

# **AGENDA**

## **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

### **REGULAR MEETING OF MAY 19, 2021**

#### **IMPORTANT NOTICE REGARDING THE MAY 19, 2021 COMMISSION MEETING**

The Local Agency Formation Commission for San Bernardino County (LAFCO or Commission) will conduct this meeting virtually by videoconference and/or teleconference in compliance with waivers to certain Brown Act provisions under the Governor's Executive Order N-29-20, and members of the Commission or LAFCO staff will participate in this meeting telephonically or electronically. The public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live, and may provide general comments and comments on specific agenda items, as described below:

#### **Instructions for Viewing or Listening to the meeting:**

Members of the public may:

- Join the virtual meeting on Zoom using the following link: <https://zoom.us/j/89428560422>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 89428560422#
- Watch the meeting via YouTube live stream using the following link:  
[https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

#### **Instructions for Making Comments and Testimony:**

If you wish to make comment on a specific agenda item or a general comment under public comment you can do so by:

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when the item you wish to comment on is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when the item you wish to comment on is being discussed.

Alternatively, if you wish to make written comments on specific agenda items, make general comments, or submit testimony for public hearings, you can send comments and testimony to LAFCO, limited to a maximum of 250 words, by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov), online at [www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx), or by mail to LAFCO, 1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490, for receipt no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

This change in public participation will continue until further notice and supersede any LAFCO standard public comment and testimony policies and procedures to the contrary.

#### **9:00 A.M. – CALL TO ORDER – FLAG SALUTE**

**ANNOUNCEMENT:** Anyone present at the hearing who is involved with any of the changes of organization to be considered and who has made a contribution of more than \$250 in the past twelve (12) months to any member of the Commission will be asked to state for the record the Commission member to whom the contribution has been made and the matter of consideration with which they are involved.

1. Swear in Regular (Supervisor Curt Hagman) and Alternate (Supervisor Dawn Rowe) County Commissioners
2. [Selection of Chair & Vice Chair](#)
3. **PUBLIC COMMENTS ON CLOSED SESSION**
4. **CONVENE CLOSED SESSION**

Conference with Legal Counsel – Initiation of Litigation (Government Code Section 54956.9(d)(4)) - - 1 Potential Case

5. **RECONVENE PUBLIC SESSION**

**CONSENT ITEMS:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

6. [Approval of Minutes for Regular Meeting of March 17, 2021](#)
7. [Approval of Executive Officer's Expense Report](#)
8. [Ratify Payments as Reconciled and Note Cash Receipts for Months of February and March 2021](#)
9. [Consideration of: \(1\) CEQA Exemption for LAFCO SC#464; and \(2\) LAFCO SC#464 – City of Upland Sewer Service Agreement No. 2021-5-01](#)
10. [Review and Approval of Lease Amendment at the Norton Regional Event Center for use of Commission Meetings](#)
11. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**

12. [Third Quarter Financial Review for FY 2020-21](#)
13. [Consideration of: \(1\) CEQA Statutory Exemption for Schedule of Fees, Deposits and Charges Revisions; and \(2\) Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2021](#)
14. [Review and Consideration of Amendments to Policy and Procedure Manual Section III – Human Resources](#)
15. [Review and Adoption of Final Budget for Fiscal Year 2021-22 including the Apportionment for Independent Special Districts, Cities and the County](#)

**DISCUSSION ITEMS:**

16. [Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 - Countywide Service Review for Public Cemetery Districts](#)

17. [Continued Monitoring for the Twentynine Palms Public Cemetery District related to LAFCO 3245 - Countywide Service Review for Public Cemetery Districts](#)
18. [Continued Monitoring from LAFCO 3231 \(Countywide Fire Service Review\) for San Bernardino County Fire Protection District \(Continued from the March 17, 2021 Meeting\)](#)
19. [Adoption of Impartial Analysis for LAFCO 3244 – Reorganization to include Annexation to the Town of Apple Valley and Detachment from County Service Area 70](#)

**INFORMATION ITEMS:**

20. [Legislative Update Report](#)

21. [Executive Officer's Report](#)

22. Commissioner Comments

(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.)

23. Comments from the Public

(By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org), and at the hearing.

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE LOCAL AGENCY FORMATION COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

5/7/21:as

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

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**DATE :** MAY 12, 2021  
**FROM:**  **SAMUEL MARTINEZ, Executive Officer**  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #2 – SELECTION OF CHAIR AND VICE-CHAIR**

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Pursuant to the Commission's Rule of Order #2, the Commission selects its Chair and Vice-Chair annually at the May hearing. The terms of office are for one year and, per its policy adopted by the Commission, the Chair and Vice-Chair may serve no more than two consecutive full terms in those offices.

Any regular voting member of the Commission may be appointed to these positions. It should be noted that Chair McCallon and Vice-Chair Curatalo are completing their second full term of office and are not eligible for reappointment to their current positions per Commission policy.

Staff will be happy to respond to any questions prior to or at the hearing.



**DRAFT**  
**ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

**REGULAR MEETING**

**9:00 A.M.**

**MARCH 17, 2021**

The Commission conducts the meeting virtually by videoconference (via Zoom) and teleconference (via Zoom phone) and broadcast live via YouTube live stream in compliance with the Governor's Executive Order N-29-20 in response to the COVID-19 pandemic.

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Larry McCallon, Chair	Dieter Dammeier
Joe Baca, Jr.	Rick Denison
James Bagley	Steven Farrell
Kimberly Cox	
Dawn Rowe	
Acquanetta Warren	

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Senior Analyst  
Hannah Larsen, Analyst  
Angela Schell, Commission Clerk

**ABSENT:**

**COMMISSIONERS:** James Curatalo, Vice Chair

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:01 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

Chair McCallon makes an announcement regarding the meeting/hearing being conducted via videoconference and teleconference as well as broadcast live via YouTube in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders due to the COVID-19 Coronavirus pandemic.

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Swear In Regular County Commissioner**

*Supervisor Joe Baca, Jr. is sworn in and the oath of office is administered.*

**2. PUBLIC COMMENTS ON CLOSED SESSION**

*No public comment was provided.*

**3. CONVENE CLOSED SESSION – 9:07 A.M.**

- Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, County of San Bernardino Superior Court Case No. CIVDS1906437
- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) – Montecito Equities, Ltd v. San Bernardino Local Agency Formation Commission, County of San Bernardino Superior Court Case No. CIVSB2029401

**4. RECONVENE PUBLIC SESSION – 9:48 A.M.**

*LAFCO Legal Counsel indicates there are no reportable action from Closed Session.*

**CONSENT ITEMS:**

**5. Approval of Minutes for Regular Meeting of March 17, 2021**

**6. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from December 23, 2020 to January 22, 2021 and January 23, 2021 to February 22, 2021

**7. Ratify Payments as Reconciled for the Months of December 2020 and January 2021 And Notice Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of December 2020 and January 2021 and note revenue receipts for the same period.

**8. Review and Approval of Contract with Davis Farr, LLP for Financial Audit Services for the Period FY 2020-21 through Fiscal Year 2023-24**

Recommendation: Staff is recommending that the Commission:

- A. Approve the Contract with Davis Farr, LLP to provide annual Financial Audit Services in the amount not-to-exceed \$34,175 for the four (4) year term, with an additional one (1) year option, at the discretion of the Commission; and,
- B. Authorize the Executive Officer to sign and execute the agreement.

**9. Review and Approval of Cooperative Agreement with the Inland Empire Resource Conservation District related to the Sustainable Agricultural Lands Conservation (SALC) Program and Grant**

Recommendation: Staff is recommending that the Commission:

- A. Approve the Cooperative Agreement with the Inland Empire Resource Conservation District to complete the Planning Grant project that was awarded to this LAFCO by the Department of Conservation for its application of a Sustainable Agricultural Lands Conservation (SALC) Program Planning Grant; and,
- B. Authorize the Executive Officer to sign and execute the agreement.

**10. Consent Items Deferred for Discussion (None)**

*Commissioner Baca Jr. moves the approval of the Consent Items. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Farrell, McCallon, Rowe and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead).*

**PUBLIC HEARING ITEMS:**

- 11. Consideration of: (1) CEQA Categorical Exemption filed by the County of San Bernardino for Tentative Parcel Map No. 20176 to subdivide 17.93 gross acres into three parcels, as CEQA Responsible Agency for LAFCO SC#460; and (2) LAFCO SC#460 – City of San Bernardino Irrevocable Agreement to Annex No. 2020-362 for Sewer Service (APN 0262-042-22)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#460 by taking the following actions:

- 1. For Environmental review as a responsible agency:
  - a. Certify that the Commission, its staff and its Environmental Consultant, have reviewed and considered the Notice of Exemption filed by the County of San Bernardino for Tentative Parcel Map 20176 to create three parcels on approximately 17.93 acres;
  - b. Determine that the Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information adequate for the Commission's use for its authorization of the out-of-agency service agreement;
  - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, Conditions of Approval were adopted, which is the responsibility of the County to implement; and,
  - d. Direct the Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days of this action.

2. Approve LAFCO SC #460 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Tentative Parcel Map 20176, a proposal to create three (3) parcels on Assessor Parcel Number 0262-042-22.
3. Adopt LAFCO Resolution #3327 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of San Bernardino's boundaries.

*Commissioner Warren moves approval of staff recommendations. Second by Commissioner Baca Jr., The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Farrell, McCallon, Rowe and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead).*

**12(a). Proposed Schedule of Fees, Deposits, and Charges for FY 2021/22:**

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2021/22:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2021/22 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the Final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 19, 2021 hearing.

*Commissioner Bagley moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Farrell, McCallon, Rowe and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead).*

**12(b). Proposed Budget and Work Plan for Fiscal Year 2021/22**

Recommendation: Staff recommends that the Commission take the following actions:

1. Adopt the Proposed Budget and Work Plan for Fiscal Year 2021/22 as presented by staff.

2. Direct Staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
3. Schedule a public hearing for May 19, 2021 for formal:
  - a. Approval of the contract amendment with the Inland Valley Development Agency for the Commission's use of the Norton Regional Event Center for Commission meetings.
  - b. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits; and,
  - c. Adoption of the Final Budget for Fiscal Year 2021/22.

*Commissioner Warren moves approval of staff recommendations. Second by Commissioner Rowe. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Farrell, McCallon, Rowe and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead).*

#### **DISCUSSION ITEMS:**

**13. Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Cease further updates for the City of Adelanto, unless otherwise directed by the Commission.

*Public comment was provided by:*

*Ward Komers, Finance Director, City of Adelanto*

*Commissioner Baca Jr., moves approval of staff recommendations. Second by Commissioner Bagley. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Farrell, McCallon, Rowe and Warren.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead).*

*10:27 am – Following the vote on Item 13, Commissioner Warren announces she will be leaving the Zoom meeting.*

**14. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Barstow Fire Protection District/City of Barstow for the July 21, 2021 meeting, unless otherwise directed by the Commission.

*Comment was provided by:*

*Sid Hultquist, Assistant Fire Chief, Barstow Fire Protection District*

*Commissioner Rowe moves approval of staff recommendations. Second by Commissioner Bagley. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Denison, Farrell, McCallon and Rowe.*  
*Noes: None.*  
*Abstain: None.*  
*Absent: Curatalo (Farrell voting in his stead) and Warren\* (Denison voting in her stead).*

**15. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (CONTINUED FROM SEPTEMBER 16, 2020; TO BE CONTINUED TO THE MAY 19, 2021 MEETING)**

Recommendation: Staff recommends that the Commission continue this item to the May 19, 2021 meeting.

*Commissioner Denison moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Denison, Farrell, McCallon, and Rowe.*  
*Noes: None.*  
*Abstain: None.*  
*Absent: Curatalo (Farrell voting in his stead) and Warren\* (Denison voting in her stead).*

**16. Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 – Countywide Service Review for Public Cemetery Districts**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.

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*\*Left Zoom meeting*

2. Schedule an update for the Bartow Cemetery District for the May 19, 2021 meeting, unless otherwise directed by the Commission.

*Commissioner Bagley moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Jr., Bagley, Cox, Denison, Farrell, McCallon, and Rowe.  
Noes: None.  
Abstain: None.  
Absent: Curatalo (Farrell voting in his stead) and Warren\* (Denison voting in her stead).*

## **INFORMATION ITEMS:**

### **17. Legislative Update Report**

Recommendation: Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Indicate its support for AB 1581 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill.
3. On SB 13 (Dodd), either:
  - Indicate its Support, if the bill generally stays the same as currently written and that the anticipated changes will be added as a separate subsection specific to Napa County only; or,
  - Indicate its Opposition, unless amended, if the bill—as currently written—is altered significantly and/or removes San Bernardino County from the entire pilot program.
4. Indicate its support for San Diego LAFCO’s legislative effort to amend Government Code Section 56133(e); and,
5. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

*Commissioner Cox moves approval of staff recommendations. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Denison, Farrell, McCallon and Rowe.  
Noes: None.  
Abstain: Baca, Jr.  
Absent: Curatalo (Farrell voting in his stead) and Warren\* (Denison voting in her stead).*

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\*Left Zoom meeting

**18. Executive Officer's Report**

Executive Officer Samuel Martinez provides his Executive Officer's report.

**19. Commissioner Comments**

Commissioner Rowe stated for the record that her name was not called for the vote on Item 17 and noted for the record her affirmative vote on the item.

**20. Comments from the Public**

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:55 A.M.**

ATTEST:

\_\_\_\_\_  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
LARRY McCALLON, Chair



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : MAY 12, 2021  
FROM: SAMUEL MARTINEZ, Executive Officer   
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #7 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT

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## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from February 23, 2021 to March 22, 2021 and March 23, 2021 to April 22, 2021.

## **BACKGROUND INFORMATION:**

The Commission participates in the County of San Bernardino's Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing periods of:

- February 23, 2021 to March 22, 2021; and,
- March 23, 2021 to April 22, 2021.

Staff recommends that the Commission approve the Executive Officer's expense reports as shown on the attachment.

SM/MT

[Attachment](#)

<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
Larry McCallon	05/19/21

Approving Official (Print & Sign)	Date
Larry McCallon	05/19/21

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DATE : MARCH 12, 2021  
FROM: SAMUEL MARTINEZ, Executive Officer   
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #8 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF FEBRUARY 2021 AND MARCH 2021 AND NOTE  
REVENUE RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the months of February 2021 and March 2021 and note revenue receipts for the same period.

## **BACKGROUND INFORMATION:**

Staff prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the periods of:

- February 1 through February 28, 2021
- March 1 through March 31, 2021

Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.

SM/MT

[Attachment](#)





MONTH OF FEBRUARY 2021 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1900935490	5200	2085	02/03/21	Daily Journal	B3426081	Legal Notice	\$ 2,561.77
1900950084	5200	2085	02/24/21	Daily Journal	B3426077	Legal Notice	\$ 2,112.00
1900935479	5200	2090	02/03/21	JanPro Cleaning	75944	Janitorial Services	\$ 490.00
1900935475	5200	2315	02/03/21	Store Retrieve	0147974	Document Storage	\$ 64.37
1900933503	5200	2335	02/01/21	Kelly Services	01-5797932	Temporary Services	\$ 210.21
1900950091	5200	2400	02/24/21	Best, Best, & Krieger	897471	Legal Services	\$ 185.40
1900950093	5200	2400	02/24/21	Best, Best, & Krieger	897469	Legal Services	\$ 1,942.30
1900950094	5200	2400	02/24/21	Best, Best, & Krieger	897470	Legal Services	\$ 4,047.00
1900950079	5200	2424	02/24/21	Tom Dodson	LAFCO 21-1	Environmental Consulting	\$ 2,842.50
1900935485	5200	2444	02/03/21	Mijac Alarm	467913	Office Alarm, quarterly	\$ 123.00
1900935524	5200	2445	02/03/21	Robert Aldrich	# 3	Supplemental Staffing	\$ 525.00
<b>TOTAL</b>							<b>\$ 15,103.55</b>
MONTH OF FEBRUARY 2021 INTERNAL TRANSFERS PROCESSED							
4101716035	5200	2031	02/01/21	County IT		JAN 2021 Payroll System Services (EMACS)	\$ 47.60
4101716037	5200	2032	02/01/21	County IT		JAN 2021 Virtual Private Network (VPN)	\$ 6.17
4101716037	5200	2032	02/01/21	County IT		JAN 2021 VPN Setup	\$ 277.80
4101716039	5200	2037	02/01/21	County IT		JAN 2021 Dial Tone	\$ 255.06
4101698791	5200	2305	02/01/21	County Purchasing		Staples Surcharge	\$ 5.22
4101716047	5200	2310	02/02/21	County Mail		Mail Services - DEL	\$ 123.50
4101716048	5200	2310	02/02/21	County Mail		Mail Services - FLAT	\$ 116.11
4101716042	5200	2310	02/02/21	County Mail		Mail Services - HAN	\$ 99.78
4101716045	5200	2322	02/01/21	County IT		JAN 2021 Enterprise Printing (EMACS)	\$ 7.14
4101716046	5241	2410	02/01/21	County IT		IT Infrastructure - Period 08	\$ 806.00
4101716046	5200	2415	02/10/21	County Auditor		2020/2021 COWCAP-QTR3	\$ 1,145.22
4101698791	5241	2417	02/01/21	County Purchasing		Enterprise Content Management - Period 08	\$ 157.00
4200070344	5241	2418	02/01/21	County IT		Storage - Tier 1 - Period 08	\$ 211.00
4200070345	5241	2418	02/01/21	County IT		Storage - Tier 3 - Period 08	\$ 192.00
1900947370	5200	2420	02/01/21	County IT		JAN 2021 Wireless Device (Exchange Active Sync)	\$ 17.59
4200070298	5200	2421	02/01/21	County IT		JAN 2021 Desktop Support Services	\$ 1,034.70
4200070303	5200	2445	02/04/21	County ROV		Voter Certification	\$ 104.93
4200070304	5200	2445	02/04/21	County ROV		Voter Certification	\$ 53.00
4200071028	5540	5012	02/01/21	County Purchasing		Staples Purchase	\$ 43.50
<b>TOTAL</b>							<b>\$ 4,703.32</b>
MONTH OF FEBRUARY 2021 CASH RECEIPTS							
4101706756	various		02/02/21	City of San Bernardino		Service Contract 460 Fees and Deposits	\$ 5,580.00
4101706756	4070 9800		02/02/21	City of Ridgecrest		Service Contract 461 Fees	\$ 550.00
<b>TOTAL</b>							<b>\$ 6,130.00</b>

MONTH OF FEBRUARY 2021 INTERNAL TRANSFERRED RECEIVED							
				NONE			
<b>TOTAL</b>							\$ -
COMPLETED BY: MICHAEL TUERPE Senior Analyst						APPROVED BY: SAMUEL MARTINEZ Executive Officer	
							
Date: 5/5/2021						5/5/2021	

MONTH OF MARCH 2021 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1900970365	5200	2085	3/30/2021	Daily Journal	B3444431	Legal Notice	765.60
1900970366	5200	2085	3/30/2021	Daily Journal	B3444435	Legal Notice	1,580.25
1900970367	5200	2085	3/30/2021	Daily Journal	B3442531	Legal Notice	624.80
1900953472	5200	2090	3/2/2021	Jan Pro	76343	Janitorial Services	490.00
1900957922	5200	2305	3/8/2021	Shred-It	8181584312	Document Shredding	19.25
1900954887	5200	2315	3/3/2021	Storetrieve	0149825	Document Storage	64.37
1900957921	5200	2335	3/8/2021	Kelly Services	01-5831626	Temporary Services	100.10
1900970352	5200	2335	3/30/2021	Kelly Services	01-5853206	Temporary Services	180.18
1900970357	5200	2400	3/30/2021	Best, Best, and Krieger	899910	Legal Services	81.80
1900953477	5200	2405	3/2/2021	Davis Farr LLP	9118	Independent Auditor	2,945.00
1900970364	5200	2424	3/30/2021	Tom Dodson	LAFCO 21-2	Environmental Consulting	170.00
1900953463	5200	2445	3/2/2021	Robert Aldrich	# 4	Supplemental Staffing	975.00
1900960476	5200	2445	3/11/2021	James Curatalo	CURATALO3-1-2021	Admin Committee Meeting 3/01/2021	200.00
1900960477	5200	2445	3/11/2021	Larry McCallon	MCCALL3-1-2021	Admin Committee Meeting 3/01/2021	200.00
1900960478	5200	2445	3/11/2021	Dawn Rowe	ROWE3-1-2021	Admin Committee Meeting 3/01/2021	200.00
1900960480	5200	2445	3/11/2021	Acquanetta Warren	WARREN1-21-2021	CALAFCO Strategic Planning Session 3/21/2021	200.00
1900960481	5200	2445	3/11/2021	Acquanetta Warren	WARREN1-22-2021	CALAFCO Board of Directors meeting 01/22/2021	200.00
1900964285	5200	2445	3/17/2021	Kimberly Cox	COX3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964281	5200	2445	3/18/2021	Jim Bagley	BAGLEY3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964286	5200	2445	3/18/2021	Dieter Dammeier	DIETER3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964288	5200	2445	3/18/2021	Rick Denison	DENISON3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964290	5200	2445	3/18/2021	Steven Farrell	FARRELL3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964294	5200	2445	3/18/2021	Larry McCallon	MCCALL3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964296	5200	2445	3/18/2021	Dawn Rowe	ROWE3-17-2021	Commissioner Stipend 3/17/2021	200.00
1900964297	5200	2445	3/18/2021	Acquanetta Warren	WARREN3-17-2021	Commissioner Stipend 3/17/2021	200.00
TOTAL							\$ 10,596.35
MONTH OF MARCH 2021 INTERNAL TRANSFERS PROCESSED							
4101755426	5200	2031	03/01/21	County IT		FEB 2021 Payroll System Services (EMACS)	\$ 54.40
4101755385	5200	2032	03/01/21	County IT		FEB 2021 Virtual Private Network (VPN)	\$ 13.20
4101755427	5200	2037	03/01/21	County IT		FEB 2021 Dial Tone	\$ 255.06
4101766186	5200	2305	03/23/21	County Purchasing		PUR. / STAPLES	\$ 15.29
4101755389	5200	2322	03/01/21	County IT		FEB 2021 Enterprise Printing (EMACS)	\$ 7.14
4101755413	5200	2420	03/01/21	County IT		FEB 2021 Wireless Device (Exchange Active Sync)	\$ 17.59
4101755414	5200	2421	03/01/21	County IT		FEB 2021 Desktop Support Services	\$ 1,069.20
4101755390	5241	2410	03/01/21	County IT		IT Infrastructure - Period 09	\$ 806.00
4101755394	5241	2417	03/01/21	County IT		Enterprise Content Management - Period 09	\$ 157.00
4101755395	5241	2418	03/01/21	County IT		Storage - Tier 1 - Period 09	\$ 211.00
4101755395	5241	2418	03/01/21	County IT		Storage - Tier 3 - Period 09	\$ 192.00
4101766186	5540	5012	03/23/21	County Purchasing		PUR. / STAPLES	\$ 127.44
4200071133	5200	2424	03/01/21	County ROV		NOE - LAFCO SC#461	\$ 50.00



4200073509	5200	2424	03/29/21	County ROV		NOE - LAFCO SC#460	\$ 50.00
4200073525	5200	2424	03/29/21	County ROV		NOE - LAFCO SC#462	\$ 50.00
4200071942	5200	2445	03/01/21	County Auditor		2020 Q4 Tax Filing	\$ 999.60
4200072477	5200	2310	03/09/21	County Mail		Mail Services - HAN	\$ 50.59
4200072488	5200	2310	03/09/21	County Mail		Mail Services - FLAT	\$ 8.94
4200072491	5200	2310	03/09/21	County Mail		Mail Services - DEL	\$ 123.50
TOTAL							\$ 4,257.95
MONTH OF MARCH 2021 CASH RECEIPTS							
4101777201	various		03/24/21	Bighorn Desert-View Water Agency	LAFCO 3249	Application Fees and Deposits	\$ 9,699.00
4101777201	various		03/24/21	Town of Apple Valley	LAFCO 3244	Protest Deposit, Cost Recovery, Mapping Fee	\$ 2,759.63
4101777201	various		03/24/21	City of Fontana	LAFCO 3243	Protest Deposit, Cost Recovery, Mapping Fee	\$ 7,015.83
4101777201	various		03/24/21	City of Rancho Cucamonga	LAFCO 3241	Cost Recovery	\$ 2,864.84
4101777201	various		03/24/21	City of San Bernardino	Service Contract 462	Service Contract Fee	\$ 550.00
TOTAL							\$ 22,889.30
MONTH OF MARCH 2021 INTERNAL TRANSFERRED RECEIVED							
4200072379	4070	9555	03/08/21	County of San Bernardino	LAFCO 3233	Cost Recovery	\$ 1,255.37
TOTAL							\$ 1,255.37
COMPLETED BY: MICHAEL TUERPE					APPROVED BY: SAMUEL MARTINEZ		
			Senior Analyst		Executive Officer		
			Date: 5/5/2021		5/5/2021		



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: LAFCO SC#464 – LAFCO SC#464 – City of Upland  
Sewer Service Agreement No. 2021-5-01

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## **INITIATED BY:**

City of Upland, on behalf of the property owners

## **RECOMMENDATION:**

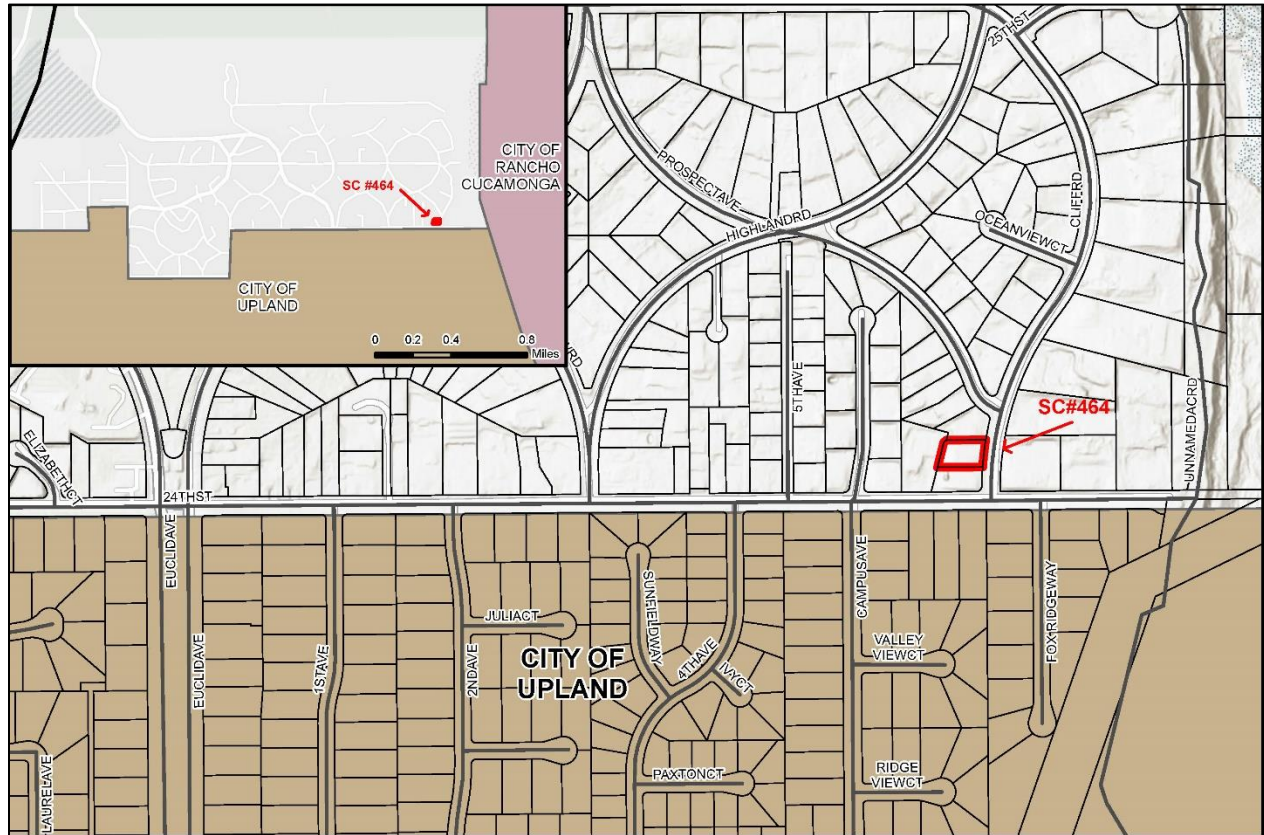
Staff recommends that the Commission approve LAFCO SC#464 by taking the following actions:

1. Certify that LAFCO SC#464 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO SC #464 authorizing the City of Upland to extend sewer service outside its boundaries to Assessor Parcel Numbers 1003-091-47.
3. Adopt LAFCO Resolution #3330 setting forth the Commission's determinations and approval of the agreement for service outside the City of Upland's boundaries.

## **BACKGROUND:**

The City of Upland (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to a parcel, Assessor Parcel Number (APN) 1003-091-47, generally located on the west side of Cliff Road between 24<sup>th</sup> Street and Prospect Avenue within the City of Upland's northern sphere of influence, in the community commonly

known as San Antonio Heights. The map below, which is also included as Attachment #1, provides a location and vicinity map of the site. In addition, Attachment #2 outlines the City's application including a map that provides the location of the infrastructure to be extended.



Vicinity Map

The property owner intends to build a single-family residence on the parcel that requires connection to the City's sewer facilities. Therefore, the City, on behalf of the property owners, has requested that the Commission authorize the extension of sewer service to the parcels pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

### **PLAN FOR SERVICE:**

The City's application identifies that the City would provide sewer service to the parcel through connection to the existing 8-inch sewer main in Cliff Street. A sewer lateral will be extended into the property.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of

service outside the agency's boundaries. The City has submitted an estimated cost of \$12,125 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost	Total Cost
Facility Expansion Fee - City	\$1,305/EDU	\$1,305
Facility Expansion Fee - IEUA	\$6,955/EDU	\$6,955
Reimbursement Agreement (#T11334)		\$3,865
<b>TOTAL</b>		<b>\$12,125</b>

In addition to the cost outlined above, the property owners will bear all costs for the sewer improvements extending from the existing sewer main to the residential structure. Future occupants of the residence will be charged 1.5 times the in-city monthly rate for sewer service. The higher rate charged to outside customers is intended to help offset the costs for service delivery outside the City's corporate boundaries.

#### **ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#464 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the proposal is exempt (under the "Common Sense Rule") from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).

#### **CONCLUSION:**

The purpose of the service contract application is for the City to receive authorization to provide sewer service outside its boundaries via contract to a parcel that requires connection to the City of Upland's sewer facilities. In order for the property owners to build the proposed residence on the parcel, they must show proof of their ability to connect to the City of Upland's sewer facilities—which is the Commission's authorization for this agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Upland outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Upland and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APN 1003-091-47 since its facilities are adjacent to the parcel, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The project area, Assessor Parcel Number (APN) 1003-091-47, is within the sphere of influence assigned the City of Upland and is anticipated to become a part of that City sometime in the future. This parcel will receive water service from the San Antonio Water Company, a mutual water company. The application requests authorization to receive City of Upland sewer service.
2. The City of Upland's Sewer Service Agreement No. 2021-5-01 being considered is for the provision of sewer service to APN 1003-091-47, on the west side of Cliff Road between 24<sup>th</sup> Street and Prospect Avenue within the City of Upland's northern sphere of influence. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request will allow the property owners and the City of Upland to proceed in finalizing the contract for the extension of sewer service.

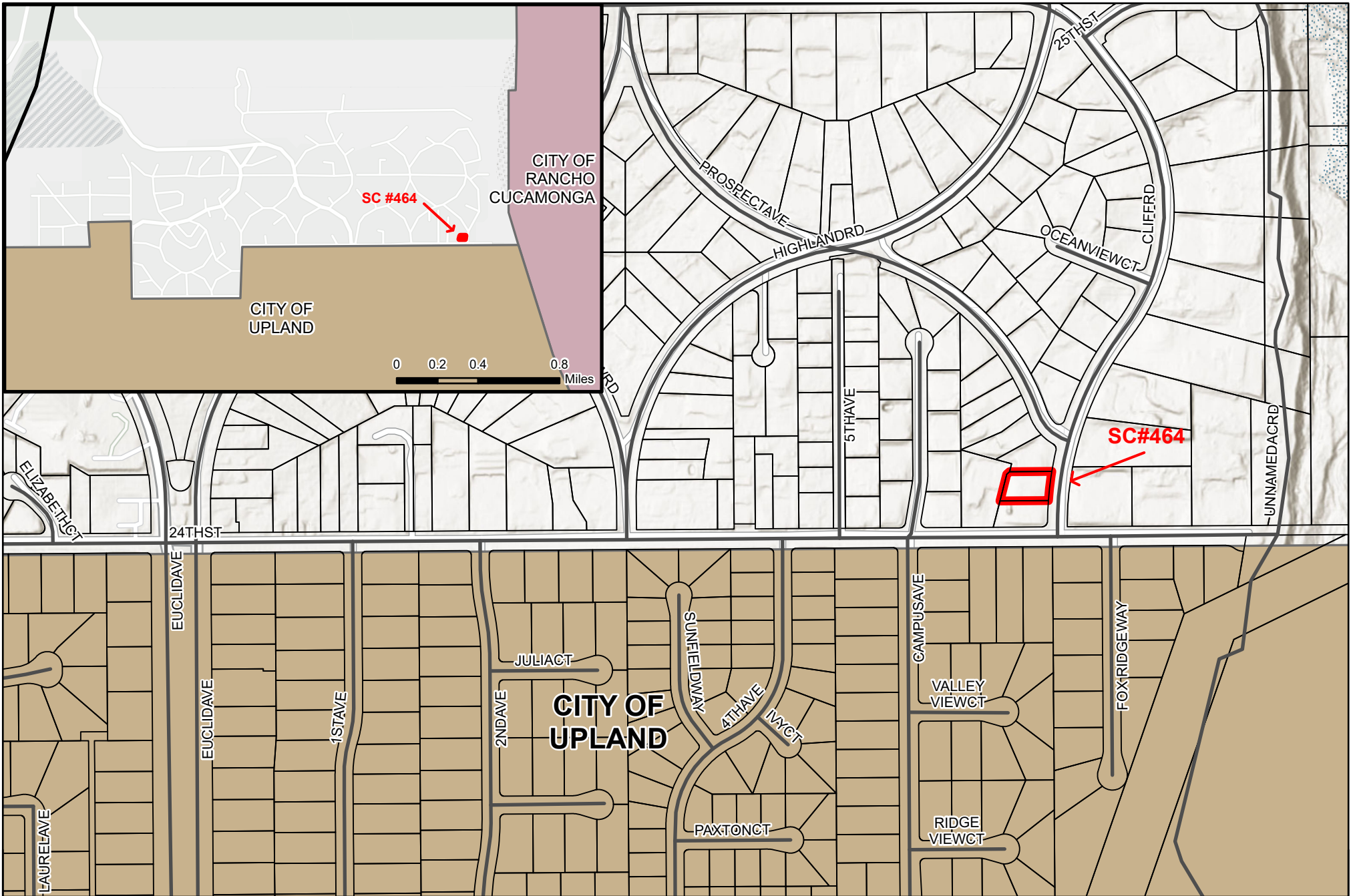
Although the plan is to build a single-family residence on the property, there is no building permit on file with the County Land Use Services Department at this time. Authorization of the agreement is required by the Commission before the City can take the final actions to implement the terms of the agreement.

3. The fees charged this project by the City of Upland for the extension of sewer service are identified as totaling \$12,125 (for a breakdown of charges, see table on page 3). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Upland and recommended that this application is exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

**Attachments:**

1. [Vicinity Map](#)
2. [City of Upland's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3330](#)

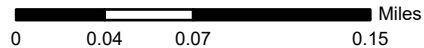




**LAFCO SC#464 - City of Upland Sewer Service Agreement No. 2021-5-01  
(APN 1003-091-47)**



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



APN 1003-091-47



City of Rancho Cucamonga



City of Upland



San Bernardino County



**SAN BERNARDINO LAFCO  
APPLICATION FOR  
EXTENSION OF SERVICE BY CONTRACT**

**RECEIVED**

**APR 08 2021**

*(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)*

**LAFCO**  
**San Bernardino County**

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: City of Upland

CONTACT PERSON: Robert Herbster

ADDRESS: 460 N Euclid Ave.  
Upland, Ca 91786  
(909) 291-2967

PHONE:

EMAIL: rherbster@ci.upland.ca.us

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Charles and Rene Nuno

CONTACT PERSON: Charles Nuno

MAILING ADDRESS: 2033 Lucinda Ave.  
Upland, Ca 91784  
(909) 731-7822

PHONE:

EMAIL: chuck@webricknfire.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 2407 N Cliff Road  
San Antonio Heights 91784

CONTRACT NUMBER/IDENTIFICATION: SSA 2021-5-01

PARCEL NUMBER(S): 1003-091-47-0000

ACREAGE: 0.36

*Extension of Service by Contract*  
*Application Form*  
*SEPTEMBER 2011*

(FOR LAFCO USE ONLY)

The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.  
Sewer and wastewater conveyance services for a proposed single family residential  
structure.  

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- (b) Are any of the services identified above "new" services to be offered by the agency? ☒ YES ☐ NO. If yes, please provide explanation on how the agency is able to provide the service.  
Extension of sewer services in the county unincorporated area has been agreed  
to between the County of San Bernardino and the City under a Memorandum of  
Understanding dated June 13, 1989.  

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2. Is the property to be served within the agency's sphere of influence? ☒ YES ☐ NO
3. Please provide a description of the service agreement/contract.  
The proposed agreement allows the Owners to connect sewer facilities from their proposed  
single-family structure to the City mainline on Cliff Road and for the City the right to collect all  
fees applicable to the proposed development's wastewater and treatment thereof.  

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4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☐ YES ☒ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.  
No; recent discussions with homeowners association and property owners in  
San Antonio Heights indicate their lack of interest ( if not downright opposition )  
to annexation by the City of Upland.  

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*Extension of Service by Contract  
Application Form  
SEPTEMBER 2011*

(FOR LAFCO USE ONLY)

- (b) Is the property to be served contiguous to the agency's boundary?  
☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

Yes; the existing vacant lot is on the west side of Cliff Road and north of

24th Street in San Antonio Heights. The City of Upland boundary is the

centerline of 24th Street.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?

☐ YES ☒ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

Not applicable

to collect all fees applicable to the proposed development's wastewater and treatment thereof

6. (a) What is the existing use of the property?

Single family residential RS-14 M

- (b) Is a change in use proposed for the property? ☐ YES ☒ NO. If yes, please provide a description of the land use change.

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

Single family residential structure



Extension of Service by Contract  
Application Form  
SEPTEMBER 2011

(FOR LAFCO USE ONLY)

8. Are there any land use entitlements/permits involved in the agreement/contract?  
☐ YES ☒ NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

Tentative Tract Map / Parcel Map	<input type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

9. Has the agency proposing to extend service conducted any CEQA review for this contract? ☐ YES ☒ NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

The proposed residential unit will be connected to the existing City of Upland

sewer system (8" VCP sewer main) along Cliff Road. The owner will be

responsible for all of the building connections, and to extend a lateral

west of the property line to make the connection to the City Mainline

on Cliff Road. The owner will pay for the cost of the improvements.

*Extension of Service by Contract*  
*Application Form*  
**SEPTEMBER 2011**

(FOR LAFCO USE ONLY)

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- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
LAFCO Application Fees	\$1060.00	\$1060.00
Deposits:		
Legal Council	\$700.00	\$700.00
Environmental Review	\$700.00	\$700.00
Individual Notice	\$1000.00	\$1000.00
Total Fee and Deposits		\$3460.00
City of Upland Sewer Connection Fees, see attachment	\$12125.24	\$12125.24
<b>Total Costs</b>	<b>\$15585.24</b>	<b>\$15585.24</b>

- (c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3<sup>rd</sup>-party user fees and charges (i.e. fees/charges attributable to other agencies).

The monthly service charge for the sewer users subject to Sewer Service

Agreements are anticipated to be charged 1.5 times the normal rate fees paid by

users within the City Limits to offset costs to provide services outside corp. boundaries.

- (d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

Not applicable

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☒ YES ☐ NO. If yes, has a copy been provided to LAFCO? ☒ YES ☐ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

## CERTIFICATION

As a part of this application, the city of Upland, or the \_\_\_\_\_ district agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

*Extension of Service by Contract  
Application Form  
SEPTEMBER 2011*

(FOR LAFCO USE ONLY)

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED

Robert Herbster

NAME:

Robert Herbster

POSITION TITLE:

Assistant Engineer

DATE:

3/31/21

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission  
215 North D Street, Suite 204  
San Bernardino, CA 92415-0490  
PHONE: (909) 383-9900 • FAX: (909) 383-9901

## SEWER SERVICE AGREEMENT

No. 2021-5-01

THIS AGREEMENT, is entered into this \_\_\_\_ day of \_\_\_\_\_, 2021; by and between Charles and Loretta Nuno, hereinafter referred to as "OWNERS", and the City of Upland, a municipal corporation, hereafter referred to as "CITY".

### WITNESSETH:

WHEREAS, OWNER holds title to the parcels of real property presently located in unincorporated areas of the County of San Bernardino, and the parcels are further described by legal description and San Bernardino County Assessor's Parcel Number 1003-091-47-0000. The subject real property shall be referenced hereafter as the "Land";

WHEREAS, the Land is within the Sphere of Influence of the CITY; and

WHEREAS, the City of Upland and the County of San Bernardino entered into a Memorandum of Understanding on June 13, 1989, allowing the City of Upland to provide sewer service to the county unincorporated area to those requesting it; and

WHEREAS, OWNER desires to obtain sewer service for the Land; and

WHEREAS, sewer service could be provided to said parcels by connecting to the CITY's sewage system, said system otherwise being available only to properties with the City of Upland corporate limits; and

WHEREAS, CITY's sewage system and the regional wastewater treatment plants have sufficient capacity to convey and treat the sewage generated by the Land;

WHEREAS, CITY is willing to allow connection of the Land to its sewage system, due to the fact that the Land is within CITY's Sphere of Influence; and

WHEREAS, the covenants and conditions set forth herein shall create a binding covenant running with the land upon the Land, and shall be fully binding upon OWNER's heirs, successors and assigns.

NOW, THEREFORE, the parties hereto agree as follows:

#### **SECTION I: OWNER Agrees:**

1. To construct, at their own cost and expense, the sewer main extensions and appurtenances thereto, connecting their development to the CITY's sewer system.

2. To pay all fees and charges and make all deposits required by CITY to connect to and use the sewer, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system. The service charge for the sewer users subject to this agreement is anticipated to be 1.5 times the normal rate or fees paid by users within the city limits. The additional monies are required to offset additional costs to provide the services outside of the CITY's corporate boundary.

3. To comply with Section 13.32.140, "General Restrictions and Prohibitions on the Use of the Community Sewers" of the Upland Municipal Code, relating to the discharge of materials into CITY's sewage system, and all other applicable County, State, Federal or district regulations applicable to discharges.

4. To make application to the Local Agency Formation Commission (LAFCO) and pay all applicable fees, for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.

5. To make application to the County of San Bernardino for Road Excavation Permits as applicable and comply with all permit conditions under which the connection shall be made.

6. To make application to CITY for a Sewer Connection Permit and comply with the permit terms and conditions under which the connection shall be made and maintained.

7. That no connection to the CITY system shall occur until all the requirements of this Agreement, including the actions of third parties have been fully completed.

## **SECTION II: CITY Agrees:**

1. To allow the Land to connect to the CITY's sewage system subject to payment of all applicable fees and permits, and further subject to satisfaction of the terms and conditions of this Agreement.

## **SECTION III: Be it Mutually Agreed, as follows:**

- a. City Clerk for CITY shall record the Agreement with the County Recorder.
- b. The benefit to the Land will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and run with the land.
- c. The approval granted to connect said Land to CITY's sewage system is contingent upon OWNER securing final, unappealable approval from the Local Agency Formation Commission.
- d. Indemnification: OWNER shall defend indemnify and save harmless CITY, its elected and appointed officials, officers, agents and employees, from all liability from loss, damage or injury to persons or property, including the payment by OWNER of any and all legal costs and attorney's fees, in any manner arising out of the acts and/or omissions of OWNER pursuant to this Agreement, including, but not limited to, all consequential damages, to the maximum extent permitted by law.
- e. Assignment: No assignment of this Agreement or of any part or obligation of performance hereunder shall be made, either in whole or in part by OWNER without the prior written consent of the CITY.

f. Independent OWNER: The parties hereto agree that OWNER and its employees, officers and agents are independent OWNERS under this Agreement and shall not be construed for any purpose to be employees of CITY.

g. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of California.

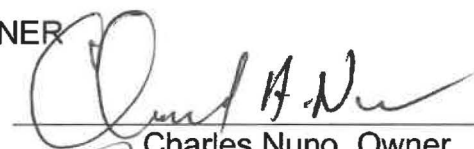
h. Attorney's Fees: In the event any legal proceeding is instituted to enforce any term or provision of the Agreement, the prevailing party in said legal proceeding shall be entitled to recover attorney's fees and costs from the opposing party in an amount determined by the court to be reasonable.

i. Entire Agreement: This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representation by any party, which is not embodied herein, nor any other agreement, statement, or promise not contained in the Agreement shall be valid and binding. Any modification of this Agreement shall be effective only if it is in writing signed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials thereunto duly authorized.

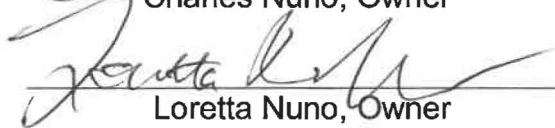
OWNER

By:



Charles Nuno, Owner

By:



Loretta Nuno, Owner

CITY OF UPLAND

By:

Rosemary Hoerning, City Manager for  
Bill Velto, Mayor

ATTEST:

Keri Johnson  
City Clerk



工



This map may represents a visual display of related geographic information. Data provided here on is not guarantee of acutual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.



# TOM DODSON & ASSOCIATES

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Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ Fax: (909) 882-7015 ♦ Email: [tda@tdaenv.com](mailto:tda@tdaenv.com)



May 10, 2021

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#464 for the Commission. LAFCO SC#464 consists of a request by the City of Upland to authorize an out-of-agency wastewater service agreement for a single residential property located just north of the City's incorporated boundary at 2407 Cliff Road. The property owner is constructing a single-family residence and is proposing to connect to an existing City sewer main located immediately adjacent in Cliff Road. The owner will install the lateral connection to the property, which is approximately 50 feet in length.

Based on the above proposal and the findings presented below, it appears that LAFCO SC#464 can be implemented without causing any significant adverse environmental impacts. The administrative record does not identify any action to comply with the California Environmental Quality Act (CEQA) for this proposed project, which consists of the County issuing a building permit. Therefore, LAFCO will consider this extension of service as the CEQA lead agency. Based on the existing developed character of the surrounding land parcels (all residential), this project has no potential to cause a significant adverse impact on the environment.

Therefore, I conclude that LAFCO SC#464 does not constitute a project under CEQA and adoption of the Statutory Exemption (under the "Common Sense" exemption) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061(b)(3) for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#464 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Common Sense finding is based on the following qualifying statement: *"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* The connection of this property to the adjacent Upland sewer main and construction of a single-family residence on the property has no potential to have a significant effect on the environment.

The Commission needs to file a Notice of Exemption (NOE) with the County Clerk to the Board for this action once a decision is made regarding this out-of-area service agreement. Thus, after independent review of this proposed action, this proposed out-of-area service extension does not appear to have any potential to significantly alter the existing physical environment. Since no other project is known to be pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action.

Based on this review of LAFCO SC#464 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the "Common Sense" exemption, as adequate documentation in accordance with the Commission's CEQA lead agency status. If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

LAFCO SC#464 SE Memo

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
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**PROPOSAL NO.: LAFCO SC#464**

**HEARING DATE: MAY 19, 2021**

**RESOLUTION NO. 3330**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#464 – CITY OF UPLAND SEWER SERVICE AGREEMENT NO. 2021-5-01 (ASSESSOR PARCEL NUMBER 1003-091-47)**

**On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_ and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

**WHEREAS**, an application for the proposed service extension in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for May 19, 2021 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

## RESOLUTION NO. 3330

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Agency Formation Commission for San Bernardino County does hereby determine, find, resolve and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The following determinations are noted in conformance with Commission policy:

1. The property, identified as Assessor Parcel Number 1003-091-47, is within the sphere of influence assigned the City of Upland and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Upland sewer service.
2. The City of Upland's Sewer Service Agreement No. 2021-5-01 being considered is for the provision of sewer service to APN 1003-091-47. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owners and the City of Upland to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged this project by the City of Upland for sewer service are identified as totaling \$12,125 (a breakdown of charges is on file in the LAFCO office). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owners shall bear all costs to complete improvements needed to extend the sewer service to the property.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of Upland shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Upland to provide sewer service to Assessor Parcel Number 1003-091-47.

**SECTION 4.** The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#464 –

## RESOLUTION NO. 3330

City of Upland Sewer Service Agreement No. 2021-5-01 (Assessor Parcel Number 1003-091-47), has been approved.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:**

**AYES:**           **COMMISSIONERS:**

**NOES:**            **COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of May 19, 2021.**

**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
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**DATE:** MAY 11, 2021  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10: Review and Approval of Second Amendment to License Agreement with the Inland Valley Development Agency

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## **RECOMMENDATION:**

Staff recommends that the Commission approve the contract amendment with the Inland Valley Development Agency that extends the agreement for another two years and authorize the Executive Officer to sign the Second Amendment to License Agreement.

## **BACKGROUND:**

In July 2017, the Commission approve a two-year agreement with the Inland Valley Development Agency (IVDA) for use of the Norton Regional Event Center Auditorium as its meeting/hearing chambers for FYs 2018 and 2019. The Commission then approved an amendment to the agreement, First Amendment to License Agreement, for the next two years, FYs 2020 and 2021. It should be noted that the Commission did not use the auditorium for the entire FY 2021; however, the Commission is only charged whenever it actually uses the facility.

The attached amendment, Second Amendment to License Agreement, is for another two-year contract, which will be for FYs 2022 and 2023.

## **CONCLUSION:**

Staff is recommending that the Commission approve the Second Amendment to License Agreement and authorize the Executive Officer to sign said agreement. LAFCO staff will be happy to answer any questions on this item prior to or at the hearing.

[Attachments: Second Amendment to License Agreement](#)

**SECOND AMENDMENT TO LICENSE AGREEMENT  
BY AND BETWEEN THE IVDA AND THE  
LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

This **SECOND AMENDMENT TO LICENSE AGREEMENT** (this “**Second Amendment**”) is dated July 1, 2021, by and between the **Inland Valley Development Agency**, a joint powers authority, (**IVDA**) and **Local Agency Formation Commission for San Bernardino County**, (**LICENSEE**).

**BACKGROUND:**

- A. On July 1, 2017, IVDA and LICENSEE entered into a License Agreement for the use of the Norton Regional Events Center Auditorium located at 1601 East Third Street, San Bernardino, CA described in Exhibit “A” of the License Agreement (the Premises).

IVDA and LICENSEE desire to amend the License Agreement as set forth below:

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree to amend the License Agreement as follows:

1. Paragraphs 1. GENERAL INFORMATION FOR LICENSE and 4. TERM, to provide the term to be extended through June 30, 2023.
2. Miscellaneous.
  - a. Full Force and Effect. Except as expressly amended hereby, all other items and terms of the Lease remain unchanged and continue to be in full force and effect.
  - b. Ratification. The Lease as amended and modified hereby, is ratified and confirmed by the parties as being in full force and effect.
  - c. Conflicts. The terms of this Amendment will control over any conflicts between it and the terms of the Lease.

EXECUTED as of the date first above written.

Local Agency Formation Commission for  
San Bernardino County, (**LICENSEE**)

Inland Valley Development Agency, (**IVDA**)

By: \_\_\_\_\_  
Samuel Martinez, Executive Officer

By: \_\_\_\_\_  
Michael Burrows, Chief Executive Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 12, 2021  
FROM: SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: Agenda Item #12: Third Quarter Financial Review for FY 2020-21

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## **RECOMMENDATION:**

Staff recommends that the Commission note receipt of this report and file.

## **SUMMARY:**

### **A. Budget Markers**

The third quarter of Fiscal Year 2020-21 has concluded and staff is presenting the Commission with its third financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (see Attachment) showing the line item expenditures and receipts during the period. The summary table below shows that Total Expenditures are on-track with Second Quarter markers. For Revenues, Fees and Deposits are slightly below the 75% mark. All apportionments were received. The table below is a snapshot through the third quarter.

Expenditures		Revenues	
Salaries and Benefits	63% <i>(on track)</i>	Apportionment	100% <i>(meets goal)</i>
Services and Supplies	72% <i>(on track)</i>	Fees and Deposits	72% <i>(slightly below goal)</i>
<b>TOTAL</b>	<b>66%</b>	<b>TOTAL</b>	<b>96%</b>

### **B. Cash in Treasury**

As of March 31, the Commission's cash in the County Treasury was \$712,786. A breakdown of this amount is shown below. As shown, the Commission is anticipated



to make an additional payment of \$43,852 to SBCERA in June 2021 to reduce its net pension liability.

<b>March 31, 2021 Balance</b>		<b>\$712,786</b>
<b>Cash Balance is composed of the following:</b>		
<b><i>Committed (constrained to specific purposes)</i></b>		
Net Pension Liability Reserve (Account 6010) <i>June 2021 payment to SBCERA</i>		43,852
Compensated Absences Reserve (Account 6030)		142,623
<b><i>Assigned (intended for specific purposes)</i></b>		
Contingency (Account 6000)		18,600
General Reserve (Account 6025)		150,000
<b><i>Remaining Expenditures</i></b>		298,985
<b><i>Remaining Revenues , assumes no proposal activity (shown as negative)</i></b>		(1,000)
<b><i>Refunds &amp; Collections</i></b>		12,761
<b>Projected Carryover or (Deficit)</b>		<b>\$46,965</b>

## **DETAIL:**

The following narrative provides a discussion of expenditures and reserves, revenues received, an update on special project activities, and a breakdown of the fund balance.

### **Expenditures and Reserves**

Expenditures are comprised of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the second quarter, total expenditures are at 66% of Approved Budget authority. No request is being presented by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

#### **1. Salaries and Benefits (1000 series)**

##### **A. Third Quarter**

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$529,293 through the third quarter, representing 63% of Approved Budget authority.

The Clerk and GIS Analyst separated towards the end of the first quarter. At the September meeting, the Commission:

- Approved the reclassification of Angie Schell from Administrative Secretary to Clerk to the Commission. The Administrative Secretary position

remains unfilled, and temporary help is supplementing staffing needs when needed (see Account 2335 – Temporary Services).

- Approved the recruitment for the vacant GIS Analyst position. The new employee started on January 4.

**B. Anticipated**

The remainder of the year is not anticipated to incur activity outside of the budget.

**2. Services and Supplies (2000 and 5000 series)**

**A. Third Quarter**

Through the third quarter, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$251,044, or 72% of Approved Budget authority.

**B. Anticipated**

Anticipated activities for the final quarter include significant expenditures, identified as:

- Office lease and related costs totaling \$25,029.
- Subscription to the County Street Network (\$10,500) for maintenance of digital mapping.
- Payment to SBCERA of \$43,852 as a credit towards paying down LAFCO's share of the Net Pension Liability.

**C. Status of Ongoing Commission-approved Projects and Programs**

The following provides an update on expenditures and progress on projects approved by the Commission.

*Sustainable Agricultural Lands Conservation (SALC) Program*

At the July meeting, the Commission authorized the Executive Officer to submit the SALC Program Planning Grant to the CA Department of Conservation (DOC). LAFCO has finalized contracts with the DOC (grant contract with a start date of May 6) and Inland Empire Resource Conservation District (cooperative agreement setting terms for roles and reimbursement). The next steps are to assign tasks to the approved Work Plan and begin work.

*Service Reviews:*

At the December meeting, the Commission considered the *Countywide Service Review for Public Cemetery Districts*. Pursuant to the service review schedule that the Commission approved in September, staff commenced the park and recreation service review with presentation to the Commission anticipated in November.

*Governance Training Program:*

The year included one course: LAFCO 101. However, due to the pandemic, the Governance Training Program is on hiatus.

*Fiscal Indicators Program:*

The platform of the LAFCO website will not be supported in the coming year or two. Portions of the website will be incompatible with the new website platform, including the Fiscal indicators. The FY 2021-22 Budget allocates funds for a new website.

### **3. Reserves (6000 series)**

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts. At this time, staff is not recommending any budget adjustments; rather, as a part of the year-end financial review staff will recommend the exact budget adjustments.

## **Revenues**

### **1. Revenues through Third Quarter**

The Commission has received 96% of Adopted Budget revenues through the third quarter. The items below outline the revenue activity:

- Interest (Account 8500) – Lower interest rates have yielded minimal investment returns. \$5,973 in interest revenue was earned from the Commission's cash in the County Treasury. It is anticipated that interest rates will remain low for the balance of the year providing limited resources.
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the County, cities, and independent special districts billed by the County Auditor have been received.
- Fees and Deposits (Accounts 9545 – 9800) – Fees and Deposits series of accounts have received 72% of its budgeted revenue (\$84,065). This amount is

made up of a combination of application fees, service contract filing fees and legal cost recovery.

- Carryover from Prior Year (Account 9970)

Prior Year Contingency and Reserve funds have been carried forward, \$278,745.

2. Proposal Activity

The table below identifies the number of proposals and service contracts received through the third quarter: two proposals and ten service contracts.

Activity	Budget	Through March	
		No.	% of Budget
Proposals	9	2	22%
Service Contracts - Commission approval	2	4	200%
Service Contracts - Admin (E.O.) approval	2	6	300%

3. Projected Remaining Activity

Staff is not including any proposals in its year-end projections.

## **CONCLUSION:**

Through the third quarter, expenditures are on track, 100% of the apportionment receipts were received, and proposal activity is less than anticipated. The year is projected to end with a surplus due two large proposals being received as well as cost-savings by not filling the Administrative Assistant position.

As noted earlier, staff is not recommending any budget adjustments at this time; rather, as part of the year-end financial review, staff will recommend the appropriate budget adjustments.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

[Attachment: Spreadsheet of Expenditures, Reserves, and Revenues](#)

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	APPROVED FY 20-21	AMOUNT THRU 2ND Q	JAN	FEB	MARCH	AMOUNT THRU Q3	% THRU Q3
	<b>SALARIES AND BENEFITS</b>									
1010	Earnable Compensation	503,704	485,548	507,972	232,362	30,543.00	32,207.53	31,024.21	326,137	64%
1030	Auto and Cell Phone Allowances	19,269	9,735	9,485	4,900	700.00	700.00	700.00	7,000	74%
1035	Overtime				3				3	
1045	Termination Payment				1,839				1,839	
1110	General Member Retirement	173,050	185,575	183,251	81,028	11,114.74	11,652.21	11,229.05	115,024	63%
1130	Survivors Benefits	179	176	183	72	9.45	10.80	10.80	103	56%
1135	Retirement Subsidy (no longer active)	1,995			-				-	
1200	Medical Premium Subsidy	53,970	55,906	55,860	23,721	2,999.75	3,253.08	3,253.08	33,227	59%
1205	Long-Term Disability	1,068	1,110	1,184	489	65.35	70.66	70.88	696	59%
1207	Vision Care Insurance	782	779	812	308	40.46	46.24	46.24	441	54%
1215	Dental Insurance Subsidy	1,230	1,237	1,282	503	66.22	66.22	56.76	693	54%
1222	Short-Term Disability	4,990	5,636	6,072	2,462	326.58	353.80	354.84	3,497	58%
1225	Social Security Medicare	6,277	5,827	6,170	2,719	359.16	363.36	365.84	3,807	62%
1235	Workers' Compensation	3,019	1,152	5,266	2,534				2,534	48%
1240	Life Insurance & Medical Trust Fund	9,251	9,906	11,853	4,895	662.17	663.86	665.49	6,887	58%
1305	Medical Reimbursement Plan	3,900	5,496	6,392	1,646	186.66	186.66	186.66	2,206	35%
1310	Annuitant Employee Medical (no longer active)	3,774			-				-	
1314	457/401a Contribution	2,695	2,929	3,378	1,436	196.70	219.62	220.09	2,073	61%
1315	401k Contribution	35,173	37,051	39,482	16,719	2,072.32	2,255.68	2,079.74	23,127	59%
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 824,325</b>	<b>\$ 808,062</b>	<b>\$ 838,641</b>	<b>\$ 377,637</b>	<b>\$ 49,342.56</b>	<b>\$ 52,049.72</b>	<b>\$ 50,263.68</b>	<b>\$ 529,293</b>	<b>63%</b>
	Staffing (Full time equivalent units)	5.25	5.0	5.0						
	<b>SERVICES AND SUPPLIES</b>									
	<b>General Services &amp; Supplies</b>									
2031	Payroll System Services (County IT)		654	826	333	40.80	47.60	54.40	476	58%
2032	Virtual Private Network (County IT)						283.97	13.20	297	
2033	Network Labor Services (County IT)				1,006				1,006	
2037	Dial Tone (County IT)	\$ 3,593	3,148	3,434	1,275	255.06	255.06	255.06	2,040	59%
2041	Data Line	8,644	7,598	8,400	5,170	673.00		1,352.58	7,196	86%
2043	Electronic Equipment Maintenance (County IT)	92	-	-	-				-	
2075	Membership Dues	10,303	11,822	12,039	12,144				12,144	101%
2076	Tuition Reimbursement	-	999	1,000	-				-	0%
2080	Publications	2,723	3,448	3,343	1,484	749.07		749.07	2,982	89%
2085	Legal Notices	21,188	12,180	11,250	8,069	1,801.14	4,673.77	2,970.65	17,514	156%
2090	Building Expense	6,466	7,627	7,000	3,630	835.00	490.00	490.00	5,445	78%
2115	Computer Software	3,054	2,259	3,054	184				184	6%
2135	Utilities		2,557		-				-	

## Attachment #1

## Budget Spreadsheets

[illegible]

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	APPROVED FY 20-21	AMOUNT THRU 2ND Q	JAN	FEB	MARCH	AMOUNT THRU Q3	% THRU Q3
	<b>RESERVES (Increases)</b>									
6000	Contingency (Assigned)									
6010	Net Pension Liability Reserve (Committed)			43,852						
6025	General Reserve (Assigned)									
6030	Compensated Absences Reserve (Committed)			32,477						
6035	Salary Reserve for Extra Pay Period (Committed)									
<b>TOTAL CONTINGENCIES &amp; RESERVES</b>		\$ -	\$ -	\$ 76,329	\$ -	\$ -	\$ -	\$ -	\$ -	0%
<b>TOTAL APPROPRIATION</b>		\$ 1,299,670	\$ 1,231,546	\$ 1,265,951	\$ 537,540	\$ 99,568.98	\$ 76,806.03	\$ 66,421.13	\$ 780,337	62%

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	APPROVED FY 20-21	AMOUNT THRU 2ND Q	JAN	FEB	MARCH	AMOUNT THRU Q3	% THRU Q3
	CONTRIBUTION REVENUES									
	Use of Money:									
8500	Interest	16,191	16,325	19,000	4,288	1,684.68			5,973	31%
	Mandatory Contribution from Governments:									
8842	Apportionment	1,105,497	1,090,497	1,120,497	756,998	363,499.00			1,120,497	100%
	Fees and Deposits (Current Services):									
9545	Individual Notice	8,916	7,429	11,000	3,000		1,000.00	1,000.00	5,000	45%
9555	Legal Services	70,067	18,404	19,400	10,311		700.00	2,434.63	13,446	69%
9595	Protest Hearing	3,000		6,000	6,340			4,255.37	10,595	177%
9655	GIMS Fees	825	1,605	765	2,075			2,285.00	4,360	570%
9660	Environmental	10,619	10,245	10,400	2,700		700.00	5,455.83	8,856	85%
9800	LAFCO Fees	69,389	93,422	68,889	29,365		3,730.00	8,713.84	41,809	61%
	Total Fees and Deposits	162,816	131,105	116,454	53,791	-	6,130.00	24,144.67	84,065	72%
	TOTAL CONTRIBUTION REVENUES	1,284,504	1,237,927	1,255,951	815,077	365,183.68	6,130.00	24,144.67	1,210,535	96%
	OTHER REVENUES									
9910	Prior Year Activity (refunds, collections)	\$ (373)							-	
9930	Miscellaneous Revenues	265	685		2,657.98				2,658	
9970	Carryover of Open Proposals/Projects	(50)	116	10,000	1,122.84				1,123	11%
9970	Carryover from Prior Year, Assigned	50							-	
9973	Stale-dated Checks	1,000	38		60.00				60	
9970	SBCERA Contributions	(184,963)	(42,500)						-	
	TOTAL OTHER REVENUES	(184,071)	(41,661)	10,000	3,841	-	-	-	3,841	38%
	TOTAL REVENUES	\$ 1,100,434	\$ 1,196,266	\$ 1,265,951	\$ 818,918	\$ 365,183.68	\$ 6,130.00	\$ 24,144.67	\$ 1,214,376	96%



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #13 – REVIEW AND ADOPTION OF SCHEDULE OF FEES,  
DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2021

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. For Environmental review:
  - a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
    - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
    - ii. The rates and charges identified in the Schedule are for the purpose of:  
(1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.
  - b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2021.
3. Adopt LAFCO Resolution No. 3331 reflecting the Commission's determinations related to the Schedule.

**BACKGROUND:**

At the March 17 hearing, LAFCO staff presented the Commission with its recommended changes to the existing Schedule of Fees, Deposits and Charges ("Schedule"), and the Commission adopted the proposed Schedule (Attachment #1). On April 20, a copy of the proposed Schedule was forwarded to the County, the cities/towns, and the independent special districts for review and comment with a response requested by May 11. As of the date of this report, no comments have been received. However, if staff receives comments prior to the hearing they will be provided to the Commission along with staff's response at the hearing.

**ENVIRONMENTAL REVIEW:**

As for environmental review, the California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide a statutory exemption for the review and modification of fee and rate schedules. Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines require that the Commission make findings regarding such an exemption indicating specifically the basis for the claim of exemption. Staff recommends that the Commission make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:

- a) Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
- b) The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

Staff recommends that the Commission determine this action is statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission is required to file a Notice of Exemption with the Clerk to the Board within five working days of its action to approve the Schedule modifications. The environmental determination is included as Attachment #2.

**CONCLUSION:**

Staff recommends that the Commission adopt the revised Schedule, as presented, with an effective date of July 1, 2021, by taking the recommended actions outlined on page 1.

Attachments:

- 1. [Revised Schedule of Fees, Deposits, and Charges](#)
- 2. [Environmental Determination](#)
- 3. [Draft Resolution No. 3331](#)

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

## **SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2021**

The submission of an application to the Local Agency Formation Commission ("LAFCO") is not officially accepted for processing until the filing fees and deposits have been received (Gov't. Code §56383). Filing Fees are for the Commission's and staff's costs. Deposits are for the recovery of outside costs for such items as LAFCO Legal Counsel, environmental review, individual notification, and protest proceedings, etc. In addition, certain fees and charges are required at the conclusion of the application process and must be received prior to its official completion.

### **Financial Policies for Application Processing**

Refer to Attachment A for the Commission's policies related to waivers and reductions of processing fees, filing fee refund if an application is withdrawn, indemnification, and responsibility for payment of special legal counsel costs. The Indemnification Policy is identified below.

#### Indemnification Policy

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

### **Annual Review and Adjustment**

The Fees are adjusted annually to increase with the Consumer Price Index, not to exceed five percent. Deposits and Charges relate to outside professional services and supplies and are evaluated annually.

### **Table of Contents**

<u>Section 1.</u>	Proposals – Application Submission and Processing
<u>Section 2.</u>	Proposals – Completion Fees and Charges
<u>Section 3.</u>	Out-of-Agency Service Contracts
<u>Section 4.</u>	Reproduction Charges
<u>Attachment A.</u>	Financial Policies for Application Processing

## Section 1. Proposals - Application Submission and Processing

### FEE AND DEPOSITS SUMMARY

Type of Proposal	Fee	Deposits*	Total
Annexation, Detachment, Reorganization involving solely annexations and/or detachments	See Annexation/ Detachment Chart	\$4,000	
<p><i>The fees identified in Chart 1 shall be assessed for each area of consideration within the proposal. A single area means any separate geographical area requiring a legal description. A "single area" does not include two areas that are contiguous only at a point, or two or more areas that are contiguous to an existing boundary of a city or district but not to each other.</i></p> <p><i>See Attachment A for automatic waivers or reductions in the Fee regarding: correcting boundary alignment problem; annexation/detachment with concurrent sphere of influence amendment; city island annexations under §56375.3; readjustments of agency boundaries due to roadway realignment.</i></p>			

### Annexation/Detachment Chart

Valley and Mountain Region				
	<b>Under 20 acres</b>	<b>20 – 150 acres</b>	<b>151 – 300 acres</b>	<b>Over 300 acres</b>
City	\$ 6,480	\$ 8,640	\$ 10,800	\$ 10,800 plus \$1 per acre over 300 acres
District	\$ 5,400	\$ 7,020	\$ 8,640	\$ 8,640 plus \$1 per acre over 300 acres
Desert Region (North and South Desert)				
	<b>Under 100 acres</b>	<b>100-640 acres</b>	<b>641-1,920 acres</b>	<b>Over 1,920 acres</b>
City	\$ 6,480	\$ 8,640	\$ 10,800	\$ 10,800 plus \$1 per acre over 1,920 acres
District	\$ 5,400	\$ 7,020	\$ 8,640	\$ 8,640 plus \$1 per acre over 1,920 acres

Sphere of Influence Amendment	\$ 5,400	\$4,000	\$ 9,400
District: Dissolution, Merger, or Establishment of Subsidiary District(s)	\$ 5,400	\$4,000	\$ 9,400
District: Formation or Consolidation	\$ 16,200	\$4,000	\$ 20,200
District: Activation/Divestiture of Functions and/or Services	\$ 8,100 each function/service	\$4,000	\$ 12,100
City: Consolidation	\$ 21,600	\$4,000	\$ 25,600
City: Incorporation or Disincorporation	\$ 21,600	\$54,000	\$ 75,600
Reorganization <i>For a reorganization that involves changes other than annexations and detachments, the fee will be based upon the components of the reorganization.</i>	Sum of Components	\$4,000	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2021

**\*DEPOSITS BREAKDOWN**

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel (\$250 non-refundable, \$1,750 deposit)</b>	<b>\$2,000</b>
<p><i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i></p>	
<b>Individual Notice (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p>(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice</p> <p><i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i></p> <p><i>By policy, individual notice to landowners and registered voters shall not be waived for city island annexations filed pursuant to Government Code Section 56375.3, even if it includes more than 1,000 notices.</i></p>	
<p><b>Proposals Extending an Existing Special Tax</b></p> <p><i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i></p>	<b>Actual Cost</b>
<b>Environmental Review (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p><i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i></p>	
Preparation of Negative Declaration/Mitigated Negative Declaration	<b>Additional \$15,000</b>
Preparation of an Environmental Impact Report (EIR)	<b>Additional \$25,000</b>
<p>If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.</p>	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2021

<b>Protest Proceeding, if applicable (\$250 non-refundable, \$1,250 deposit)</b>	<b>\$1,500</b>
<i>Deposit required within 30 days of Commission approval of action. The Protest Hearing will not be set until deposit has been paid. Applicants shall be required to reimburse the Commission for any protest proceeding costs in excess of the deposit. Reimbursement to LAFCO shall be required prior to issuance of the Certificate of Completion. If charges billed to LAFCO are less than the amount of the deposit, the balance of the fee will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
Proposals Extending an Existing Special Tax <i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i>	Actual Cost

**ADDITIONAL FEES AND DEPOSITS**

<b>Comprehensive Fiscal Analysis for Incorporation or Disincorporation, Deposit</b>	<b>\$50,000</b>
<i>A \$50,000 deposit is required at the time the application is submitted. Applicants shall be required to reimburse the Commission for all costs associated with the preparation of the Comprehensive Fiscal Analysis in excess of the deposit prior to the scheduling of the Commission hearing. If the charges billed to LAFCO for the preparation of the required document are less than the amount of the deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>State Controller's Fiscal Review for Incorporations, Deposit</b>	<b>\$25,000</b>
<i>A \$25,000 deposit is required at the time a Request for State Controller Review is submitted. All costs in excess of this amount will be the responsibility of the Requestor for payment. Any balance remaining after payments are made to the State will be refunded to the Requestor of Review.</i>	
<b>Verification of Petition Signatures by Registrar of Voters Office, Deposit</b>	<b>\$200</b>
<i>A \$200 deposit from the applicants is required at the time of petition submission. This amount will be refunded upon certification of the petition and determination of billable charges. The charges assessed by the Registrar of Voters Office to verify petition signatures shall be payable by the affected entity in the same manner as the verification of initiative petition signatures is billed.</i>	
<b>Request for Reconsideration of LAFCO Decision or Environmental Determination, Fee</b>	<b>\$2,500</b>
<i>Should a reconsideration request require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>	
<b>Workshop Request, Deposit</b>	<b>\$1,000</b>
<i>Proponents of actions pending Commission review may request that a Commission workshop be held in their area. If the Commission agrees to conduct such a workshop session, the Commission may require reimbursement of all costs associated with that session by the proponents, subject to a deposit.</i>	
<b>Request for Extension of Time to Complete Change of Organization Proceedings (Gov't. Code Section 57001)</b>	<b>\$1,100</b>



## **Section 2. Proposals - Completion Fees and Charges**

Following Commission approval of an action, the following fees or charges may be required. LAFCO staff will notify the applicant at the time the Commission's resolution is forwarded which of the following fees or charges is applicable to the proposal:

- A. County Geographic Information Management System (GIMS) Processing, required prior to issuance of the Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates:

1. Changes requiring an update to current sphere or boundaries of participating agencies  
(Fees identified below will be assessed for each area of consideration. The definition of area is provided under Processing Fees on Page 2.)

<u>Acreage</u>	<u>Primary Charge</u>	<u>Additional Agency</u>
0 to 100 acres	\$400	\$ 85
101 to 640 acres	\$550	\$110
641 to 2,560 acres	\$825	\$150
over 2,560 acres	\$1,100	\$175

2. Incorporation, Formation, or placement of a new agency boundary or sphere into the LAFCO-maintained GIMS system \$3,000

(The fees for incorporations or formations can be deferred until the new City/Town or District receives its first revenues. A request for deferral shall be made to the Executive Officer.)

- B. At the time the Certificate of Completion is forwarded to the State Board of Equalization (SBE), application types listed under Item A - Processing Fees Subsections 1 through 7 (except for Spheres of Influence), are charged a processing fee pursuant to SBE's adopted Fee Schedule (Government Code Section 54902.5). The fees listed below, as identified by SBE, are current as of January 1, 2011. LAFCO staff will notify the applicant of the appropriate fees:

Single Area Charges:	
Less than 1 acre	\$300
1-5 acres	\$350
6-10 acres	\$500
11-20 acres	\$800
21-50 acres	\$1,200
51-100 acres	\$1,500
101-500 acres	\$2,000
501-1,000 acres	\$2,500
1,001-2,000 acres	\$3,000
2,001 acres and above	\$3,500

(Additional types of charges are outlined in the State Board of Equalization Fee Schedule. LAFCO staff will notify the applicant of the appropriate fees.)

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### Section 3. Out-of-Agency Service Contract

FEE AND DEPOSITS SUMMARY			
Type of Service Contract	Fee	Deposits*	Total
Contracts involving developments such as: subdivisions/tracts as defined by the Subdivision Map Act (five or more units), Specific Plans	\$ 5,400	\$2,400	\$ 7,800
Contracts involving the development of units requiring only a parcel map as defined by the Subdivision Map Act (up to four units)	\$ 1,080 per connection	\$2,400	\$ 3,480 to \$6,720
Any contract for fire protection services outside a public agency's jurisdictional boundaries pursuant to Govt. Code Section 56134	\$ 5,400	\$2,400	\$ 7,800
Contracts to provide services outside a sphere of influence pursuant to Govt. Code Section 56133.5	\$ 1,080	\$2,400	\$ 3,480
Contract Requiring Approval pursuant to Govt. Code Section 56133 (c)	\$ 1,080	\$2,400	\$ 3,480
Development-Related Request for Exemption from Govt. Code Section 56133, requires noticed Commission hearing	\$ 2,429	\$0	\$ 2,429
Non-development-related (Administrative Review from Executive Officer): (1) Out-of-Agency Service Contract (City or District) or (2) Exemption from Govt. Code Section 56133 as Authorized by Commission Policy	\$ 560	\$0	\$ 560

#### \*DEPOSITS BREAKDOWN

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's resolution for service contracts. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>
<i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i>	
<b>Individual Notice</b> (\$250 non-refundable, \$750 deposit)	<b>\$1,000</b>
(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice <i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i>	
<b>Environmental Review</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>

*San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2021*

*All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.*

Preparation of Negative Declaration/Mitigated Negative Declaration	Additional \$15,000
Preparation of an Environmental Impact Report (EIR)	Additional \$25,000

If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.

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## **Section 4. Reproduction Charges**

- |    |  |              |
|----|--|--------------|
| A. | Charges for Purchase of Paper Copies, per page   |              |
|    | (1) from paper materials (requests in excess of 10 pages)                                      | 10 cents     |
|    | (2) from existing digital data (requests in excess of 20 pages)                                | 5 cents      |
| B. | Charges for Purchase of Digital Data   |              |
|    | (1) placement of materials on digital medium   | \$10         |
|    | (2) scan copies of paper materials (if applicable), per page                                   | 5 cents      |
| C. | DVD Copy of Commission Hearing<br>(available if production services are utilized for hearings) | \$25 per DVD |
| D. | Preparation of Transcript of Hearing   | Actual Cost  |

(Those requesting a transcript of a Commission hearing will be notified of the estimated cost for preparation. The Requestor will be required to provide a deposit in the amount of the estimated cost. All costs in excess of the deposit amount will be the responsibility of the Requestor for payment. Any balance remaining after final charges are determined will be refunded to the Requestor.)

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Attachment A:  
Policy and Procedure Manual, Section II, Chapter 2: Financial Policies for  
Application Processing

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 12, 2021

**FROM:** MICHAEL TUERPE, Senior Analyst 

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Environmental Determination – Revision of LAFCO for San Bernardino Schedule of Fees, Deposits, and Charges

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The Local Agency Formation Commission is currently considering the revision of its “Schedule of Fees, Deposits, and Charges” which help support the services it provides to the County, cities/towns, special districts, and citizens of San Bernardino County. The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide a statutory exemption for the review and modification of fee and rate schedules. Specifically, Section 21080(b)(8) of the CEQA and Section 15273(a) of the CEQA Guidelines provide for such statutory exemptions if such rates or charges are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements, etc.

Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines require that the Commission make findings regarding such an exemption indicating specifically the basis for the claim of exemption. Staff recommends that the Commission make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:

- a) Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
- b) The rates and charges identified in the Schedule of Fees, Deposits, and Charges are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

Staff recommends that the Commission determine this action is statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission is required to file a Notice of Exemption with the Clerk to the Board within five working days of its action to approve the Schedule modifications. A copy of this exemption shall be retained in the LAFCO file to serve as verification of this evaluation and as the CEQA environmental determination record.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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HEARING DATE: MAY 19, 2021

## RESOLUTION NO. 3331

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON THE ADOPTION OF A REVISED SCHEDULE OF FEES, DEPOSITS, AND CHARGES FOR FISCAL YEAR 2021-22.

On motion of Commissioner \_\_\_\_, duly seconded by Commissioner \_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**WHEREAS**, Section 56383 of the California Government Code authorizes a Local Agency Formation Commission to establish a schedule of fees for the filing and processing of applications submitted to the Commission pursuant to the provisions of Government Code Sections 56000 et seq.; and,

**WHEREAS**, the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as the "Commission") adopted the existing Schedule of Fees, Deposits, and Charges on May 20, 2020; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by this Commission upon the proposed amendments to the Schedule of Fees, Deposits, and Charges; and,

**WHEREAS**, the Executive Officer has prepared a report including his recommendations thereon, said report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in any order or orders continuing such hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and opposition; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the proposed amendments, in evidence presented at the hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Agency Formation Commission for San Bernardino County does hereby determine, resolve, order, and find as follows:

**RESOLUTION NO. 3331**

**DETERMINATIONS:**

**SECTION 1.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

**SECTION 2.** The Local Agency Formation Commission hereby approves the revised Schedule of Fees, Deposits, and Charges, attached hereto as Exhibit “A”, effective July 1, 2021.

**SECTION 3. FINDINGS.** The following findings are noted in conformance with Commission policy and the provisions of State law:

1. Notice of the Commission's consideration of the Schedule of Fees, Deposits, and Charges amendment has been provided pursuant to the provisions of Government Code Section 66016. To date, no expressions of either in support or opposition to the proposed revisions to the Schedule of Fees, Deposits, and Charges have been received.
2. The Commission determines that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of CEQA and Section 15273(a), Subsections (1), (2), and (3), of the State CEQA Guidelines. The Commission makes the following findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the State CEQA Guidelines:
  - a. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service for which the fee is charged.
  - b. The fees identified in the Schedule of Fees, Deposits, and Charges, attached as Exhibit "A", are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

The Commission hereby adopts the Statutory Exemption and directs the Executive Officer to file a Notice of Exemption within five (5) working days of adoption of the Commission's action with the San Bernardino Clerk to the Board of Supervisors.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a



**RESOLUTION NO. 3331**

full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of May 19, 2021.

**DATED:**

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**SAMUEL MARTINEZ**  
Executive Officer

DRAFT

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
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www.sbclafco.org

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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #14 – REVIEW AND ADOPTION OF AMENDMENTS TO  
LAFCO POLICY AND PROCEDURE MANUAL SECTION III – HUMAN  
RESOURCES**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
2. Adopt the amendments to the Policy and Procedure Manual, Section III (Human Resources)
3. Adopt Resolution No. 3332 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **I. POLICY AMENDMENTS APPROVED IN MARCH:**

In March, the Commission approved the Preliminary Budget, which included proposed amendments to the Policy and Procedure Manual. The amendments, which were approved by the Commission in March, are recommended for formal adoption at this hearing and are summarized below. Attachment #1 includes the existing policies with revisions in track-change format.

1. Provide a 2.0% COLA for all employees.  
(Chapter 2: Employment, Policy 2: Compensation)

Inflation for Calendar Year 2020 was 1.9% for our region, and this is the basis for 2.0%.

2. Increases to the following benefit categories:

- a. Medical Premium Subsidy  
(Chapter 5: Benefits Plan, Policy 2: Medical and Dental Subsidies)

A subsidy is provided to offset employee medical premiums:

FY	Employee	Employee +1	Employee +2
2020/21	\$253.33	\$399.03	\$559.94
2021/22	\$260.93	\$411.00	\$576.74
2022/23	\$268.76	\$423.33	\$594.04

- b. Medical Reimbursement Plan  
(Chapter 5: Benefits Plan, Policy 6: Flexible Spending Account)

LAFCO matches payment towards a Medical Reimbursement Plan up to \$40 per employee per pay period. For those employees who elect to participate in the employer sponsored HMO medical plans and elect to enroll in the Flexible Spending Account, LAFCO would contribute up to an additional \$10 per pay period (from \$40 to \$50).

- c. Retirement Medical Trust  
(Chapter 5: Benefits Plan, Policy 9: Retirement)

LAFCO contributes to a Retirement Medical Trust Fund for employees with over 5 years of service:

FY	Percentage of Base Pay		
	Years of Service		
	5-9	10-15	16 or more
2020/21	2.75%	1.75%	1.00%
2021/22	3.75%	2.75%	2.00%

The Sick Leave Conversion Formula would increase from 75% to 80% of the cash value of the employee's unused sick leave hours. The maximum hours to cashout would increase from 1,400 to 1,500.

## **II. NON-SUBSTATIVE POLICY AMENDMENTS:**

Additionally, staff proposes that the Commission adopt non-substantive amendments to Section III (Human Resources). These non-substantive amendments include removal of obsolete content and clarification of language due to statutory and rule changes. The amendments are recommended for formal adoption at this hearing and are summarized below. Attachment #1 includes the existing policies with revisions in track-change format.

- Chapter 2: Employment, Policy 2: Employment Categories and Classifications (E: 15-Year Longevity Pay)
  - Regulatory language change regarding the term “paid hours”
- Chapter 3: Time Off, Policy 4: Other Time Off (D: Administrative Leave)
  - Remove obsolete content
- Chapter 5: Benefits Plan
  - Policy 2: Medical and Dental Subsidies
    - Clarify example language to match benefit increase
  - Policy 4: Life Insurance
    - Regulatory language change regarding the term “paid status”
  - Policy 6: Flexible Spending Account
    - Statutory changes from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)
    - Clarify language to match statutory changes
  - Policy 9: Retirement
    - Remove obsolete content

## **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendments to the Policy and Procedure Manual for staff to include in the document. Staff recommends that the Commission take the actions outlined on page 1 of this report to approve the changes.

Attachment:

1. [Exhibit A to Draft Resolution No. 3332](#)
2. [Draft LAFCO Resolution No. 3332](#)

## **SECTION III – HUMAN RESOURCES**

### **CHAPTER 2: EMPLOYMENT**

#### **2. COMPENSATION**

...

- B. SALARY RANGES (*Adopted June 16, 2011; Amended May 16, 2012; Amended October 22, 2014; Amended April 15, 2015; Amended January 27, 2016; Amended July 20, 2016; April 18, 2018; May 15, 2019, Amended May 20, 2020, Amended May 19, 2021*):

The following shall be the salary ranges for LAFCO positions.

~~Effective July 22, 2017, the following shall be the salary ranges for LAFCO positions (2.0% increase):~~

---

<b>Position</b>	<b>Hourly Range</b>
<del>Executive Officer</del>	<del>\$78.10 to \$118.79</del>
<del>Assistant Executive Officer</del>	<del>\$38.21 to \$52.61</del>
<del>Project Manager</del>	<del>\$29.88 to \$41.45</del>
<del>LAFCO Analyst – GIS/Database Manager</del>	<del>\$25.83 to \$35.49</del>
<del>Clerk to the Commission/Office Manager</del>	<del>\$22.29 to \$30.64</del>
<del>Administrative Assistant</del>	<del>\$18.35 to \$25.20</del>

---

~~Effective July 21, 2018, the following shall be the salary ranges for LAFCO positions (3.0% increase):~~

---

<b>Position</b>	<b>Hourly Range</b>
<del>Executive Officer</del>	<del>\$81.52 to \$111.20</del>
<del>Assistant Executive Officer</del>	<del>\$41.31 to 56.15</del>
<del>Project Manager</del>	<del>\$32.73 to 44.34</del>
<del>LAFCO Analyst – GIS/Database Manager</del>	<del>\$27.82 to \$37.77</del>
<del>Clerk to the Commission/Office Manager</del>	<del>\$24.92 to \$33.52</del>
<del>Administrative Assistant</del>	<del>\$20.86 to \$27.91</del>

---

~~Effective July 20, 2019, the following shall be the salary ranges for LAFCO positions (3.0% increase):~~

---

<b>Position</b>	<b>Hourly Range</b>
<del>Executive Officer</del>	<del>\$83.97 to \$114.54</del>
<del>Assistant Executive Officer</del>	<del>\$42.55 to \$57.83</del>
<del>Senior Analyst</del>	<del>\$37.84 to \$51.34</del>
<del>Project Manager</del>	<del>\$33.71 to \$45.67</del>
<del>LAFCO Analyst – GIS/Database Manager</del>	<del>\$28.65 to \$38.90</del>
<del>Clerk to the Commission/Office Manager</del>	<del>\$25.67 to \$34.53</del>
<del>Administrative Assistant</del>	<del>\$21.49 to \$28.75</del>

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Effective July 31, 2021, the following shall be the salary ranges for LAFCO positions (2.0% increase):

Position	Hourly Range
Executive Officer	\$85.65 to \$116.83
Assistant Executive Officer	\$43.40 to \$58.99
Senior Analyst	\$38.60 to \$52.37
Project Manager	\$34.38 to \$46.58
LAFCO Analyst – GIS/Database Manager	\$29.22 to \$39.68
Clerk to the Commission/Office Manager	\$26.18 to \$35.22
Administrative Assistant	\$21.92 to \$29.33

...

E. 15-YEAR LONGEVITY PAY (*Adopted January 27, 2016; Amended May 19, 2021*)

Effective December 10, 2016, LAFCO employees shall be eligible for longevity pay above the base rate of pay, as indicated below, based on total hours of completed continuous service with LAFCO. Longevity pay shall be paid on all paid hours up to an employee's standard hours, and shall not be considered when determining ~~excluded when determining~~ the appropriate rate of pay for a promotion or demotion. For purposes of longevity pay only, a year of completed LAFCO service is defined as 2,080 service hours with LAFCO.

Total Completed Service	Compensation
31,200 Continuous Service Hours (15 years)	2.0%

## **CHAPTER 5: BENEFITS PLAN**

### **4. OTHER TIME OFF**

...

D. ADMINISTRATIVE LEAVE (*Amended June 16, 2011; April 18, 2018; May 19, 2021*)

...

~~Effective July 21, 2018, such a~~Administrative leave may be cashed out at the employee's then current base rate of pay in increments of one (1) hour, upon the approval of the appointing authority, during the calendar year. Any Administrative Leave accrual balances in effect at the end of the last pay period paid in the calendar year will automatically be paid at the employee's then current base rate of pay. Employees may designate that cash outs of Administrative Leave as permitted herein be allocated to SB LAFCO's 401(k) Plan or Section 457(b) Deferred Compensation Plan. Upon termination of employment, unused Administrative Leave will be paid at the current rate of pay.

...



**CHAPTER 5: BENEFITS PLAN****2. MEDICAL AND DENTAL SUBSIDIES** *(Amended August 17, 2005; August 20, 2008; June 16, 2011; August 19, 2015, January 27, 2016; April 18, 2018; May 19, 2021)*

...

~~The following are the MPS amounts:~~

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
<del>Employee Only</del>	<del>\$115.00</del>	<del>\$230.00</del>
<del>Employee +1</del>	<del>\$176.12</del>	<del>\$352.23</del>
<del>Employee +2</del>	<del>\$241.32</del>	<del>\$482.64</del>

~~Effective 7/21/18 the following MPS amounts shall apply:~~

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
<del>Employee Only</del>	<del>\$117.25</del>	<del>\$234.50</del>
<del>Employee +1</del>	<del>\$180.60</del>	<del>\$361.19</del>
<del>Employee +2</del>	<del>\$247.67</del>	<del>\$495.34</del>

~~Effective 7/20/19 the following MPS amounts shall apply:~~

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
<del>Employee Only</del>	<del>\$121.67</del>	<del>\$243.33</del>
<del>Employee +1</del>	<del>\$189.52</del>	<del>\$379.03</del>
<del>Employee +2</del>	<del>\$264.97</del>	<del>\$529.94</del>

Effective 7/18/20 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$126.67	\$253.33
Employee +1	\$199.52	\$399.03
Employee +2	\$279.97	\$559.94

Effective 7/31/21 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
--	---------------------------------	---------------------------------

Employee Only	\$130.47	\$260.93
Employee +1	\$205.50	\$411.00
Employee +2	\$288.37	\$576.74

Effective 7/30/22 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$134.38	\$268.76
Employee +1	\$211.67	\$423.33
Employee +2	\$297.02	\$594.04

A dental Premium Subsidy (DPS) has been established for all employees who are enrolled in both County-sponsored medical and dental coverage whose premium costs for medical and dental exceeds the Medical Premium Subsidy. The amount of DPS shall be up to nine dollars forty-six cents (\$9.46), but not to exceed the combined total of the employee's out-of-pocket expenses. For example, an employee who selects "employee only" coverage for medical and dental with a combined per pay period premium cost of ~~\$234.00~~ \$250.79 and receives a per pay period MPS of \$243.33 will receive a DPS in the amount of ~~\$4.00~~ \$7.46 per pay period.

...

#### 4. LIFE INSURANCE

A. TERM LIFE INSURANCE (*Amended June 16, 2011; August 19, 2015; May 19, 2021*)

SB LAFCO will pay the premium for a term life insurance policy, the amount of which is based on the eligible employee's scheduled hours. Employees scheduled from 40 to 60 hours per pay period shall receive \$25,000 in coverage. An employee scheduled from 61 to 80 hours shall receive \$50,000 in coverage. Life insurance will become effective on the first day of the pay period following the employee's first pay period in which the employee is in paid status ~~is paid for one half plus one of their scheduled hours. For example, an employee scheduled for 80 hours must be paid for a minimum of 41 hours.~~ For pay periods in which the employee is not in paid status ~~does not meet the paid hours requirement,~~ the employee shall have the option of continuing life insurance coverage at the employee's expense.

...

C. VOLUNTARY LIFE INSURANCE (*Amended August 19, 2015; May 19, 2021*)

In accordance with the procedures established by the County Human Resources Employee Benefits and Services Division, eligible employees may purchase, through payroll deductions, term life insurance subject to carrier requirements.

New employees shall become initially eligible to participate in these programs on the first day of the pay period following the pay period in which the employee is in paid status ~~works and receives pay for one half plus one of their regularly scheduled hours.~~ Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the Employee Benefits and Services Division.

...

6. **FLEXIBLE SPENDING ACCOUNT** *(Amended August 17, 2005; May 16, 2007; June 16, 2011; May 20, 2015; August 17, 2016; May 19, 2021)*

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

Eligible employees may contribute to the FSA, on a pre-tax basis, up to the ~~IRC maximum per biweekly pay period~~ Internal Revenue Code's annual maximum. This annual contribution is made by the employee via equal biweekly payroll deductions. SB LAFCO will also contribute up to (\$40.00) per bi-weekly pay period, matching employee contributions dollar for dollar ~~(effective July 23, 2016).~~ Effective February 1, 2020, SB LAFCO will contribute up to an additional \$10.00 per biweekly pay period, matching Exempt employee contribution dollar for dollar, for employees who select the County-sponsored Blue Shield Access + HMO Plan or the Kaiser Choice HMO Plan and elect to enroll in the FSA.

FSA participants must elect to enroll each year in order to continue participation. Upon enrolling in the Plan, employees may not change their designated bi-weekly contribution amount or discontinue making contributions for the remainder of the plan year except as permitted by the IRC. Any unused amounts remaining in an employee's FSA account at the end of the plan year shall be forfeited except as permitted by the IRC and the County's ~~exempt medical expense reimbursement~~ plan document.

Contributions made to the FSA may be used for receiving non-taxable reimbursements of eligible medical expenses not covered by insurance. Eligible reimbursable expenses are those medical expenses that qualify as determined under Internal Revenue Code section 213.

## 9. RETIREMENT

- A. SB LAFCO CONTRIBUTIONS (*Amended August 17, 2005; May 16, 2007; June 16, 2011, April 17, 2013; April 18, 2018; May 19, 2021*)

LAFCO shall pay all required employer contributions to the San Bernardino County Employee's Retirement Association (SBCERA). ~~Effective June 18, 2011, the SB LAFCO seven percent (7%) pick up of a portion of the employee's required contribution to SBCERA shall be discontinued, and the supplemental amounts provided in the paragraph below shall be the only employee contribution pick up. Effective July 21, 2018, the supplemental amounts provided below shall be discontinued, and the amounts shall be included in base salary prior to the three percent across the board salary increase also scheduled for July 21, 2018, as reflected in the salary schedules and tables as set forth in this Section.~~

~~Employees who are Tier 1 members shall receive the following supplemental amounts biweekly to be applied under this section: Group A employee, \$236.41 per bi-weekly pay period; Group B employees, \$152.17 per bi-weekly pay period; Group C employees, \$94.67 per bi-weekly pay period. Effective July 21, 2018, these supplemental amounts shall be discontinued.~~

~~If hired prior to January 1, 2013, the employee must choose to have the contributions designated as all employer or all employee contributions for retirement purposes. If the employee designates the pick up as employer contributions, then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of the actuarial value of that dollar to the Retirement Association as determined by the Board of Retirement; and the employee may not withdraw this contribution from the Retirement Association.~~

~~If the employee designates the pick up as employee contributions, then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of one dollar, and upon separation without retirement, an employee may withdraw this contribution from the Retirement Association. Upon retirement or separation, all contributions applied under this Section will be considered for tax purposes as employer-paid contributions.~~

~~If the employee does not file a designation, the contribution shall be made as employee contributions. For employees hired on or after January 1, 2013, all contributions will be designated as employee contributions to comply with the California Employees' Pension Reform Act of 2013 (Government Code §§ 7522 et seq.). Upon separation without retirement, the employee may withdraw these contributions from SBCERA.~~

...

- E. RETIREMENT MEDICAL TRUST FUND (*Amended July 18, 2007; August 20, 2008; August 19, 2015; May 19, 2021*)

...

Sick Leave Conversion Formula - At separation from SB LAFCO service for reasons other than death, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Trust, at the rate of ~~seventy-five percent (75%)~~ 80% of the cash value of the employee's unused sick leave hours, up to a maximum of ~~fourteen hundred (1,400)~~ 1,500 hours.

SB LAFCO Contributions - SB LAFCO will contribute to the Retirement Medical Trust Fund as follows:

Years of Service	Percentage of Base Salary*
5-9 Years	<del>1.00%</del> 2.00%
10-15 Years	<del>1.75%</del> 2.75%
16 or more years	<del>2.75%</del> 3.75%

\*For purposes of the RMT contribution, base salary is as defined in the RMT plan document.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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## RESOLUTION NO. 3332

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING SECTION III (HUMAN RESOURCES) OF ITS POLICY AND PROCEDURE MANUAL

On Wednesday, May 19, 2021, on motion of \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as “LAFCO”), hereby finds and determines that it wishes to amend Section III (Human Resources) of its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. The Policy and Procedure Manual, Section III (Human Resources), is hereby amended as follows:
  - a. Chapter 2 (Employment), Policy 2 (Compensation)
  - b. Chapter 3 (Time Off), Policy 4 (Other Time Off)
  - c. Chapter 5 (Benefits Plan)
    - i. Policy 2: Medical and Dental Subsidies
    - ii. Policy 4: Life Insurance
    - iii. Policy 6: Flexible Spending Account
    - iv. Policy 9: Retirement
2. The amended policies of Section III (Human Resources) of the Policy and Procedure Manual attached to this resolution as Exhibit “A” and incorporated herein by reference, is adopted and approved.

**SECTION 3.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Human Resources Department for implementation.



RESOLUTION NO. 3332

THIS ACTION APPROVED AND ADOPTED BY THE LOCAL AGENCY FORMATION  
COMMISSION FOR SAN BERNARDINO COUNTY BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

.....

STATE OF CALIFORNIA                    )  
  )ss.  
COUNTY OF SAN BERNARDINO    )

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation  
Commission for San Bernardino County, California, do hereby certify this record to be a  
full, true, and correct copy of the action taken by said Commission, by vote of the  
members present, as the same appears in the Official Minutes of said Commission at its  
meeting of May 19, 2021.

DATED:

\_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #15 – REVIEW AND ADOPTION OF FINAL BUDGET  
FOR FISCAL YEAR 2021-22**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Adopt the Fiscal Year 2021-22 Final Budget as presented including
  - a. Making the finding, as required by Government Code Section 56381, that the approval of a budget less than that adopted for Fiscal Year 2020-21 for the upcoming fiscal year will allow the Commission to fulfill its obligations under Government Code Section 56000 et seq; and,
  - b. Direction that with the apportionment of net LAFCO costs based upon the Auditor's information attached to this report; and,
2. Direct the Executive Officer to submit to the County Auditor-Controller the adopted Final Budget and request the apportionment of the Commission's net costs to the County, Cities/Towns and Independent Special Districts pursuant to the provisions of Government Code Section 56381 as shown in the approved Final Budget.

## **BACKGROUND:**

The Commission's annual budget process began at the March 17 hearing through adoption of the Proposed Budget for Fiscal Year 2021-22. The Proposed Budget included an outline of the anticipated expenditures, revenues, and reserves for Commission consideration such as payment of step increases and retirement costs. Additionally, proposed policy and practice items included: implementing the previously

deferred COLA, and other benefits related to Medical Premium Subsidy, Medical Reimbursement Plan, and Retirement Medical Trust, migration to a new website platform, continuation of the Governance Training program, and still reducing the apportionment for each category—County, cities/towns, and independent special districts—by \$10,000.

On April 20, as required by Government Code Section 56381 staff distributed the Proposed Budget, as modified, for review and comment to the County, each city/town, and each independent special district with the request to submit comments by May 11 for inclusion in the final report. As of the date of this report, no comments or concerns have been provided regarding the Proposed Budget as adopted at the March hearing. If concerns are received following the publication of this report, staff will provide those to the Commission at the hearing along with an oral response.

Since the FY 2020-21 budget would be less than that adopted for FY 2021-22, Government Code Section 56381 requires the Commission to determine that the approval of the reduced budget for the upcoming fiscal year will allow the Commission to fulfill its obligations under Government Code Section 56000 et seq. Therefore, staff recommends that approval of the final budget include this finding.

Lastly, there is a minor change from the Preliminary Budget. The payment for the annual Microsoft License moves from Account 2115 (Software) to Account 5012 (Trust Transfer to County, Staples & Microsoft). For items that the County purchases on behalf of LAFCO (at this time Staples and Microsoft), the County will collect payment from a dedicated account.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding any of the items within the budget documents or this report. Staff recommends that the Commission take the actions identified on page 1 of this report.

Attachments:

1. [Final Budget Spreadsheet](#)
2. [Auditor's Apportionment Distribution for the County, Cities and Towns, and Independent Special Districts](#)
3. [Salaries and Benefits Detail](#)
4. [Services and Supplies Detail](#)
5. [Revenue Detail](#)
6. [Work Plan](#)

## Attachment #1

## Budget Spreadsheets

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	ESTIMATE YEAR-END FY 20-21		PROPOSED FY 21-22 Year 1	FORECAST FY 22-23 Year 2	FORECAST FY 23-24 Year 3
#								
						New Website	No Amortization	
							Retirement	
	<b>SALARIES AND BENEFITS</b>							
1010	Earnable Compensation	503,704	481,359	436,888		437,906	468,874	439,633
1030	Auto and Cell Phone Allowances	19,269	9,735	9,450		9,275	9,100	9,100
1035	Overtime			3				
1045	Termination Payment			1,839				
1110	General Member Retirement	173,050	184,013	155,101		175,386	176,589	175,717
1130	Survivors Benefits	179	176	140		143	158	140
1135	Retirement Subsidy (no longer active)	1,995						
1200	Medical Premium Subsidy	53,970	56,704	45,226		48,373	57,717	53,323
1205	Long-Term Disability	1,068	1,110	959		988	1,006	1,000
1207	Vision Care Insurance	782	779	612		613	676	601
1215	Dental Insurance Subsidy	1,230	1,240	986		1,003	1,107	984
1222	Short-Term Disability	4,990	5,642	4,860		4,873	5,171	4,929
1225	Medicare	6,277	5,805	5,119		5,074	5,584	6,092
1235	Workers' Compensation	3,019		4,334		-	4,568	4,540
1240	Life Insurance & Medical Trust Fund	9,251	9,714	9,597		14,182	13,089	13,456
1305	Medical Reimbursement Plan	3,900	3,900	4,564		5,212	5,814	5,132
1310	Annuitant Employee Medical (no longer active)	3,774						
1314	457/401a Contribution	2,695	2,850	2,846		3,009	3,049	3,054
1315	401k Contribution	35,173	37,060	31,279		31,082	30,381	31,318
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 824,325</b>	<b>\$ 800,085</b>	<b>\$ 713,803</b>		<b>\$ 737,120</b>	<b>\$ 782,882</b>	<b>\$ 749,019</b>
	Staffing (Full time equivalent units)	5.25	5.0	4.5		4.0	4.5	4.0
	<b>SERVICES AND SUPPLIES</b>							
2031	Payroll System Services (County IT)		794	718		707	721	736
2032	Virtual Private Network (County IT)					158	162	165
2033	Network Labor Services (County IT)			1,006		-	-	-
2037	Dial Tone (County IT)	3,593	3,434	2,961		2,381	2,428	2,477
2041	Data Line	8,644	7,592	9,343		8,400	8,568	8,739

## Attachment #1

## Budget Spreadsheets

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	ESTIMATE YEAR-END FY 20-21		PROPOSED FY 21-22 Year 1	FORECAST FY 22-23 Year 2	FORECAST FY 23-24 Year 3
						New Website	No Amortization	
							Retirement	
2043	Electronic Equipment Maintenance (County IT)	92	-	-		-	-	-
2075	Membership Dues	10,303	11,822	17,160		12,242	12,487	12,737
2076	Tuition Reimbursement	-	999	417		2,000	2,040	2,081
2080	Publications	2,723	2,758	3,626		3,180	3,243	3,308
2085	Legal Notices	21,188	12,361	14,557		18,000	18,360	18,727
2090	Building Expense	6,466	7,672	7,382		7,260	7,405	7,553
2115	Software	3,054	-	1,457		17,283	2,329	2,375
2135	Utilities		2,557	-		-	-	-
2180	Electricity	3,576	5,206	5,632		6,000	6,120	6,242
2245	Other Insurance	14,285	12,683	19,272		18,340	18,707	19,081
2305	General Office Expense	4,918	3,117	5,132		2,564	2,615	2,668
2308	Credit Card Clearing Account	(1,276)	677	(1,302)		-	-	-
2310	Postage - Direct Charge	7,121	11,150	5,620		5,316	5,422	5,531
2315	Records Storage	808	1,134	890		772	788	804
2322	Enterprise Printing (County IT)			46		86	87	89
2323	Reproduction Services	162	1,074	438		500	510	520
2335	Temporary Services	699	-	1,611		5,400	5,508	5,618
2400	Legal Counsel	94,182	39,798	30,083		34,200	34,884	35,582
2405	Auditing	8,000	21,365	10,362		11,500	11,730	11,965
2410	IT Infrastructure (County IT)	12,851	11,252	9,158		586	598	610
2415	Countywide Cost Allocation Program (COWCAP)	10,109	13,328	5,351		14,049	14,330	14,617
2416	Enterprise Printing (County IT)		31	13		31	32	32
2417	Enterprise Content Management (County IT)			1,099		1,884	1,922	1,960
2418	Data Storage Services (County IT)		8,457	5,821		4,836	4,933	5,031
2420	Wireless Device Access (County IT)	300	286	225		211	215	220
2421	Desktop Support Services (County IT)	17,417	15,171	11,899		9,623	9,815	10,012
2424	Environmental Consultant	10,605	20,796	13,878		10,600	10,812	11,028
2444	Security Services	480	691	601		492	502	512
2445	Other Professional Services	96,029	63,255	32,121		78,068	78,973	80,583

## Attachment #1

## Budget Spreadsheets

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	ESTIMATE YEAR-END FY 20-21		PROPOSED FY 21-22 Year 1	FORECAST FY 22-23 Year 2	FORECAST FY 23-24 Year 3
#								
						New Website	No Amortization	
							Retirement	
2449	Outside Legal (Litigation & Special Counsel)	3,216	7,453	275		-	-	-
2460	Aerial Imagery (County IT)	13,518	3,000	9,875		14,500	14,790	15,086
2895	Rent/Lease Equipment (copier)	5,289	5,776	3,087		5,100	5,202	5,306
2905	Office/Hearing Chamber Rental	99,052	97,951	112,686		98,258	66,563	67,895
2940	Private Mileage	4,952	3,427	1,930		2,192	2,236	2,281
2941	Conference/Training	5,231	5,305	2,338		4,710	4,804	4,900
2942	Hotel	5,886	5,926	3,171		6,710	6,844	6,981
2943	Meals	456	744	458		1,000	1,020	1,040
2945	Air Travel	1,011	1,592	333		400	408	416
2946	Other Travel	122	773	125		150	153	156
5012	Trust Transfer to County (Staples & Microsoft)	283	2,732	5,518		6,689	6,823	6,959
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 475,345</b>	<b>\$ 414,139</b>	<b>\$ 356,372</b>		<b>\$ 416,379</b>	<b>\$ 375,089</b>	<b>\$ 382,622</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,299,670</b>	<b>\$ 1,214,223</b>	<b>\$ 1,070,175</b>		<b>\$ 1,153,499</b>	<b>\$ 1,157,971</b>	<b>\$ 1,131,641</b>
<b>TRUST TRANSFERS</b>								
9990	SBCERA Additional Payment	184,963	42,500	43,852		50,163	50,163	50,163
<b>TOTAL TRUST TRANSFERS</b>		<b>\$ 184,963</b>	<b>\$ 42,500</b>	<b>\$ 43,852</b>		<b>\$ 50,163</b>	<b>\$ 50,163</b>	<b>\$ 50,163</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,484,633</b>	<b>\$ 1,256,723</b>	<b>\$ 1,114,027</b>		<b>\$ 1,203,662</b>	<b>\$ 1,208,134</b>	<b>\$ 1,181,804</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	ESTIMATE YEAR-END FY 20-21	PROPOSED FY 21-22 Year 1	FORECAST FY 22-23 Year 2	FORECAST FY 23-24 Year 3
					New Website	No Amortization	
						Retirement	
	<b>RESERVES (Increases)</b>						
6000	Contingency (Assigned)	34,852			6,400	5,000	5,000
6010	Net Pension Liability (Committed) <i>see Trust Transfers</i>						
6025	General (Assigned)	64,392			25,000	25,000	25,000
6030	Compensated Absences (Committed)	7,669	12,769	32,477	9,452	15,000	15,000
6035	Salary for Extra Pay Period (Committed)				3,000	3,000	3,000
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 106,913</b>	<b>\$ 12,769</b>	<b>\$ 32,477</b>	<b>\$ 43,852</b>	<b>\$ 48,000</b>	<b>\$ 48,000</b>



## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	ACTUAL YEAR-END FY 19-20	ESTIMATE YEAR-END FY 20-21	PROPOSED FY 21-22 Year 1	FORECAST FY 22-23 Year 2	FORECAST FY 23-24 Year 3
	Use of Money:						
8500	Interest	16,191	16,325	8,000	11,000	13,000	15,000
	Mandatory Contribution from Governments:						
8842	Apportionment	1,105,497	1,090,497	1,120,497	1,090,497	1,120,497	1,090,497
					-2.7%	2.8%	-2.8%
	Fees and Deposits (Current Services):						
9545	Individual Notice Deposit	8,916	7,429	3,000	9,000	9,000	9,000
9555	Legal Services Deposit	70,067	18,404	10,311	15,000	15,000	15,000
9595	Protest Hearing Deposit	3,000	-	6,340	4,500	4,500	4,500
9655	Digital Mapping Fee	825	1,605	2,075	595	595	595
9660	Environmental Deposits	10,619	10,245	2,700	8,400	8,400	8,400
9800	LAFCO Fee	69,389	93,422	35,495	54,019	55,640	57,309
	Total Fees and Deposits	162,816	131,105	59,921	91,514	93,135	94,804
	OTHER REVENUES						
9560	Indemnification Recovery						
9910	Prior Year Activity (refunds, collections)	(373)					
9930	Miscellaneous Revenue	265	580	2,658			
9970	Carryover of Fund Balance			1,123	55,000	30,000	30,000
9973	Stale-dated Checks	1,000	38	60			
	TOTAL OTHER REVENUES	892	618	3,841	55,000	30,000	30,000
	TOTAL REVENUES	\$ 1,285,397	\$ 1,238,544	\$ 1,192,259	\$ 1,247,514	\$ 1,256,135	\$ 1,229,804

## Attachment #2

### LAFCO Cost Allocation County of San Bernardino Allocation PY 2021-2022

	<u>Amount</u>	<u>Percentage of Total Cost</u>
<b>County of San Bernardino</b>		
Total LAFCO Cost	\$ 1,090,497.00	100.00%
County of San Bernardino Allocation (1/3)*	\$ 363,499.00	33.33%
<b>Total San Bernardino County Allocation</b>	<b>\$ 363,499.00</b>	<b>33.33%</b>
FY 18-19 Allocation	368,499.00	
FY 19-20 Allocation	363,499.00	
FY 20-21 Allocation	373,499.00	
FY 21-22 Allocation	<b>363,499.00</b>	

**Note:**

\* Per LAFCO Funding Election, County of San Bernardino pays third of total LAFCO cost.

\* Total LAFCO Apportionment for FY 2021-22 is \$1,090,497 (by letter dated March 17, 2021)

**LAFCO Cost Allocation  
Cities Allocation  
PY 2021-2022**

City	Allocation FY 18-19	Allocation FY 19-20	Allocation FY 20-21	Total Revenues FY 18-19		Allocation FY 21-22	Allocation Percentage
Adelanto	\$ 2,240.90	\$ 3,106.46	\$ 3,734.16	\$ 20,232,000.00		\$ 2,463.98	0.68%
Apple Valley	10,809.07	8,866.05	8,056.48	77,300,759.00		9,414.16	2.59%
Barstow	5,923.58	5,364.34	6,125.77	39,362,628.00	*	4,793.82	1.32%
Big Bear Lake	6,601.49	6,493.22	6,879.92	45,594,793.00	*	5,552.81	1.53%
Chino	20,306.42	19,048.26	22,999.94	211,659,312.00		25,777.17	7.09%
Chino Hills	20,295.94	18,351.18	15,710.14	120,482,368.00		14,673.08	4.04%
Colton	19,442.85	8,597.50	8,799.25	147,448,296.00		17,957.16	4.94%
Fontana	33,274.00	41,419.87	45,210.89	263,261,630.00	*	32,061.62	8.82%
Grand Terrace	971.80	1,707.26	1,904.96	7,776,230.00		947.04	0.26%
Hesperia	10,727.48	15,178.76	12,005.66	75,535,063.00	*	9,199.12	2.53%
Highland	5,995.59	5,738.72	7,417.31	38,036,114.00		4,632.27	1.27%
Loma Linda	8,144.92	4,352.73	5,313.92	45,007,410.00		5,481.28	1.51%
Montclair	6,846.56	7,985.12	8,294.09	53,597,416.00		6,527.42	1.80%
Needles	844.79	1,575.78	1,528.37	30,212,256.00		3,679.43	1.01%
Ontario	59,715.06	61,346.68	67,448.50	566,880,953.00		69,038.24	18.99%
Rancho Cucamonga	29,485.55	34,346.15	36,508.28	219,401,096.00	*	26,720.01	7.35%
Redlands	18,766.35	15,475.33	16,194.85	161,847,621.00		19,710.80	5.42%
Rialto	19,722.21	27,103.33	25,539.51	190,109,476.00		23,152.70	6.37%
San Bernardino	40,462.86	30,870.62	32,556.61	267,666,727.00		32,598.10	8.97%
Twentynine Palms	1,590.88	2,427.43	2,623.86	13,061,359.00		1,590.69	0.44%
Upland	14,526.42	12,323.54	10,778.98	117,551,255.00		14,316.11	3.94%
Victorville	24,468.26	23,185.07	17,281.77	210,006,305.00	*	25,575.86	7.04%
Yucaipa	5,109.26	5,886.78	6,370.91	42,847,852.00		5,218.27	1.44%
Yucca Valley	2,226.78	2,748.82	4,214.87	19,853,364.00		2,417.86	0.67%
	\$ 368,499.00	\$ 363,499.00	\$ 373,499.00	\$ 2,984,732,283.00		\$ 363,499.00	100.00%

Allocation is based on Cities revenues extracted from Fiscal Year 2018-19 tables published on the State Controller's website ([www.sco.ca.gov](http://www.sco.ca.gov)). Fiscal Year 2019-20 was not available as of April 2, 2021.

\* Cities with subsidiary districts. Subsidiary districts are excluded from the special district distribution and their revenues are included in the cities' revenues. Blended Component Units are below:

- Barstow Fire Protection District (City of Barstow)
- Big Bear Lake Fire Protection District (City of Big Bear Lake)
- Fontana Fire Protection District (City of Fontana)
- Hesperia County Water District (City of Hesperia)
- Hesperia Fire Protection District (City of Hesperia) - inactive as of 11/01/2018
- Rancho Cucamonga Fire Protection District (City of Rancho Cucamonga)
- Victorville Water District (City of Victorville)

**LAFCO Cost Allocation  
Special Districts Allocation  
PY 2021-2022**

District Name	Allocation FY 18-19	Allocation FY 19-20	Allocation FY 20-21	Total Revenues* FY 18-19	Allocation FY 21-22	Allocation Percentage
Apple Valley Fire Protection	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,531,045.00	\$ 10,000.00	2.75%
Apple Valley Foothill County Water	388.67	285.22	274.52	201,442.00	179.08	0.05%
Apple Valley Heights County Water	772.95	571.52	764.55	341,671.00	303.75	0.08%
Arrowbear Park County Water	3,187.14	2,723.80	2,428.29	1,317,263.00	1,171.07	0.32%
Baker Community Services	1,932.08	1,193.65	1,279.62	676,231.00	601.18	0.17%
Barstow Cemetery	1,052.82	594.95	545.38	315,620.00	280.59	0.08%
Barstow Heights Community Services	173.01	118.92	117.32	70,048.00	62.27	0.02%
Bear Valley Community Healthcare	1,500.00	1,500.00	1,500.00	5,383,161.00	1,500.00	0.41%
Big Bear Airport	5,000.00	3,731.47	3,806.39	2,393,438.00	2,127.80	0.59%
Big Bear City Community Services	10,000.00	10,000.00	10,000.00	14,553,090.00	10,000.00	2.75%
Big Bear Municipal Water	5,000.00	10,000.00	10,000.00	5,828,677.00	10,000.00	2.75%
Big River Community Services	280.49	183.06	174.23	95,437.00	84.84	0.02%
Bighorn-Desert View Water Agency	5,000.00	3,704.81	3,761.85	2,087,881.00	1,856.16	0.51%
Chino Basin Water Conservation	4,669.76	4,737.17	5,000.00	3,471,894.00	3,086.56	0.85%
Chino Valley Independent Fire	20,000.00	20,000.00	20,000.00	44,049,055.00	20,000.00	5.50%
Crestline Lake Arrowhead Water Agency	10,000.00	10,000.00	10,000.00	7,532,491.00	10,000.00	2.75%
Crestline Sanitation District	5,000.00	5,000.00	5,000.00	4,816,264.00	4,281.75	1.18%
Crestline Village Water	5,000.00	4,996.20	5,000.00	3,234,899.00	2,875.87	0.79%
Cucamonga Valley Water District	30,000.00	30,000.00	30,000.00	100,802,252.00	30,000.00	8.25%
Daggett Community Services	739.20	593.07	594.12	307,015.00	272.94	0.08%
East Valley Water	20,000.00	20,000.00	20,000.00	40,893,379.00	20,000.00	5.50%
Helendale Community Services District	5,000.00	5,000.00	10,000.00	5,778,521.00	10,000.00	2.75%
Hesperia Recreation and Park	5,000.00	10,000.00	10,000.00	9,673,634.00	10,000.00	2.75%
Hi-Desert Memorial Healthcare District	1,500.00	1,500.00	1,500.00	10,077,950.00	1,500.00	0.41%
Hi-Desert Water District	10,000.00	10,000.00	10,000.00	16,160,741.00	10,000.00	2.75%
Inland Empire Resource Conservation	5,000.00	3,680.67	3,103.33	2,333,189.00	2,074.24	0.57%
Inland Empire Utilities Agency	30,000.00	30,000.00	30,000.00	213,584,800.00	30,000.00	8.25%
Joshua Basin Water	10,000.00	10,000.00	10,000.00	6,932,794.00	10,000.00	2.75%
Juniper-Riviera County Water	794.94	533.88	524.23	310,514.00	276.05	0.08%
Lake Arrowhead Community Services	10,000.00	10,000.00	10,000.00	19,591,169.00	10,000.00	2.75%
Mariana Ranchos County Water	1,352.32	965.62	963.49	559,546.00	497.44	0.14%
Mojave Desert Resource Conservation	233.22	237.29	226.84	131,225.00	116.66	0.03%
Mojave Water Agency	20,000.00	20,000.00	20,000.00	49,418,962.00	20,000.00	5.50%
Monte Vista Water	10,000.00	10,000.00	10,000.00	21,767,767.00	20,000.00	5.50%
Morongo Valley Community Services	2,501.96	2,371.92	1,662.65	998,626.00	887.79	0.24%
Newberry Community Services	620.20	355.32	365.96	207,049.00	184.07	0.05%
Phelan Pinon Hills Community Services District	10,000.00	10,000.00	10,000.00	9,078,935.00	10,000.00	2.75%
Rim of the World Recreation and Park	3,120.65	1,990.72	2,000.85	1,171,438.00	1,041.43	0.29%
Running Springs Water	10,000.00	10,000.00	10,000.00	7,738,904.00	10,000.00	2.75%
San Bernardino Mountains Community Hospital	1,500.00	1,500.00	1,500.00	886,275.00	1,500.00	0.41%
San Bernardino Valley Municipal Water	30,000.00	30,000.00	30,000.00	152,467,374.00	30,000.00	8.25%
San Bernardino Valley Water Conservation	5,000.00	3,951.62	4,281.93	2,720,925.00	2,418.94	0.67%
Thunderbird County Water	622.80	427.24	405.11	243,370.00	216.36	0.06%
Twentynine Palms Cemetery	648.28	439.74	443.20	281,197.00	249.99	0.07%
Twentynine Palms Water District	10,000.00	5,000.00	10,000.00	5,223,876.00	10,000.00	2.75%
West Valley Mosquito and Vector Control	5,000.00	5,000.00	5,000.00	3,488,641.00	3,101.45	0.85%
West Valley Water District	20,000.00	20,000.00	20,000.00	35,536,812.00	20,000.00	5.50%
Wrightwood Community Services District	382.15	268.09	790.16	483,794.00	430.10	0.12%
Yermo Community Services	339.68	222.02	372.30	295,136.00	262.38	0.07%
Yucaipa Valley Water	20,000.00	20,000.00	20,000.00	25,590,825.00	20,000.00	5.50%
Yucca Valley Airport	186.68	121.03	112.68	65,506.00	58.24	0.02%
<b>Totals</b>	<b>\$ 368,499.00</b>	<b>\$ 363,499.00</b>	<b>\$ 373,499.00</b>	<b>\$ 853,701,748.00</b>	<b>\$ 363,499.00</b>	<b>100.00%</b>

All data in this worksheet are extracted from Fiscal Year 2018-19 Special Districts revenues published on the State Controller's website. Fiscal Year 2019-20 was not available as of April 2, 2021.

Exception: Data used for Bear Valley Community Healthcare and San Bernardino Mountains Community Hospital is 'Net from Operations' from FY 2018-19, published by the Office of Statewide Health Planning and Development

**LAFCO POLICY AND PROCEDURE MANUAL**  
**SECTION VI: SPECIAL DISTRICTS**  
**CHAPTER 1: INTRODUCTION AND POLICIES**  
**POLICY 3: ALTERNATIVE FUNDING FORMULA**

*(Adopted by Special District Vote July 2002; Amended by Special District Vote March 2, 2010)*

Pursuant to authority provided by Government Code Section 56381, the Independent Special Districts, by majority vote, have determined an Alternative Funding Formula to the Independent Special Districts' mandatory share of the LAFCO net operating costs as follows:

- A. Healthcare (Hospital) Districts shall be limited to payment of \$1,500 regardless of Total Revenue.
- B. Those districts with Total Revenue of more than \$50,000,000 shall pay \$30,000.
- C. Those districts with Total Revenue of between \$20,000,000 to \$50,000,000 shall pay \$20,000.
- D. Those districts with Total Revenue of between \$5,000,000 to \$20,000,000 shall pay \$10,000.
- E. Those districts with Total Revenue of between \$2,000,000 to \$5,000,000 shall contribute an amount not to exceed \$5,000.
- F. Those districts with Total Revenue of less than \$2,000,000 shall be apportioned an amount to be determined by the ratio of each district's Total Revenue as compared to the Total Revenues whose share does not exceed \$5,000.

## Attachment #3

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1010	<b>Earnable Compensation</b>	Per Salary Schedule	Increasing 1.2%	\$ 437,906
	<i>Includes step increases (3 employees), 2% longevity pay for those with 15 yrs (3 employees), &amp; leave cashouts, 3% COLA (all).</i>			
1030	<b>Auto &amp; Phone Allowances</b>	Auto Allowance (\$300 per pay period)	--	\$ 9,275
		Mobile Phone Allowance (\$50 per pay period)	--	
	<i>Executive Officer auto and phone allowances, per Benefit Plan.</i>			
1110	<b>General Member Retirement</b>	Tier 1: Increase from 35.76% to 39.92%	Increasing 11.6%	\$ 175,386
		Tier 2: Increase from 33.24% to 34.99%	Increasing 5.3%	
	<i>Contributions to retirement plan. Per SBCERA and Retirement Board adopted rates.</i>			
1130	<b>Survivors Benefits</b>	\$1.35 per pay period per employee	--	\$ 143
	<i>The survivor benefit is provided by SBCERA in lieu of Social Security's death benefits since members do not participate in Social Security. General members pay a contribution each pay period to fund this benefit.</i>			
1200	<b>Medical Premium Subsidy</b>	\$559.94 per period (employee +2): 2 employees	--	\$ 48,373
		\$393.03 per period (employee +1): 2 employees	--	
		\$253.33 per period (employee +0): 1 employee	--	
	<i>A subsidy is provided to offset employee medical premiums. Increase proposed to match County's increase to its Exempt Plan from Jan 2000.</i>			
1205	<b>Long-Term Disability</b>	0.24% of Base Pay	--	\$ 988
	<i>Long-term disability insurance.</i>			
1207	<b>Vision Insurance</b>	\$5.78 per employee per period	--	\$ 613
	<i>Vision insurance.</i>			
1215	<b>Dental Insurance Subsidy</b>	\$9.46 per employee per period	--	\$ 1,003
	<i>A subsidy is provided to offset employee dental premiums.</i>			
1222	<b>Short-Term Disability</b>	Short-term disability insurance (1.12% of Base Pay)	--	\$ 4,873
		FMLA program charge (\$1.57 per employee per period)	--	
	<i>Short-term disability insurance &amp; admin cost for family medical leave.</i>			
1225	<b>Medicare</b>	1.412% of Earnable Compensation	--	\$ 5,074
	<i>Contribution to Social Security Medicare for those entering after 1985 (4 employees).</i>			
1235	<b>Workers' Compensation</b>	1.07% of Base Pay	--	\$ -
	<i>Purchased thorough Special Districts Management Authority (SDRMA), a joint powers authority.</i>			
1240	<b>Life Insurance &amp; Med Trust Fund</b>	Life Insurance (\$1.69 per employee per period)	--	\$ 14,182
		Variable Life Insurance (\$623 for 2 employees)	Decreasing 55%	
		Retirement Medical Trust Fund (\$13,503 for 3 employees)	Increasing 15.1%	
	(1) Life Insurance is a benefit for all employees.			
	(2) Employees may purchase Variable Life Insurance, which has an employer contribution (2 employees).			

## Attachment #3

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
	<i>(3) LAFCO contributes to a Retirement Medical Trust Fund for employees with over 5 years of service (3 employees). Increase proposed to match County's increase to its Exempt Plan from Jan 2020.</i>			
1305	<b>Medical Reimbursement Plan</b>	Medical Reimbursement (up to \$40 per employee/period)	--	\$ 5,212
		Healthy Lifestyles (gym, \$324 per employee - 3)	--	
1314	<b>457/401a Contribution</b>	1% match for Executive Officer, 0.5% for all others	--	\$ 3,009
	<i>LAFCO matches employee contributions to the 457 savings plan of the County up to 0.5% for Groups B and C, and 1% for Group A (Executive Officer).</i>			
1315	<b>401k Contribution</b>	8% match for Group A & B, 6% match for Group C	--	\$ 31,082
	<i>LAFCO matches employee contributions to the 401(k) savings plan of the County up to 8% for Groups A and B, and up to 4% for Group C (Analyst-GIS).</i>			
<b>TOTAL SALARIES AND BENEFITS</b>				\$ 737,120



## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2031	<b>Payroll System Services (County IT)</b>	\$6.80 per pay period (26 periods), per employee (4)	--	\$ 707.20
	<i>Maintenance, support, and enhancements for County's payroll system and infrastructure.</i>			
2032	<b>Virtual Private Network (County IT)</b>	\$6.60 per month per user (2 users)	--	\$ 158.40
	<i>Use of the County's VPN for remote data access.</i>			
2033	<b>Network Labor Services (County IT)</b>	No activity	--	\$ -
	<i>County IT labor for the network.</i>			
2037	<b>Dial Tone (County IT)</b>	\$28.34 per line (7) per month	--	\$ 2,380.56
	<i>Phone line. Includes support services.</i>			
2041	<b>Data Line</b>	\$700 per month	--	\$ 8,400.00
	<i>Fiber optic data line from Verizon.</i>			
2043	<b>Electronic Equipment Maintenance (County IT)</b>	No activity		\$ -
	<i>County ISD services for data line installation.</i>			
2075	<b>Membership Dues</b>	CSDA: \$1,482	--	\$ 12,242.00
		CALAFCO: \$10,760	Increasing 1%	
	<i>Membership in Professional Associations.</i>			
2076	<b>Tuition Reimbursement</b>	Two employees at max reimbursement	No change	\$ 2,000.00
	<i>Pursuant to the LAFCO Benefits Plan, employees can be reimbursed for up to \$1,000 for approved tuition, course/seminar or degree related expenses, and membership dues in professional organizations.</i>			
2080	<b>Publications</b>	CA Land Use & Planning Law: \$101.00	--	\$ 3,179.60
		CA Annotated Code Books: \$250/month	Increasing 7%	
		Longtin's CA Land Use: \$78.60	--	
	<i>Purchase or subscription to professional publications related to LAFCO study areas.</i>			
2085	<b>Legal Notices</b>	General paper: \$1,000 per hearing (6 hearings)	25% increase	\$ 18,000.00
		Local Paper: \$1,000 per hearing (6 hearings)	25% increase	
		Vacancy notices: \$1,500 each (2 notices)	--	
		Protest hearing: \$1,000 per hearing (3 hearings)	25% increase	
	<i>Legal and policy requirement for notices: hearing, protest hearing, public member vacancy, etc... An eighth-page display ad in general newspapers is required for the countywide service reviews and when advertisement is authorized in-lieu of individual landowner and/or registered voter notice.</i>			
2090	<b>Building Expense</b>	HVAC: \$345 per quarter	--	\$ 7,260.00
		Janitorial: \$490 per month	--	
	<i>Ongoing maintenance of the staff office.</i>			
2115	<b>Software</b>	Laserfische archiving: \$1,313.00 annual	--	\$ 17,283.00
		New website (\$15,000)		
		Adobe license for office, annual, (\$900)		
		Microsoft license for one laptop, \$70 annual		
	<i>Purchases, subscriptions, and updates of software and online programs, to include digital archiving software for LAFCO to maintain its records in perpetuity per Government Code Section 56382.</i>			
2135	<b>Utilities</b>	No activity		\$ -
	<i>For miscellaneous utility charges</i>			
2180	<b>Electricity</b>	\$600 per month	Decreasing 16%	\$ 6,000.00
	<i>LAFCO is responsible for electricity payments while located at the train depot.</i>			
2245	<b>Other Insurance</b>	Annual Insurance (\$14,340)	--	\$ 18,340.00
		Workers' Compensation (\$4,000)		

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
	<i>Liability insurance (property, general, personal, employment, benefits, auto) errors and omissions, and employee dishonesty coverage. Purchased through the Special District Risk Management Authority (SDRMA).</i>			
2305	<b>General Office Expense</b>	Petty Cash Reimbursement: \$250 per quarter (\$1,000)	--	\$ 2,564.00
		Paper shredding: \$204	--	
		Zoom subscription for remote meetings (\$60 per month)	--	
		Vimeo subscription for digital archive of meetings (\$240/yr)		
		Printer cartridges:\$400	--	
	<i>Niche and random items for the office. See Account 5012 for Office Supplies per contract pricing.</i>			
2308	<b>Credit Card Clearing Account</b>			\$ -
	<i>Clearing account for credit card issued to the Executive Officer. All charges post to this account temporarily with charges then transferred to the appropriate accounts.</i>			
2310	<b>Postage - Direct Charge</b>	Months with hearings (6): \$400 per month	--	\$ 5,316.00
		Months with no hearings (6): \$200 per month	--	
		Mail delivery: \$6.50 per stop (22 per month)	--	
	<i>On avg. USPS rates increasing 10%. County mail handling increasing 18%. LAFCO implementing more digital circulation as cost savings, which reduce costs overall.</i>			
2315	<b>Records Storage</b>	\$64 per month	Decreasing 7%	\$ 772.44
	<i>Off-site retention of records. Gov Code 56382 mandates LAFCO to maintain its records in perpetuity.</i>			
2322	<b>Enterprise Printing (County IT)</b>	\$7.14 per month	--	\$ 85.68
	<i>County printing of payroll documents.</i>			
2323	<b>Reproduction Services</b>	\$500 estimate based on prior year		\$ 500.00
	<i>Printing activity outside of the LAFCO office (County Printing Services, Kinkos, etc.).</i>			
2335	<b>Temporary Services</b>	\$25 per hour, per contract rate	--	\$ 5,400.00
	<i>Use of temporary services for clerical support.</i>			
2400	<b>Legal Counsel</b>			\$ 34,200.00
		Months with hearings (6): \$3,600 per month	Increasing 1.9%	
		Months with no hearings (6): \$1,500 per month	Increasing 1.9%	
	<i>Contract with Best, Best, and Krieger for general and special counsel. Costs related to a proposal are recoverable pursuant to Commission policy. Payments received for cost recovery are deposited into Revenue Account 9555.</i>			
2405	<b>Auditing</b>	SBCERA costs for GASB 67 & 68: \$3,018	--	\$ 11,500.00
		Independent auditor: \$8,300	Increasing 5%	
	<i>Contract with Davis Farr LLP for independent auditing services. SBCERA is required to determine the unfunded liability for its participants and by legislative action can charge for that requirement.</i>			
2410	<b>IT Infrastructure (County IT)</b>	\$117.21 per month per email address (5 addresses)	--	\$ 586.05
	<i>Support of computer/server systems, email, wide area network, internet access, IT security, virus protection, help desk, and data center.</i>			
2415	<b>Countywide Cost Allocation Program (COWCAP)</b>	Per the County COWCAP publication (not yet issued, estimate)	--	\$ 14,049.00
	<i>The County Auditor charges for county-related costs incurred in the prior year.</i>			
2416	<b>Enterprise Printing (County IT)</b>	Per print impression, annual estimate	--	\$ 31.00
	<i>Printing from County's enterprise server related to payroll.</i>			
2417	<b>Enterprise Content Management (County IT)</b>	\$157 per month, based on storage allocation	--	\$ 1,884.00
	<i>High-speed enterprise data storage services, including data backup and recovery.</i>			

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2418	<b>Data Storage Services (County IT)</b>	\$403 per month, based on storage allocation	--	\$ 4,836.00
	<i>High-speed general data storage services, including data backup and recovery.</i>			
2420	<b>Wireless Device Access (County IT)</b>	\$17.59 per month, per user (1 user)	--	\$ 211.08
	<i>Phone sync to County email.</i>			
2421	<b>Desktop Support Services (County IT)</b>	\$133.65 per month, per computer (6 computers)	--	\$ 9,622.80
	<i>County tech support &amp; monitoring for computers and applications.</i>			
2424	<b>Environmental Consultant</b>	Consultant work, per contracted rate, 11 proposals	--	\$ 10,600.00
		File with County Clerk, 14 actions, \$50 each	--	
	<i>The Commission contracts with an independent consultant, Tom Dodson and Associates, for the environmental assessment associated with its proposals. Most environmental consultant costs are billable under the Commission's existing fee schedule. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2444	<b>Security Services</b>	\$123 per quarter	--	\$ 492.00
	<i>Maintain and monitor the security system.</i>			
2445	<b>Other Professional Services</b>	Surveyor proposal review: \$450 each proposal (14)	--	\$ 78,068.40
		Commissioner stipend: \$200 per hearing (6)	--	
		Commissioner stipend: \$200 per committee mtg (4)		
		ROV: \$100.60 per hour (14)	--	
		Bob Aldrich for staffing: \$75/hr	--	
		County processing of quarterly taxes: \$1,000/quarter	--	
		County work on apportionment: \$6,800	--	
		Video recording of hearings: \$360 per hearing (6)	--	
		Commissioner stipend for SoCal LAFCO: \$200 per mtg. (4)	--	
		Governance Training Program for Local Agencies	--	
	<i>This account is for outside services to assist in processing applications and service reviews as well as conducting Commission hearings. Staffing support from Bob Aldrich will correspond with proposal activity levels. Governance training will include two courses.</i>			
2449	<b>Outside Legal (Litigation &amp; Special Counsel)</b>	Per special counsel rate		\$ -
	<i>Legal services conducted through special contract for either litigation or when a conflict of interest waiver is not granted. For proposals not initiated by the Commission, the applicant agrees to indemnify the Commission against legal costs. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2460	<b>Aerial Imagery (County IT)</b>	Aerial Imagery \$1,000 per user (3)	--	\$ 14,500.00
		Street Network Subscription: \$10,500 flat fee	--	
		ArcMap Desktop - GIMS license: \$1,000 per user	--	
	<i>Generation &amp; maintenance of digitized maps &amp; aerial images, access to County's parcel &amp; street layers.</i>			
2895	<b>Rent/Lease Equipment (copier)</b>	\$425 per month	Increasing 6%	\$ 5,100.00
	<i>LAFCO implementing more digital circulation as cost savings.</i>			
2905	<b>Office/Hearing Chamber Rental</b>	Hearing Chambers: \$405 per hearing (6)	--	\$ 98,258.16
		Amortization Payment: \$8,448.33 quarterly	--	
		Office Lease & Common Area Expense: \$15,509 quarterly	Increasing 3%	
	<i>Use of Norton Conference Center for hearings, amortizing the renovations of the staff office for 60 monthly payments, and office lease with associated costs for common area expenses such as security, landscaping, lighting, etc.</i>			

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2940	Private Mileage	ESRI Conference San Diego, (canceled)	--	\$ 2,192.30
		Employee travel, misc.: \$55	--	
		CALAFCO Conf. Orange County, 6 cars	--	
		CALAFCO Staff Workshop Orange County, (canceled)	--	
		Commissioner So Cal participation, 4 trips: \$220	--	
		Commissioner Hearings (6): \$2,502.50	--	
	<i>Commissioners and staff private auto mileage at the IRS rate, excluding the Executive Officer.</i>			
2941	Conference/Training	CALAFCO Staff Workshop Orange: (canceled)	--	\$ 4,710.00
		CALAFCO Conference Orange \$570 each (7)	--	
	<i>The CALAFCO Staff Workshop will be held in Orange, with 2 staff budgeted.</i>			
	<i>The CALAFCO Conference will be held in Orange, with 5 Commissioners and 2 staff budgeted.</i>			
2942	Hotel	CALAFCO/So Cal participation: \$200 per night (1)	--	\$ 6,710.00
		ESRI Conference San Diego: (canceled)	--	
		CALAFCO Conf. Orange., \$250/night, 7 people, 3 nights	--	
		CALAFCO Staff Workshop Orange County, (canceled)	--	
	<i>Hotel charges for Commissioners and staff on LAFCO business.</i>			
2943	Meals	Staff travel: \$50	--	\$ 1,000.00
		ESRI Conference San Diego: (canceled)	--	
		CALAFCO Conference Orange \$350 for 7 people	--	
		CALAFCO Staff Workshop Orange County, (canceled)	--	
		So Cal participation - Staff: \$50/trip (2)	--	
		So Cal participation - Commissioner: \$50/trip (2)	--	
	<i>Meal charges for Commissioners and staff on LAFCO business. Per diem max \$50/day.</i>			
2945	Air Travel	CALAFCO participation: \$200/trip (2)		\$ 400.00
	<i>Airfare on Southwest Airlines for approved travel to Sacramento.</i>			
2946	Other Travel	CALAFCO participation: \$75/trip (2)		\$ 150.00
	<i>Miscellaneous travel charges such as parking and taxi charges.</i>			
5012	Trust Transfer to County (Staples & Microsoft)	Staples supplies: \$300 per month	--	\$ 6,689.00
		Microsoft Licenses		
TOTAL SERVICES AND SUPPLIES				\$ 416,378.67

## Attachment #5

## Revenues Detail

Account		Charge Measurement	Rate Inc/Dec	Total
8500	<b>Interest</b>	County Interest Pool returns	Variable	\$ 11,000
	<i>LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.</i>			
8842	<b>Apportionment</b>		Decreasing 2.7%	\$ 1,090,497
	<i>Govt Code §56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the County of San Bernardino. The proposed apportionment to the County, Cities, and Independent Special Districts is \$363,499 each. The County Auditor will be required to apportion this amount on July 1, 2021 pursuant to the requirements of law and Commission policies.</i>			
8545	<b>Individual Notice Deposit</b>	\$1,000 deposit	--	\$ 9,000
	<i>This account is for landowner and registered voter notification requirements. This \$1,000 deposit is applied to proposals and development-related service contract less refunds. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9555	<b>Legal Services Deposit</b>	\$2,000 for proposals; \$700 for applicable service contracts	--	\$ 15,000
	<i>This account is for deposits for legal services which are calculated at \$2,000 for proposals and \$700 for service contracts requiring a hearing.</i>			
9595	<b>Protest Hearing Deposit</b>	\$1,500 each	--	\$ 4,500
	<i>The account is for deposits related to the processing of the protest hearing which are calculated at \$1,500 each. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9655	<b>Digital Mapping Fee</b>	LAFCO Fee Schedule, based on acreage	--	\$ 595
	<i>This account is for receipt of revenue to recover the costs associated with the County's digital maps for sphere or boundary changes, maintenance and updates. The charge is based upon the acreage of each consideration area.</i>			
9660	<b>Environmental Deposit</b>	\$1,000 for proposals; \$750 for applicable service contracts	--	\$ 8,400
	<i>Deposits for environmental review processing are calculated at \$1,000 for proposals and \$750 for service contracts requiring a hearing.</i>			
9800	<b>LAFCO Fee</b>	LAFCO Fee Schedule, based on region and acreage	Increasing w/ CPI	\$ 54,019
	<i>Revenues in this account are based on anticipated activity and conservatively calculated at the median annexation filing fee for the activity identified above.</i>			
9560	<b>Indemnification Recovery</b>		--	\$ -
	<i>This is new account that will segregate legal cost recovery that was previously credited to Account 9555.</i>			
9910	<b>Prior Year Activity</b>		--	\$ -
	<i>This account refunds deposits submitted by applicants less costs incurred for activity which carry over from one year to another.</i>			
9930	<b>Miscellaneous Revenue</b>		--	\$ -
	<i>This account is for revenues received for duplication of CDs, DVDs, paper copies, and other miscellaneous receipts.</i>			
9970	<b>Carryover of Fund Balance</b>		--	\$ 55,000
	<i>Carryover of earned funds and unearned funds (proposals still being processed)</i>			
<b>TOTAL REVENUES</b>				\$ 1,247,514

## Attachment #6


## Work Plan

Priority	Function	Program/Project	Description and Key Issues
Continual	Statutory	Proposals	LAFCO's core function is to process changes of organization & sphere amendments
	Statutory	Service Contracts	LAFCO is the authority to process and approve extra-territorial services
High	Statutory	Service Review: Countywide Park and Recreation	Review of all local park and recreation agencies (est. Nov 2020)
	Statutory	Service Review: Solid Waste	Review of all solid waste agencies (begin)
	Statutory	Service Review: Continued Monitoring	Continue to monitor agencies selected from prior service reviews (ongoing)
	Statutory	Annual Audit	Coordinate independent auditor's review of financial statements
	Statutory	Update Disadvantaged Community Mapping	Commission policy directs that the updates will occur in years ending in 1 and 6.
Medium	Budgetary	Reduce Apportionment	Reduce apportionment by 2.7% by returning it to FY 2019-20 level
	Statutory/Admin	New Website	The platform of the LAFCO website no longer receives support updates and will not receive security updates in a year or two
	Liability	Net Pension Liability Reserve	Fund per the Amortization Schedule
	Liability	Compensated Absences	Fully fund per Commission policy
	Liability	Salary Reserve	Fund one-tenth of a pay period per Commission policy
	Budgetary	General Reserve	Increase General Reserves by \$25,000 (17% increase)
	Administrative	SALC Grant: Map Prime Ag Lands & Formulate Policies	At its December 2020 meeting, the Department of Conservation awarded the Sustainable Agricultural Lands Conservation (SALC) grant to LAFCO. Tasks include mapping, stakeholder meetings, policy writing, and grant administration
	Administrative	Review and Comment on Agency Plans	Review and comment on draft changes/updates to city and county general plans
	Administrative	Review and Comment on Environ. Documents	Review and comment on draft environmental documents prepared pursuant to CEQA
	Administrative	Communication and Project Management Platform	Implement Microsoft Teams for workflow and communication
	Administrative	Communication with Agencies	Increase awareness about the mission, purpose and function of LAFCO (see Attachment #5 and #6)
	Administrative	Governance Training Program	Due to the pandemic, the Governance Training Program is on hiatus. When restrictions on gatherings lift, staff will conduct two courses: LAFCO 101 and New Board Member Governance training.
	Administrative	CALAFCO	Participate in CALAFCO through Board, Leg Committee, and Annual Workshop & Conference
	Administrative	Association of So Cal LAFCOs	Participate in So Cal LAFCO Group through Board and staff committees & positions
Low	Administrative	Policy Manual Update	Periodic review and update of the Policy and Procedure Manual
	Budgetary	Contingency Reserve	Contribute an additional \$6,400 for a balance of \$25,000
	Administrative	Local Agency Directory	Revise the publication identifying and summarizing local government agencies subject to LAFCO oversight
	Administrative	Internal Databases	Revise two databases: mailing list and proposal log
	Administrative	Fiscal Indicators Program	The program is currently in hiatus. Portions of the program are incompatible with the current website, and portions of the program will be incompatible with the new website. Staff and the Admin Committee propose to revamp the program. In addition to a current and viable platform, improvements would include new design, mobile access, and replacement of certain indicators with more representative indicators.
	Budgetary	Approve Benefit Increases	This was reviewed as a part of the FY 20-21 budget, the Commission deferred discussion to the FY 21-22 budget. Medical Premium Subsidy, Medical Reimbursement Plan, and Retirement Medical Trust.
	Budgetary	Provide a COLA to Salaries	No COLA was provided for FY 20-21. Propose COLA of 2.0% for FY 21-22 (inflation is 1.9% for CY 2020)

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 12, 2021   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM 16: Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 - Countywide Service Review for Public Cemetery Districts

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Barstow Cemetery District for the July 21, 2021 meeting, unless otherwise directed by the Commission.

## **BACKGROUND:**

As an outgrowth from LAFCO's December 2020 Countywide Service Review for Public Cemetery Districts (LAFCO 3231), the Commission directed staff to return with an update on the sustainability of the Barstow Cemetery District, to include the status of its audits. The first update was at the March hearing. This is the second update.

## **MARCH 2021 UPDATE:**

For this update, the District General Manager informed us that:

- The 17/18 and 18/19 audits remain outstanding. The CPA that was formerly the District's independent auditor is working with the new independent auditor on the outstanding audits.
- They have hired a financial advisor that specializes in cemeteries. The financial advisor is assisting with updating financial policies and standard operating procedures.
- They recently hired a new book keeper, who will work with the financial advisor to make the financial reports current.
- At the May hearing, the District is scheduled to select a budget committee.

- The County Third District Supervisor is anticipated to fill the open board member seat.

No other information is available for staff to conduct a proper update regarding finances.

Of concern to this Commission is when a local agency does not conduct its annual audit. The outstanding audits for the District are for FYs 2017/18 and 2018/19. Come June 30, 2021, the audit for FY 2019/20 would be outstanding. Should satisfactory movement towards audit completion not occur, staff will discuss with the Commission a request to the San Bernardino County Auditor to invoke Government Code Section 26909 to make or contract for the District's annual audits. Further, any costs incurred by the County Auditor would be borne by the District and be a charge against any unencumbered funds. Hopefully, the District's current movement towards getting its books in order does not necessitate County Auditor involvement.

### **LANDSCAPE CONVERSION PROJECT:**

The service review identified that the District has challenges with its wells and has to use domestic water for irrigation, which averages \$10,000 to \$20,000 per month depending on the season.

The Mojave Water Agency (MWA), the wholesale water agency, is working with the District to convert the grass to xeriscape. In December 2020, MWA informed the District that it is eligible for a \$375,000 rebate for a landscape conversion project. The project will include planting of 93,000 square feet of desert adaptive plants and installing water-efficient irrigation systems. Further, MWA worked with the Golden State Water Company (the water retailer) to prepare a project application requesting that the District's landscaping project be added to the Integrated Regional Water Management Plan Project List.

According to MWA, the work plan is formulating and no details are available at this time. Nonetheless, movement towards xeriscape is occurring.

### **CONCLUSION:**

Staff recommends that the Commission schedule an update for the Barstow Cemetery District for the next Commission meeting, July 21, 2021 meeting, unless otherwise directed by the Commission.

SM/MT



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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---

**DATE:** MAY 12, 2021

**FROM:** MICHAEL TUERPE, Senior Analyst



**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM 17: Continued Monitoring for the Twentynine Palms Public Cemetery District related to LAFCO 3245 - Countywide Service Review for Public Cemetery Districts

---

## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Twentynine Palms Public Cemetery District for the September 15, 2021 meeting, unless otherwise directed by the Commission.

## **BACKGROUND:**

As an outgrowth from LAFCO's December 2020 Countywide Service Review for Public Cemetery Districts (LAFCO 3231), the Commission directed staff to return with an update on the sustainability of the Twentynine Palms Public Cemetery District.

Below is the Conclusion and Recommendation from the service review:

*LAFCO concludes that the Twentynine Palms Cemetery District suffers from historical governance and operational challenges resulting in lack of continuity, training, and numerous structural deficiencies due to neglect and maintenance backlog. The two previous general managers of the District were terminated with cause based on evidence of misconduct pertaining to suspected embezzlement and fraud. The successive general managers were terminated in 2012 and 2020, respectively. Restitution was ordered and satisfied in the first case and is pending for the second case.*

*LAFCO concludes that since Spring 2020, current district staff have commenced with governance training, general upkeep, correcting structural deficiencies, and health and safety improvements.*

*LAFCO recommends that the Commission continue to monitor the Twentynine Palms Public Cemetery District, with the first status report scheduled for LAFCO's May 19, 2021 meeting.*

**MARCH 2021 UPDATE:**

For this update, the District general manager invited LAFCO staff to the cemetery to review recent improvements and to discuss the direction of the District. Staff reviewed the improvements and the overall appearance of the facilities is markedly better since our first visit in September 2020.

For this update, staff interviewed the District General Manager. She informed us that:

- The District is current on all audits.
- The District currently employs two personnel, the general manager and ground supervisor. The general manager contracts out for specialty services.
- Due to high costs, the District no longer uses general legal counsel. Should the need arise the District would contract for special counsel. LAFCO staff discussed with the general manager and expressed the risks of not having general counsel.
- The cemetery lacks a "Friends of the Cemetery" association. The general manager and board members are seeking community members to take upon this endeavor.
- The website now has a dedicated Open Governance tab.
- The general manager is reviewing old policies for presentation to the board.
- The District is seeking interest, and is in contact with the County Third District, in filling an open seat on the board.
- Finally, the District desires to participate in future LAFCO Governance Training.

A review of the District identifies good movement in governance training, general upkeep, correcting structural deficiencies, and health and safety improvements. However, the District continues to experience cash flow challenges.

**DISTRICT REQUEST:**

The District is considering utilizing provision that allows districts with low revenues to conduct a multi-year audit instead of an annual audit. As specified in Government Code Section 26909, special districts may change their audit period to an interval no longer than once every five years if there is a unanimous request of the governing board and unanimous approval of the County's Board of Supervisors. The District is not making this request at this time. Rather, it is introducing this option as a part of this update to gauge sentiment.

**CONCLUSION:**

Staff recommends that the Commission schedule an update for the Twentynine Palms Cemetery District for the next Commission meeting, September 15, 2021 meeting, unless otherwise directed by the Commission.

SM/MT

Attachment:

[Twentynine Palms Public Cemetery District Portion of Countywide Service Review](#)

## 1. LAFCO Conclusion and Recommendation

*LAFCO concludes that the Twentynine Palms Cemetery District suffers from historical governance and operational challenges resulting in lack of continuity, training, and numerous structural deficiencies due to neglect and maintenance backlog. The two previous general managers of the District were terminated with cause based on evidence of misconduct pertaining to suspected embezzlement and fraud. The successive general managers were terminated in 2012<sup>1</sup> and 2020<sup>2</sup>, respectively. Restitution was ordered and satisfied in the first case and is pending for the second case.*

*LAFCO concludes that since Spring 2020, current district staff have commenced with governance training, general upkeep, correcting structural deficiencies, and health and safety improvements.*

*LAFCO recommends that the Commission continue to monitor the Twentynine Palms Public Cemetery District, with the first status report scheduled for LAFCO's May 19, 2021 meeting.*

## 2. Overview and Brief History

In 1934, voters approved the formation of the Twentynine Palms Cemetery District to provide cemetery services to Twentynine Palms, Wonder Valley, and outlying areas. The District is an independent special district with a five-member appointed board of trustees and operates under Public Cemetery District Law (Division 8, Part 4 of the Health and Safety Code). The District's boundaries cover approximately 650 square miles and includes portions of the Twentynine Palms Marine Corps Base and Joshua Tree National Park. Currently, the District operates one cemetery located at 5350 Encelia Avenue in Twentynine Palms. The District owns 30 acres, 20 which are developed. According to the District website, there are approximately 4,215 interments.

## 3. Boundary and Sphere of Influence Review

This review identifies no boundary or sphere of influence matters for the District.

## 4. Previous Service Review and Other Reports

This agency's first service review from 2012 raised concerns regarding the District's fiscal health, lack of a master plan, and other financial and operational issues.<sup>3</sup> Based on the reasons described in the May 2012 service review, LAFCO designated a zero sphere of influence for the District. Further financial and organizational issues were discovered subsequent to the approval of the service review and a reconsideration of the service review was conducted in November 2012 allowing further public testimony and Commission consideration. The Commission made no change to the zero sphere determination.

## 5. Growth and Population Projections

The District's population is primarily concentrated around central Twentynine Palms, with limited development throughout the remainder of the District. As shown below, the population estimates for 2012 and 2040 do not identify any significant growth areas.

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<sup>1</sup> Superior Court of California. *People of the State of California vs. Cassandra Dobler*. Case Number: FMB1400595

<sup>2</sup> Superior Court of California. *People of the State of California vs. Stacey Lynn Lee*. Case Number: FMB20000014

<sup>3</sup> [http://www.sbcounty.gov/lafco/items/201211/Item\\_7.pdf](http://www.sbcounty.gov/lafco/items/201211/Item_7.pdf)

Figure 4-1: 2012 Population

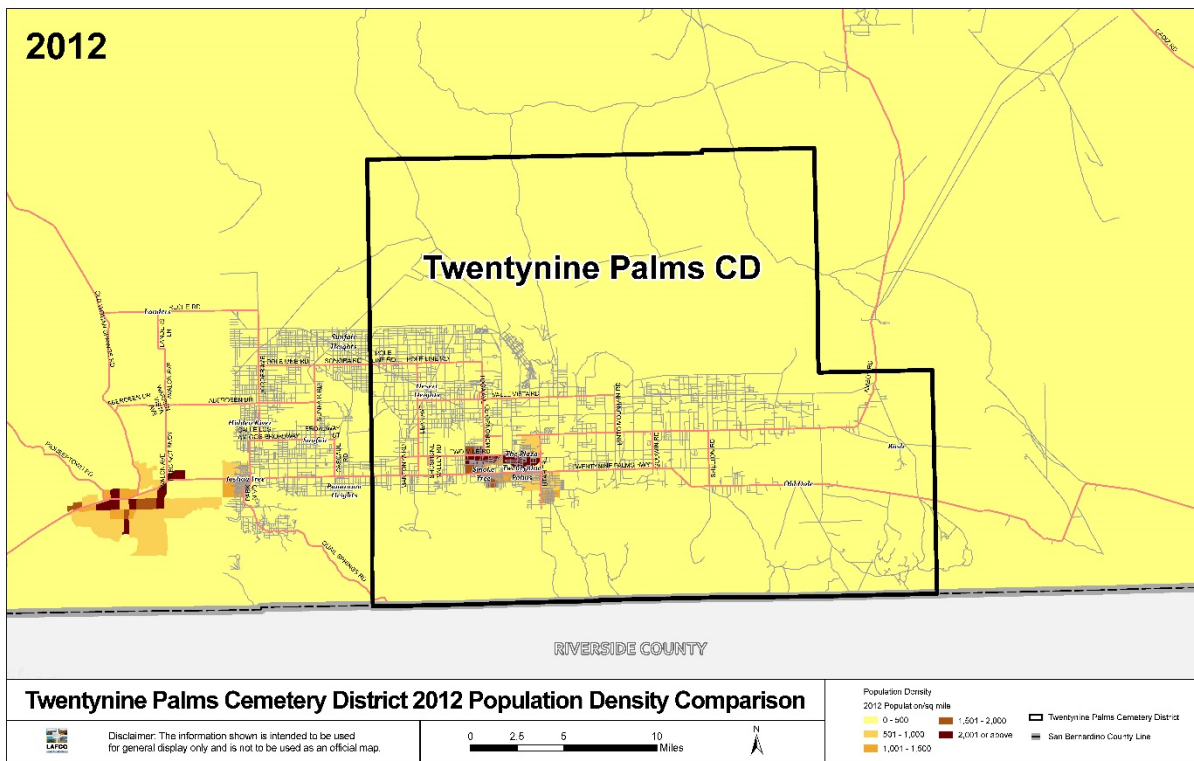
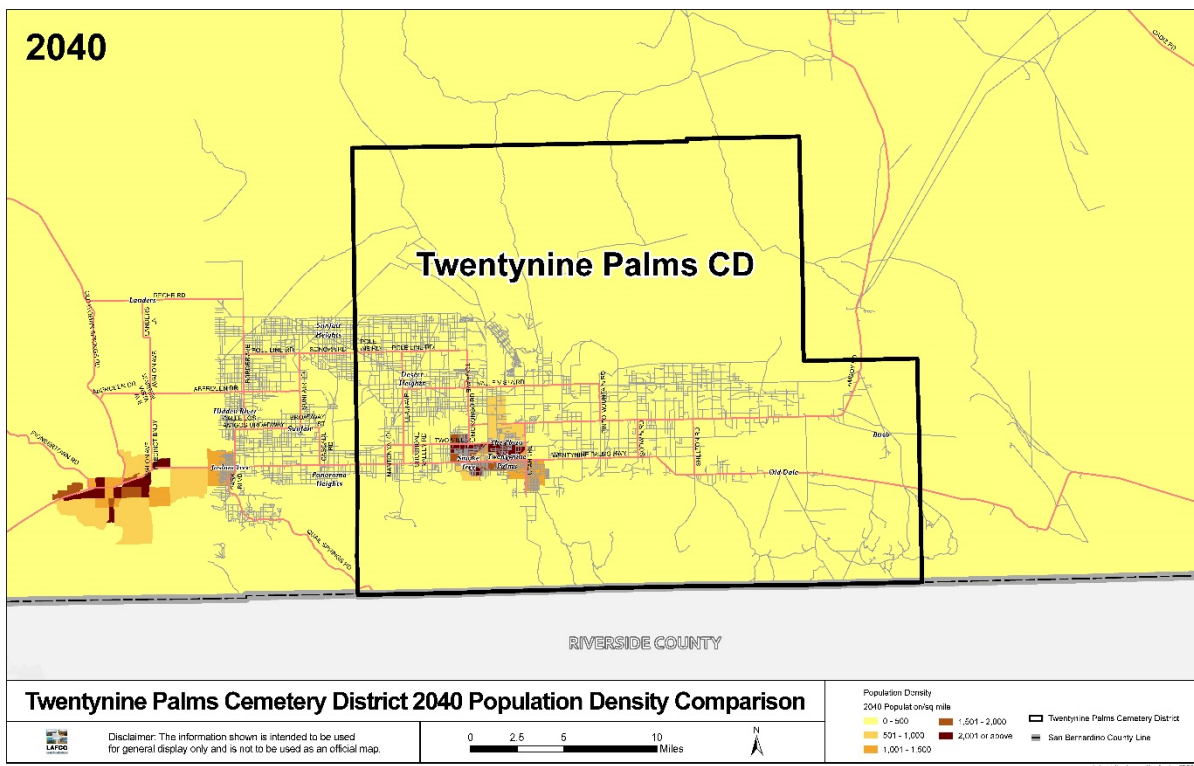


Figure 4-2: 2040 Population



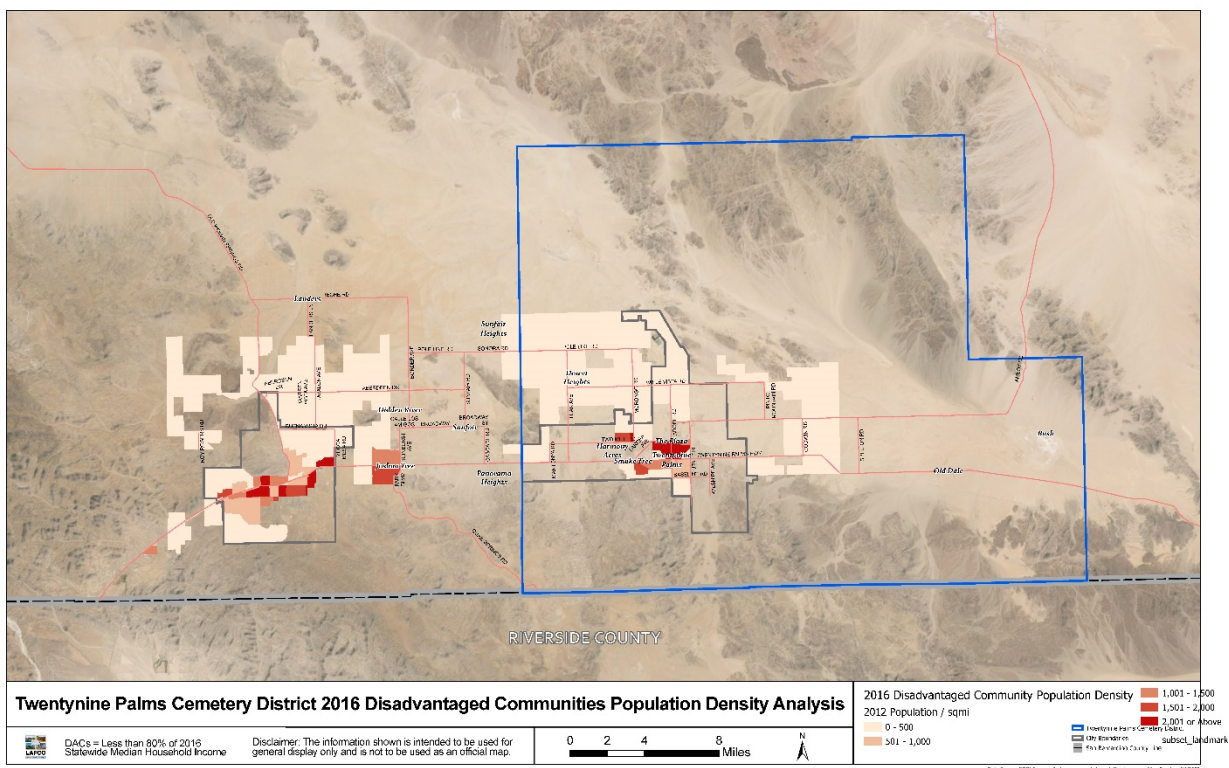


## 6. Disadvantaged Communities, Location and Characteristics

State law requires various entities (i.e. LAFCO, cities and counties, and water agencies) to, in some manner, identify disadvantaged communities, which can be located in both incorporated and unincorporated areas. More information on the laws and requirements regarding Disadvantaged Communities is available in [Appendix C: Primers](#) to this report.

The figure below identifies the location of the disadvantaged communities with the District overlay in blue outline. For this region, LAFCO uses a density factor of 500 people or more per square mile.

**Figure 4-3:  
 Disadvantaged Communities with Population Density**



The table below identifies the characteristics of incorporated Disadvantaged Communities with population densities of more than 500 people per square mile.

**Table 4-1:  
 Characteristics of Disadvantaged Areas within Twentynine Palms Public CD**

Population	7,528	Median Household Income	\$39,633
Households	3,045	Per Capita Income	\$21,424
Median Age	27.8	Unemployment Rate	26.4%

Source: ESRI, August 2020

## **7. Facilities and Services**

The District completed a LAFCO questionnaire regarding governance and operations. The District's response is included at the rear of this agency's profile.

### **A. Present and Planned Capacity of Public Facilities**

The District operates one cemetery located at 5350 Encelia Drive in Twentynine Palms. The grounds cover 30 acres, 20 of which are developed. As of September 24, 2020, the cemetery had:

- 4,215 filled sites
- 629 sold but empty sites
- 2,606 unsold sites

According to the District, internments for the past three years were 29 (2017), 29 (2018) and 23 (2019). At this rate, it would take 112 years for the cemetery to reach capacity, not counting the additional 10 acres of empty land.

### **B. Adequacy of Public Services**

Given the remote nature of the District, as well as the need for internment services, the public service is adequate.

### **C. Infrastructure Needs and Deficiencies**

During a site visit, LAFCO staff noticed deferred maintenance and historical lack of general upkeep. The current staff have commenced with general upkeep, correcting structural deficiencies, and health and safety improvements.

The District irrigates with domestic water and not from a well. Domestic water from the Twentynine Palms Water District is more costly than pumping untreated water from a well.

## **8. Financial Ability to Provide Services**

To make the required service review determination of an agency's financial ability to provide services, LAFCO referenced the agency's own financial documents (audits, budgets). Additionally, LAFCO's Fiscal Indicators Program shows fiscal trends for an agency and allows for an agency comment.<sup>22</sup> The information below incorporates all of the information and sources identified above.

### **A. Overview**

Revenues are comprised of service fees, the District's share of the general property tax levy, and interest. The vast majority of the revenues are derived from service

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<sup>22</sup> <http://sbclafco.org/FiscalIndicators/IndependentDistricts/TwentyninePalmsCemeteryDistrict.aspx>

fees. The District does not offer a defined payment retirement plan to its employees; therefore, it does not have any pension liability.

The most recent audit, FY 2018/19, offers the following highlights:

- The assets of the District exceeded its liabilities at the close of the year by \$593,159. Of this amount, \$104,430 may be used to meet the District's ongoing obligations to citizens and creditors.
- As of the close of the current fiscal year, the District governmental funds reported combined ending fund balances of \$348,384, an increase of \$58,272 in comparison with the prior year.
- At the end of the current year, unreserved fund balance for the general fund was \$99,547 or 45% of the total general fund expenditures.

#### B. Funds

The District maintains three operating funds with the County Treasury, which are listed below. A local checking account is maintained for depositing cash and monies received until they are transferred to the County Treasury.

- General Fund: for regular income and expenses
- Pre-Need Fund: for the sale of reserve space for future burial
- Endowment Fund: remains in perpetuity, only the interest and gains can be used

#### *General Fund*

The fund labeled "General" is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

A trend of operating gains or deficits is a key indicator of the financial health of an agency. The figure below shows the General Fund balance for the period of FY 2013/14 through FY 2018/19. The fund balance has decreased by 29% within five years with Total Revenues increasing by 36% and Total Expenditures increasing by 13%. Expenditures have exceeded revenues annually from at least 2013/14 through 2017/18, resulting in an annual decline in fund balance. However, the Pre-Need Burial Fund receives revenues for burial expenditures and transfers funds to the General Fund for this purpose. Note that in 2015/16, a large capital expense accounts for the deficit for that year. What this reveals is a lack of reserves to cushion necessary capital purchases. Moreover, any unexpected expenses could further challenge the General Fund, prompt service reduction, fee increases, or cause the General Fund to enter into negative territory and result in a running deficit.

**Table 4-2:  
General Fund Balance**

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	5 yr Var
<b>REVENUES</b>							
Charges for services	7,627	18,244	19,571	23,464	26,508	53,777	605%
Property taxes	176,768	179,914	183,587	186,353	192,777	197,292	12%
Other	2,680	2,949	11,718	4,858	16,876	3,426	28%
Total Revenue	\$ 187,075	\$ 201,107	\$ 214,876	\$ 214,675	\$ 236,161	\$ 254,495	36%
<b>EXPENDITURES</b>							
Salaries & Benefits	148,949	173,204	186,404	188,507	185,153	154,418	4%
Services & Supplies	23,150	33,695	49,891	51,733	53,474	37,415	62%
Other	21,162	22,283	177,540	18,796	34,266	25,996	23%
Total Expenditures	\$ 193,261	\$ 229,182	\$ 413,835	\$ 259,036	\$ 272,893	\$ 217,829	13%
Revenues less Expend.	(6,186)	(28,075)	(198,959)	(44,361)	(36,732)	36,666	
<b>OTHER FINANCING</b>							
Transfers In	28,646	45,816	143,144	11,924	19,971	9,572	
Fund Balance Begin	118,121	140,581	158,322	102,507	70,070	53,309	-55%
<b>Fund Balance End</b>	<b>\$ 140,581</b>	<b>\$ 158,322</b>	<b>\$ 102,507</b>	<b>\$ 70,070</b>	<b>\$ 53,309</b>	<b>\$ 99,547</b>	<b>-29%</b>

### *General Fund Liquidity*

As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. At the end of FY 2018/19, unreserved fund balance of the General Fund was \$99,547, which is the same as total fund balance. Unassigned fund balance represents a 46 percent of total General Fund expenditures. Therefore, the liquidity of the General Fund is adequate.

The Government Finance Officers Association ("GFOA") currently recommends that regardless of size, general-purpose governments should maintain unreserved fund balance in their General Fund of "no less than two months of regular general fund operating revenues or expenditures." A General Fund balance of a lesser level exposes the General Fund to the risk of not being able to meet cash flow requirements, economic uncertainties, or other financial hardships. As shown on the chart below, the District's unreserved fund balance has exceeded the general rule of more than two months of regular General Fund operating expenditures.



**Table 4-3:  
General Fund Liquidity**

<b>General Fund (GF)</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Total GF expenditures	\$ 193,261	\$ 229,182	\$ 413,835	\$ 259,036	\$ 272,893	\$ 217,829
Unreserved GF fund balance	140,581	158,322	102,507	70,070	53,309	99,547
(as a % of total expenditures)	73%	69%	25%	27%	20%	46%
Total fund GF balance	\$ 140,581	\$ 158,322	\$ 102,507	\$ 70,070	\$ 53,309	\$ 99,547
(as a % of total expenditures)	73%	69%	25%	27%	20%	46%

sources: Balance Sheet and Statement of Revenues, Expenditures, and Changes in Fund Balance

### *Endowment Fund*

The District maintains an Endowment Fund which includes monies paid for every interned person to be held as a perpetual endowment. Pursuant to State law, the board of trustees may not spend the principal of the Endowment Fund. However, the principal can be invested in securities and obligations, and the interest and gains may be spent from the investments (§9065(e)). Note that in FY 2015/16, the District made a one-time transfer from the Endowment Fund to the General Fund. The purpose of the transfer was related to capital improvements. The figure below shows the fund balance of the Endowment Care fund for the same time period.

**Table 4-4:  
Endowment Fund**

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>5 yr Var</b>
<b>REVENUES</b>							
Charges for services	930	4,315	2,289	5,094	3,775	5,369	477%
Interest & investment	4,036	5,720	3,809	1,827	557	6,665	65%
Total Revenue	\$ 4,966	\$ 10,035	\$ 6,098	\$ 6,921	\$ 4,332	\$ 12,034	142%
<b>EXPENDITURES</b>							
Total Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Revenues less Expend.	4,966	10,035	6,098	6,921	4,332	12,034	142%
<b>OTHER FINANCING</b>							
Other							
Transfers In (Out)	-	-	(138,521)	-	-	-	
Fund Balance Begin	342,972	347,938	357,973	225,550	232,471	236,803	-31%
<b>Fund Balance End</b>	<b>\$ 347,938</b>	<b>\$ 357,973</b>	<b>\$ 225,550</b>	<b>\$ 232,471</b>	<b>\$ 236,803</b>	<b>\$ 248,837</b>	<b>-28%</b>
<b>*Endowment Principal</b>	<b>\$217,322</b>	<b>\$222,196</b>	<b>\$224,935</b>	<b>\$212,812</b>	<b>\$232,524</b>	<b>\$214,563</b>	<b>-1%</b>

sources: Statement of Revenues, Expenditures, and Fund Balances and Balance Sheets

*Pre-Need Burial Fund (fiduciary fund)*

Fiduciary funds are used to account for assets held by the District as an agent or trustee for individuals, private organizations, other governments and/or other funds. The Pre-Need Burial Fund is a private-purpose trust fund that transfers funds from its earnings to the General Fund to finance burial expenditures.

The District provided information demonstrating adequate tracking of the Pre-Need Burial Fund. This fund experiences an annual increase and appears to be healthy.

**Table 4-5:  
Pre-Need Fund**

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	5 yr Var
<b>NET ASSETS</b>							
Unrestricted	2,381						
Restricted	215,929	203,899	217,239	228,905	226,239	232,738	8%
<b>Total net assets</b>	<b>\$ 218,310</b>	<b>\$ 203,899</b>	<b>\$ 217,239</b>	<b>\$ 228,905</b>	<b>\$ 226,239</b>	<b>\$ 232,738</b>	<b>7%</b>
source: Statement of Fiduciary Net Position							

*Long-term Debt*

The District's long-term debt obligations consist of compensated absences payable. District employees have accumulated unpaid vested benefits of \$2,391 as of June 30, 2019.

C. Capital Outlay

During LAFCO's site visit on September 22, 2020, District staff identified numerous structural deficiencies due to neglect and maintenance backlog. Since Spring 2020, the District has approved a number of capital repairs.

**9. Shared Facilities**

A. Status of Shared Facilities

The District identified that it does not share facilities with other agencies.

B. Opportunities for Shared Facilities

An opportunity may exist for the District to lease its non-used land to other public agencies. Section 9054 permits a district to use or lease land acquired for future cemetery use to a public agency for recreational use. The District identifies that approximately ten acres are unused at this time.

## **10. Accountability**

### **A. Board Members**

Records show that community interest in board membership historically has been low. An option afforded in Public Cemetery District law is for the board to request through resolution that the County Board of Supervisors reduce board membership from five members to three members (§9020, §9025). In the LAFCO staff's view, limiting membership to three members for such a large geographical area would not promote any oversight efficiencies; a full membership of five members should be sought by the District and the County Board of Supervisors to promote adequate oversight of District affairs and community participation in an important service.

Alternatively, the County Board of Supervisors may appoint itself to be the board of trustees (§9026). Such an action would not require LAFCO approval as it would not be a change of organization, rather the District remains, but the governing body would be different.

### **B. Internment Records**

The District uses a cloud based archive (CemSites) to account and mark its sites. The online system is available to the public via the District's website.

### **C. Completion and Filing of Financial Documents**

The District is current with completion of its financial statements.

### **D. Policy Manual**

The District identifies that it is currently updating its policies and resolutions with the aid of its attorney.

### **E. Website Transparency**

Senate Bill 929 added Government Code §6279.6 and 53087.8 to provide the public easily accessible and accurate information through agency websites. By January 1, 2020, every California independent district is required to maintain a website.

The table, below, is not an exhaustive inventory of website criteria required under current law. Rather, it identifies key components (required by the Government Code and/or recommended by the California Special Districts Association and other organizations) for websites to enhance transparency and accountability.

Government Code Sections 54954.2 and 54957.5 require agencies to post all agendas 72 hours in advance on their websites. Government Code Section 6253 requires that agencies post content most requested by constituents (and most often requested via Public Record Act requests). Because of the difficulty for LAFCO staff to verify this information, these criteria are not included in the website checklist.

However, agencies should address these criteria to comply with current website requirements.

**Table 4-6:  
Website Checklist**

<b>Twentynine Palms Public Cemetery District Website Checklist</b> website accessed 9/16/2020 www.29palmscemetery.org			
<i>Required</i>			
		<b>Yes</b>	<b>No</b>
<b>Government Code §53087.8</b>	Agency maintains a website with current contact information? ( <i>required for independents special districts by 1/1/2020</i> )	✓	
<b>Government Code §6270.5</b>	Agency has created an Enterprise System Catalog and posted it to website?	✓	
<b>Government Code §54954.2</b>	Agency has current agenda posted to website homepage and is accessible through a prominent, direct link?	✓	
<b>Government Code §53908</b>	Agency's website provides information on compensation of elected officials, officers and employees or has link to State Controller's Government Compensation website?	✓	
<i>The following are recommended for agency websites by a number of governance associations and organizations.</i>			
		<b>Yes</b>	<b>No</b>
Description of Services?		✓	
Service area map?		✓	
Budgets (past 3 years)?		✓	
Board meeting schedule?		✓	
Audits (past 3 years)?		✓	
List of elected officials and terms of office?		✓	
List of key agency staff with contact information?		✓	
Meeting agendas (last six months)?		✓	
Meeting minutes (last six months)?		✓	
Notes:			

## 11. Government Structure Options

While the discussion of some government structure options may be theoretical, a service review should address possible options. Such options should consider:

- Improving public participation, local accountability, and governance;
- Producing economies of scale and improving buying power in order to reduce service costs;
- Enhancing capital improvement plans;
- Improving the ability to provide and explain budget and financial data; and
- Improving the quality and/or levels of service.

Evaluation of these options should weigh:

- Long-term savings of the change versus related transition costs;
- Cost-benefit of restructuring the current governing body and/or administration to any proposed alternative;
- Impact on operating cost (short and long-term) due to government structure changes; and
- Impact of government structure options on an agency's financial stability.

Structure Options that include LAFCO

1. Consolidate the two independent cemetery districts (Barstow and Twentynine Palms). This option would consolidate the two independent districts under one governing body. Administratively, there could be economies of scale – fewer administrative staff. Operationally, there would not be economies of scale due to the need to house heavy equipment at each location since the distance between cemeteries is roughly 100 miles. For the governing body, an independent district with two zones roughly 100 apart does not lend to local governance. Therefore, this option is not feasible.
2. Combine all public cemeteries (Barstow, Twentynine Palms, Lucerne Valley, and Searles Valley) by forming a County Service Area, governed by the County Board of Supervisors, to function as a single-purpose agency for all public cemeteries. Administratively and operationally, there would be economies of scale, as a single entity would conduct administration and operations. For the governing body, there would be a single body to govern all public cemeteries in the county. However, the two dependent districts (Lucerne Valley and Searles Valley) provide more than one function and separating these functions would reduce the community nature of the current form of governance in these communities. Further, this option would require an election. Therefore, this option is not feasible.

Structure Options that do not include LAFCO

3. Cemetery service to be provided by the City of Twentynine Palms. Current law (Health and Safety Code §8125) authorizes cities to survey, lay out, and dedicate for burial purposes no more than five acres of public lands. The District operates more than five acres. If the City were to succeed to the District's cemetery services, special legislation would need to occur and there is statutory precedent for authorization. In 2008, AB 1932 (Smyth) authorized the City of Simi Valley to operate a cemetery on public lands containing five acres or more. Should the City desire to succeed to the District's services and facilities, special legislation would be required.
4. The County Board of Supervisors may appoint itself to be the board of trustees (§9026). Such an action would not require LAFCO approval as it would not be a change of organization, rather the District remains but the governing body would be different.
5. Outsourcing financial and/or administrative duties. The board of trustees would have to weigh the cost-benefits of outsourcing versus in-house management.

**Sources:**

Twentynine Palms Cemetery District

Financial Statements

Website. [www.29palmscemetery.org](http://www.29palmscemetery.org). Accessed 16 August 2020

LAFCO

Fiscal Indicators Program

LAFCO 3152 - Service Review and Sphere of Influence Update for the

Twentynine Palms Public Cemetery District

Site Visit 22 September 2020

<b>Agency Name</b>	<b>TWENTYNINE PALMS PUBLIC CEMETERY DISTRICT</b>
<b>Agency Contact Name</b>	Emily Barry Helm

**1. Please provide a roster of board members.**

<b>Member Name</b>	<b>Position</b>	<b>Term Expiration</b>
Mary Kay Sherry	Chair	January 2022
Kathleen Arbaczewski	Vice-Chair	January 2022
Rebecca Rinkes	Trustee	January 2024
Jo Ann Larsen	Trustee	January 2024

**2.** Government Code Section 9028(b) requires the appointment of a Secretary, which may be either a trustee or district employee. Provide the name of the appointee (trustee or employee). Emily Barry Helm, District General Manager

**3.** If the District has appointed a Finance Director to manage its funds, it must require a bond for that person. If the District has a Finance Director, please confirm that person is bonded. N/A

**4.** What is the current size (sq. miles) of your district's territory? How much unused land remains for future cemetery use? 15 Miles / Approx. 10 Acres

**5.** Cemetery Districts are permitted to lease currently unused land which is set aside for future cemetery use. Does your District lease any land to private organizations (e.g. cell phone towers, non-profits) or public agencies (e.g. city, schools) for continual or one-time use? No

**6.** Has the District adopted policies and procedures, including bidding regulations, governing the purchase of supplies and equipment? We are currently in the process of updating all Policies and Resolutions, with the aid of our Attorney, pertaining to the District.

**7. Please provide copies of:**

- Most recent budget approved by the board.
- Five most recent audits accepted by the board, if you have not already provided them to LAFCO.
- Fee Schedule
- Endowment Policies

**8. AB 1234 (State Ethics Requirements)**

- Does your district have a written policy to compensate board members for attendance at events beyond just board meetings, committee meetings and conferences? No, our Board of Trustees does not receive any compensation.
- Does your district have a written policy to reimburse board members for expenses? I am not aware of this document. If necessary, we will have our Attorney compose a Policy with an appropriate Resolution or if the county has a current Policy that would be specific to San Bernardino's regulations, we will follow their direction.
- Does your district use IRS reimbursement rates or adopt a policy that specifies reasonable reimbursement rates? When applicable, the district uses the most current IRS reimbursement rate.
- Are expense report forms provided to board members who require reimbursement? Are these completed forms retained on file as public documents? I am not aware of this document. If necessary, we will have our Attorney compose a Policy with an appropriate Resolution or if the county has a current Policy that would be specific to San Bernardino's regulations, we will follow their direction.
- 
- Do all board members and any board-designated employees take at least two hours of ethics training at least every two years and receive a certificate of completion? The Twentynine Palms Public Cemetery is aware of the requirement of Ethics Training and as of this date 3 Trustees have completed the training and the remaining Trustee and General Manager will have it completed by Sept 15, 2020.

**Please return this questionnaire and any materials to LAFCO to either:**


- LAFCO, 1170 W. Third Street, Unit 150, San Bernardino, CA 92415-0490
- [mtuerpe@lafco.sbcounty.gov](mailto:mtuerpe@lafco.sbcounty.gov)



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** MAY 12, 2021   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM 18: Continued Monitoring from LAFCO 3231  
(Countywide Fire Service Review) for San Bernardino County Fire  
Protection District (CONTINUED FROM MARCH 17, 2020; TO BE  
CONTINUED TO THE JULY 21, 2021 MEETING)

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## **RECOMMENDATION:**

Staff recommends that the Commission continue this item to the July 21, 2021 meeting.

## **BACKGROUND:**

As an outgrowth from LAFCO's February 2020 Countywide Fire Service Review (LAFCO 3231), the Commission directed staff to return at its September 2020 meeting with an update on the sustainability of the San Bernardino County Fire Protection District.

In September 2020, County Fire requested that the Commission continue this update due to Measure U from the November election, which proposed to repeal County Fire's special tax for its Service Zone FP-5 (the measure was unsuccessful and the tax remains).

In March 2021 the Commission, at the request of the Fire Chief, deferred this item to May to allow County Fire to finalize its five-year fiscal projections with County Finance and the CEO. At this time, the five-year projection is nearing final review and is anticipated for presentation to the County Board of Supervisors in the near future.

Staff recommends that the Commission continue this item to the July 21, 2021 meeting.

SM/MT

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #19 – Consideration of Approval of Impartial Analysis for  
LAFCO 3244 – Reorganization to include Annexation to the Town of  
Apple Valley and Detachment from County Service Area 70

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## **RECOMMENDATION:**

Staff recommends that the Commission approve the Impartial Analysis for LAFCO 3244 – Reorganization to include Annexation to the Town of Apple Valley and Detachment from County Service Area 70

## **BACKGROUND:**

At the January 20, 2021 LAFCO meeting, the Commission approved the proposed reorganization to include annexation to the Town of Apple Valley and detachment from County Service Area 70, LAFCO 3244.

On March 31, 2021, the protest hearing for LAFCO 3244 was held. At the conclusion of the protest hearing, there was sufficient registered voter protest to order the reorganization subject to an election. On May 7, 2021, the Executive Officer issued LAFCO Resolution No. 3329 ordering the reorganization, LAFCO 3244, subject to confirmation of the voters at the August 31, 2021 Consolidated Mail Ballot Election. The question to be submitted to the voters shall read as follows:

*“Shall the order adopted on January 20, 2021, by the Local Agency Formation Commission for San Bernardino County ordering a reorganization affecting Town of Apple Valley and County Service Area 70 and providing for the annexation to the Town of Apple Valley and detachment from County Service Area 70 of the territory described in that order and designated as LAFCO 3244, be confirmed subject to the terms and conditions specified in the order?”*

A simple majority of ballots cast in favor of the measure is required to confirm the order for the reorganization proposal, LAFCO 3244.

Government Code Section 56898 requires the Executive Officer to prepare an Impartial Analysis of a ballot measure. Further, state law requires the Commission to review, modify if necessary, and approve the Impartial Analysis, with the final copy to be forwarded to the Registrar of Voters. State law limits the Impartial Analysis to 500 words or less.

Attached is the draft Impartial Analysis for LAFCO 3244, coming in at 377 words excluding the title. It is the staff's recommendation that the Commission review the Impartial Analysis, make changes, as appropriate, keeping under the 500-word limit, and approve said Impartial Analysis for inclusion in the August 31 ballot pamphlet.

Attachment – [Draft Impartial Analysis for LAFCO 3244](#)

## **IMPARTIAL ANALYSIS FOR THE PROPOSED REORGANIZATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70, LAFCO 3244**

This is a ballot measure to determine if the registered voters within LAFCO 3244 approve annexation to the Town of Apple Valley.

LAFCO 3244, initiated by the Town of Apple Valley (Town), is a reorganization that includes annexation of approximately 1,424 acres to the Town and detachment of the same territory from County Service Area 70. The reorganization area is totally surrounded by the Town's existing boundary bordered by Morro Road on the north, Dale Evans Parkway on the east, a combination of parcel lines and Johnson Road on the south, and a combination of parcels lines and Fairfield Avenue on the west. The reorganization area is within the Town's northwestern sphere of influence.

On January 20, 2021, LAFCO considered and approved LAFCO 3244. Due to the results of the subsequent protest proceeding, this matter is now subject to confirmation of the registered voters residing within the reorganization area.

A majority of the votes cast is needed to approve the reorganization, LAFCO 3244.

A "YES" vote means you are in favor of the annexation to the Town of Apple Valley and detachment from County Service Area 70. If the territory is annexed, the Town will become responsible for wastewater collection services, which could be extended within the area in the future. Law enforcement responsibilities will transfer from the San Bernardino County Sheriff's Department to the Town's Police Department. Roads maintained by the County will also transfer to the Town, which will also be responsible for roadway construction and maintenance in the future. Fire protection and paramedic services will continue to be provided by the Apple Valley Fire Protection District.

A "NO" vote means you are opposed to the annexation to the Town of Apple Valley and detachment from County Service Area 70. If the measure fails to receive a majority "YES" votes of the total votes cast, the reorganization will terminate and the area will remain unincorporated.

The Local Agency Formation Commission approved this impartial analysis on May 19, 2021.

The above statement is an impartial analysis of Measure  . If you desire a copy of the measure, please call the Registrar of Voters office at (909) 387-8300 and a copy will be mailed at no cost to you.

LOCAL AGENCY FORMATION COMMISSION

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SAMUEL MARTINEZ  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
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DATE : MAY 12, 2021   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #20: LEGISLATIVE REPORT

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Affirm its support for AB 1581 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill;
3. Indicate its support for SB 13 (Dodd), the pilot program for Napa and San Bernardino Counties; and,
4. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

## **BACKGROUND:**

At the March meeting, the Commission considered and supported AB 1581 and provided direction for its support or opposition to SB 13. Below is an update on those two bills:

### **AB 1581 (Assembly Local Government Committee) – Local Government: omnibus**

AB 1581 is the annual Assembly Local Government Committee Omnibus bill that provides for non-substantive, technical changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000. The Commission supported the previous version of the bill that was published on March 9, 2021. On April 19, 2021, an amended version of the bill was published (included as Attachment #1), which includes two additional provisions that previously had pushback from stakeholders but have now been resolved.

- The first one clarifies language to Sections 56066, 56123, and 56124 that principal county status also applies to the “determination of a sphere of influence.” This item also removes Sections 56387 and 56388, which essentially contain the same provisions as described in Sections 56123 and 56124 regarding principal county status. CSDA originally had issues with the proposal.
- The second one is a noticing requirement for cities to inform LAFCO of its intention to rezone territory that was just annexed within the last two years of such rezoning. This helps ensure LAFCO is aware of the proposed zone change. Previously, the League of Cities had issues with this proposal.

The amended bill also includes deletion of seven obsolete special provisions in the Act that were previously identified as non-substantive and were specific to other LAFCOs, counties or cities who have supported such removal:

- Section 56375.2 is a special provision related to Marin LAFCO’s additional powers;
- Section 56747 is a special provision related to the City of Cupertino;
- Section 56760 is a special provision related to noticing for a city with a population of more than 100,000 in Los Angeles County;
- Section 57001.1 is a special provision related to Santa Cruz County;
- Section 57075.5 is a provision related to Los Angeles County;
- Section 57202.1 is a special provision related to Santa Cruz County; and,
- Section 57383 is a special provision related to Los Angeles County.

Recommendation:

Staff recommends that the Commission affirm its support position for AB 1581.

**SB 13 – Extension of Sunset Clause of the Pilot Program for Napa and San Bernardino Counties (Section 56133.5)**

SB 13, originally published on December 7, 2020, is the bill that proposes the extension of the sunset clause for the pilot program but the bill reestablishes the whole section in its entirety since it has been repealed as of January 1, 2021. The bill was introduced as an urgency bill, which takes effect immediately.

At the March meeting, the Commission was provided information that the Senator had been working with the City of St. Helena in Napa County on amendments to the bill in order to address a specific project outside of the City of St. Helena. On April 29, 2021, the amended version of the bill was published that adds the St. Helena provisions as a separate sub-section (Section 56133.6) and on May 11, 2021, another revision was published that adds clarifying language to both sub-Sections 56133.5 and 56133.6. The most recent version of the bill is included as Attachment #2.

The recommendation was to either:

- Support the bill if the language generally stays the same as currently written and that the anticipated changes related to St. Helena will be added as a separate subsection specific to Napa County only; or,
- Oppose the bill, unless amended, if the bill is altered significantly and/or removes San Bernardino County from the entire pilot program.

**Recommendation:**

Since the pilot program for San Bernardino County is generally the same as the previous language except for the minor clarifying language added and since the provisions related to St. Helena has been added as a separate subsection, Staff is recommending that the Commission indicate its support to SB 13.

**CONCLUSION:**

Attachment #3 is the CALAFCO Daily Legislative Report for Wednesday, May 12, 2021 outlining the current status of all bills considered to be of importance to LAFCO.

If there are other pieces of legislation that Commissioners are aware of that should be brought to the attention of CALAFCO or you wish staff to review in more detail, please provide the bill number reference and we will be happy to bring it back to the Commission for review.

Staff will be happy to answer any questions prior to or at the hearing.

Attachments:

1. [Amended Assembly Bill 1581 Published April 19, 2021](#)
2. [Amended Senate Bill 13 Published](#)
3. [CALAFCO Daily Legislative Report – Dated May 12, 2021](#)

AMENDED IN ASSEMBLY APRIL 19, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1581**

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**Introduced by Committee on Local Government**

March 9, 2021

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An act to amend Sections 56066, 56123, 56124, 56133, 56375, 56427, and 56879 of, ~~and to amend and renumber Section 56325.1 of, and to repeal Sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1, and 57383 of,~~ the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, Committee on Local Government. Local government: omnibus.

~~Existing~~

(1) *Existing* law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. ~~Existing law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Existing law requires, when a proposed change of organization or reorganization~~



*applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur.*

*This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.*

*(2) Existing law gives the commission the power to approve the annexation of unincorporated territory consistent with the planned and probable use of the property based upon the review of general plan and rezoning designations. Existing law provides that no subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of 2 years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the commission.*

*This bill would require the legislative body for the city provide written notice to the commission at least 21 days before the hearing.*

*(3) Existing law authorizes the Marin Local Agency Formation Commission to initiate and approve a reorganization or consolidation of the Sewerage Agency of Southern Marin and its member districts, without protest hearings, as specified.*

*This bill would repeal that authorization.*

*(4) Existing law provides, with exceptions, that the commission of the principal county has exclusive jurisdiction when a district is or would be located in more than one county as the result of a proposed change of organization or reorganization.*

*This bill would repeal both that provision and the exceptions.*

*(5) Existing law requires the commission, in order to prepare and update spheres of influence, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Existing law requires the commission to adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose.*

*This bill would revise and recast that provision to provide that the commission is required to adopt, amend, or update spheres of influence after a public hearing called and held for that purpose.*

~~Existing~~

*(6) Existing law authorizes a commission in the county which an extension of service is proposed to approve (1) a city or district to provide new or extended services by contract or agreement outside its*

jurisdictional boundary in writing, (2) a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization, and (3) a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if specified conditions are met.

This bill would revise and recast those provisions to remove the general requirement the commission must be in the county which an extension of service is proposed and provide that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

*(7) Existing law authorizes the City of Cupertino to annex unincorporated territory consisting of property abutting on a street, highway, or road, and the street, highway, or road, to the extent that it abuts that property, subject to specified conditions.*

*This bill would repeal that provision.*

*(8) Existing law requires the proponents of a change of organization for a city with a population of more than 100,000 that is located within a county with a population of more than 4,000,000 to publish a notice of intention that sets forth the reasons for the proposal before circulating any petition for a change of organization.*

*This bill would repeal that provision.*

~~Existing~~

*(9) Existing law requires the commission to dissolve inactive districts and provides that dissolved districts are not subject to specified provisions.*

This bill would add that dissolved districts are not subject to specified taxation provisions related to jurisdictional changes.

*(10) Existing law provides that if a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. Existing law exempts from this requirement a reorganization requested by a city in the County of Santa Cruz that has adopted a voter approved urban limit line, if the commission's resolution making*

*determinations includes terms and conditions that allow for the completion of the reorganization in 2 or more segments.*

*This bill would repeal the provision establishing the above-described exemption applicable to a reorganization requested by a city in the County of Santa Cruz.*

*Existing law provides that a change of organization or reorganization is complete from the date of execution of the certificate of completion and effective from the dates specified in the terms and conditions of the commission resolution. Existing law prohibits the effective date from being fixed earlier than the date of execution of the certificate of completion or later than 9 months after the date of the election in which a majority voted in favor of the change of organization or reorganization. Existing law, notwithstanding these provisions, in the case of a reorganization requested by a city in the County of Santa Cruz that has adopted a voter approved urban limit line, provides that the effective date of that reorganization shall be fixed in the terms and conditions of the commission resolution.*

*This bill would repeal this provision applicable to the effective date of a reorganization requested by a city in the County of Santa Cruz.*

*(11) Existing law, in the case of registered voter districts or cities, for specified proposals, requires the commission within 30 days after the conclusion of the hearing to order the change of organization or reorganization subject to confirmation by registered voters if at least 25% but less than 50% of the registered voters file written protests and do not withdraw those protest, as specified. Existing law, notwithstanding this requirement, requires the commission to order the change of organization or reorganization subject to confirmation by registered voters if 15% of the registered voters residing within the affected territory file written protests and do not withdraw those protest, if the territory proposed to be annexed is to a city with more than 100,000 residents and is located in a county with a population of over 4,000,000.*

*This bill would repeal the latter requirement imposed on a city with more than 100,000 residents and located in a county with a population of over 4,000,000.*

*(12) Existing law authorizes the board of supervisors of the County of Los Angeles to, by a  $\frac{2}{3}$  vote, convey any parking lot owned by the county and situated within the boundaries of an incorporated city to the city for public parking purposes, without consideration other than*

*the agreement by the city to continue to use and maintain the property as a public parking lot.*

*This bill would repeal that provision.*

~~This~~

*(13) This bill would make other nonsubstantive changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 56066 of the Government Code is*  
2     *amended to read:*

3     56066. "Principal county" means the county having the greater  
4     portion of the entire assessed value, as shown on the last equalized  
5     assessment roll of the county or counties, of all taxable property  
6     within a district or districts for which a change of ~~organization or~~  
7     ~~reorganization~~ *organization, reorganization, or determination of*  
8     *a sphere of influence* is proposed.

9     *SEC. 2. Section 56123 of the Government Code is amended to*  
10    *read:*

11    56123. Except as otherwise provided in Section 56124, if a  
12    proposed change of ~~organization or a reorganization~~ *organization,*  
13    *reorganization, or determination of a sphere of influence* applies  
14    to two or more affected counties, for the purpose of this division,  
15    exclusive jurisdiction shall be vested in the commission of the  
16    principal county. Any notices, proceedings, orders, or any other  
17    acts authorized or required to be given, taken, or made by the  
18    commission, board of supervisors, clerk of a county, or any other  
19    county official, shall be given, taken, or made by the persons  
20    holding those offices in the principal county. The commission of  
21    the principal county shall provide notice to the legislative body  
22    and the executive officer of all affected agencies of any  
23    proceedings, actions, or reports on the proposed change of  
24    organization or reorganization. Any officer of a county other than  
25    the principal county shall cooperate with the commission of the  
26    principal county and shall furnish the commission of the principal  
27    county with any certificates, records, or certified copies of records  
28    as may be necessary to enable the commission of the principal  
29    county to comply with this division.

1     *SEC. 3. Section 56124 of the Government Code is amended to*  
2     *read:*

3     56124. If a proposed change of ~~organization or a reorganization~~  
4     *organization, reorganization, or determination of a sphere of*  
5     *influence* applies to two or more affected counties, for purposes  
6     of this division, exclusive jurisdiction may be vested in the  
7     commission of an affected county other than the commission of  
8     the principal county if all of the following occur:

9     (a) The commission of the principal county approves of having  
10    exclusive jurisdiction vested in another affected county.

11    (b) The commission of the principal county designates the  
12    affected county which shall assume exclusive jurisdiction.

13    (c) The commission of the affected county so designated agrees  
14    to assume exclusive jurisdiction.

15    If exclusive jurisdiction is vested in the commission of an  
16    affected county other than the principal county pursuant to this  
17    section, any notices, proceedings, orders, or any other acts  
18    authorized or required to be given, taken, or made by the  
19    commission, board of supervisors, clerk of a county, or any other  
20    officer of a county, shall be given, taken, or made by the persons  
21    holding those offices in the affected county. Any officer of a county  
22    other than the affected county shall cooperate with the commission  
23    of the affected county and shall furnish the commission of the  
24    affected county with any certificates, records, or certified copies  
25    of records as may be necessary to enable the commission of the  
26    affected county to comply with this division.

27    ~~SECTION 4.~~

28    *SEC. 4. Section 56133 of the Government Code is amended*  
29    *to read:*

30    56133. (a) A city or district may provide new or extended  
31    services by contract or agreement outside its jurisdictional  
32    boundary only if it first requests and receives written approval  
33    from the commission of the county in which the affected territory  
34    is located.

35    (b) The commission may authorize a city or district to provide  
36    new or extended services outside its jurisdictional boundary but  
37    within its sphere of influence in anticipation of a later change of  
38    organization.

39    (c) The commission may authorize a city or district to provide  
40    new or extended services outside its jurisdictional boundary and

1 outside its sphere of influence to respond to an existing or  
2 impending threat to the health or safety of the public or the  
3 residents of the affected territory, if both of the following  
4 requirements are met:

5 (1) The entity applying for approval has provided the  
6 commission with documentation of a threat to the health and safety  
7 of the public or the affected residents.

8 (2) The commission has notified any alternate service provider,  
9 including any water corporation as defined in Section 241 of the  
10 Public Utilities Code, that has filed a map and a statement of its  
11 service capabilities with the commission.

12 (d) The executive officer, within 30 days of receipt of a request  
13 for approval by a city or district to extend services outside its  
14 jurisdictional boundary, shall determine whether the request is  
15 complete and acceptable for filing or whether the request is  
16 incomplete. If a request is determined not to be complete, the  
17 executive officer shall immediately transmit that determination to  
18 the requester, specifying those parts of the request that are  
19 incomplete and the manner in which they can be made complete.  
20 When the request is deemed complete, the executive officer shall  
21 place the request on the agenda of the next commission meeting  
22 for which adequate notice can be given but not more than 90 days  
23 from the date that the request is deemed complete, unless the  
24 commission has delegated approval of requests made pursuant to  
25 this section to the executive officer. The commission or executive  
26 officer shall approve, disapprove, or approve with conditions the  
27 extended services. If the new or extended services are disapproved  
28 or approved with conditions, the applicant may request  
29 reconsideration, citing the reasons for reconsideration.

30 (e) This section does not apply to any of the following:

31 (1) Two or more public agencies where the public service to be  
32 provided is an alternative to, or substitute for, public services  
33 already being provided by an existing public service provider and  
34 where the level of service to be provided is consistent with the  
35 level of service contemplated by the existing service provider.

36 (2) The transfer of nonpotable or nontreated water.

37 (3) The provision of surplus water to agricultural lands and  
38 facilities, including, but not limited to, incidental residential  
39 structures, for projects that serve conservation purposes or that  
40 directly support agricultural industries. However, prior to extending

1 surplus water service to any project that will support or induce  
2 development, the city or district shall first request and receive  
3 written approval from the commission in the affected county.

4 (4) An extended service that a city or district was providing on  
5 or before January 1, 2001.

6 (5) A local publicly owned electric utility, as defined by Section  
7 9604 of the Public Utilities Code, providing electric services that  
8 do not involve the acquisition, construction, or installation of  
9 electric distribution facilities by the local publicly owned electric  
10 utility, outside of the utility's jurisdictional boundary.

11 (6) A fire protection contract, as defined in subdivision (a) of  
12 Section 56134.

13 ~~SEC. 2.~~

14 *SEC. 5.* Section 56325.1 of the Government Code is amended  
15 and renumbered to read:

16 56331.4 While serving on the commission, all commission  
17 members shall exercise their independent judgment on behalf of  
18 the interests of residents, property owners, and the public as a  
19 whole in furthering the purposes of this division. Any member  
20 appointed on behalf of local governments shall represent the  
21 interests of the public as a whole and not solely the interests of the  
22 appointing authority. This section does not require the abstention  
23 of any member on any matter, nor does it create a right of action  
24 in any person.

25 *SEC. 6. Section 56375 of the Government Code is amended to*  
26 *read:*

27 56375. The commission shall have all of the following powers  
28 and duties subject to any limitations upon its jurisdiction set forth  
29 in this part:

30 (a) (1) To review and approve with or without amendment,  
31 wholly, partially, or conditionally, or disapprove proposals for  
32 changes of organization or reorganization, consistent with written  
33 policies, procedures, and guidelines adopted by the commission.

34 (2) The commission may initiate proposals by resolution of  
35 application for any of the following:

36 (A) The consolidation of a district, as defined in Section 56036.

37 (B) The dissolution of a district.

38 (C) A merger.

39 (D) The establishment of a subsidiary district.

40 (E) The formation of a new district or districts.

1 (F) A reorganization that includes any of the changes specified  
2 in subparagraph (A), (B), (C), (D), or (E).

3 (G) The dissolution of an inactive district pursuant to Section  
4 56879.

5 (3) A commission may initiate a proposal described in paragraph  
6 (2) only if that change of organization or reorganization is  
7 consistent with a recommendation or conclusion of a study  
8 prepared pursuant to Section 56378, 56425, or 56430, and the  
9 commission makes the determinations specified in subdivision (b)  
10 of Section 56881.

11 (4) A commission shall not disapprove an annexation to a city,  
12 initiated by resolution, of contiguous territory that the commission  
13 finds is any of the following:

14 (A) Surrounded or substantially surrounded by the city to which  
15 the annexation is proposed or by that city and a county boundary  
16 or the Pacific Ocean if the territory to be annexed is substantially  
17 developed or developing, is not prime agricultural land as defined  
18 in Section 56064, is designated for urban growth by the general  
19 plan of the annexing city, and is not within the sphere of influence  
20 of another city.

21 (B) Located within an urban service area that has been delineated  
22 and adopted by a commission, which is not prime agricultural land,  
23 as defined by Section 56064, and is designated for urban growth  
24 by the general plan of the annexing city.

25 (C) An annexation or reorganization of unincorporated islands  
26 meeting the requirements of Section 56375.3.

27 (5) As a condition to the annexation of an area that is  
28 surrounded, or substantially surrounded, by the city to which the  
29 annexation is proposed, the commission may require, where  
30 consistent with the purposes of this division, that the annexation  
31 include the entire island of surrounded, or substantially surrounded,  
32 territory.

33 (6) A commission shall not impose any conditions that would  
34 directly regulate land use density or intensity, property  
35 development, or subdivision requirements.

36 (7) The decision of the commission with regard to a proposal  
37 to annex territory to a city shall be based upon the general plan  
38 and prezoning of the city. When the development purposes are not  
39 made known to the annexing city, the annexation shall be reviewed  
40 on the basis of the adopted plans and policies of the annexing city



1 or county. A commission shall require, as a condition to  
2 annexation, that a city prezone the territory to be annexed or present  
3 evidence satisfactory to the commission that the existing  
4 development entitlements on the territory are vested or are already  
5 at build-out, and are consistent with the city's general plan.  
6 However, the commission shall not specify how, or in what  
7 manner, the territory shall be prezoned.

8 (8) (A) Except for those changes of organization or  
9 reorganization authorized under Section 56375.3, and except as  
10 provided by subparagraph (B), a commission shall not approve an  
11 annexation to a city of any territory greater than 10 acres, or smaller  
12 as determined by commission policy, where there exists a  
13 disadvantaged unincorporated community that is contiguous to  
14 the area of proposed annexation, unless an application to annex  
15 the disadvantaged unincorporated community to the subject city  
16 has been filed with the executive officer.

17 (B) An application to annex a contiguous disadvantaged  
18 unincorporated community shall not be required if either of the  
19 following apply:

20 (i) A prior application for annexation of the same disadvantaged  
21 unincorporated community has been made in the preceding five  
22 years.

23 (ii) The commission finds, based upon written evidence, that a  
24 majority of the registered voters within the affected territory are  
25 opposed to annexation.

26 (C) This paragraph shall also apply to the annexation of two or  
27 more contiguous areas that take place within five years of each  
28 other and that are individually less than 10 acres but cumulatively  
29 more than 10 acres.

30 (b) With regard to a proposal for annexation or detachment of  
31 territory to, or from, a city or district or with regard to a proposal  
32 for reorganization that includes annexation or detachment, to  
33 determine whether territory proposed for annexation or detachment,  
34 as described in its resolution approving the annexation, detachment,  
35 or reorganization, is inhabited or uninhabited.

36 (c) With regard to a proposal for consolidation of two or more  
37 cities or districts, to determine which city or district shall be the  
38 consolidated successor city or district.

39 (d) To approve the annexation of unincorporated, noncontiguous  
40 territory, subject to the limitations of Section 56742, located in the

1 same county as that in which the city is located, and that is owned  
2 by a city and used for municipal purposes and to authorize the  
3 annexation of the territory without notice and hearing.

4 (e) To approve the annexation of unincorporated territory  
5 consistent with the planned and probable use of the property based  
6 upon the review of general plan and prezoning designations. No  
7 subsequent change may be made to the general plan for the annexed  
8 territory or zoning that is not in conformance to the prezoning  
9 designations for a period of two years after the completion of the  
10 annexation, unless the legislative body for the city makes a finding  
11 at a public hearing *with written notice provided no less than 21*  
12 *days to the commission* that a substantial change has occurred in  
13 circumstances that necessitate a departure from the prezoning in  
14 the application to the commission.

15 (f) With respect to the incorporation of a new city or the  
16 formation of a new special district, to determine the number of  
17 registered voters residing within the proposed city or special district  
18 or, for a landowner-voter special district, the number of owners  
19 of land and the assessed value of their land within the territory  
20 proposed to be included in the new special district. The number  
21 of registered voters shall be calculated as of the time of the last  
22 report of voter registration by the county elections official to the  
23 Secretary of State prior to the date the first signature was affixed  
24 to the petition. The executive officer shall notify the petitioners of  
25 the number of registered voters resulting from this calculation.  
26 The assessed value of the land within the territory proposed to be  
27 included in a new landowner-voter special district shall be  
28 calculated as shown on the last equalized assessment roll.

29 (g) To adopt written procedures for the evaluation of proposals,  
30 including written definitions consistent with existing state law.  
31 The commission may adopt standards for any of the factors  
32 enumerated in Section 56668. Any standards adopted by the  
33 commission shall be written.

34 (h) To adopt standards and procedures for the evaluation of  
35 service plans submitted pursuant to Section 56653 and the initiation  
36 of a change of organization or reorganization pursuant to  
37 subdivision (a).

38 (i) To make and enforce regulations for the orderly and fair  
39 conduct of hearings by the commission.

1 (j) To incur usual and necessary expenses for the  
2 accomplishment of its functions.

3 (k) To appoint and assign staff personnel and to employ or  
4 contract for professional or consulting services to carry out and  
5 effect the functions of the commission.

6 (l) To review the boundaries of the territory involved in any  
7 proposal with respect to the definiteness and certainty of those  
8 boundaries, the nonconformance of proposed boundaries with lines  
9 of assessment or ownership, and other similar matters affecting  
10 the proposed boundaries.

11 (m) To waive the restrictions of Section 56744 if it finds that  
12 the application of the restrictions would be detrimental to the  
13 orderly development of the community and that the area that would  
14 be enclosed by the annexation or incorporation is so located that  
15 it cannot reasonably be annexed to another city or incorporated as  
16 a new city.

17 (n) To waive the application of Section 22613 of the Streets and  
18 Highways Code if it finds the application would deprive an area  
19 of a service needed to ensure the health, safety, or welfare of the  
20 residents of the area and if it finds that the waiver would not affect  
21 the ability of a city to provide any service. However, within 60  
22 days of the inclusion of the territory within the city, the legislative  
23 body may adopt a resolution nullifying the waiver.

24 (o) If the proposal includes the incorporation of a city, as defined  
25 in Section 56043, or the formation of a district, as defined in  
26 Section 2215 of the Revenue and Taxation Code, the commission  
27 shall determine the property tax revenue to be exchanged by the  
28 affected local agencies pursuant to Section 56810. If the proposal  
29 includes the disincorporation of a city, as defined in Section 56034,  
30 the commission shall determine the property tax revenue to be  
31 exchanged by the affected local agencies pursuant to Section  
32 56813.

33 (p) To authorize a city or district to provide new or extended  
34 services outside its jurisdictional boundaries pursuant to Section  
35 56133.

36 (q) To enter into an agreement with the commission for an  
37 adjoining county for the purpose of determining procedures for  
38 the consideration of proposals that may affect the adjoining county  
39 or where the jurisdiction of an affected agency crosses the boundary  
40 of the adjoining county.

1 (r) To approve with or without amendment, wholly, partially,  
2 or conditionally, or disapprove pursuant to this section the  
3 annexation of territory served by a mutual water company formed  
4 pursuant to Part 7 (commencing with Section 14300) of Division  
5 3 of Title 1 of the Corporations Code that operates a public water  
6 system to a city or special district. Any annexation approved in  
7 accordance with this subdivision shall be subject to the state and  
8 federal constitutional prohibitions against the taking of private  
9 property without the payment of just compensation. This  
10 subdivision shall not impair the authority of a public agency or  
11 public utility to exercise eminent domain authority.

12 *SEC. 7. Section 56375.2 of the Government Code is repealed.*

13 ~~56375.2. (a) In addition to those powers enumerated in Section~~  
14 ~~56375, the Marin Local Agency Formation Commission may~~  
15 ~~initiate and approve, after notice and hearing, a reorganization or~~  
16 ~~consolidation of the Sewerage Agency of Southern Marin and its~~  
17 ~~member districts, without protest hearings.~~

18 ~~(b) If the commission initiates and approves the reorganization~~  
19 ~~or consolidation pursuant to subdivision (a), the commission may~~  
20 ~~impose terms and conditions on the reorganization or consolidation~~  
21 ~~that would require the Sewerage Agency of Southern Marin and~~  
22 ~~its member agencies to be responsible for payment of the~~  
23 ~~commission's costs incurred in association with the reorganization~~  
24 ~~or consolidation.~~

25 ~~(c) This section shall become effective on January 1, 2011.~~

26 *SEC. 8. Section 56387 of the Government Code is repealed.*

27 ~~56387. Except as otherwise provided in Section 56388, if any~~  
28 ~~district is, or as a result of a proposed change of organization or~~  
29 ~~reorganization would be, located in more than one county, the~~  
30 ~~commission of the principal county shall have exclusive jurisdiction~~  
31 ~~over the matters authorized and required by this part.~~

32 *SEC. 9. Section 56388 of the Government Code is repealed.*

33 ~~56388. If any proposal involves a district which is, or as a result~~  
34 ~~of a proposed change of organization or reorganization would be,~~  
35 ~~located in more than one county, exclusive jurisdiction for that~~  
36 ~~proposal over the matters authorized and required by this part may~~  
37 ~~be vested in the commission of a county, other than the principal~~  
38 ~~county, in which territory of the district is located or is proposed~~  
39 ~~to be located if all of the following occur:~~

1     ~~(a) The commission of the principal county agrees to having~~  
2     ~~the exclusive jurisdiction vested in the commission of another~~  
3     ~~county.~~

4     ~~(b) The commission of the principal county designates the~~  
5     ~~commission of another county which shall assume exclusive~~  
6     ~~jurisdiction.~~

7     ~~(c) The commission of the county so designated agrees to~~  
8     ~~assume exclusive jurisdiction.~~

9     ~~SEC. 3.~~

10    ~~SEC. 10.~~ Section 56427 of the Government Code is amended  
11    to read:

12    56427. The commission shall adopt, amend, or update spheres  
13    of influence after a public hearing called and held for that purpose.  
14    At least 21 days prior to the date of that hearing, the executive  
15    officer shall give mailed notice of the hearing to each affected  
16    local agency or affected county, and to any interested party who  
17    has filed a written request for notice with the executive officer. In  
18    addition, at least 21 days prior to the date of that hearing, the  
19    executive officer shall cause notice of the hearing to be published  
20    in accordance with Section 56153 in a newspaper of general  
21    circulation which is circulated within the territory affected by the  
22    sphere of influence proposed to be adopted. The commission may  
23    continue from time to time any hearing called pursuant to this  
24    section.

25    At any hearing called and held pursuant to this section, the  
26    commission shall hear and consider oral or written testimony  
27    presented by any affected local agency or affected county or any  
28    interested person who wishes to appear.

29    This section shall only apply to spheres of influence adopted by  
30    the commission after January 1, 1975.

31    ~~SEC. 11. Section 56747 of the Government Code is repealed.~~

32    ~~56747. (a) Notwithstanding Section 56031, unincorporated~~  
33    ~~territory consisting of property abutting on a street, highway, or~~  
34    ~~road, and the street, highway, or road, to the extent that it abuts~~  
35    ~~that property, together with the road strip may be annexed to a city~~  
36    ~~pursuant to this division under the following conditions:~~

37    ~~(1) The annexation may be made only if the property to be~~  
38    ~~annexed is within the sphere of influence of the annexing city, as~~  
39    ~~adopted by the commission, and lies within an unincorporated area~~  
40    ~~wholly surrounded by the annexing city or the annexing city and~~

1 the county line or the annexing city and the Pacific Ocean or the  
2 annexing city and a boundary of another city.

3 (2) The property to be annexed shall not be annexed if the  
4 distance between the boundary of the annexing city and the point  
5 closest to the annexing city at which the road strip connects with  
6 the abutting property, as measured by the road strip, is more than  
7 one-half mile.

8 (b) Subsequent annexations to the road strip and abutting  
9 territory shall not be made unless both of the following conditions  
10 are met:

11 (1) The distance between the point at which the original road  
12 strip abuts the boundary of the annexing city and the point closest  
13 to the city at which the road strip connects with the abutting  
14 property to be annexed, as measured by the road strip, is one-half  
15 mile or less.

16 (2) The annexation is contiguous to the road strip.

17 (c) As used in this section:

18 (1) "Property to be annexed" means the property abutting on a  
19 street, highway, or road, and the street, highway, or road, to the  
20 extent it abuts the property.

21 (2) "Road strip" means the street, highway, or road which  
22 connects the territory of the property to be annexed to the annexing  
23 city.

24 (d) This section applies only to the City of Cupertino.

25 *SEC. 12. Section 56760 of the Government Code is repealed.*

26 56760. (a) Before circulating any petition for change of  
27 organization for a city with a population of more than 100,000  
28 which is located in a county with a population of over 4,000,000,  
29 the proponents shall publish a notice of intention which shall  
30 include a written statement not to exceed 500 words in length,  
31 setting forth the reasons for the proposal. The notice shall be  
32 published pursuant to Section 56153. The notice shall be signed  
33 by at least one, but not more than three, chief petitioners and shall  
34 be in substantially the following form:

35 Notice of Intent to Circulate Petition

36 Notice is hereby given of the intention to circulate a petition  
37 proposing to \_\_\_\_\_ territory to the City of \_\_\_\_\_.

38 The reasons for the proposal are:

39 (b) Within five days after the date of publication, the chief  
40 petitioners shall file with the clerk of the city and the executive

1 officer a copy of the notice together with an affidavit made by a  
2 representative of the newspaper in which the notice was published  
3 certifying to the fact of publication.

4 ~~(e) After the filing required pursuant to subdivision (b), the~~  
5 ~~petition may be circulated for signatures.~~

6 ~~SEC. 4.~~

7 *SEC. 13.* Section 56879 of the Government Code is amended  
8 to read:

9 56879. (a) On or before November 1, 2018, and every year  
10 thereafter, the Controller shall create a list of special districts that  
11 are inactive, as defined in Section 56042, based upon the financial  
12 reports received by the Controller pursuant to Section 53891. The  
13 Controller shall publish the list of inactive districts on the  
14 Controller's internet website. The Controller shall also notify the  
15 commission in the county or counties in which the district is located  
16 if the Controller has included the district in this list.

17 (b) The commission shall initiate dissolution of inactive districts  
18 by resolution within 90 days of receiving notification from the  
19 Controller pursuant to subdivision (a), unless the commission  
20 determines that the district does not meet the criteria set forth in  
21 Section 56042. The commission shall notify the Controller if the  
22 commission determines that a district does not meet the criteria  
23 set forth in Section 56042.

24 (c) The commission shall dissolve inactive districts. The  
25 commission shall hold one public hearing on the dissolution of an  
26 inactive district pursuant to this section no more than 90 days  
27 following the adoption of the resolution initiating dissolution. The  
28 dissolution of an inactive district shall not be subject to any of the  
29 following:

30 (1) Chapter 1 (commencing with Section 57000) to Chapter 7  
31 (commencing with Section 57176), inclusive, of Part 4.

32 (2) Determinations pursuant to subdivision (b) of Section 56881.

33 (3) Requirements for commission-initiated changes of  
34 organization described in paragraph (3) of subdivision (a) of  
35 Section 56375.

36 (4) Sections 99 and 99.01 of the Revenue and Taxation Code.

37 *SEC. 14.* *Section 57001.1 of the Government Code is repealed.*

38 ~~57001.1. In the case of a reorganization requested by a city in~~  
39 ~~Santa Cruz County that has adopted a voter approved urban limit~~  
40 ~~line, the time limits specified in Section 57001 shall not apply if~~

1 the commission's resolution making determinations includes terms  
2 and conditions that allow for the completion of the reorganization  
3 in two or more segments. The commission may not use the  
4 provisions of this section for any reorganization approved or  
5 conditionally approved after January 1, 2009.

6 *SEC. 15. Section 57075.5 of the Government Code is repealed.*

7 ~~57075.5. Notwithstanding Section 57075, if territory proposed~~  
8 ~~to be annexed to a city with more than 100,000 residents is~~  
9 ~~inhabited and is located in a county with a population of over~~  
10 ~~4,000,000, the commission, not more than 30 days after conclusion~~  
11 ~~of the hearing, shall make a finding regarding the value of written~~  
12 ~~protests filed and not withdrawn and shall take one of the following~~  
13 ~~actions:~~

14 ~~(a) Terminate proceedings if written protests have been filed~~  
15 ~~and not withdrawn by 50 percent or more of the registered voters~~  
16 ~~residing within the affected territory.~~

17 ~~(b) Order the change of organization or reorganization subject~~  
18 ~~to confirmation by the registered voters residing within the affected~~  
19 ~~territory, and request the city council to call a special election and~~  
20 ~~submit to the voters residing within the affected territory the~~  
21 ~~question of whether it shall be annexed to the city, if written~~  
22 ~~protests have been filed and not withdrawn by either of the~~  
23 ~~following:~~

24 ~~(1) At least 15 percent of the registered voters residing within~~  
25 ~~the affected territory.~~

26 ~~(2) At least 15 percent of the number of owners of land who~~  
27 ~~also own not less than 15 percent of the total assessed value of~~  
28 ~~land within the affected territory.~~

29 ~~(c) Order the territory annexed without an election if~~  
30 ~~subdivisions (a) and (b) do not apply.~~

31 *SEC. 16. Section 57202.1 of the Government Code is repealed.*

32 ~~57202.1. In the case of a reorganization requested by a city in~~  
33 ~~Santa Cruz County that has adopted a voter approved urban limit~~  
34 ~~line, the conditions of paragraph (2) of subdivision (a) of Section~~  
35 ~~57202 shall not apply and the effective date of that reorganization~~  
36 ~~shall be fixed in the terms and conditions of the commission~~  
37 ~~resolution. The commission may not use the provisions of this~~  
38 ~~section for any reorganization approved or conditionally approved~~  
39 ~~after January 1, 2009.~~

40 *SEC. 17. Section 57383 of the Government Code is repealed.*



1     ~~57383. The board of supervisors of Los Angeles County may,~~  
2 ~~by a two-thirds vote, convey any parking lot owned by the county~~  
3 ~~and situated within the boundaries of an incorporated city to the~~  
4 ~~city for public parking purposes, without consideration other than~~  
5 ~~the agreement by the city to continue to use and maintain the~~  
6 ~~property as a public parking lot.~~

7     ~~This section applies only to parking lots acquired principally~~  
8 ~~from revenues raised through onstreet or offstreet parking fees for~~  
9 ~~the specific purpose of parking lot development, and does not~~  
10 ~~apply to lots purchased through expenditures from the general fund~~  
11 ~~or other means to serve as sites for other types of facilities.~~

12     ~~The conveyance provided for by this section shall not occur until~~  
13 ~~all liens or financial obligations attached to those lots have been~~  
14 ~~satisfied.~~

AMENDED IN SENATE MAY 11, 2021

AMENDED IN SENATE APRIL 29, 2021

**SENATE BILL**

**No. 13**

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**Introduced by Senator Dodd**

December 7, 2020

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An act to add and repeal Sections 56133.5 and 56133.6 of the Government Code, relating to local agency formation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Dodd. Local agency services: contracts: Counties of Napa and San Bernardino.

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. The act establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021.

This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025,

deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions. *The bill would require the Napa commission to include information on its decision to approve, deny, or approve with conditions any authorization for the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence.* The bill would also authorize the Napa commission, until January 1, 2026, as part of the pilot program, to authorize the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence to specified property parcels, subject to approval at a noticed public hearing in which the Napa commission makes all of specified determinations concerning the extension of services.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Napa and San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56133.5 is added to the Government
- 2 Code, to read:
- 3 56133.5. (a) A pilot program is hereby established for the
- 4 Napa and San Bernardino commissions. If consistent with adopted
- 5 policy, the Napa and San Bernardino commissions may authorize
- 6 a city or district to provide new or extended services outside its
- 7 jurisdictional boundary and outside its sphere of influence to
- 8 support existing or planned uses involving public or private
- 9 properties, subject to approval at a noticed public hearing in which
- 10 the commission makes all of the following determinations:
- 11 (1) The extension of service or services deficiency was identified
- 12 and evaluated in a review of municipal services prepared pursuant
- 13 to Section 56430.
- 14 (2) ~~The extension~~ *The commission determines both of the*
- 15 *following:*

1     (A) *The extension of service will not result in either: (A) adverse*  
2 *impacts on open space or agricultural lands or (B) growth inducing*  
3 *lands.*

4     (B) *The extension of service will not result in growth-inducing*  
5 *impacts.*

6     (3) A sphere of influence change involving the affected territory  
7 and its affected agency is not feasible under this division or  
8 desirable based on the adopted policies of the commission.

9     (b) Subdivision (d) of Section 56133 shall apply to any request  
10 for new or extended services pursuant to this section.

11     (c) For purposes of this section, “planned use” means any project  
12 that is included in an approved specific plan as of July 1, 2015.

13     (d) The Napa and San Bernardino commissions shall submit a  
14 report before January 1, 2025, to the Legislature on their  
15 participation in the pilot program, including how many requests  
16 for extension of services were received on or after the effective  
17 date of this section, and the action by the commission to approve,  
18 disapprove, or approve with conditions. The Napa commission  
19 shall also include in the report on the pilot program information  
20 on its *decision to approve, deny, or approve with conditions any*  
21 *authorization for the City of St. Helena to provide new or extended*  
22 *services outside its jurisdictional boundary and sphere of influence,*  
23 *as described in Section 56133.6. The report required to be*  
24 *submitted pursuant to this subdivision shall be submitted in*  
25 *compliance with Section 9795 of the Government Code.*

26     (e) The pilot program established pursuant to this section shall  
27 be consistent with Chapter 8.5 (commencing with Section 1501)  
28 of Part 1 of Division 1 of the Public Utilities Code.

29     (f) This section shall remain in effect only until January 1, 2026,  
30 and as of that date is repealed.

31     SEC. 2. Section 56133.6 is added to the Government Code, to  
32 read:

33     56133.6. (a) As part of the pilot program established pursuant  
34 to Section 56133.5, the Napa commission may authorize the City  
35 of St. Helena to provide new or extended services outside its  
36 jurisdictional boundary and outside its sphere of influence to 341  
37 Saint Helena Hwy S, St. Helena, Napa County, Assessor’s Parcel  
38 Numbers 027-130-006 and 027-130-005, and to 401 St. Helena  
39 Highway S, St. Helena, Napa County, Assessor’s Parcel Numbers  
40 027-120-052, 027-120-061, and 027-120-062, subject to approval

1 at a noticed public hearing in which the Napa commission makes  
2 all of the following determinations:

3 (1) The extension of service or ~~services~~: ~~(A) services~~ will result  
4 in specific environmental benefits, including transitioning septic  
5 systems to a treated sewer system, and ~~(B) will either of the~~  
6 ~~following~~:

7 (A) *The extension of services* will serve an agricultural employee  
8 housing development, as contemplated by Section 17021.8 of the  
9 Health and Safety Code, of no less than 6 units and no more than  
10 ~~12 units, or (C) will units~~.

11 (B) *The extension of services* will serve a mobilehome park  
12 reuse or mobilehome park redevelopment of no more than 25 units.

13 (2) The extension of service or service deficiency was identified  
14 and evaluated in a review of municipal services prepared pursuant  
15 to Section 56430.

16 (3) ~~The extension~~ *The commission determines both of the*  
17 ~~following~~:

18 (A) *The extension of service* will not result in ~~either~~: ~~(A) adverse~~  
19 impacts on open space or agricultural ~~lands~~ or ~~(B) growth-inducing~~  
20 ~~lands~~.

21 (B) *The extension of service* will not result in growth-inducing  
22 impacts.

23 (4) A sphere of influence change involving the affected territory  
24 and its affected agency is not feasible under this division or  
25 desirable based on the adopted policies of the commission.

26 (b) This section shall remain in effect only until January 1, 2026,  
27 and as of that date is repealed.

28 SEC. 3. The Legislature finds and declares that a special statute  
29 is necessary and that a general statute cannot be made applicable  
30 within the meaning of Section 16 of Article IV of the California  
31 Constitution because of the unique circumstances relating to  
32 implementing the pilot program described in Sections 56133.5 and  
33 56133.6 of the Government Code in the Counties of Napa and San  
34 Bernardino.

35 SEC. 4. This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or safety within  
37 the meaning of Article IV of the California Constitution and shall  
38 go into immediate effect. The facts constituting the necessity are:

39 Due to the public health crisis resulting from the coronavirus  
40 (COVID-19) pandemic, the Legislature was not able to vote on

1 the extension of the pilot program described in Sections 56133.5  
2 and 56133.6 of the Government Code, which provides necessary  
3 public services. In order to preserve the public peace and safety  
4 and avoid any interruptions in the approval process for a city or  
5 district to provide public services outside its boundaries and sphere  
6 of influence, it is necessary for this act to take effect immediately.

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## CALAFCO Daily Legislative Report as of Wednesday, May 12, 2021

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### **AB 339** (Lee D) Local government: open and public meetings.

**Current Text:** Amended: 5/4/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Last Amended:** 5/4/2021

**Status:** 5/5/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided.

#### **Attachments:**

[AB 339 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

UPDATE AS OF 4/20/21 - The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request.

All requirements remain unfunded mandates.

UPDATE: Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill's applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

## **AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 5/10/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Last Amended:** 5/10/2021

**Status:** 5/11/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

### **Calendar:**

5/13/2021 #76 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

### **Summary:**

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

### **Attachments:**

[AB 361 Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

UPDATE: As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.



This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

**AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 4/29/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Last Amended:** 4/29/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

**AB 1581 (Committee on Local Government) Local government: omnibus.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 3/9/2021

**Last Amended:** 4/19/2021

**Status:** 5/10/2021-Read second time. Ordered to Consent Calendar.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

5/13/2021 #104 ASSEMBLY CONSENT CALENDAR 2ND DAY-ASSEMBLY BILLS

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

**Attachments:**

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)**Position:** Sponsor**Subject:** CKH General Procedures**CALAFCO Comments:** This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

**[SB 810](#) (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.)

Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.**[SB 811](#) (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.)

Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.**[SB 812](#) (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Status:** 3/22/2021-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.**[AB 1195](#) ([Garcia, Cristina D](#)) **Drinking water.******Current Text:** Amended: 4/6/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Last Amended:** 4/6/2021**Status:** 4/29/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 28). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

**Attachments:**[AB 1195 Fact Sheet](#)**Position:** Watch With Concerns**Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

**[AB 1250](#) ([Calderon D](#)) **Water and sewer system corporations: consolidation of service.******Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 5/5/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

**Attachments:**

[AB 1250 Fact Sheet 2021](#)

**Position:** Watch

**Subject:** Municipal Services, Water

**CALAFCO Comments:** The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

## **[AB 1295](#) (Muratsuchi D) Residential development agreements: very high fire risk areas.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

**Attachments:**

[AB 1295 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

**SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.**

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 4/5/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

**Attachments:**

[SB 55 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

**SB 403 (Gonzalez D) Drinking water: consolidation.**

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 4/27/2021

**Status:** 5/11/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

5/13/2021 #40 SENATE SENATE BILLS -THIRD READING FILE

**Summary:**

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

**Attachments:**

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

**Position:** Oppose unless amended

**Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

**[AB 11](#) (Ward D) Climate change: regional climate change authorities.**

**Current Text:** Amended: 1/21/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 1/21/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)



Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

**Attachments:**

[AB 11 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

**[AB 473](#) (Chau D) California Public Records Act.**

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

**[AB 474](#) (Chau D) California Public Records Act: conforming revisions.**

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

**[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 4/20/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

5/12/2021 9 a.m. - State Capitol, Assembly Chamber

ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[AB 897 Fact Sheet](#)

**Position:** Watch

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes



requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

### **AB 903 (Frazier D) Los Medanos Community Healthcare District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 5/11/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

### **AB 959 (Mullin D) Park districts: ordinances: nuisances: abatement.**

**Current Text:** Amended: 5/10/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 5/10/2021

**Status:** 5/11/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Calendar:**

5/13/2021 #74 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

#### **Summary:**

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes a city legislative body to declare what constitutes a nuisance. Current law authorizes the legislative body of a city, county, or city and county to provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or other inscribed material, at the expense of the minor or other person creating, causing, or committing the nuisance, and, by ordinance, authorizes the legislative body to make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person. This bill would authorize the board of directors of a district to declare what constitutes a nuisance, as provided. The bill would, among other things, authorize a district to exercise the authority

granted to a city, as described above, for purposes of abating a nuisance, as provided.

**Attachments:**

[AB 959 Fact Sheet](#)

**Position:** Watch

**CALAFCO Comments:** As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

**[AB 975](#) (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**

**Current Text:** Amended: 4/21/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/21/2021

**Status:** 5/5/2021-VOTE: Do pass as amended. To Consent Calendar. (PASS)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

**Position:** Watch

**Subject:** FPPC

**CALAFCO Comments:** As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

**[AB 1021](#) (Mayes I) Imperial Irrigation District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/19/2021

**Status:** 5/5/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

UPDATE AS OF 4/21/21 - As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

**AB 1053 (Gabriel D) City selection committees: County of Los Angeles: quorum: teleconferencing.**

**Current Text:** Amended: 4/20/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/20/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

**Attachments:**

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was

postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

#### **AB 1246 (Nguyen R) Community services districts.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

**Position:** Watch

**CALAFCO Comments:** This is a spot bill.

#### **SB 10 (Wiener D) Planning and zoning: housing development: density.**

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 4/27/2021

**Status:** 5/10/2021-May 10 hearing: Placed on APPR suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

**Position:** Watch

**Subject:** Housing

**CALAFCO Comments:** While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the

jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

UPDATE: The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

### **SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.**

**Current Text:** Amended: 5/11/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 5/11/2021

**Status:** 5/11/2021-Read second time and amended. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Calendar:**

5/13/2021 #27 SENATE SENATE BILLS -THIRD READING FILE

#### **Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

**Position:** Oppose unless amended

**Subject:** CKH General Procedures

**CALAFCO Comments:** This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

### **SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.**

**Current Text:** Introduced: 12/21/2020 [html](#) [pdf](#)

**Introduced:** 12/21/2020

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

**SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.**

**Current Text:** Introduced: 1/27/2021 [html](#) [pdf](#)

**Introduced:** 1/27/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

**Position:** Watch

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** CALAFCO is currently reviewing the bill.

**SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.**

**Current Text:** Introduced: 1/29/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In



Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

**Attachments:**

[SB 273 Fact Sheet](#)

**Position:** Support

**Subject:** Municipal Services

**CALAFCO Comments:** This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

CALAFCO is requesting an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCo.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

**[SB 274](#) ([Wieckowski D](#)) Local government meetings: agenda and documents.**

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Last Amended:** 4/5/2021

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

**Attachments:**

[CALAFCO Support SB 274 \(3-15-21\)](#)

[SB 274 Fact Sheet](#)

**Position:** Support

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the

website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

#### **SB 475 (Cortese D) Transportation planning: sustainable communities strategies.**

**Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 3/10/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

**Position:** Watch

**Subject:** Sustainable Community Plans

#### **SB 499 (Leyva D) General plan: land use element: uses adversely impacting health outcomes.**

**Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

#### **Attachments:**

[SB 499 Fact Sheet](#)

**Position:** Watch

**Subject:** Disadvantaged Communities

**CALAFCO Comments:** As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

#### **SB 574 (Laird D) Agricultural preserves: Williamson Act.**

**Current Text:** Amended: 3/4/2021 [html](#) [pdf](#)



**Introduced:** 2/18/2021**Last Amended:** 3/4/2021**Status:** 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

**Position:** Watch

**CALAFCO Comments:** This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

**SB 813 (Committee on Governance and Finance) Local Government Omnibus Act of 2021.****Current Text:** Amended: 4/12/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Last Amended:** 4/12/2021**Status:** 5/11/2021-Read second time. Ordered to consent calendar.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

5/13/2021 #65 SENATE CONSENT CALENDAR FIRST LEGISLATIVE DAY

**Summary:**

Current law requires the officer of each local agency, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year within 7 months of the close of each fiscal year in a form required by the Controller. Current law requires the report to include, among other things, the annual compensation of a local agency's elected officials, officers, and employees, as specified. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later

**Position:** Watch

**CALAFCO Comments:** This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 32


Total Tracking Forms: 32

5/12/2021 8:58:05 AM

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 12, 2021   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #21: EXECUTIVE OFFICER'S REPORT

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## REMINDER:

The Commission will be dark in June. Please note that the next Commission meeting will be on July 21, 2021.

## PROPOSAL UPDATES:

- LAFCO 3243 - Reorganization to Include Annexation to the City of Fontana, Fontana Fire Protection District, West Valley Water District, and San Bernardino Valley Municipal Water District and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70 (I-15 Logistics Project)

The Certificate of Completion for LAFCO 3243 was issued on March 29, 2021.

- LAFCO 3244 - Reorganization to include Annexation to the Town of Apple Valley and Detachment from County Service Area 70

The proposed reorganization is being ordered subject to an election due to sufficient voter protest received during the protest proceedings. The mailed ballot election is scheduled for August 31, 2021.

- LAFCO 3247 - Reorganization to Include Activation of the Monte Vista Water District Latent Services to Include Wastewater Collection and Transmission

The District officially withdrew its application on March 29, 2021 in order to complete the environmental assessment for its proposal and assume CEQA Lead Agency status.

**OTHERS:**

BB&K has provided LAFCO a copy of the 2021 Brown Act Booklet, which can be accessed from the link below:

[www.sbcounty.gov/uploads/LAFCO/Publications/2021\\_BrownAct.pdf](http://www.sbcounty.gov/uploads/LAFCO/Publications/2021_BrownAct.pdf)

The booklet provides the entire text of the Brown Act, including the new language added by AB 992, which is shown as highlighted text.