surrounded” when referring to islands. Attachment 1, has several other LAFCo policies on this subject. Staff will continue compiling other LAFCo definitions and will present them at the meeting.

Committee Chair Sashi McEntee, took on the task of substantially reworking the attached Policy Handbook. It is presented in two forms. The first being a cleaned-up version for easier review. This “clean” revision will need some formatting and editing, but is generally in its final stages. The agreed upon edits from the previous Committee meeting and the formatting changes would enhance the look and flow throughout the document.

The second form is a redline version that shows all the changes. This redline version, at first glance, has a lot of deletions, however those are primarily changes to the format to allow for a nicer flow as desired by the Committee. In other cases, the deletions were due to discussion by the Committee to remove unnecessary duplication of government code text in the Policy Handbook or other areas where the additional language was not needed.

#### Attachment:

- 1) Sample LAFCo Policy’s on Substantially Surrounded
- 2) PDF version of redraft
- 3) Redline version of Policy Handbook

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Public Member

**Chris Skelton, Alternate**  
Public Member



# Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## Sample substantially surrounded policies

### Napa:

#### Substantially surrounded:

For the purpose of applying the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act, most notably G.C. §56375, the affected territory of an annexation proposal shall be deemed “substantially surrounded” if the following two conditions apply:

- a) The affected territory lies within the city’s sphere of influence.
- b) The affected territory is surrounded by no less than 66.6% by the city, as set forth in a boundary description accepted by the Executive Officer.

Please note we’re in the process of revising our island annexation policies and the % threshold is likely to drop to “more than 50%”. Not sure when the revision will be formalized.

### Tulare:

“Substantially surrounded” shall mean that the contiguous territory subject to an AB 1555 annexation must be surrounded by at least fifty one percent (51%) by that city and a county boundary.

### San Bernardino:

For the purpose of applying the provisions of Government Code Section 56375.3, the territory of an annexation proposal shall be deemed “substantially surrounded” if 60% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, or (c) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or government owned land.

### Contra Costa:

#### E. Island Annexation Policies

##### 1) General Policies

Recognizing that cities are the most logical providers of municipal services, and that unincorporated islands can be more effectively and efficiently served by surrounding cities, LAFCO is committed to the annexation of urban island areas.

LAFCO will collaborate with the County and cities in facilitating annexation of unincorporated urban islands.

LAFCO encourages the County and cities to coordinate development standards in urban island areas to facilitate the annexation of urban islands.

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The Government Code contains special provisions for annexing small islands, which facilitate the annexation of islands of less than 150 acres (§56375.3).

In the interest of orderly growth and development, cities should annex urban unincorporated islands within their current SOIs before seeking to add new lands to their boundaries.

2) Annexation of Small Islands

The Legislature has delegated to local LAFCOs the authority to determine the boundary of any proposal. The purpose of this section is to recognize and harmonize existing legislation with a June 1, 2012, Opinion of the California Attorney General [95 Ops. Cal. Atty. Gen. 16 (2012)] regarding island annexations under Government Code section 56375.3. This policy will apply only until January 1, 2014, unless Government Code section 56375.3(a)(1)(A), or a successor statute, is amended to apply to changes of organization initiated on or after January 1, 2014.

- a) Whether unincorporated territory is an “island,” an “entire island or entire unincorporated island,” “part of a larger island,” “surrounded,” or “substantially surrounded,” are determinations to be made by the Commission, on a case by case basis, based on the evidence before it at the time those determinations are made.
- b) A small island of unincorporated territory that is connected to and an integral or essential part of a large unincorporated island is not an entire island and may not be annexed to a city without a protest proceeding under Government Code section 56375.3(a).
- c) A small island of unincorporated territory that is connected to, but not an integral or essential part of a large island, may be determined by the Commission to be an entire island or an entire unincorporated island under Government Code section 56375.3(b).
- d) The following factors may be considered by the Commission in determining whether unincorporated territory is an integral or essential part of a large unincorporated island: (a) topography, (b) geography, (c) land uses, (d) infrastructure and (e) patterns of service delivery.

**Santa Cruz:**

**Substantially developed:** Territory not exceeding 100 acres in area which has 75% of its total number of parcels developed, except that the total acreage of the undeveloped parcels shall not be greater than 25% of the total acreage of the territory.

**Substantially surrounded:** Territory not exceeding 100 acres in area, which is bound by an incorporated city along 75% of its perimeter

**MARIN COUNTY  
LOCAL AGENCY FORMATION COMMISSION**



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

**ADOPTED**  
JUNE 9, 2016

**LAST AMENDED**  
JUNE 8, 2017

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## CHAPTER ONE

### 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

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Business Hours: 9 am to 5 pm, Monday through Friday





Because Marin LAFCo is a small governmental agency 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.

### 1.3. CURRENT COMMISSION ROSTER

#### Regular Members

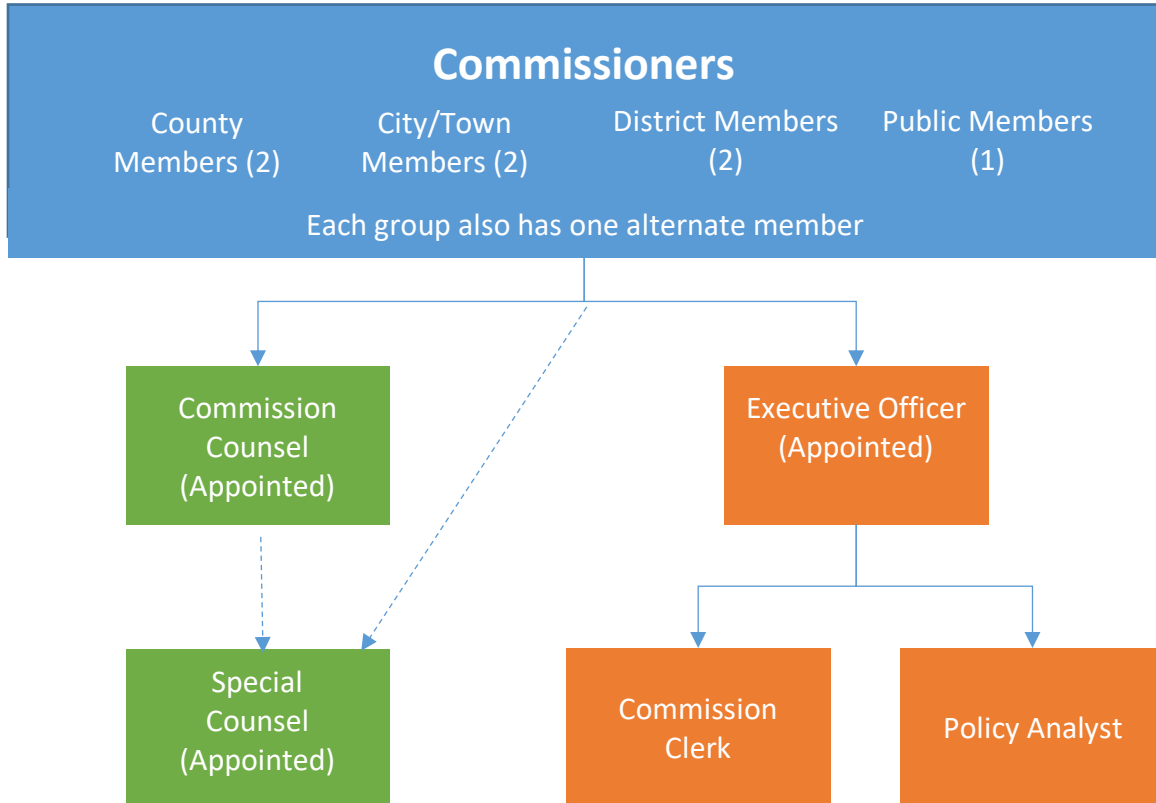
						<b>(vacant)</b>
<b>Sashi McEntee</b> Chair City	<b>Craig Murray</b> Vice Chair Special Districts	<b>Sloan Bailey</b> City	<b>Jack Baker</b> Special Districts	<b>Damon Connolly</b> County	<b>Dennis Rodoni</b> County	<b>(Vacant)</b> Public

#### Alternate Members

			
<b>Judy Arnold</b> County	<b>Matt Brown</b> City	<b>Lew Kious</b> Special Districts	<b>Chris Skelton</b> Public



#### 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 TWO 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

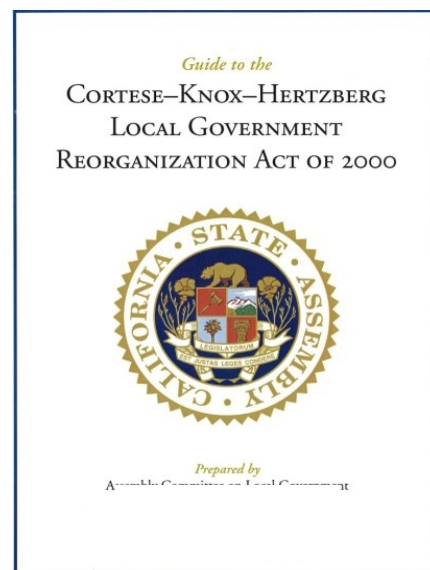
#### 2.2 (A) Responsibilities

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).



### 2.3. 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 (County Sanitary District 1) Sausalito-Marín City Sanitary District Sleepy Hollow Fire Protection District Southern Marin Fire Protection District Stinson Beach Fire Protection District Stinson Beach Water District Strawberry Recreation District Tamalpais Community Services District Tiburon Fire Protection District Tiburon County Sanitary District (County Sanitary District 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 23 (Terra Linda) Community Service Area 25 (San Marin) 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 Murray Park Sewer Maintenance 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. [Note about JPAs like Central Marin Police Authority et al.?]

## CHAPTER THREE

### 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, along with 1 alternate;
- **1 Public Member**, selected by the Commission as prescribed below, along with 1 alternate.

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

#### 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 LAFCo County, City, and Special District members.

1. Ninety (90) days prior to an appointment, The Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
2. The news release shall be mailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed to all current regular and alternate members of Marin LAFCo, 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. 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.
4. 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.
5. With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident-voter of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCo jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.
6. In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may: (a) 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 (B) Procedures for Selection of Special District Members**

If the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible per Government Code §56332(c)(1), a plurality ballot process shall be used for regular and unscheduled vacancies, as follows:

1. The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the pending expiration of the term of a special district member or immediately upon notification the eligibility of a special district member on Marin LAFCo will end prior to the expiration of his or her term, if possible.
2. The Executive Officer shall initiate the mail ballot process by distributing to each independent special district a call for nominations, including a schedule of the selection process and a copy of this policy. Nominations must be submitted in writing by the presiding officer of the special district or his or her alternate as designated by the governing boards within 60 days of the date of the call for nominations. The submittal of a nomination must include a statement of the candidate's qualifications. With the prior concurrence of any special district, the Executive Officer may transmit these materials to and receive nominations from that special district by electronic mail.
3. At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the Executive Officer shall within five working days of the close of the nomination period, distribute by certified mail or electronic mail one ballot to each independent special district. The distribution of ballots shall include a statement of qualifications for each candidate on the ballot.
4. Ballots may be submitted back to Marin LAFCo by mail or facsimile or electronic mail within 60 days of distribution of the ballots. Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote.
5. Unless another procedure has been adopted by the selection committee, a majority of independent special district must cast ballots and a candidate must receive a majority of votes cast to deem the candidate elected.
6. All ballots and other records of each selection process shall be retained in the Marin LAFCo office for at least four years and shall be available for public inspection.
- 7.

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

### **3.5. 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:

- Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- Make appointments to committees as needed;
- Call special meetings of the Commission as needed;
- Approve emergency outside service extensions consistent with the procedures outlined in this Policy Handbook; and
- 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 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 7:00 P.M. and held in Marin Clean Energy's Board Room at 1125 Tamalpais Avenue, San Rafael, 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 four standing committees on an annual basis with appointments and/or reappointments made at the beginning of each calendar year. All meetings of the standing committees shall comply with the Brown Act and conduct business in noticed and open public meetings. The Executive Officer shall be responsible for scheduling and staffing these committee meetings as needed.

- 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). 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 (A)(iv) **Public/Technical Information:** This Committee shall review and provide direction to staff on website design and improvements and other social medial communications platforms. The Committee shall also review and provide recommendations to the Commission on recommended capital purchases involving computers and related programs. The Committee shall include three members (regulars or alternates). Termed tasks, including the selection of vendors for specific projects, may be overseen by the Committee on an ad hoc basis.

### 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) The 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.
- 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 Auditor, each city/town, and to each independent special district.
- 3.10 (B)(v) The County Auditor shall apportion the net costs of Marin LAFCo's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
- 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 Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(c).
- 3.10 (B)(vii) Marin LAFCo will strive to maintain an unrestricted reserve account balance of approximately 20% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies, and environmental review.

### **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 \$3,000 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. Any 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 \$3,000.00 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) state below.

- 3.13 (B)(iii) **Secondary Operating Account:** This account shall serve to expedite payments for budgeted operating costs that are less than \$3,000.00 per occurrence. When book keeping indicates the fund balance for this account will go below 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 signature of the Executive Officer or the Chair.

### 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.

### 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



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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 five 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.

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## CHAPTER FOUR

# EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS AND OTHER REGULATORY ACTIVITIES

### 4.1. GENERAL POLICIES & STANDARDS

#### 4.1 (A) 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.

#### 4.1 (B) 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.

#### 4.1 (C) 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.

#### 4.1 (D) 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.

#### 4.1 (E) 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.

#### 4.1 (F) Rezoning 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))

#### 4.1 (G) County Service Area Policy

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

#### 4.1 (H) Reorganization (Dual Annexation) Policy (As Approved by LAFCo on October 11, 2001)

Annexations of unincorporated land to special districts that provide services necessary for urban development shall require concurrent or subsequent annexation to a city if the land is located within the city's sphere of influence.

4.1 (H)(i) **Policy Intent:** The underlying intents of this policy are to allow Marin LAFCo to:

4.1 (H)(i)(1) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.

- 4.1 (H)(i)(2) 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.
  - 4.1 (H)(i)(3) Provide for the orderly implementation of adopted city and special district spheres of influence.
  - 4.1 (H)(i)(4) 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.
- 4.1 (H)(ii) **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.
- 4.1 (H)(iii) **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.
- 4.1 (H)(iv) **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.
- 4.1 (H)(v) **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.

4.1 (H)(vi) **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:

- 4.1 (H)(vi)(1) The County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area).
- 4.1 (H)(vi)(2) All affected agencies have been notified and given adequate time to review and comment on the proposed annexation.
- 4.1 (H)(vi)(3) The application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

#### 4.1 (I) **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).

Marin LAFCo shall define “substantially surrounded” for purposes of identifying unincorporated islands in Marin County at a later date.

## 4.2. **OUTSIDE SERVICE AGREEMENT POLICY**

### 4.2 (A) **Non-Fire Protection Services**

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).

4.2 (A)(i) **Definitions:** Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

4.1 (H)(vi)(4) “Service” shall mean any municipal service supporting (directly or indirectly) urban type uses with the referenced exclusion of fire protection.

4.1 (H)(vi)(5) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.

4.1 (H)(vi)(6) “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.

4.1 (H)(vii) **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.

4.1 (H)(viii) **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:

4.1 (H)(viii)(1) 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;

4.1 (H)(viii)(2) 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

4.1 (H)(viii)(3) Any information or associated findings made pursuant to the California Environmental Quality Act.

4.1 (H)(ix) **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:

4.1 (H)(ix)(1) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;

4.1 (H)(ix)(2) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and

4.1 (H)(ix)(3) The consistency of the request with the Commission's adopted policies.

4.1 (H)(x) **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.

4.1 (H)(xi) **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.

4.1 (H)(xii) **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.



4.1 (H)(xiii) **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.

#### 4.1 (I) Fire Protection Services

4.1 (I)(i) **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:

4.1 (I)(i)(1) 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 MarinMap; or

4.1 (I)(i)(2) 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 1<sup>st</sup> of the subject fiscal year.

4.1 (I)(ii) **Definitions:** Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

4.1 (I)(ii)(1) “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.

4.1 (I)(ii)(2) “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.

4.1 (I)(ii)(3) “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.

4.1 (I)(ii)(4) “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.

4.1 (I)(ii)(5) “Jurisdictional boundary” shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

4.1 (I)(iii) **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:

4.1 (I)(iii)(1) 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 percent change in service area or employment status.

4.1 (I)(iii)(2) 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.

4.1 (I)(iii)(3) 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.

4.1 (I)(iii)(4) Cooperative agreements for wildland fires under Public Resource Code §4143 or 4144.

4.1 (I)(iii)(5) Contracts or agreements that involve any of the following:

4.1 (I)(iii)(5)(1) Ambulance services, including billing and related administrative support.

4.1 (I)(iii)(5)(2) Pre-hospital emergency medical services.

4.1 (I)(iii)(5)(3) Permit and inspection review.

4.1 (I)(iii)(5)(4) Fire alarm system plan reviews and inspections.

- 
- 4.1 (I)(iii)(5)(5) Business and occupancy reviews and inspections.
  - 4.1 (I)(iii)(5)(6) Vehicle maintenance and repair.
  - 4.1 (I)(iii)(5)(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.
  - 4.1 (I)(iii)(5)(8) Sharing or loaning of equipment, facility, or property between or among two or more agencies
  - 4.1 (I)(iii)(5)(9) 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:
    - 4.1 (I)(iii)(5)(9)(1) 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.
    - 4.1 (I)(iii)(5)(9)(2) 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.
    - 4.1 (I)(iii)(5)(9)(3) The proposed joint-powers authority does not create any conflicts with adopted LAFCo polices or recommendations with respect to fire protection services in Marin County.
    - 4.1 (I)(iii)(5)(9)(4) The proposed joint-powers authority does not create any conflicts with any active reorganization application on file with LAFCo.

4.1 (I)(iii)(5)(9)(5) The total service area for the proposed joint-powers authority does not exceed a resident service population of 50,000.

4.1 (I)(iv) **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.

4.1 (I)(v) **Submitting a Request:** Requests shall conform to the following procedures:

4.1 (I)(v)(1) An affected agency will make a request by adopted resolution consistent Government Code §56134 (c) at a noticed public hearing.

4.1 (I)(v)(2) 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.

4.1 (I)(v)(3) Joint requests by two or more affected agencies are permitted.

4.1 (I)(vi) **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:

4.1 (I)(vi)(1) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;

4.1 (I)(vi)(2) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and

4.1 (I)(vi)(3) The consistency of the request with the Commission's adopted policies.

4.1 (I)(vii) **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.

4.1 (I)(viii) **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.

4.1 (I)(ix) **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.

4.1 (I)(x) **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. (add this section consistent with non-fire?)

### 4.3. GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS

#### 4.3 (A) Processing Fees

- 4.3 (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.
- 4.3 (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:
- 4.3 (A)(ii)(1) The estimated hourly cost for Marin LAFCo staff time spent on the application; and
  - 4.3 (A)(ii)(2) The direct cost of processing the application (map and legal description review, notices, postage, copy service, etc.).
- 4.3 (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) has 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.

#### 4.3 (B) Indemnification Agreement

- 4.3 (B)(i) 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.

### 4.4. PROPOSAL REVIEW INVOLVING CHANGE OF ORGANIZATIONS

#### 4.4 (A) Initial Procedures

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

- 4.4 (A)(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)

- 4.4 (A)(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.
- 4.4 (A)(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.
- 4.4 (A)(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.
- 4.4 (A)(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 10 days with any comments the agency may have regarding the application. (Government Code §56663(b))

#### 4.4 (B) 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.

#### 4.4 (C) Noticing



- 4.4 (C)(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.
- 4.4 (C)(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).

#### 4.4 (D) 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 no less than five days before the hearing. 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.

#### 4.5. 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.

#### 4.6. 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.

#### 4.7. RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS

#### 4.7 (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.

#### 4.7 (B) Procedure

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.

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.

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

### 4.8. PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

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

## 4.9. POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

### 4.9 (A) Latent Power Activations and Service Power Divestitures

4.9 (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.

4.9 (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.

**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.

4.9 (A)(iii) **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.

### 4.9 (B) Initiation of Proposals by Marin LAFCo

4.9 (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:

4.9 (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.

- 4.9 (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.
- 4.9 (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:
- 4.9 (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.
- 4.9 (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.
- 4.9 (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.

#### 4.9 (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.

4.9 (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.

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

4.9 (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.

4.9 (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.

4.9 (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.

4.9 (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.

4.9 (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.

4.9 (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.

4.9 (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.

## CHAPTER FIVE

# ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE AND 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 needed, 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) 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.
- 5.1 (A)(ii) 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)(iii) Marin LAFCo’s decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted spheres of influence for the agencies affected by the proposal. Proposals that are not consistent with adopted spheres of influence may not be approved without prior amendment to those spheres of influence unless exempted under State law.

### 5.1 (B) Baseline Review Factors

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.

### 5.1 (C) 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 (C)(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 (C)(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 (C)(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.
- 5.1 (C)(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 (D) Implementation Objectives



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

- 5.1 (D)(i) Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process relative to meeting existing and future community needs.
- 5.1 (D)(ii) Provide for extension of urban services only within adopted spheres of influence unless public health or safety issues warrant extensions under Government Code §56133.
- 5.1 (D)(iii) Promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.
- 5.1 (D)(iv) Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible given local conditions and circumstances.
- 5.1 (D)(v) Assist local agencies in planning the logical and efficient extension of services and facilities to avoid duplication of services.
- 5.1 (D)(vi) Assist property owners in anticipating the availability of services in planning for the use of their property.
- 5.1 (D)(vii) Provide for the periodic review and possible update of adopted spheres of influence at least once every five years as appropriate beginning January 1, 2008.
- 5.1 (D)(viii) Preserve open space and agricultural resources in Marin County.

#### **5.1 (E) 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 (E)(i) Developed unincorporated lands located within the sphere of influence of a city/town or special district and which benefit from municipal services provided by such city/town or special district should be annexed to that city/town or special district when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.

- 5.1 (E)(ii) In its regular review and update of adopted spheres of influence, Marin LAFCo will identify any instances in which city/town and County general plans are in conflict. Marin LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence.
- 5.1 (E)(iii) 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 (E)(iv) 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 (E)(v) 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 (E)(vi) 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 (E)(vii) Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service.
- 5.1 (E)(viii) 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.
- 5.1 (E)(ix) In designating spheres of influence for local agencies, Marin LAFCo will avoid including territories which will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or

other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.

## 5.2. 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) Territory will be considered for inclusion within a city/town's sphere of influence if that city'/town's services can be efficiently extended and are shown to be needed within the next 10 years.
- 5.2 (A)(ii) 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.
- 5.2 (A)(iii) 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)(iv) Marin LAFCo shall consider the plans and objectives contained within the adopted general plans of the cities/towns and the County of Marin in designating spheres of influence. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Conflicts between city/town and County for unincorporated territory may be identified in the course of sphere of influence studies. Marin LAFCo will specify how those conflicts are addressed in the adoption of spheres of influence.
- 5.2 (A)(v) 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) Territory will be considered for inclusion within a special district's sphere of influence if that special district's services can be efficiently extended, are consistent with the applicable general plan, and are shown to be needed within the next 10 years.
- 5.2 (B)(ii) Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government which is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
- 5.2 (B)(iii) 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 or thereabouts to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.
- 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 shall generally cover a five-year period beginning with 2012-2013. The adopted study schedule may be amended by Marin LAFCo from time to time at public hearings to address changes in priorities and/or resources.

- 5.3 (A)(iv) In adopting or amending the study schedule, Marin LAFCo shall consider the following factors.
- 5.3 (A)(iv)(1) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
  - 5.3 (A)(iv)(2) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
  - 5.3 (A)(iv)(3) Communications and requests from local agencies and the general public.
  - 5.3 (A)(iv)(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)(v) 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) Marin LAFCo will, at any time, receive and schedule a public hearing to consider requests or applications for an amendment to a sphere of influence submitted by any person or by resolution of an affected local agency as required by Government Code §56428.
- 5.3 (B)(ii) The request or application for a sphere of influence amendment shall be made in writing and state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.
- 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

- 5.3 (C)(i) 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).
- 5.3 (C)(ii) All approved changes to spheres of influence shall also include 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.
- 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) Baseline Review Factors**

State law requires Marin LAFCo to consider and include written statements of its determinations with respect to all of the factors outlined in Government Code §56430(a).

#### **5.4 (D) Municipal Service Review Types**

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

- 5.4 (D)(i) A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.
- 5.4 (D)(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 (D)(iii) An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

#### **5.4 (E) Implementation Objectives**

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

- 5.4 (E)(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 (E)(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.
- 5.4 (E)(iii) Serve as the source document for Marin LAFCo to consider subsequent changes in spheres of influence as well as inform future boundary changes and or outside service extensions.

- 5.4 (E)(iv) Serve as the source document for Marin LAFCo to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

#### **5.4 (F) Action on Municipal Service Reviews**

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

### **5.5. 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.



## CHAPTER SIX PERSONNEL POLICES

### 6.1. ADOPTION BY COMMISSION

The following personnel policies were adopted by resolution of the Commission on [date].

### 6.2. EQUAL EMPLOYMENT OPPORTUNITY POLICY

#### 6.1 (A) Purpose

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

#### 6.1 (B) Equal Employment Opportunity Policy

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

### 6.3. COMPLAINT PROCEDURE

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

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

The investigator will document all matters related to complaints of alleged discrimination, including the contents of meetings, interviews, results of investigations, and all other actions attendant to the allegations. All documentation must be maintained for all charges,

substantiated and unsubstantiated, in CONFIDENTIAL SEALED INVESTIGATION FILES, in the Commission's personnel office.

#### **6.4. NEW EMPLOYEES SHALL NOT BE RELATED TO CURRENT EMPLOYEES OR COMMISSION MEMBERS**

To the extent permitted by law, the policy of the Commission is that new employees shall not be related to current employees or Commission members. At the time a person is applying for a position with the Commission, the person must identify any individual who is a close relative employed by the Commission. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, and sister-in-law.

#### **6.5. WORKING CONDITIONS**

##### **6.5 (A) Purpose**

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

##### **6.5 (B) Scope of Policies Governing Employment and Working Conditions**

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

#### **6.6. GENERAL HARASSMENT POLICY**

Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. Marin LAFCo prohibits the harassment of any of its employees based on an individual's race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability, regardless of whether that harassment is targeted specifically to the employee. Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement, directed at an employee because of their race, religion, color, gender, age,

national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on Marin LAFCo premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above. Whether or not the offending employee means to offend or believed his or her comments or conduct were welcome is not significant. Rather, the Commission's policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are based on race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation or disability.

## 6.7. SEXUAL HARASSMENT

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

Prohibited sexual harassment includes unwelcome sexual conduct such as:

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

The Commission's policy rests on the fundamental precept that each employee must treat all others with respect, dignity and professionalism.

Deviation from that standard will not be tolerated. Whether or not the offending employee meant to offend, or believed his or her comments or conduct were welcome, is not significant. Rather, the policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are sexual in nature.

## 6.8. COMPLAINT PROCEDURE

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

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

In the event that the Commission's investigation of the alleged incident of harassment fails to substantiate that a violation of the Policies Governing Employment and Working

Conditions occurred, management will inform both the employee and the complaining party that a thorough investigation has been conducted and that there exists no grounds or basis to substantiate the alleged claim.

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

## **6.9. CONFIDENTIALITY OF PERSONNEL FILES**

California State law states that personnel files shall be kept private and confidential and that no one without a legitimate business reason to do so shall have access to these files without consent from the individual. The Executive Officer and his/her designated staff shall be the only persons allowed to access any individual's file without permission from the individual. Said personnel files shall be kept in a locked file at all times.

## **6.10. EMPLOYMENT STATUS**

### **6.10 (A) Pre-Employment Physical Examination**

All offers of employment may be conditioned upon the certification of a qualified physician that the applicant is qualified to do the type of work required by the position being applied for. The Commission may also require an applicant being offered a job to submit to drug screening and, in that case, the offer of employment is contingent upon a negative drug screen result.

### **6.10 (B) Probationary Period**

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

### **6.10 (C) 3. Employment Categories**

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

6.10 (C)(i) **Full-Time/Part-Time:** Full-time employees are regularly scheduled to work 37.5 hours or more per week. Part-time employees are regularly scheduled to work fewer than 37.5 hours per week.

6.10 (C)(ii) **Exempt/Non-Exempt:** Each employee will be informed when hired whether he or she is considered a non-exempt or exempt employee under the Fair Labor Standards Act. These categories refer to whether the employee is eligible for FLSA overtime pay. The EXEMPT category applies to certain administrative, professional and executive staff. The NON- EXEMPT category applies to all other employees. Non-exempt employees receive extra pay for overtime work. Exempt employees' salaries already take into account that they sometimes work additional hours.

### 6.11. PERSONAL DATA

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

### 6.12. PERFORMANCE REVIEWS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Ongoing discussions between supervisors and employees about job duties, performance, and the work environment furthers employees' satisfaction with the Commission and the Commission's satisfaction with employees. A formal performance evaluation will be conducted after six months of employment and annually thereafter. The performance review will be the primary determinant of merit-based pay adjustments as recommended by the Executive Officer granted by the Commission.

### 6.13. COMPENSATION AND BENEFITS

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

The County of Marin provides payroll and benefits administration services for Commission employees. Commission employees participate in standard benefit programs offered by the County to County employees. For purposes of equity and administrative convenience, it is the intention of the Commission to provide its employees with pay and benefits directly comparable to equivalent positions in the County's employment classification system and to adopt the policies and procedures for accrual and use of annual leave and annual performance review adopted by the County of Marin. A copy of the applicable policies and procedures as published by the County of Marin for its employees is attached to this document and incorporated herein as Attachment 2.

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

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

## 6.14. WORK ENVIRONMENT

### 6.14 (A) Workplace Violence

- 6.14 (A)(i) **Workplace Violence Prohibition:** The Commission is committed to providing a workplace that is free of threats or acts of violence and to protecting its employees from such conduct on its premises. The Commission prohibits any employee from engaging in behavior that is violent, threatening or intimidating, while on duty or on Commission business. This policy applies to all employees, including management and non-supervisory staff. The Commission will not tolerate employees who make threats, engage in threatening behavior, or commit acts of violence against others. Such behavior will be subject to disciplinary action up to and including termination. In addition, the Commission is committed to preventing violent or threatening behavior on its premises by non-employees, such as visitors, guests, customers, or family members of its employees.
- 6.14 (A)(ii) **Prohibited Conduct:** This policy prohibits not only physically violent behavior, but also behavior that is threatening, harassing or intimidating. Prohibited behavior includes, but is not limited to:

- 6.14 (A)(ii)(1) Possession of firearms, explosives, weapons such as knives, or any other hazardous or dangerous devices on any employer property or at any organization function, whether on or off premises. Additionally, use of any item as a weapon is prohibited.
- 6.14 (A)(ii)(2) Disorderly conduct on Commission premises, including fighting, inciting/provoking another to fight, battery, attempted bodily injury, or physically abusing any employee or visitor.
- 6.14 (A)(ii)(3) Using abusive or threatening language, coercing, threatening or otherwise harassing any employee or visitor.
- 6.14 (A)(ii)(4) Actual or threatened physical violence towards another employee or visitor.
- 6.14 (A)(iii)**Policy and Response Guidelines:** All employees are responsible for reporting any incident involving threats or acts of violence immediately to their supervisor. The matter will be investigated and any appropriate corrective action taken.
- 6.14 (A)(iv) Violations of this policy will lead to disciplinary action, up to and including immediate dismissal.

#### 6.15. NON-FRATERNIZATION POLICY

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

#### 6.16. PERSONAL CONDUCT AND APPEARANCE

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

#### 6.17. USE OF TELEPHONE

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

#### **6.18. INFORMATION SYSTEMS/ELECTRONIC MAIL (E-MAIL)**

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

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

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

#### **6.19. EMPLOYEE CONDUCT**

##### **6.19 (A) Standards of Conduct**

The Commission prides itself on a friendly and flexible environment. As in other organizations, however, order and discipline are essential to the Commission's ability to provide excellent service to the public and other public agencies. Employees are expected to comply with basic standards of conduct and professionalism in the workplace and while conducting Commission business. Although it is impossible to provide a complete list of conduct that is not tolerated at the Commission, the following are examples:

- Unsatisfactory job performance.
- Poor attitude and/or behavior (for example, rudeness or lack of cooperation).



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

#### **6.19 (B) Attendance and Punctuality**

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

#### **6.19 (C) Drug and Alcohol Use**

The presence or use of illegal drugs or unauthorized alcohol on Commission premises will not be tolerated. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes. The sale, purchase, transfer, distribution, use or possession of illegal drugs, as defined above, by anyone on Commission premises is prohibited. Moreover, employees are prohibited from reporting to work under the influence of alcohol or illegal drugs.

### **6.20. OUTSIDE EMPLOYMENT**

No Commission employee shall be permitted to accept employment in addition to or outside of Commission service if: a) The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or b) The additional or outside employment interferes with the employee's ability to perform his/her Commission job; or c) The nature of the additional or outside employment is such that it will reflect unfavorably on the Commission.

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

#### **6.21. OUTSIDE INQUIRIES/EMPLOYEE REFERENCES**

All outside inquiries regarding employment references for current or former Commission employees must be directed to the Executive Officer. "Off the record" comments are strictly prohibited. The Commission will release only an employee's job title, salary and dates of employment to third parties unless the employee signs a written authorization to disclose further information about his/her employment. All media inquiries regarding the Commission should be referred to the Executive Officer.

#### **6.22. LEAVING THE COMMISSION**

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

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

#### **6.23. GRIEVANCE PROCEDURE**

##### **6.23 (A) Scope of Grievance Procedure Policy**

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

##### **6.23 (B) Purpose of Grievance Procedure Policy**

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

##### **6.23 (C) Exclusions**

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

### 6.23 (D) Grievance Procedure Steps

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

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

### 6.23 (E) Procedure

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

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

### 6.23 (F) Procedural Rules

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

## 6.24. DISCIPLINARY ACTIONS

### 6.24 (A) Types of Disciplinary Actions

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

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

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

#### **6.24 (B) Reasons for Reprimand, Suspension or Termination**

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

#### **6.24 (C) Pre-Disciplinary Notice and Meeting**

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

#### **6.24 (D) Disciplinary Appeal**

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

### **6.25. LAYOFF - AUTHORIZATION**

The Commission may lay off any employee because of lack of appropriate funds, curtailment or lack of work, changes in duties or organization, abolition of position or other reasons. When reduction of personnel is necessary, the criteria

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for determining employees to be laid off shall be consideration of the work and administrative needs of the Commission as determined by the Executive Officer. Within a classification to be reduced, employees shall be laid off in the following order: (1) temporary employees, (2) part-time employees and then (3) full-time employees.

### **6.26. RECORDS RETENTION**

### **6.26 (A) Purpose**

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

### **6.26 (B) Records Retention Schedule**

The various forms of records created and received by Marin LAFCo shall be retained for minimum time periods as specified in Appendix A. Records extending beyond time periods specified in Appendix A will be subject to disposal.

**MARIN COUNTY  
LOCAL AGENCY FORMATION COMMISSION**



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

ADOPTED

DRAFT Marin LAFCo Policy Handbook approved [February 14, 2019]

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# CHAPTER ONE

## PREAMBLE

### 1.1. 1.1 INTRODUCTION AND PURPOSE

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

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

### 1.2 HANDBOOK ORGANIZATION

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

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

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

**1.2. 1.3 CONTACT INFORMATION**

**Marin LAFCo**

Its administrative office is located at 1401 Los Gatos Drive, Suite 220, San Rafael, California 94903

(415) 448-5877

staff@marinlafco.org

http://www.marinlafco.org

Business Hours: 9 am to 5 pm, and immediately accessible from Highway 101 by taking the Lucas Valley Road exit. Normal business hours are Monday through Friday

and between 9:00 A.M. and 5:00 P.M. However, because Marin LAFCo is a small governmental agency the office is sometimes closed during normal business hours when staff is in the field.

Accordingly, appointments to discuss proposals or other matters are strongly encouraged, and can be scheduled by calling 415-448-5877. Communication by e-mail is also welcome and should be directed to staff@marinlafco.org. General information—application materials, studies, and past and current agendas—is also available at www.marinlafco.org.

**1.3. 1.4 CURRENT COMMISSION ROSTER**

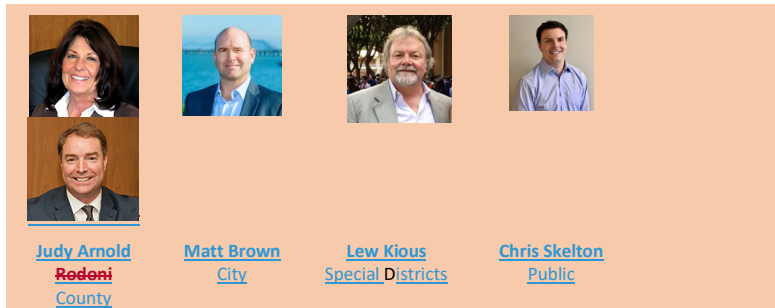
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						(vacant)
Sashi McEntee Chair City	Craig Murray Vice Chair Special Districts	Sloan Bailey City	Jack Baker Special Districts	Damon Connolly County	Dennis Rodoni County	(Vacant) Public

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

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**8—Alternate Members**



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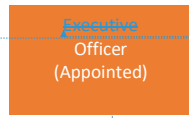
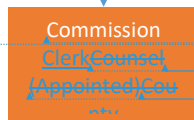
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**AUTHORIZED AMENDMENTS BY STAFF**

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

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## CHAPTER TWO GENERAL AUTHORITY & MANDATE

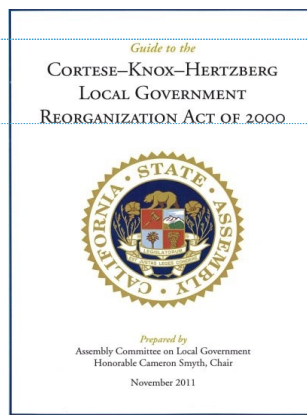
### 2.1. 2.1 MISSION STATEMENT

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

### 2.2. 2.2 LEGISLATIVE AUTHORITY AND DUTIES

#### 2.2 (A) A. Responsibilities

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



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

##### B. Authorities

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

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

**C. Decision-Making**

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

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

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**A. Cities and Towns:**

- [Belvedere](#)
- [Corte Madera](#)
- [Fairfax](#)
- [Larkspur](#)
- [Mill Valley](#)
- [Novato](#)
- [Ross](#)
- [Sausalito](#)
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- [San Anselmo](#)
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**B. Independent Special Districts**

- (Directly Elected Governing Boards)**
- [Almonte Sanitary District](#)
  - [Alto Sanitary District](#)
  - [Bel Marin Key Community Services District](#)
  - [Bollinas Fire Protection District](#)
  - [Bollinas 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](#)

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- ~~North Marin Water District~~
- ~~Novato Fire Protection District~~
- ~~Novato Sanitary District~~
- ~~Richardson Bay Sanitary District~~
- ~~Ross Valley Sanitary District (also known as County Sanitary District 1)~~
- ~~Sausalito 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 County Sanitary District (also known as County Sanitary District 5)~~
- ~~Tomales Village Community Services District~~
- ~~C. Dependent Special Districts~~
- ~~(Appointed Governing Boards)~~
- ~~County Service Area 1 (Loma Verde)~~
- ~~County Service Area 6 (Santa Venetia)~~
- ~~County Service Area 9 (Northbridge)~~
- ~~County Service Area 13 (Upper Lucas Valley)~~
- ~~County Service Area 14 (Homestead Valley)~~
- ~~County Service Area 16 (Greenbrae)~~
- ~~County Service Area 17 (Kentfield)~~
- ~~County Service Area 18 (Gallinas Village)~~
- ~~County Service Area 19 (Unincorporated San Rafael Area)~~
- ~~County Service Area 20 (Indian Valley)~~
- ~~County Service Area 23 (Terra Linda)~~
- ~~County Service Area 25 (San Marin)~~
- ~~County Service Area 27 (Ross Valley)~~
- ~~County Service Area 28 (West Marin)~~
- ~~County Service Area 29 (Paradise Cay)~~
- ~~County Service Area 31 (Unincorporated Area)~~
- ~~County Service Area 33 (Stinson Beach)~~
- ~~Marin/Sonoma Mosquito and Vector Control District~~
- ~~Marin County Parks Open Space District~~
- ~~San Rafael Sanitation District~~
- ~~Corte Madera Sanitary District No. 2~~
- ~~Murray Park Sewer Maintenance District~~
- ~~San Quentin Village Sewer Maintenance District~~
- ~~Marin County Flood Control and Water Conservation District~~

**2.4. 2.4 LOCAL AGENCIES NOT SUBJECT TO MARIN LAFCo JURISDICTION**

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

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

There are also other types of local agencies that are not directly overseen but indirectly overseen by LAFCos. Most notably, indirectly overseen agencies include counties (and typically through the operations and services of their surrogate dependent districts), as well as joint-powers authorities (JPAs) if their membership includes a city/town or district. [\[Note about JPAs like Central Marin Police Authority et al.\]](#)

## 2.5 COMPLIANCE WITH OTHER STATUTES

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

### A. California Environmental Quality Act

Many of the decisions rendered by Marin LAFCo are "projects" as defined by the California Environmental Quality Act (CEQA) under California Code of Regulations § 150001500-15387. For purposes of complying with CEQA, Marin LAFCo has adopted the "State Guidelines" published by the California Office of Planning and Research under California Administrative Code. The State CEQA Guidelines are incorporated by this reference into the Policy Handbook. Additionally, amendments to the State CEQA Guidelines are automatically effective unless otherwise noted by action of the Commission. (CEQA Guidelines §15022(d))

### B. Ralph M. Brown Act

Marin LAFCo qualifies as a "local legislative body" and must adhere to the public access standards required under the Ralph M. Brown Act (Government Code §54950-54962). Towards this end, all LAFCo regular meetings are noticed no less than 72 hours in advance and open to the general public. Special meetings may also be convened under the Brown Act under specified circumstances so long as notice has been provided no less

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than 24 hours in advance. All regular and special meeting notices must be accompanied by written agendas briefly describing each item to be considered at the meeting. Actions or discussions not tied to an item listed on the agenda may not be taken, unless otherwise permitted by the Brown Act.

## 2.6 DEFINITIONS

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

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

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

“Certificate of completion” means the document issued prepared by the executive officer and recorded with the county recorder that confirms the final successful completion an application for of a change of organization or reorganization has been approved and ordered.

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

“Change of organization” means any of the following:

- a) city/town incorporation
- b) special district formation
- c) annexation to a city/town or special district
- d) detachment from a city/town or special district
- e) disincorporation of a city/town
- f) dissolution of a special district
- g) consolidation of cities/towns
- h) consolidation of special districts

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i) merger of a special district into a city/town

j) establishment of a subsidiary special district

k) exercising new or different service powers or divesting existing service powers for a special district.

“Commissioner” means an appointed member on LAFCoO.

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

“Dependent special district” means a special district whose board of directors are officers of the county or another local agency or who are appointees of those officers, and who are not appointed to fixed terms are directly appointed by another legislative body, such as a city/town council or board of supervisors.

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

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

“Dissolution” means the disincorporation, extinguishment, or termination of the existence of a special district and the cessation of all its corporate powers, except as LAFCoO may otherwise provide pursuant to Section 56886 or for the purpose of drawing down winding up the affairs of the special district.

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

“Formation” means the creation of a special district.

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

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

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

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

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

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

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

~~“Prime agricultural land” means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the qualifications prescribed under Government Code 556064.~~

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

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

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

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

## ~~2.7 REPEALER~~

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

## ~~2.8 STAFF AUTHORIZED AMENDMENTS~~

~~From time to time changes to Marin LAFCo occur. Staff is authorized to make changes to the Policy Handbook without needed to have the commission do an amendment for any of the following reasons:~~

- ~~The current commission roster has changed in Section 1.4.~~
- ~~The local agencies subject to Marin LAFCo jurisdiction has changed in Section 2.3~~
- ~~The Commission changes its regular meeting times and location in Section 3.10.A~~

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# CHAPTER THREE

## LAFCo BUSINESS AND OPERATIONS

### 3.1. SELECTION OF COMMISSIONERS

#### 3.1 SELECTION OF COMMISSIONERS

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

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

- 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, along with 1 alternate;
- 1 Public Member, selected by the Commission as prescribed below, along with 1 alternate.

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

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

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

#### 1.3.1 (A) Procedures for Selection of Public Members

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

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3.1(A) Ninety (90) days prior to an appointment, ~~the~~ the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.

1.

1.1.2. The news release shall be mailed to the Marin Independent Journal and local newspapers within Marin County. Additionally, the news release shall be mailed to all current regular and alternate members of Marin LAFCo, 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.

1.2.3. The application period shall be at least twenty-one thirty (3021) 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.

1.3.4. Interviews for pending vacancies for expiring terms ~~shall~~ 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 the next regular a regular public meeting.~~

With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident-voter of Marin County and not currently an officer or employee of a local agency subject to Marin LAFCo jurisdiction. The public member shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.

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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)

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1.4. a) Select a new member from the applications previously submitted for the current appointment, provided not more than twelve (12) months have passed since such applications were filed with the Commission;

baor

1.4.1.1. ba) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission; or

6. eb) Appoint the alternate public member to serve as regular public member until the appointment and qualification of regular public member to fill the vacancy for the remainder of the regular member's term of office.

### 2.3.1 (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 If the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible per Government Code §56332(c)(1), a plurality ranked choice, if the Executive Director makes that determination the mail ballot process shall be used for regular and unscheduled vacancies, as follows: Meetings of the Marin County Special District Selection Committee have previously failed to reach a quorum, indicating the infeasibility of Selection Committee meetings. Accordingly, it is the policy of Marin LAFCo to conduct selection proceedings of regular and alternate special district members by a mail ballot process consistent with the procedures outlined below.

2.1.1. The Executive Officer shall initiate the mail ballot selection process for special district members 180 days prior to the pending expiration of the term of a special district member or immediately upon notification the eligibility of a special district member on Marin LAFCo will end prior to the expiration of his or her term, if possible.

2.2.2. The Executive Officer shall initiate the mail ballot process by distributing to each independent special district a call for nominations, including a schedule of the selection process and a copy of this policy. Nominations must be submitted in writing by the presiding officer of the special district or his or her alternate as designated by the governing boards within 60 days of the date of the call for nominations. The submittal of a nomination must include a statement of the candidate's qualifications. With the prior concurrence of any special district, the Executive Officer may transmit these materials to and receive nominations from that special district by electronic mail.

2.3.3. At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the Executive Officer shall within five working days of the close of the nomination period, the Executive Officer shall distribute by certified mail or electronic mail

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one ballot to each independent special district. The distribution of ballots shall include a statement of qualifications for each candidate on the ~~ranked-choice~~ ballot.

4. Ballots may be submitted back to Marin LAFCo by mail or facsimile or electronic mail within 60 days of distribution of the ballots. Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote.

2.4.5. Unless another procedure has been adopted by the selection committee, a majority of independent special district must cast ballots and a candidate must receive to select a special district member, unless another procedure has been adopted by the selection committee. Selection shall be made by a majority of votes cast to deem the candidate elected and a majority of independent special districts in Marin County, unless another procedure has been adopted by the selection committee.

2.5. ~~Ballots cast by each special district must bear the signature of the district's presiding officer. If the presiding officer is unavailable, the district board may authorize another member of the board to cast the district's vote. Ballots may be returned to the Marin LAFCo office by mail or by facsimile or electronic mail.~~

2.6.6. All ballots and other records of each selection process shall be retained in the Marin LAFCo office for at least four years and shall be immediately available for public inspection.

2.7. ~~When more than two candidates are nominated, the ballot form shall provide for selection by majority of votes cast through an "instant runoff," as follows:~~

a) ~~Each district casting a vote shall rank the candidates in order of their preference. District boards would simply indicate a "1" next to their first choice, a "2" next to their second choice, a "3" next to their third choice etc.~~

b) ~~In counting the votes by the Executive Officer, all first choice votes are counted. If any candidate receives over 50 percent of the first choice votes, that candidate is selected as special district member.~~

c) ~~If no candidate receives a majority, then the candidate with the fewest "1" votes is eliminated. The ballots of the supporters of the eliminated candidate are then transferred to whichever of the remaining candidates they marked for their second choice. This process shall be continued until one candidate receives a majority and is selected as special district member.~~

7. 8. ~~Should a vacancy occur during a special district member's term of office, a new appointment shall be made for the unexpired term of the special district member or alternate member according to the process above.~~

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3. Procedures for Selection of City/Town Members

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

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4. Procedures for Selection of County Members

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

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5. Procedures for Selection of Alternate Commissioners

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

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3.2. 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.

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

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~~3.3 COMMISSION TERMS~~

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

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~~3.3. 3.4 DISQUALIFICATION AND CONFLICT OF INTEREST~~

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

~~3.5 ABSENCE OF COMMISSIONERS~~

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

~~3.4. 3.6 COMMISSIONER COMPENSATION~~

~~3.4 (A) A Stipends~~

~~Commissioners shall receive a stipend of \$125 per regular or special meeting of Marin LAFCo for time and attendance and for each day of attendance at standing or ad hoc Commission committee meetings. Alternate members-commissioners shall receive an equal stipend for attending regular or special meetings irrespective of voting status. Stipends shall also be provided to members in the following cases and in lieu of claiming reimbursements for actual expenses:~~

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

~~Commissioners shall not receive more than five stipends per month.~~

~~3.4 (B) 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 ~~attendance of Commission meetings or~~ performance of other official Commission business, including attendance at CALAFCO conferences or training sessions—~~unless prohibited as provided in Section A.~~ Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

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

### 3.7 ELECTION OF OFFICERS

#### 3.5.

##### A.3.5 (A) Selection and Duties of the Chair

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

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

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

**3.6. 3.8 APPOINTMENT AND DUTIES OF EXECUTIVE OFFICER**

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

**3.7. 3.9 APPOINTMENT AND DUTIES OF COMMISSION COUNSEL**

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

**3.8. 3.10 COMMISSION MEETINGS**

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

**A. Regular Meetings**

Regular meetings of Marin LAFCoO 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 firstsecond Thursday and based on anticipated workload. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings shall be called to order at 7:00 P.M. and held in the Marin Clean Energy's Board Room at 1125 Tamalpais Avenue, San Rafael, unless advertised differently. Notice of all regular meetings shall be provided ahead-no less than 72 hours in advance.~~

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**B-3.8 (A) Special Meetings**

A special meeting may be called at any time by the Chair ~~of the Commission,~~ or by a majority of the members of the Commission. ~~Notice of such meeting must be delivered 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.

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**3.8 (B) Conducting of Meetings**

- 1. **Meeting Quorum:**
  - 3.8 (B)(i) 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~~Rosenberg's Rules of Order~~: 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." on all matters pertaining to parliamentary law, ~~However, but~~ no resolution, proceedings, or other action of the

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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. 1.1 (A) Commission Actions:~~

~~1.1 (A)(ii) 1.1 (A) 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.~~

~~1.1 (A)~~

~~4. Voting Procedures:~~

~~The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member 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. If the roll is not called, in the absence of an objection, the Chair may order a vote by asking "All in favor?", "Commissioners against?" and "Commissioners abstaining?"~~

~~5. 1.1 (A) Consent Calendar:~~

~~1.1 (A) 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.~~

~~6. 1.1 (A) Rosenberg's Rules of Order:~~

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

~~7. Public Participation:~~

~~All meetings of the Commission shall be open to the public and adhere to the requirements of the Ralph Brown Act. Any interested person(s) may address the Commission on matters not included on the agenda as provided by Government~~

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~~Code 554954.3(a). At the request of any Commissioner, public participation may be received regarding non public hearing matters and other items on the agenda of public interest. The Chair may regulate the order of any public testimony and limit the time allowed to each person desiring to speak subject to the assent of a majority of Commissioners present. Upon being recognized by the Chair, persons addressing the Commission may give their name for the record.~~

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

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

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

- ~~1. A request to hold a public workshop in the affected community shall be submitted by the applicant or an affected agency to the Executive Officer for review prior to being forwarded to the Commission for its consideration.~~
- ~~2. Marin LAFCo, at the request of the Executive Officer, may consider holding a public workshop or a public meeting in an affected community for any proposal or special study that is determined to have issues that affect a significant number of Marin County citizens or have significant financial, socio-political or land use considerations to one or more cities or defined communities.~~
- ~~3. Any member of Marin LAFCo at any time may request that the Commission hold a public workshop or a public meeting in an affected community for any proposal or special study. A majority of the Commission shall approve the scheduling of an off-site meeting of the Commission.~~

~~3.9. 3.11 COMMISSION COMMITTEES~~

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

~~A.3.9 (A) Standing Committees~~

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

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**1. Budget and Work Plan:**

**3.9 (A)(i)** This Committee shall review and prepare recommendations on fiscal year work plans and operating budgets for formal presentation and adoption by the Commission in April (proposed) and June (final). The Committee shall include three members (regulars or alternates) that comprise appointments from each funding category on Marin LAFCo (county, city/town, and special district). The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.

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**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.

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**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).

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**3.9 (A)(iv)** Public/Technical Information: This Committee shall review and provide direction to staff on website design and improvements and other social medial communications platforms. The Committee shall also review and provide recommendations to the Commission on recommended capital purchases involving computers and related programs. The Committee shall include three members (regulars or alternates). Termed tasks, including the selection of vendors for specific projects, may be overseen by the Committee on an ad hoc basis.



2. Policy and Personnel

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

3. Legislative

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

4. Public/Technical Information

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

Ad Hoc Committees

B.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. 3.12—BUDGET PROCESS

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

3.10 (A) A—Budget Objectives

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

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**3.10 (B) B. Procedures**

1. ~~Marin LAFCo will appoint a Budget Committee ahead of each new fiscal year to consist of three members. The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.~~
2. 3.10 (B)(i) The 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.
- 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 Auditor, each city/town, and to each independent special district.
- 3.10 (B)(v) The County Auditor shall apportion the net costs of Marin LAFCo's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
- 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 Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(c).
- 3.10 (B)(vii) Marin LAFCo will strive to maintain an unrestricted reserve account balance of approximately 20% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies, and environmental review.
3. ~~Following adoption, Marin LAFCo's proposed budget and workplan will be made available for public review — including direct notices and shall be provided to the Board of Supervisors, to each city/town, and to each independent special district provided to all funding agencies — for a minimum of 45 days.~~

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~~4. Staff will provide an opportunity for informal discussion of the adopted proposed budget within the 45-day circulation period.~~

~~5. Marin LAFCoO 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. A certified copy of the adopted final budget shall be immediately transmitted to the Board of Supervisors, the County Auditor, each city/town, and to each independent special district.~~

~~6. The County Auditor shall apportion the net costs of Marin LAFCoO's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.~~

~~7. If the County, a city/town or an independent special district does not remit its required payment within 60 days of notice, the Executive Officer shall request that the County Auditor collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(4)(c).~~

~~8. Marin LAFCoO will strive to maintain an unrestricted reserve account balance of approximately 20% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies and environmental review.~~

~~C. Implementation~~

~~1. Staff shall prepare and present recommendations for amendments as needed during the fiscal year to help ensure Marin LAFCoO's budgeted expenses and revenues accurately reflect trends and needs.~~

~~2. Staff shall prepare regular reports to Marin LAFCoO during the course of the fiscal year to track the relationship between budgeted and actual transactions as well as to project year-end totals.~~

~~3.11. 3-13—FEE SCHEDULE~~

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

~~3.12. 3-14—PROCUREMENT~~

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

**A. Procurement Objectives**

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

**B. Procedures**

1. The Executive Officer is delegated purchasing authority on behalf of Marin LAFCoO for goods and supplies not to exceed \$3,000 per transaction or

2. The Executive Officer is delegated purchasing authority on behalf of Marin LAFCoO for goods and supplies not to exceed \$5,000 per fiscal year for any one service provider or vendor.

3. The Commission shall approve any purchase of goods, supplies, and/or services that exceed the monetary limits set forth in this section and may choose to

4. Marin LAFCoO shall exercise discretion in determining when it is appropriate to utilize a competitive bid process (i.e., request for proposal) to inform the procurement of goods, equipment, or services. This discretion should be considered any time procurement is reasonably expected to exceed the monetary limits set forth in this section for these purchases at its discretion.

**3.13. 3.15—FINANCIAL ACCOUNTING AND INTERNAL CONTROLS**

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

**3.13 (A) A. Administration**

1.1 (A)(iii) Marin LAFCoO 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)(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.

1.3.13 (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

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subject to the authorization requirements specified in this Policy Handbook

~~2-3.13 (A)(iii)~~ Marin LAFCo shall ~~the~~ use one or more local commercial banks for the purpose of receiving transfers from the account maintained with the County of Marin and its Treasurer Division. ~~These accounts ("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. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook.~~

### **3.13 (B) B. Authorizations and Balance Limits**

~~3.13 (B)(i)~~ **County Account:** All deposits to this account shall be ~~Marin LAFCo shall require all deposits with the County of Marin and its Treasurer Division to be~~ reviewed and approved by the Executive Officer or ~~the Chair (in the absence of the Executive Officer).~~ There shall be no balance limit on this account. ~~Any 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** thereof by either the Chair or Vice Chair. **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 \$3,000.00 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) state below.~~

~~1-3.13 (B)(iii)~~ **Secondary Operating Account:** This account shall serve to expedite payments for budgeted operating costs that are less than \$3,000.00 per occurrence. ~~When book keeping indicates the fund balance for this account will go below zero the staff can transfer The balance limit on this account shall not exceed \$6,000.00 at any one time. Any transfers or related transactions of monies out of this account shall require only the signature of the Executive Officer or the Chair, or in his or her place the Chair or Vice Chair.~~

~~a) There shall be no balance limit on this account.~~

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b) Any transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.

2. Marin LAFCo shall maintain and operate two checking accounts with a local commercial bank as designated by the Commission and termed primary and secondary.

3. Marin LAFCo's primary commercial checking account shall serve as the Commission's main operating fund to make payments and related disbursements on budgeted operating costs that are more than \$3,000.00 per single occurrence.

a) The balance limit on this account shall not exceed the adopted annual operating budget at any one time as set by the Commission.

b) Any transfers or related transactions of monies out of this account shall require two signatures: 1) the Chair or Vice Chair and 2) Executive Officer.

4. Marin LAFCo's secondary commercial checking account shall serve to expedite payments for budgeted operating costs that are less than \$3,000.00 per occurrence.

a) The balance limit on this account shall not exceed \$6,000.00 at any one time.

b) Any transfers or related transactions of monies out of this account shall require only the signature of the Executive Officer, or in his or her place the Chair or Vice Chair.

**C:3.13 (C) Reconciliations and Reporting**

1. Marin LAFCo shall reconcile account statements in QuickBooks on a monthly basis by someone other than the Executive Officer, such as a contract bookkeeper.

2. All checks and payments authorized pursuant to this Policy Handbook shall be reported to the Commission at the next available meeting for formal ratification.

**D:3.13 (D) Check Stock**

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

**E. Petty Cash**

1. Marin LAFCo shall maintain a petty cash account for non-routine purchases and staff reimbursements under \$50.00.

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- a) ~~The account balance shall not exceed \$200.00 at any one time.~~
- b) ~~The Commission Clerk shall be the custodian of the account and responsible for the security and reconciliation of funds.~~
- c) ~~All transactions for the account shall be preapproved by the Executive Officer with the Commission Clerk maintaining a registry with all related receipts, invoices, etc.~~
- d) ~~The Executive Officer shall replenish the account as needed and consistent with the policies and requirements in this Policy Handbook.~~

**3.13 (E) Expenditures and Disbursements**

~~F.~~

3.13 (E)(i) 1. ~~Marin LAFCo shall process all invoices, claims, disbursements, and receipts utilizing its own financial accounting system through QuickBooks. The ~~Excutive Officer~~ ~~Commission Clerk~~ or authorized bookkeeper initiates the payment and the Executive Officer approves, as appropriate, within the confines of the adopted Marin LAFCo budget or by approval of the Commission.~~

3.13 (E)(ii) 2. ~~If a payment is a reimbursable expense to a staff member, prior authorization must be received by the Executive Officer ~~or~~ ~~Commission Chair~~ ~~or Vice Chair~~ before payment can be initiated. If a payment is a reimbursable expense to the Executive Officer ~~or~~ ~~Commission member~~, prior authorization must be received by the Commission Chair ~~or Vice Chair~~.~~

3.13 (E)(iii) 3. ~~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) The Chair, Vice Chair, and Executive Officer are authorized users of the Marin LAFCo credit card(s) and other lines of credit.~~

~~4. All disbursements must include original documentation.~~

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**3.13 (F) G—Revenues**

**1. Agency Contributions**

a) Marin LAFCoO's annual operating budget shall be appropriated among the County of Marin, cities, and independent special districts by the County of Marin Auditor's Office and based on the standard formula provided under Government Code §56381.

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

~~c) All local agency contributions received by Marin LAFCoO shall be deposited with the County of Marin Treasurer Division.~~

**2. Application Fees**

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

**H. Payroll and Benefits Administration**

**3.13 (G) Payroll and Benefits Administration**

1. Marin LAFCoO determines pay and benefits for all employees with consideration given to pay and benefits for comparable positions with the County of Marin. ~~Specific policies and procedures on establishing and amending employee pay and benefits is provided in this Policy Handbook.~~

2. At the present time, and at its sole discretion, Marin LAFCoO utilizes the County of Marin and its contractors (including the Marin County Employee Retirement Association) to administer payroll and benefits.

**I. Fund Balance Designations**

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

**J. Capital Asset Management**

**3.13 (H)**

1.1 (A)(iv) **Capitalization Policy:** Physical assets acquired through purchase or contribution with fair market value in excess of \$1,500.00 are capitalized

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as fixed assets on the financial statements and Capitalized fixed assets are accounted for at their historical costs. ~~if purchased or fair market value.~~ All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.

3.13 (H)(i)

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. ~~This log shall include the following information with respect to each asset:~~

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: ~~Estimated useful lives for common assets follow:~~

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.

~~1.1 (B) a) Physical assets acquired through purchase with unit costs in excess of \$1,500.00 are capitalized as fixed assets on the financial statements.~~

~~b) Physical assets acquired through contribution with fair market unit value in excess of \$1,500.00 are capitalized as fixed assets on the financial statements.~~

~~c) Capitalized fixed assets are accounted for at their historical costs if purchased or fair market value. All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.~~

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

~~a) All capitalized fixed assets shall be recorded in a property log maintained by the Commission Clerk. This log shall include the following information with respect to each asset:~~

- ~~• Date of acquisition.~~
- ~~• Acquisition type (purchase or contribution)~~
- ~~• Description (color, model, serial number)~~
- ~~• Location of asset~~
- ~~• Depreciation/Deprecation method~~
- ~~• Estimated useful life~~

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

~~3. Depreciation/Deprecation Policy~~

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

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

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

~~4. Repairs of Fixed Assets~~

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

~~5. Dispositions of Fixed Assets~~

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

~~3.13 (l) K. Financial Reporting & Annual Audit~~

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~~1. Reporting Policies on Operating Budget~~

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

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~~2. Reporting Policies on Financial Statements~~

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

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~~3. Auditing Policies~~

~~a) Marin LAFCo shall arrange for an annual or biennial audit of its financial statements by an independent accounting firm. The audit report, including the firm's opinion, shall be presented to the Commission for formal receipt acceptance.~~

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~~b) Marin LAFCo shall select a different independent auditor no less than every five years. The Commission may waive this requirement upon a majority vote of the membership at a public meeting.~~

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~~4. Investments~~

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

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### 3.13 (J) M—Fraud Prevention

1. It is the policy of Marin LAFCo to follow ethical, responsible, and reasonable procedures related to purchasing, claims, money management and other financial matters.

2. For purposes of this section, fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury.

3. Each Marin LAFCo employee and Commissioner should be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is suspected or detected shall be reported to the Chair and, alternatively, to the Executive Officer or LAFCo Legal Counsel. Examples may include the terms fraud, defalcation, misappropriation and other fiscal irregularities refer, but are not limited, to any of the following:

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

4. Responsibility for investigating suspected fraudulent acts as defined in the Policy Handbook is dependent upon the suspected fraudulent act, and may be conducted by the Executive Officer, Commission Chair, LAFCo Legal Counsel, and/or other internal or external party as necessary to conduct an investigation.

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5. If an investigation substantiates that fraudulent activity has occurred, the investigating authority will issue a report to the Commission for further action, appropriate party (i.e., Executive Officer, LAFCoO Counsel, Commission Chair, etc.). Further action will be taken in conjunction with the appropriate parties.

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6. Investigation results are confidential and will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons who may be suspected, but subsequently found innocent of wrongful conduct and to protect Marin LAFCoO from potential civil liability.

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**3.14. 3-16—RECORDS RETENTION**

**A. Purpose**

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

**B. Records Retention Schedule**

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

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# CHAPTER FOUR EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS AND OTHER REGULATORY ACTIVITIES

## 4.1. 4.1. GENERAL POLICIES & STANDARDS

### A. Legislative Authority

Marin LAFCo is responsible for regulating local governmental boundaries and municipal service areas in Marin County for purposes of facilitating orderly growth and development. This authority principally involves controlling city and special district boundaries by approving or disapproving proposed changes of organization as defined in this Policy Handbook and Government Code §56021. Marin LAFCo is also authorized to exercise broad discretion in amending as well as establishing conditions in approving changes of organization and outside service extensions as long it does not directly regulate land use density or intensity, subdivisions requirements, or property development.

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

### B. Types of Change of Organization Proposals

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

- 1. Annexations**  
An example of an annexation occurs when territory is legally added to a city or special district's jurisdictional boundary and generally done to facilitate a development project and or establish public services to the affected land.
- 2. Detachments**  
An example of a detachment occurs when territory is legally removed from a city or special district's jurisdictional boundary and usually done in conjunction with a concurrent annexation of the affected land to another city or special district.
- 3. Incorporations**  
An example of an incorporation occurs with the legal formation of a new city and generally done to establish more local control over land use decisions. The minimum requirement of new cities is 500 registered voters.
- 4. Disincorporations**

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

5. Formations

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

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6. Dissolutions

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

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7. Consolidations

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

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8. Mergers

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

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9. Subsidiary Districts

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

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10. Latent Power Activations / Existing Power Divestures

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

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C. Types of Other Proposals

1. Outside Service Extension

An example of an outside service extension is when a city/town or special district requests and receives approval from LAFCo to provide a municipal service by contract or agreement outside its jurisdictional boundary to an individual landowner(s) when annexation is not permissible or desired as provided under Government Code §56133.

4.1 (A) D-Annexation Timing Policy

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

4.1 (B) E-Consolidation Policy

It is the intent of Marin LAFCo to encourage the rationalization 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 general-purpose local government is not practical, Marin LAFCo favors the consolidation or reorganization of small, single-purpose special districts when such consolidation can be shown to reduce aggregate costs of service and/or improve local government accountability.

F-Urban-Centered Policy

4.1 (C)

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

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**G. Establishment of New Local Agencies Policy**

**4.1 (D)**

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.

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#### 4.1 (E) ~~H~~ Agricultural Lands Policies

The following policy statements apply.

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

#### 4.1 (F) ~~J~~ Rezoning 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))

#### 4.1 (G) ~~J~~ County Service Area Policy

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

#### 4.1 (H) Reorganization (Dual Annexation) Policy (As Approved by LAFCo on October 11, 2001)

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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.

**4.1 (H)(i) Policy Intent:** The underlying intents of this policy are to allow Marin LAFCo to:

**4.1 (H)(i)(1)** Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.

**4.1 (H)(i)(2)** 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.

**4.1 (H)(i)(3)** Provide for the orderly implementation of adopted city and special district spheres of influence.

**4.1 (H)(i)(4)** 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.

**4.1 (H)(ii) 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.

**4.1 (H)(iii) 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.

**4.1 (H)(iv) 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.

**4.1 (H)(v) 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

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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.

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4.1 (H)(vi) 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;

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4.1 (H)(vi)(1) The County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area).

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4.1 (H)(vi)(2) All affected agencies have been notified and given adequate time to review and comment on the proposed annexation.

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4.1 (H)(vi)(3) The application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

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#### **4.1 (I) Unincorporated Island Annexation Policy**

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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.

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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).

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Marin LAFCo shall define "substantially surrounded" for purposes of identifying unincorporated islands in Marin County at a later date.

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#### **4.2. ~~K~~ OUTSIDE SERVICE AGREEMENT POLICY**

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##### **4.2 (A) Non-Fire Protection Services**

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**Part One**

**Non-Fire Protection Services**

**General Provisions**

1. 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.

2. 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 affected territory.

**Exemptions**

Specific exemptions to this requirement for Marin LAFCo approval are found under Government Code §56133(e). As provided under Government Code subsection 56133 subsection (e) Marin LAFCo approval is not required for cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries if any of the following conditions apply as determined by the Commission.

3.2 (B)

a) Outside service agreements between two or more public agencies where the contracted service is an alternative or substitute for public service already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. established. established.

b) Outside service agreements involving the transfer of non-potable or non-treated water.

c) Outside service agreements involving the provision of surplus water to agricultural lands, including, but not limited to, incidental residential structures, for projects that serve conservation projects purposes or to directly support agricultural industries.

d) Outside service agreements involving a service that a city, town, or special district was providing on or before January 1, 2001.

A local publicly owned electric utility, as defined by Public Utilities Code §9604, providing electric services that do not involve the acquisition, construction or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

A fire protection contract, as defined in Government Code §56134.

4.2 (A)(i) **Definitions:** Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

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**Applicability Determination**

4.1 (H)(vi)(4) “Service” shall mean any municipal service supporting (directly or indirectly) urban type uses with the referenced exclusion of fire protection.

4.1 (H)(vi)(5) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.

4.1 (H)(vi)(6) “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.

4.1 (H)(vii) **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.

4.1 (H)(viii) **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:

4.1 (H)(viii)(1) 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;

4.1 (H)(viii)(2) 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

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associated funding requirements necessary to provide service to the subject territory; and

4.1 (H)(viii)(3) Any information or associated findings made pursuant to the California Environmental Quality Act.

4.1 (H)(ix) 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:

4.1 (H)(ix)(1) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;

4.1 (H)(ix)(2) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and

4.1 (H)(ix)(3) The consistency of the request with the Commission's adopted policies.

4.1 (H)(x) 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.

4.1 (H)(xi) 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.

4.1 (H)(xii) 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.

4.1 (H)(xiii) 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

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LAFCo shall ratify the Chair's determination at the next regular scheduled meeting.

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- ~~1.1 (A)(i)~~
- ~~4. Cities, towns, and special districts 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 subsection (c).~~
- ~~a) The Commission delegates to the Executive Officer the responsibility to determine whether applicability inquiries made by cities, towns, and special districts qualify as exempted actions under subsection (c).~~
  - ~~b) The Executive Officer shall provide a written response to the affected city, town, or special district on their applicability inquiry within 30 days.~~
  - ~~c) Should the Executive Officer determine an inquiry is not exempt under subsection (c) the affected city, town, or special district shall proceed with submitting a formal approval request with the Commission consistent with these policies.~~

**Submitting a Request**

- ~~5. Requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section shall conform to the following procedures:~~
- ~~a) Requests shall be made only by the affected agency and through their appointed director/manager and filed with the Executive Officer.~~
  - ~~b) Joint requests by two or more affected agencies are permitted.~~
  - ~~c) Requests shall be made in letter form and include all of the following information:~~
    - ~~• 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;~~
    - ~~• 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~~
    - ~~• Any information or associated findings made pursuant to the California Environmental Quality Act.~~

**Request Review**

- ~~6. Marin LAFCo's review and consideration of requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section shall conform to the following procedures:~~

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- a) ~~The Executive Officer shall review and determine within 30 days of receipt whether the applying agency's request is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the affected agency(s) and identify the information needed to deem it complete.~~
- b) ~~Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission. The written report shall address—and among other items—the following three factors:~~
  - ~~The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;~~
  - ~~The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and~~
  - ~~The consistency of the request with the Commission's adopted policies.~~
- c) ~~The Executive Officer shall present their 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.~~
- d) ~~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.~~

#### **Commission Action**

- 7. ~~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.~~
- 8. ~~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.~~
- 9. ~~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.~~

#### **Implementation Definitions**

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

a) —“Service” shall mean any municipal service supporting —directly or indirectly— urban type uses with the referenced exclusion of fire protection.

b) —“New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.

c) —“Extended” shall mean the intensification use of a municipal service provided by a city, 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.

#### 4.1 (I) Fire Protection Services

##### ~~Part Two~~

##### ~~Fire Protection Services~~

##### ~~General Provisions~~

1. — 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 LAFCoO for approval should either of the following conditions apply.

a) — ~~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; or~~

b) — ~~Contracts that changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.~~

2. — A proposed outside contract or agreement for fire protection services in combination with other existing contracts or agreements that triggers either of the two above conditions is subject to approval by Marin LAFCoO.

3. — Contracts or agreements for fire protection services entered into before December 31, 2015 or recipient of LAFCoO approval after December 31, 2015 do not require separate LAFCoO approval due to renewals or renegotiated terms so long as it does not constitute a new 25 percent change in service area or employment status.

4. — Changes in jurisdictional boundary shall be based on acreage differences calculated in MarinMap.

Changes in employment status shall be based on actual and agency wide staffing totals within the affected agencies as of the July 1<sup>st</sup> of the subject fiscal year.

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4.1 (I)(i) **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:

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4.1 (I)(i)(1) 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 MarinMap; or

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4.1 (I)(i)(2) 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 1<sup>st</sup> of the subject fiscal year.

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4.1 (I)(ii) **Definitions:** Marin LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

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4.1 (I)(ii)(1) "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.

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4.1 (I)(ii)(2) "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.

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4.1 (I)(ii)(3) "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.

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4.1 (I)(ii)(4) "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.

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4.1 (I)(ii)(5) "Jurisdictional boundary" shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

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4.1 (I)(iii) 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:

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4.1 (I)(iii)(1) 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 percent change in service area or employment status.

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4.1 (I)(iii)(2) 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.

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4.1 (I)(iii)(3) 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.

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4.1 (I)(iii)(4) Cooperative agreements for wildland fires under Public Resource Code §4143 or 4144.

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4.1 (I)(iii)(5) Contracts or agreements that involve any of the following:

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4.1 (I)(iii)(5)(1) Ambulance services, including billing and related administrative support.

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4.1 (I)(iii)(5)(2) ~~Pre-hospital~~Pre-hospital emergency medical services.

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4.1 (A)(i)(1)(1) Permit and inspection review.

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4.1 (I)(iii)(5)(3)

4.1 (A)(i)(1)(2) Fire alarm system plan reviews and inspections.

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4.1 (I)(iii)(5)(4)

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4.1 (I)(iii)(5)(5) Business and occupancy reviews and inspections.

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4.1 (I)(iii)(5)(6) Vehicle maintenance and repair.

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4.1 (I)(iii)(5)(7) Sharing of management or other personnel between or among two or more agencies in which the contracts

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or agreements do not constitute a 25 percent change in employment status as defined.

4.1 (l)(iii)(5)(8) Sharing or loaning of equipment, facility, or property between or among two or more agencies

4.1 (l)(iii)(5)(9) 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:

4.1 (l)(iii)(5)(9)(1) 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.  
~~4.1 (A)(i)(1)(3)~~

4.1 (l)(iii)(5)(9)(2) 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.

4.1 (l)(iii)(5)(9)(3) The proposed joint-powers authority does not create any conflicts with adopted LAFCo polices or recommendations with respect to fire protection services in Marin County.

4.1 (l)(iii)(5)(9)(4) The proposed joint-powers authority does not create any conflicts with any active reorganization application on file with LAFCo.

4.1 (l)(iii)(5)(9)(5) The total service area for the proposed joint-powers authority does not exceed a resident service population of 50,000.

4.1 (l)(iv) **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

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incomplete, the Executive Officer shall immediately notify the applying agency and identify the information needed to deem it complete.

**4.1 (l)(v) Submitting a Request: Requests shall conform to the following procedures:**

**4.1 (l)(v)(1)** ~~Requests shall be made by a~~An affected agency will make a request by adopted resolution consistent with the direction provided under Government Code §56134 subsection (c) at a noticed public hearing.

Joint requests by two or more affected agencies are permitted.

**4.1 (l)(v)(2)** Requests shall be filed with the Executive Officer and only after both of the following conditions as prescribed under Government Code §56134 subsection (d) have been satisfied. Requests shall also include all the information prescribed under Government Code §56134 (e) in letter form.

**4.1 (l)(v)(3)** Joint requests by two or more affected agencies are permitted.

**4.1 (l)(vi) 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:

**4.1 (l)(vi)(1)** The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;

**4.1 (l)(vi)(2)** The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and

**4.1 (l)(vi)(3)** The consistency of the request with the Commission's adopted policies.

**4.1 (l)(vii) 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.

**4.1 (l)(viii) Commission Action:** Marin LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their

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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.

4.1 (l)(ix) **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.

4.1 (l)(x) **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. add this section consistent with non-fire?

5. ~~by the applying agency,~~

#### **Exemptions**

7. ~~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:~~

~~a) 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.~~

~~b) 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.~~

~~c) Cooperative agreements for wildland fires under Public Resource Code 54143 or 4144.~~

~~d) Contracts or agreements that involve any of the following:~~

~~• Ambulance services, including billing and related administrative support.~~

~~• Pre-hospital emergency medical services.~~

~~• Permit and inspection review.~~

~~• Fire alarm system plan reviews and inspections.~~

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• ~~Business and occupancy reviews and inspections.~~

• ~~Vehicle maintenance and repair.~~

• ~~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.~~

• ~~Sharing or loaning of equipment, facility, or property between or among two or more agencies~~

• 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:

— 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.

— 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.

— The proposed joint powers authority does not create any conflicts with adopted LAFCoO polices or recommendations with respect to fire protection services in Marin County.

— The proposed joint powers authority does not create any conflicts with any active reorganization application on file with LAFCoO.

— The total service area for the proposed joint powers authority does not exceed a resident service population of 50,000.

### Applicability Determination

8. The County, cities, towns, special districts, and State agencies may request at no cost a written response from Marin LAFCoO as to whether any potential new or extended contract or agreement for fire protection is subject or exempt to these proceedings.

a) The Commission delegates to the Executive Officer the responsibility to determine whether applicability inquiries made by the County, cities, towns, special districts, and State agencies are subject or exempt from these proceedings.

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b) The Executive Officer shall provide a written response on the applicability inquiry to the County, city, town, special district, or State agency within 30 days.

c) Should the Executive Officer not determine an inquiry is subject or non-exempted the County, city, town, special district, or State agency shall proceed with submitting a formal approval request with the Commission consistent with these policies.

### Submitting a Request

9. Requests to authorize the County, cities, towns, special districts, or State agencies to provide new or extended fire protection services outside their jurisdictional boundaries under this section shall conform to the following procedures:

a) ~~Requests shall be made by an affected agency by adopted resolution consistent with the direction provided under Government Code §56134 subsection (c).~~

b) ~~Joint requests by two or more affected agencies are permitted.~~

c) ~~Requests shall be filed with the Executive Officer and only after both of the following conditions as prescribed under Government Code §56134 subsection (d) have been satisfied by the applying agency:~~

- ~~The applying agency provides a written agreement validated and executed by each affected public agency and written consent of all recognized employee organizations representing the subject firefighters consenting to the proposed fire protection contract and/or shows proof of notice to all recognized employee organizations representing the subject firefighters no less than 30 days before taking action on the resolution of application.~~

- ~~The applying agency conducts a noticed public hearing in conjunction with taking action on the resolution of application.~~

d) Requests filed with the Executive Officer shall also include all of the information in letter form as prescribed under Government Code §56134 subsection (e).

### Request Review

10. Marin LAFCo's review and consideration of requests to authorize the County, cities, towns, special districts or State agencies to provide new or extended fire protection services outside their jurisdictional boundaries under this section shall conform to the following procedures:

a) The Executive Officer shall review and determine within 30 days of receipt whether the request is complete. ~~If a request is deemed incomplete, the Executive Officer shall~~

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~~immediately notify the applying agency and identify the information needed to deem it complete.~~

- b) ~~Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission. The written report shall address—and in addition to other items—the following three factors:~~
- ~~• The ability of the affected agency to provide the requested service to the subject territory and potential impact on existing service levels;~~
  - ~~• The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and~~
  - ~~• The consistency of the request with the Commission’s adopted policies.~~
- c) ~~The Executive Officer shall present their written report at the next earliest regular meeting for which adequate notice can be provided and no further than 90 days from the date in which the request has been deemed complete.~~
- d) ~~All requests under this section shall be noticed under §56153 and 56154 and considered as part of public hearings.~~

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#### Commission Action

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

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#### Implementation Definitions

14. Marin LAFCoO incorporates the following definitions in administering these policies concerning outside fire protection services under Government Code §56134.

- a) —“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.
- b) —“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.
- c) —“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.
- d) —“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.
- e) —“Jurisdictional boundary” shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

**1. Dual Annexation Reorganization Policy (As Approved by LAFCoO on October 11, 2001)**

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

The additional following policy statements also apply.

**1. Dual Annexation Intent**

—The underlying intents of this policy are to allow Marin LAFCoO to:

- a) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- b) Make boundary decisions in the long term best interests of the efficient delivery of local services and the assignment of appropriate local political responsibility for those services pursuant to Government Code §56001.

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e) Provide for the orderly implementation of adopted city and special district spheres of influence.

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d) Restrict extension of urban services to areas within cities or to unincorporated areas where County adopted planning policies support provision of urban services for that area.

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2. Policy Application

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

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3. LAFCo Procedure

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

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4. Applicant Compliance

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

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a) Filing application for a reorganization that includes annexation to both the special district and the city, or

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b) Filing application for district annexation only with a request for deferral of the Dual Annexation Policy. If the proposal is approved, Marin LAFCo may attach conditions providing for city annexation at a later date.

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5. Request for Delayed Implementation

a) Applicants seeking delayed implementation of the policy shall make the request in writing at the time of application and state the reasons in support of the request.

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b) The applicant's request for deferral will be circulated to all affected agencies for comment for a minimum of 60 days. LAFCo staff will extend the comment period for an additional 30 days at the request of an affected agency.

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

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d) Applicants will retain the option of amending their proposal up to the issuance of the Certificate of Filing (scheduling a hearing before LAFCo) for the proposal.

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**M. Unincorporated Island Annexation Policy**

The following policy statements apply:

1. Marin LAFCo encourages annexations of unincorporated areas or "islands" to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable, Marin LAFCo shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost efficiencies.
2. Marin LAFCo will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under Government Code §§56744 and 56375(m).
3. Marin LAFCo shall define "substantially surrounded" for purposes of identifying unincorporated islands in Marin County at a later date.

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**4.3. 4.2 GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS**

**4.3 (A) Processing Fees**

4.3 (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.

4.3 (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:

4.3 (A)(ii)(1) The estimated hourly cost for Marin LAFCo staff time spent on the application; and

4.3 (A)(ii)(2) The direct cost of processing the application (map and legal description review, notices, postage, copy service, etc.).

**Fee Reduction and Waiver Policy**The following is a step by step guide to the procedures followed by Marin LAFCo in evaluating proposed change of organizations as identified in Section 4.1 of this Policy Handbook

**A. Preliminary Steps**

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

1. Call the Marin LAFCo office for an appointment.
2. The applicant should bring the following information:
  - a) A map of the property and/or affected area.
  - b) General plan and zoning designations.
  - c) Information on development plans, if applicable.
3. Staff will review procedure, applicable spheres of influence, information requirements and processing fees, provide application forms, estimated processing costs, and determine environmental review requirements.

**B. Proposal Submittal**

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

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

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

3. If submitted by petition, it is necessary to submit a copy with original signatures plus additional photocopies as specified on the application instructions. Signature requirements vary depending on the type of proposal; please consult Marin LAFCo staff for details.
4. A map and geographic description of the affected territory/subject property which meet the requirements of the State Board of Equalization. Marin LAFCo staff can provide examples.
5. Copies of any environmental documents associated with the project.
6. Appropriate fee as prescribed by Marin LAFCo's adopted fee schedule.

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7. ~~The following additional information as well as the requirements of Government Code 556700, depending upon the type of proposal, will also be required as part of a complete application:~~

a) ~~If a proposal is submitted by resolution of a public agency, it must include a "plan for providing services" (Government Code 556653). The plan may follow the format provided by Marin LAFCo.~~

b) ~~If the proposal includes annexation to a city, indication that the annexing city has rezoned the property, such as a copy of the city council resolution approving the rezoning.~~

c) ~~If the proposal is for the formation of a special district, the application should include a plan for providing services that gives the following information:~~

- ~~• The statutory section under which the formation is proposed to occur.~~
- ~~• A description of the services to be extended, accompanied by a justification.~~
- ~~• The level and range of the proposed services.~~
- ~~• The schedule for extending services.~~
- ~~• A description of any new facilities or improvements to existing facilities proposed.~~
- ~~• A description of any conditions which the new district would impose or require within its boundaries upon formation.~~
- ~~• An explanation of how district services and facilities would be financed and an operating budget for the proposed district including estimates of revenues and expenditures.~~
- ~~• The rationale for proposed boundaries and discussion of alternative boundaries if applicable.~~

8. ~~If the proposal includes incorporation of a new city/town, a comprehensive fiscal analysis must be included in a complete application and include the following (Government Code 556800(556823.1):~~

a) ~~A description of the local agencies which presently serve the community, with a discussion of the range and level of services currently provided.~~

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~~b) A description of services to be provided by the proposed city/town after incorporation, including the range and level of those services.~~

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~~c) The costs to the proposed city of providing public services and facilities during the three fiscal years following incorporation and the estimated revenues during the same period.~~

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~~d) The effects of the proposed incorporation on the adjacent communities and affected agencies, including the county.~~

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~~e) A rationale for the proposed boundaries and a discussion of possible boundary alternatives.~~

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~~The comprehensive fiscal analysis may be prepared by a qualified consultant for the proponents or under contract to Marin LAFCo. If prepared by or under contract to Marin LAFCo, the costs of the comprehensive analysis may be charged to the proponents. (Government Codes 56383 and 56801 and 56654)~~

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### ~~C. Processing Fees~~

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#### ~~1. Fee Schedule~~

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

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#### ~~2. Review and Amend~~

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~~Marin LAFCo shall regularly review and amend as needed the fee schedule to help ensure an appropriate level of cost recovery and implementation.~~

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#### ~~3. Application Fee Refund~~

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~~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, less:~~

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~~a) The estimated hourly cost for Marin LAFCo staff time spent on the application; and~~

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~~The direct cost of processing the application (map and legal description review, notices, postage, copy service, and etc.), will be refunded.~~

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4.3 (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) has 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.

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#### 4.3 (B) Indemnification Agreement

4.3 (B)(i) 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.

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### 4.4. PROPOSAL REVIEW INVOLVING CHANGE OF ORGANIZATIONS

#### 4.4 (A) Initial Procedures

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

4.4 (A)(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)

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4.4 (A)(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.

4.4 (A)(iii) After submittal, staff will review the proposal materials for completeness and issue a status letter to the applicant within 30 days of receipt. If deemed complete, a Certificate of Filing will accompany the status letter. 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. If the proposal is determined not to be complete, the Executive Officer will transmit that determination to the applicant as part of the status letter specifying those parts of the application that are incomplete and the man

4.4 (A)(iv) Consent of Property Owner in which they can be made complete. (Government Codes §56658(g/h): 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.)

b) 4.4 (A)(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 10 days with any comments the agency may have regarding the application. (Government Code §56663(b))

4. Fee Reduction and Waiver Policy

~~All fees are due with application submittal. The application will not be deemed complete for processing until the application fee is submitted. Marin LAFCo, upon majority vote, may reduce or waive application fees, service charge, or deposit if it finds for:~~

- a) ~~A payment would be detrimental to the public interest. Severe economic hardship cases and Commission determined matters of overriding public benefit.~~
- b) ~~Renewed applications with current information, not previously denied, for which prior processing remains relevant to the renewed application.~~
- c) ~~Notwithstanding the preceding statements, fee reductions shall not be granted for the following reasons:~~
  - ~~Applications conditioned, denied, or previously denied.~~
  - ~~Misinformation provided in the application or by other public agencies, groups, or individuals.~~

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

~~D. Indemnification Agreement~~

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

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

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

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

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4.3. PROPOSAL REVIEW INVOLVING CHANGE OF ORGANIZATIONS

A. Initial Procedures

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

1. ~~Notice of Application – Proposals Submitted by Petition Only~~

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

2. ~~Completeness of the Application~~

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

3. ~~Certificate of Sufficiency~~

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

4. ~~Consent of Property Owners~~

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

~~5. Application Referral/Requests for Information~~

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

~~B.4.4 (B) Proposal Filing~~

~~When a proposal is accepted for filing, the Executive Officer will issue a Certificate of Filing to the applicant. The Certificate of Filing will specify the date upon which the proposal will be heard by Marin LAFCo, which is (Government Code §56658(fg)). The hearing date must be set within 90 days of the date the Certificate of Filing Completion is issued or after the application is deemed to have been accepted, whichever is earlier.~~

~~4.4 (C) Noticing~~

~~4.4 (C)(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.~~

~~4.4 (C)(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).~~

~~4.4 (D) Staff Report and Recommendation~~

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

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## C. Noticing

### 1. Public Notice Without 100% Consent

Notice will be published and posted for proposals for changes of organization wherein there is not 100% written consent of the affected property owners (Government Code §56660-356663). Hearing of the proposal must be given public notice no less than 21 days before the hearing. The notice shall be published in a newspaper of general circulation, posted on the bulletin board for legal notices at the County center and posted on the Marin LAFCo website at <http://lafco.marin.org>. (Government Code §561580-956150-4) Mailed notice shall be given to the County, all affected agencies, the subject agencies, all proponents in the petition, persons requesting special notice, and all landowners and registered voters in the subject area plus a buffer zone of 300 feet surrounding the subject area. (§5Government Code §56157). 6157)

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

### 2. Public Notice With 100% Consent

Notice will not be published or posted for proposals for changes of organization wherein 100% of the affected property owners have consented in writing to the proposed change unless the Commission Executive Officer deems it appropriate relative to local conditions (Government Code §56664-356663).

## D. Staff Report and Recommendation

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

1. Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

2. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative

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~~courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.~~

~~3. — The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.~~

~~4. — The conformity of both the proposal and its anticipated effects with both the adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Government Code §56377.~~

~~5. — The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code §56016.~~

~~6. — The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.~~

~~A regional transportation plan adopted pursuant to Government Code §65080.~~

~~7. — Consistency with city or county general and specific plans.~~

~~8. — The sphere of influence of any local agency which may be applicable to the proposal being reviewed.~~

~~9. — The comments of any affected local agency or other public agency.~~

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10. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for such services following the proposed boundary change.

11. Timely availability of water supplies adequate for projected needs including, but not limited to, the projected needs as specified in Government Code §65352.5.

12. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.

13. Any information or comments from the land owner or landowners owners, voters, or residents of the affected territory.

14. Any information relating to existing land use designations.

15. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Government Code §51178 or maps that identify land determined to be in a state responsibility area pursuant to Public Resources Code §4102, if it is determined that such information is relevant to the area that is the subject of the proposal.

#### 4.5. WITHDRAWAL OF CHANGE OF ORGANIZATION PROPOSALS

Prior to issuance of a Certificate of Filing, **4.4 WITHDRAWAL OF CHANGE OF**

##### **ORGANIZATION PROPOSALS**

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

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

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1. Prior to issuance of a Certificate of Filing, proposals submitted by petition may be withdrawn with the written request of all persons signing the petition of application (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.

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2. Prior to issuance of a Certificate of Filing, proposals submitted by resolution of application may be withdrawn on receipt of a resolution requesting withdrawal from the applicant agency.

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**B. After Certificate of Filing**

**4.6. COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS**

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

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**4.5 COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS**

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

**4.7. RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS**

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**4.7 (A) Allowance**

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**4.6 COMMISSION ACTIONS INVOLVING CHANGE OF ORGANIZATIONS**

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**A. Hearing Actions**

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

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- 1. Approve the proposal as submitted;

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

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

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

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

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

3. If Denied  
 No further proceedings shall be taken on a denied proposal and no similar proposal involving the same or substantially same territory may be initiated for one year after the date of adoption of the resolution terminating proceedings, unless Marin LAFCo waives that stipulation and finds those requirements are as detrimental to the public interest and denies approval "without prejudice". (Government Code §56884)

**4.7 RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS**

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**A. Allowance**

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

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**4.7 (B) Procedure**

**B. Procedure**

The following procedures apply to reconsideration requests:

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

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~~a)~~ Be made in writing.

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~~b)~~ State the specific modification to the resolution being requested.

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~~c)~~ Identify new or different facts that could or applicable new law not have been presented to previously considered by Marin LAFCo, and ~~and~~.

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~~d)~~ Include required processing fees, as per Government Code §56895.

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~~2.~~ Upon receipt of a timely request, the Executive Officer shall immediately suspend conducting authority proceedings until Marin LAFCo acts on the request and shall.

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~~3.~~ The Executive Officer shall place the request on the agenda of the next meeting of Marin LAFCo for which any required notice can be given.

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4. At that meeting, Marin LAFCo shall consider the request and receive any oral or written testimony. Marin LAFCo may continue the hearing for a maximum of 7035 days.

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

#### 4.8. PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

##### 1.1 (B) Delegation of Duties to the Executive Officer

#### 4.8 PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

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

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

#### 4.9. POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

##### 4.9 (A) Latent Power Activations and Service Power Divestitures

4.9 (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.

4.9 (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

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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.

4.1 (B)(i) **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.

4.9 (A)(iii) **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.

## **B. Procedure for Protest Hearings**

The following procedures apply to protest hearings reconsideration requests.

1. Within 35 days of Marin LAFCo's adoption of a resolution making determinations, the Executive Officer shall give notice of the time and place of the protest hearing by mail, publication and posting as required by Government Code §57025 and 57026. The date of the protest hearing shall be set for no less than 1521 days and no more than 60 days from the date that notice is given.
2. Land owners and/or registered voters as specified in the notice of hearing may submit written protest to the Executive Officer at any time between the date of the notice of hearing and prior to the conclusion of the hearing.
3. A protest petition or other written protest may utilize one of the two petition forms (for property owners or registered voters, attached). However, if these forms are not used, the written protest must conform to the requirements of Government Code §57051.
4. At the protest hearing, prior to consideration of protests, the Executive Officer will summarize the action taken by Marin LAFCo in its resolution making determinations. The Executive Officer shall provide reasonable time to hear and receive any oral or written protests, objections or other evidence as provided in Government Code §57050-§57051.
5. The protest hearing may be continued for up to 60 days.
6. Written protest may be withdrawn at any time prior to the conclusion of the protest hearing.
7. Upon conclusion of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn as specified under §57052 and prepare a report to the Commission.

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8. Within 30 days of the protest hearing, Marin LAFCo shall adopt a resolution making findings of the value of protest and taking action to complete or terminate the proposal or to request that the County Board of Supervisors or a city council call an election if needed. The Commission's action shall be determined by the value of the protest and Government Code §57075 through 57087.3, as applicable.

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#### 4.9 FINAL FILING INVOLVING CHANGE OF ORGANIZATIONS

Marin LAFCo's Certificate of Completion is issued by the Executive Officer after the conducting authority proceedings have been conducted and verification is received that conditions required by the Commission's resolution have been fulfilled. The effective date of the change of organization or reorganization is the date the signed Certificate of Completion is filed at the County Recorder's Office unless otherwise specified by the Commission. (Government Code §57202) If the Certificate of Completion has not been filed within one year after Marin LAFCo approves a proposal, the proceeding is deemed terminated/abandoned unless the Commission receives and approves an extension request prior to the expiration of that year. (Government Code §5700156895) 56895)

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The Certificate of Completion including the recording numbers affixed by the County Recorder will be distributed to property owners, affected agencies, County Surveyor, County Assessor, County Auditor, and the State Board of Equalization. The State Board of Equalization will distribute relevant information to the Department of Finance, the Controller and to the Secretary of State, as appropriate. (Government Code §572043, 57203, 4)

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

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

###### 1. Legislative Authority

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

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

Marin LAFCo is responsible for determining latent powers for special districts under the Commission's jurisdiction. Towards this end, Marin LAFCo shall periodically review and update the inventory of functions and services established for each special district as part of its municipal service review study program under Government Code §56430. In conducting such a review, Marin LAFCo may require the special districts to provide current information concerning established functions and services. Marin LAFCo may, after public hearing, remove from its

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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.

#### **4.9 (B) Initiation of Proposals by Marin LAFCo**

**4.9 (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:

**4.9 (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.

**4.9 (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.

**4.9 (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:

**4.9 (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.

**4.9 (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.

**4.9 (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

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district and any additional representatives the Commission deems appropriate.

#### 4.9 (C) Proposals Affecting More than One County

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

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

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

~~• The total estimated cost to provide the new or different function or class of service;~~

~~• The estimated cost of service to district customers;~~

~~• An identification of existing providers (if any) of the new or different function or class of service and the potential fiscal impact to the customers of those existing providers;~~

~~— A written summary of whether the new or different function or class of services or divesture of the power to provide particular functions or classes of services, with all or part of the boundaries, will involve the activation or divesture of the power to provide a particular service or services, service function or functions, or class of service or services.~~

~~• A plan for financing the establishment of the proposed new service; and~~

~~• Alternatives to the proposed provision of the new or different function or class of service by the district;~~

##### 4. ~~Procedures on Request~~

~~All procedures tied to reviewing and acting on a request from a special district to activate a latent power or divest a service power shall follow the steps required change of organization proposals as provided in this Policy Handbook.~~

##### 5. ~~Public Hearing~~

~~Marin LAFCo shall hear and act upon the proposal at a noticed public hearing according to the requirements of Government Code §56824.14. Marin LAFCo may approve or disapprove the proposal with or without amendments, wholly, partially, or conditionally and shall hear and consider the testimony presented by any interested person or organization appearing at that hearing.~~

##### B. ~~Initiation of Proposals by Marin LAFCo~~

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1. Legislative Authority

As provided under Government Code §56375(a), Marin LAFCo is authorized to initiate the following specific types of proposals to change the organization of special districts:

- a) Consolidation of two or more special districts.
  - b) Dissolution of one or more special districts, where another agency or agencies can assume service responsibilities.
  - c) Merger of a special district with a city, where the city encompasses the entire district.
  - d) Establishment of a subsidiary district of a city, where at least 70% of the district's territory and population are within the city.
- Formation of a new district or districts.
- Reorganization which includes two or more of the above changes of organization.
- e) Dissolution of an inactive district.

2. Policy Preference

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

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

3. Implementation Factors

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

- a) Marin LAFCo will consider whether or not to initiate a proposal at a regular public meeting. The Commission will consider a preliminary staff report, which estimates, to the extent possible without a full study, potential service cost savings and which summarizes any other factors which warrant consideration. After reviewing the

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preliminary report, if the Commission decides to proceed, it will adopt a resolution of application pursuant to Government Code §566580056800.

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

c) Marin LAFCo may refer the proposal to a reorganization committee as provided in Government Code §5682756475. As an alternative, the Commission may refer the proposal to an advisory committee composed of a representative from each affected district and any additional representatives the Commission deems appropriate.

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

### C. Proposals Affecting More than One County

#### 1. Legislative Authority

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 ("the Act") 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.

4.9 (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.

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

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4.9 (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.

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4.9 (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.

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4.9 (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.

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4.9 (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.

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4.9 (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.

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4.9 (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.

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4.9 (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.

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2. Transfer of Jurisdiction

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

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### 3. Processing Procedures

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

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

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b) Upon receipt of an application involving territory in another county, Marin LAFCo staff shall immediately forward a copy of the application to the LAFCo of the other affected county. Marin LAFCo staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.

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

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

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

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

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### 4. Referrals from Other LAFCos

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

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# CHAPTER FIVE

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

### 5.1. 5.0 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 needed, 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. Legislative Authority

5.1 (A)(i) 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.

5.1 (A)(ii) 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)(iii) Marin LAFCo’s decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted spheres of influence for the agencies affected by the proposal. Proposals that are not consistent with adopted spheres of influence may not be approved without prior amendment to those spheres of influence unless exempted under State law.

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## 5.1 (B) **Baseline Review Factors**

### **A. Legislative Authority**

1. — Marin LAFCo is responsible for informing its prescribed regulatory activities through a series of planning actions and highlighted by the establishment and update of spheres of influence for all local governmental agencies under Marin LAFCo's jurisdiction. Spheres of influence represent the Legislature's version of urban growth boundary lines and mark the territory Marin LAFCo believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies' spheres of influence with limited exceptions. (Government Code §56425)

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

### **B. Policy Intentions**

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

1. A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Marin LAFCo will use spheres of influence to guide its consideration of proposals to change local government boundaries.
2. Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher level services.
3. Marin LAFCo's decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted spheres of influence for the local government agencies affected by the proposal. Proposals that are not consistent with adopted spheres of influence may not be approved without prior amendment to those spheres of influence unless exempted under State law.

### **C. Baseline Review Factors**

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

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

In addition 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.

#### 5.1 (C) Designation Types and Anticipated Outcomes

#### D. Designation Types and Anticipated Outcomes

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

- 5.1 (C)(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 (C)(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 (C)(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

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government through consolidation, dissolution or establishment as a subsidiary district.

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5.1 (C)(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.

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**5.1 (D) Implementation Objectives**

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

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5.1 (D)(i) Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process relative to meeting existing and future community needs.

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5.1 (D)(ii) Provide for extension of urban services only within adopted spheres of influence unless public health or safety issues warrant extensions under Government Code §56133.

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5.1 (D)(iii) Promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.

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5.1 (D)(iv) Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible given local conditions and circumstances.

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5.1 (D)(v) Assist local agencies in planning the logical and efficient extension of services and facilities to avoid duplication of services.

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5.1 (D)(vi) Assist property owners in anticipating the availability of services in planning for the use of their property.

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5.1 (D)(vii) Provide for the periodic review and possible update of adopted spheres of influence at least once every five years as appropriate beginning January 1, 2008.

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5.1 (D)(viii) Preserve open space and agricultural resources in Marin County.

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**5.1 (E) 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.

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5.1 (E)(i) Developed unincorporated lands located within the sphere of influence of a city/town or special district and which benefit from municipal services provided by such city/town or special district should be annexed to that city/town or special district when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.

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1.1 (A)(i)

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5.1 (E)(ii) In its regular review and update of adopted spheres of influence, Marin LAFCo will identify any instances in which city/town and County general plans are in conflict. Marin LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence.

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5.1 (E)(iii) 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.

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5.1 (E)(iv) 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).

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5.1 (E)(v) 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.

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5.1 (E)(vi) 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.

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5.1 (E)(vii) Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service.

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5.1 (E)(viii) 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.

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5.1 (E)(ix) In designating spheres of influence for local agencies, Marin LAFCo will avoid including territories which will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.

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## **5.2. SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE**

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

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

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5.2 (A)(i) Territory will be considered for inclusion within a city/town's sphere of influence if that city'/town's services can be efficiently extended and are shown to be needed within the next 10 years.

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5.2 (A)(ii) 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)(iii) 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.

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5.2 (A)(iv) Marin LAFCo shall consider the plans and objectives contained within the adopted general plans of the cities/towns and the County of Marin in designating spheres of influence. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Conflicts between city/town and County for unincorporated territory may be identified in the course of sphere of influence studies. Marin LAFCo will specify how those conflicts are addressed in the adoption of spheres of influence.

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5.2 (A)(v) 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.

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### **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) Territory will be considered for inclusion within a special district’s sphere of influence if that special district’s services can be efficiently extended, are consistent with the applicable general plan, and are shown to be needed within the next 10 years.

5.2 (B)(ii) Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government which is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.

5.2 (B)(iii) 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 or thereabouts to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.

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 shall generally cover a five-year period beginning with 2012-2013. The adopted study schedule may be amended by Marin LAFCo from time to time at public hearings to address changes in priorities and/or resources.

5.3 (A)(iv) In adopting or amending the study schedule, Marin LAFCo shall consider the following factors.

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5.3 (A)(iv)(1) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;

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5.3 (A)(iv)(2) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.

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5.3 (A)(iv)(3) Communications and requests from local agencies and the general public.

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5.3 (A)(iv)(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.

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5.3 (A)(v) Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCo shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

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

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5.3 (B)(i) Marin LAFCo will, at any time, receive and schedule a public hearing to consider requests or applications for an amendment to a sphere of influence submitted by any person or by resolution of an affected local agency as required by Government Code §56428.

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5.3 (B)(ii) The request or application for a sphere of influence amendment shall be made in writing and state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.

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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.

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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.

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

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5.3 (C)(i) 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).

5.3 (C)(ii) All approved changes to spheres of influence shall also include 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.

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) Baseline Review Factors**

State law requires Marin LAFCo to consider and include written statements of its determinations with respect to all of the factors outlined in Government Code §56430(a).

##### **5.4 (D) Municipal Service Review Types**

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

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5.4 (D)(i) A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.

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5.4 (D)(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.

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5.4 (D)(iii) An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

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**5.4 (E) Implementation Objectives**

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

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5.4 (E)(i) Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Marin LAFCo.

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5.4 (E)(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 (E)(iii) Serve as the source document for Marin LAFCo to consider subsequent changes in spheres of influence as well as inform future boundary changes and or outside service extensions.

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5.4 (E)(iv) Serve as the source document for Marin LAFCo to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

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**5.4 (F) Action on Municipal Service Reviews**

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

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2. Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that Marin LAFCo does

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not anticipate any change to the agency's boundary (annexations or detachments) or organization (consolidation, dissolution) in the next 5-10 years.

3. Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Marin LAFCo's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.

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

#### **E. Implementation Objectives**

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

1. Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process relative to meeting existing and future community needs.

2. Provide for extension of urban services only within adopted spheres of influence unless public health or safety issues warrant extensions under Government Code §56133.

3. Promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.

4. Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible given local conditions and circumstances.

5. Assist local agencies in planning the logical and efficient extension of services and facilities to avoid duplication of services.

6. Assist property owners in anticipating the availability of services in planning for the use of their property.

7. Provide for the periodic review and possible update of adopted spheres of influence at least once every five years as appropriate beginning January 1, 2009.

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~~8. Preserve open space and agricultural resources in Marin County.~~

~~F. Additional Guidelines~~

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

~~1. Developed unincorporated lands located within the sphere of influence of a city/town or special district and which benefit from municipal services provided by such city/town or special district should be annexed to that city/town or special district when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.~~

~~2. In its regular review and update of adopted spheres of influence, Marin LAFCo will identify any instances in which city/town and County general plans are in conflict. Marin LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence.~~

~~3. Marin LAFCo encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.~~

~~4. In instances in which a city/town requests and/or applies for an amendment to its own sphere of influence in advance of Marin LAFCo's regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).~~

~~5. Marin LAFCo will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.~~

~~6. In reviewing a city/town or special district sphere of influence, Marin LAFCo will exclude lands in agricultural, open space, or serve as community separators, unless special considerations warrant otherwise.~~

~~7. Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service.~~

~~8. Multi-purpose agencies are preferred to limited-purpose agencies. Wherever possible, provision of multiple services by cities/towns will be preferred because~~

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~~general purpose agencies are best equipped to weigh community service priorities and their relationship to growth management and land use planning authority.~~

~~9. In designating spheres of influence for local agencies, Marin LAFCoO will avoid including territories which will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.~~

### **5.1 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE**

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

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

- ~~1. Territory will be considered for inclusion within a city/town's sphere of influence if that city'/town's services can be efficiently extended and are shown to be needed within the next 10 years.~~
- ~~2. Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Marin and independent special districts.~~
- ~~3. Sphere of influence lines adopted by Marin LAFCoO will act to encourage the political and functional consolidation of local government agencies where the boundaries of those agencies divide areas that are otherwise single communities.~~
- ~~4. Marin LAFCoO shall consider the plans and objectives contained within the adopted general plans of the cities/towns and the County of Marin in designating spheres of influence. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Conflicts between city/town and County for unincorporated territory may be identified in the course of sphere of influence studies. Marin LAFCoO will specify how those conflicts are addressed in the adoption of spheres of influence.~~
- ~~5. City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.~~

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

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

~~1. Territory will be considered for inclusion within a special district's sphere of influence if that special district's services can be efficiently extended, are consistent with the applicable general plan, and are shown to be needed within the next 10 years.~~

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~~2. Where a limited purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi purpose government which is capable of assuming the public service responsibilities and functions of that limited purpose special district, the limited purpose special district may be allocated a designation of a zero influence.~~

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~~3. Where two or more limited purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Marin LAFCo determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.~~

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

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

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

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~~1. Marin LAFCo shall adopt a study schedule every five years or thereabouts to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code 556425.~~

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~~2. The study schedule shall be adopted at a public hearing and only after a minimum 21 day notice has been provided by Marin LAFCo to local agencies and the general public for review and comment.~~

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~~3. The adopted study schedule shall generally cover a five year period beginning with 2012-2013.~~



4. The adopted study schedule may be amended by Marin LAFCo from time to time at public hearings to address changes in priorities and/or resources.

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5. In adopting or amending the study schedule, Marin LAFCo shall consider the following factors:

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- a) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
- b) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
- c) Communications and requests from local agencies and the general public.
- d) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five-year period.

6. Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCo shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

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

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1. Marin LAFCo will, at any time, receive and schedule a public hearing to consider requests or applications for an amendment to a sphere of influence submitted by any person or by resolution of an affected local agency as required by Government Code §56428.

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2. The request or application for a sphere of influence amendment shall be made in writing and state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.

3. Minor amendments of adopted spheres of influence may be considered by Marin LAFCo concurrently with a proposal for a change of organization.

4. Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Marin LAFCo's adopted study schedule unless Marin LAFCo determines otherwise.

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

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

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2. All approved changes to spheres of influence shall also include any terms and conditions as determined appropriate by Marin LAFCo.

5.3 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS

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A. Legislative Authority

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

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B. Policy Intentions

1. Marin LAFCo will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Marin County.

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2. Marin LAFCo will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.

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3. Municipal service reviews will be used by Marin LAFCo to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.

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4. Marin LAFCo will generally schedule and prepare municipal service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.

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5. ~~Marin LAFCo will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.~~

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~~C. Baseline Review Factors~~

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

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

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~~D. Municipal Service Review Types~~

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

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

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~~E. Implementation Objectives~~

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

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

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**F. Action on Municipal Service Reviews**

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

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**5.5. GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES**

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**5.5 (A) Special Studies**

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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.

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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.

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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.

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## 5.4 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

### A. Special Studies

1. Marin LAFCoO 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 LAFCoO's regular financial resources and reserves, supervised and controlled by Marin LAFCoO with the advice of affected agencies as deemed appropriate and or necessary by the Commission.
2. In the event that the County of Marin, cities/towns, special districts or civil organizations request Marin LAFCoO 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 LAFCoO will consider management and/or contributing to the cost of the study based on the proposed study's relevance to Marin LAFCoO. Requesting agencies or other potential applicants will be required to pay study costs in excess of those costs to be incurred by Marin LAFCoO in the regular fulfillment of its legislative mandates.
3. Applications for changes of organization requiring extended study in order to provide adequate information to Marin LAFCoO to support its determinations shall be undertaken by the Commission at the expense of the applicant.

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## CHAPTER SIX PERSONNEL POLICES

### 6.1. ADOPTION BY COMMISSION

The following personnel policies were adopted by resolution of the Commission on [date].

### 6.0 GENERAL OBJECTIVES

~~THIS CHAPTER WILL BE ADDED AT A FUTURE DATE BY COMMISSION ACTION.~~

### 6.2. EQUAL EMPLOYMENT OPPORTUNITY POLICY

#### 6.1 (A) Purpose

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

#### 6.1 (B) Equal Employment Opportunity Policy

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

### 6.3. COMPLAINT PROCEDURE

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

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

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

#### 6.4. NEW EMPLOYEES SHALL NOT BE RELATED TO CURRENT EMPLOYEES OR COMMISSION MEMBERS

To the extent permitted by law, the policy of the Commission is that new employees shall not be related to current employees or Commission members. At the time a person is applying for a position with the Commission, the person must identify any individual who is a close relative employed by the Commission. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, and sister-in-law.

#### 6.5. WORKING CONDITIONS

##### 6.5 (A) Purpose

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

##### 6.5 (B) Scope of Policies Governing Employment and Working Conditions

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

#### 6.6. GENERAL HARASSMENT POLICY

Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. Marin LAFCo prohibits the harassment of any of its employees based on an individual's race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability, regardless of whether that harassment is targeted specifically to the employee. Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory

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comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement, directed at an employee because of their race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on Marin LAFCo premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above. Whether or not the offending employee means to offend or believed his or her comments or conduct were welcome is not significant. Rather, the Commission's policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are based on race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation or disability.

### **6.7. SEXUAL HARASSMENT**

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

Prohibited sexual harassment includes unwelcome sexual conduct such as:

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

The Commission's policy rests on the fundamental precept that each employee must treat all others with respect, dignity and professionalism.

Deviation from that standard will not be tolerated. Whether or not the offending employee meant to offend, or believed his or her comments or conduct were welcome, is not significant. Rather, the policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are sexual in nature.

### **6.8. COMPLAINT PROCEDURE**

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

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

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

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

#### **6.9. CONFIDENTIALITY OF PERSONNEL FILES**

California State law states that personnel files shall be kept private and confidential and that no one without a legitimate business reason to do so shall have access to these files without consent from the individual. The Executive Officer and his/her designated staff shall be the only persons allowed to access any individual's file without permission from the individual. Said personnel files shall be kept in a locked file at all times.

#### **6.10. EMPLOYMENT STATUS**

##### **6.10 (A) Pre-Employment Physical Examination**

All offers of employment may be conditioned upon the certification of a qualified physician that the applicant is qualified to do the type of work required by the position being applied for. The Commission may also require an applicant being offered a job to submit to drug screening and, in that case, the offer of employment is contingent upon a negative drug screen result.

##### **6.10 (B) Probationary Period**

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

##### **6.10 (C) 3. Employment Categories**

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

6.10 (C)(i) **Full-Time/Part-Time:** Full-time employees are regularly scheduled to work 37.5 hours or more per week. Part-time employees are regularly scheduled to work fewer than 37.5 hours per week.

6.10 (C)(ii) **Exempt/Non-Exempt:** Each employee will be informed when hired whether he or she is considered a non-exempt or exempt employee under the Fair Labor Standards Act. These categories refer to whether the employee is eligible for FLSA overtime pay. The EXEMPT category applies to certain administrative, professional and executive staff. The NON- EXEMPT category applies to all other employees. Non-exempt employees receive extra pay for overtime work. Exempt employees' salaries already take into account that they sometimes work additional hours.

### 6.11. PERSONAL DATA

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

### 6.12. PERFORMANCE REVIEWS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Ongoing discussions between supervisors and employees about job duties, performance, and the work environment furthers employees' satisfaction with the Commission and the Commission's satisfaction with employees. A formal performance evaluation will be conducted after six months of employment and annually thereafter. The performance review will be the primary determinant of merit-based pay adjustments as recommended by the Executive Officer granted by the Commission.

### 6.13. COMPENSATION AND BENEFITS

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

The County of Marin provides payroll and benefits administration services for Commission employees. Commission employees participate in standard benefit programs offered by the County to County employees. For purposes of equity and administrative convenience, it is the

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intention of the Commission to provide its employees with pay and benefits directly comparable to equivalent positions in the County's employment classification system and to adopt the policies and procedures for accrual and use of annual leave and annual performance review adopted by the County of Marin. A copy of the applicable policies and procedures as published by the County of Marin for its employees is attached to this document and incorporated herein as Attachment 2.

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

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

#### **6.14. WORK ENVIRONMENT**

##### **6.14 (A) Workplace Violence**

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

6.14 (A)(ii) **Prohibited Conduct:** This policy prohibits not only physically violent behavior, but also behavior that is threatening, harassing or intimidating. Prohibited behavior includes, but is not limited to:

6.14 (A)(ii)(1) Possession of firearms, explosives, weapons such as knives, or any other hazardous or dangerous devices on any employer property or at any organization function, whether on or off premises. Additionally, use of any item as a weapon is prohibited.

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6.14 (A)(ii)(2) Disorderly conduct on Commission premises, including fighting, inciting/provoking another to fight, battery, attempted bodily injury, or physically abusing any employee or visitor.

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6.14 (A)(ii)(3) Using abusive or threatening language, coercing, threatening or otherwise harassing any employee or visitor.

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6.14 (A)(ii)(4) Actual or threatened physical violence towards another employee or visitor.

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6.14 (A)(iii) Policy and Response Guidelines: All employees are responsible for reporting any incident involving threats or acts of violence immediately to their supervisor. The matter will be investigated and any appropriate corrective action taken.

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6.14 (A)(iv) Violations of this policy will lead to disciplinary action, up to and including immediate dismissal.

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#### 6.15. NON-FRATERNIZATION POLICY

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

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#### 6.16. PERSONAL CONDUCT AND APPEARANCE

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

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#### 6.17. USE OF TELEPHONE

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

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#### 6.18. INFORMATION SYSTEMS/ELECTRONIC MAIL (E-MAIL)

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The computer and other electronic communications and information systems of the Commission, including voice mail, electronic mail and access to the Internet, are the property of the Commission and should be used for business purposes only. Although employees have passwords that restrict access to their voice mail and computers, the Commission may access any files, voice

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

## **6.19. EMPLOYEE CONDUCT**

### **6.19 (A) Standards of Conduct**

The Commission prides itself on a friendly and flexible environment. As in other organizations, however, order and discipline are essential to the Commission's ability to provide excellent service to the public and other public agencies. Employees are expected to comply with basic standards of conduct and professionalism in the workplace and while conducting Commission business. Although it is impossible to provide a complete list of conduct that is not tolerated at the Commission, the following are examples:

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

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- Possession, distribution, sale or use, or being under the influence of, illegal drugs while on Commission property or Commission business.
- Violation of Commission policy.

**6.19 (B) Attendance and Punctuality**

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

**6.19 (C) Drug and Alcohol Use**

The presence or use of illegal drugs or unauthorized alcohol on Commission premises will not be tolerated. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes. The sale, purchase, transfer, distribution, use or possession of illegal drugs, as defined above, by anyone on Commission premises is prohibited. Moreover, employees are prohibited from reporting to work under the influence of alcohol or illegal drugs.

**6.20. OUTSIDE EMPLOYMENT**

No Commission employee shall be permitted to accept employment in addition to or outside of Commission service if: a) The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or b) The additional or outside employment interferes with the employee's ability to perform his/her Commission job; or c) The nature of the additional or outside employment is such that it will reflect unfavorably on the Commission.

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

**6.21. OUTSIDE INQUIRIES/EMPLOYEE REFERENCES**

All outside inquiries regarding employment references for current or former Commission employees must be directed to the Executive Officer. "Off the record" comments are strictly prohibited. The Commission will release only an employee's job title, salary and dates of employment to third parties unless the employee signs a written authorization to disclose further information about his/her employment. All media inquiries regarding the Commission should be referred to the Executive Officer.

**6.22. LEAVING THE COMMISSION**

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

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

### **6.23. GRIEVANCE PROCEDURE**

#### **6.23 (A) Scope of Grievance Procedure Policy**

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

#### **6.23 (B) Purpose of Grievance Procedure Policy**

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

#### **6.23 (C) Exclusions**

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

#### **6.23 (D) Grievance Procedure Steps**

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

6.23 (D)(ii) **Level II, Appeal of Grievance to the Commission:** If the grievance has not been resolved at the Level I, the grievant must present his/her grievance in writing on a form provided for this purpose (attached hereto as Attachment

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3) to the Chair of the Commission and to the Executive Officer within three (3) working days after the date of the Executive Officer's response to the Level I grievance process.

### 6.23 (E) Procedure

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

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

### 6.23 (F) Procedural Rules

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

## 6.24. DISCIPLINARY ACTIONS

### 6.24 (A) Types of Disciplinary Actions

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

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1. Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to the grievance process set forth in Policy P 118.

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2. Written Reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to the grievance process set forth in Policy P 118.

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3. Disciplinary Suspension: An involuntary absence without pay for a fixed period of time.

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4. Reduction in pay: A reduction in pay for a fixed or indefinite period of time.

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5. Termination: Discharge or removal from Commission service.

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

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**6.24 (B) Reasons for Reprimand, Suspension or Termination**

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

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**6.24 (C) Pre-Disciplinary Notice and Meeting**

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

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**6.24 (D) Disciplinary Appeal**

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An employee may appeal a suspension, reduction in pay or termination to the Commission by presenting the appeal in writing on a form provided for this purpose (attached hereto as

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Attachment 4) to the Chair of the Commission within three working days after receipt of the Executive Officer's notice of final disciplinary action. The Commission shall then hear the appeal in accordance with the procedures set forth in the Commission's Level II Grievance Procedure. The decision of the Commission shall be final.

## 6.25. LAYOFF - AUTHORIZATION

The Commission may lay off any employee because of lack of appropriate funds, curtailment or lack of work, changes in duties or organization, abolition of position or other reasons. When reduction of personnel is necessary, the criteria

Policies, Procedures and Guidelines Page 24 Revised September 2013 for determining employees to be laid off shall be consideration of the work and administrative needs of the Commission as determined by the Executive Officer. Within a classification to be reduced, employees shall be laid off in the following order: (1) temporary employees, (2) part-time employees and then (3) full-time employees.

## 6.26. RECORDS RETENTION

### 6.26 (A) Purpose

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

### 6.26 (B) Records Retention Schedule

The various forms of records created and received by Marin LAFCo shall be retained for minimum time periods as specified in Appendix A. Records extending beyond time periods specified in Appendix A will be subject to disposal. ~~Equal Employment Opportunity Policy~~

#### A. Purpose

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

#### B. Equal Employment Opportunity Policy

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

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

### C. Complaint Procedure

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

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

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

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

To the extent permitted by law, the policy of the Commission is that new employees shall not be related to current employees or Commission members. At the time a person is applying for a position with the Commission, the person must identify any individual who is a close relative employed by the Commission. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, and sister-in-law.

### E. Working Conditions

#### 1. Purpose

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

#### 2. Scope of Policies Governing Employment and Working Conditions

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

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### 3. General Harassment Policy

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Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. Marin LAFCoO prohibits the harassment of any of its employees based on an individual's race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability, regardless of whether that harassment is targeted specifically to the employee. Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement, directed at an employee because of their race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on Marin LAFCoO premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above. Whether or not the offending employee means to offend or believed his or her comments or conduct were welcome is not significant. Rather, the Commission's policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are based on race, religion, color, gender, age, national origin, ancestry, marital status, medical condition, sexual orientation or disability.

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### 4. Sexual Harassment

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

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Prohibited sexual harassment includes unwelcome sexual conduct such as:

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

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The Commission's policy rests on the fundamental precept that each employee must treat all others with respect, dignity and professionalism.

~~Deviation from that standard will not be tolerated. Whether or not the offending employee meant to offend, or believed his or her comments or conduct were welcome, is not significant. Rather, the policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are sexual in nature.~~

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## 5. ~~Complaint Procedure~~

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

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

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

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

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## 6. ~~Confidentiality of Personnel Files~~

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

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

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## F. ~~Employment Status~~

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### 1. ~~Pre-Employment Physical Examination~~

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

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

## 2. Probationary Period

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

## 3. Employment Categories

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

### a. Full Time/Part Time

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

### b. Exempt/Non-Exempt

Each employee will be informed when hired whether he or she is considered a non-exempt or exempt employee under the Fair Labor Standards Act. These categories refer to whether the employee is eligible for FLSA overtime pay. The EXEMPT category applies to certain administrative, professional and executive staff. The NON-EXEMPT category applies to all other employees. Non-exempt employees receive extra pay for overtime work. Exempt employees' salaries already take into account that they sometimes work additional hours.

## 4. Personal Data

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

## 5. Performance Reviews

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Ongoing discussions between supervisors and employees

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about job duties, performance, and the work environment furthers employees' satisfaction with the Commission and the Commission's satisfaction with employees. A formal performance evaluation will be conducted after six months of employment and annually thereafter. The performance review will be the primary determinant of merit-based pay adjustments as recommended by the Executive Officer granted by the Commission.

#### **G. Compensation and Benefits**

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

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

adopted by the County of Marin. A copy of the applicable policies and procedures as published by the County of Marin for its employees is attached to this document and incorporated herein as Attachment 2.

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

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

#### **H. Work Environment**

##### **1. Workplace Violence**

##### **a. Workplace Violence Prohibition**

The Commission is committed to providing a workplace that is free of threats or acts of violence and to protecting its employees from such conduct on its premises. The Commission prohibits any employee from engaging in behavior that is violent, threatening or intimidating, while on duty or on Commission business. This policy applies to all employees, including management and non-supervisory staff. The Commission will not tolerate employees who

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make threats, engage in threatening behavior, or commit acts of violence against others. Such behavior will be subject to disciplinary action up to and including termination. In addition, the Commission is committed to preventing violent or threatening behavior on its premises by non-employees, such as visitors, guests, customers, or family members of its employees.

#### b. Prohibited Conduct

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

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

#### c. Policy and Response Guidelines

All employees are responsible for reporting any incident involving threats or acts of violence immediately to their supervisor. The matter will be investigated and any appropriate corrective action taken.

Violations of this policy will lead to disciplinary action, up to and including immediate dismissal.

#### 2. Non fraternization Policy

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

#### 3. Personal Conduct and Appearance

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

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#### 4. Use of Telephone

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

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

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

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

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

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#### I. Employee Conduct

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##### 1. Standards of Conduct

The Commission prides itself on a friendly and flexible environment. As in other organizations, however, order and discipline are essential to the Commission's ability to provide excellent service to the public and other public agencies. Employees are expected to comply with basic standards of conduct and professionalism in the workplace and while conducting Commission business. Although it is impossible to provide a complete list of conduct that is not tolerated at the Commission, the following are examples:

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

**2. Attendance and Punctuality**

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

**3. Drug and Alcohol Use**

The presence or use of illegal drugs or unauthorized alcohol on Commission premises will not be tolerated. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes. The sale, purchase, transfer, distribution, use or possession of illegal drugs, as defined above, by anyone on Commission premises is prohibited. Moreover, employees are prohibited from reporting to work under the influence of alcohol or illegal drugs.

**4. Outside Employment**

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No Commission employee shall be permitted to accept employment in addition to or outside of Commission service if: a) The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or b) The additional or outside employment interferes with the employee's ability to perform his/her Commission job; or c) The nature of the additional or outside employment is such that it will reflect unfavorably on the Commission.

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

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#### 5. Outside Inquiries/Employee References

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All outside inquiries regarding employment references for current or former Commission employees must be directed to the Executive Officer. "Off the record" comments are strictly prohibited. The Commission will release only an employee's job title, salary and dates of employment to third parties unless the employee signs a written authorization to disclose further information about his/her employment. All media inquiries regarding the Commission should be referred to the Executive Officer.

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#### 6. Leaving the Commission

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

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

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#### J. Grievance Procedure

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##### 1. Scope of Grievance Procedure Policy

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

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##### 2. Purpose of Grievance Procedure Policy

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

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3. Exclusions

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

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4. Grievance Procedure Steps

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a. Level I, Preliminary Informal Resolution

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

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b. Level II, Appeal of Grievance to the Commission

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

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5. Procedure

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

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

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report its recommendations to the Commission for action by the Commission in closed session; or

Take other steps that the Commission deems necessary and appropriate to address the written grievance.

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#### 6. Procedural Rules

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

#### K. Disciplinary Actions

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##### 1. Types of Disciplinary Actions

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

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

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e. ~~Termination:~~ Discharge or removal from Commission service.

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

2. ~~Reasons for Reprimand, Suspension or Termination~~

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

3. ~~Pre-Disciplinary Notice and Meeting~~

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

4. ~~Disciplinary Appeal~~

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

~~Layoff - Authorization~~

~~The Commission may lay off any employee because of lack of appropriate funds, curtailment or lack of work, changes in duties or organization, abolition of position or other reasons. When reduction of personnel is necessary, the criteria~~

~~Policies, Procedures and Guidelines Page 24 Revised September 2013 for determining employees to be laid off shall be consideration of the work and administrative needs of the Commission as determined by the Executive Officer. Within a~~

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classification to be reduced, employees shall be laid off in the following order: (1) temporary employees, (2) part time employees and then (3) full time employees.

### **Section 9. Records Retention**

#### **A. Purpose**

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

#### **B. Records Retention Schedule**

The various forms of records created and received by Marin LAFCo shall be retained for minimum time periods as specified in Appendix A. Records extending beyond time periods specified in Appendix A will be subject to disposal.

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JF

1. Section needs to be updated.
2. Should section C be added to include current staff/legal counsel?
3. See note for new section 2.8 in document for easier way to change this in future.

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MS - This is just a temporary appointment, until the permanent appointment is made, but we will still need to go through the process of noticing it.

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JF – I thought the Committee was going with Mala suggestion of getting ride of Rank Choice since the SDSC has not meet to approve and we would be going with a straight plurality vote with the highest vote in the "first round" being declaired the winner. So I have edited this section accordingly.

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MS - It seems odd to predetermine that a meeting is not feasible. I would recommend deletion.		
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JF - Should change to staff, currently E..O. handles the processing of checks.

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JF - May want to clarify when the election of a new chair occurs at a meeting when do they official take over, right at the moment, end of meeting, some other time.

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JF - May want to change from formal ratification to an information item since these are all past items and in the end if the commission objected to a check/payment by the time the commission meets it would likely be too late to cancel check/payment.

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<b>Page 40: [614] Commented [18]</b>	<b>Unknown</b>	<b>1/1/00 12:00:00 AM</b>
JF - Should this be here? Currently only E.O. does check writing.		
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<b>Page 41: [628] Commented [19]</b>	<b>Unknown</b>	<b>1/1/00 12:00:00 AM</b>
JF - We do not have a petty cash fund should eliminate it. We do have a credit card which is covered below in next section part 3.		
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JF - This section will needed to be updated in the near future once the County gets more information to LAFCo about the new payroll and HR system being set-up.		
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