

# **AGENDA**

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

**NORTON REGIONAL EVENT CENTER  
1601 EAST THIRD STREET, SAN BERNARDINO**

### **REGULAR MEETING OF JULY 20, 2022**

#### **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.

#### **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.

1. [Approval of Minutes for Regular Meeting of May 18, 2022](#)
2. [Approval of Executive Officer's Expense Report](#)
3. [Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2022](#)
4. [Approval of Fiscal Year 2013-14 Financial Records Destruction Pursuant to Commission Policy](#)
5. [Review and Update the Catalog Enterprise Systems per Government Code Section 6270.5](#)
6. [Note Receipt of Proposal Pursuant to Government Code Section 56857 - - LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70 \(Speedway Commerce Center\)](#)
7. [Review and Approve Retainer Agreement with Colantuono, Highsmith & Whatley, PC for Conflicts Counsel](#)
8. [Review and Approve Amendment No. 3 to the Office Space Lease with the San Bernardino County Transportation Authority](#)
9. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**

10. [Review and Consideration of Amendments to Policy and Procedure Manual Section III – Human Resources](#)

**DISCUSSION ITEMS:**

11. [Receive and File First Draft for LAFCO 3252 – Service Review for the Twentynine Palms Community](#)
12. [Update on the Barstow Cemetery District Xeriscape Project](#)
13. [Nominations for CALAFCO Board of Directors](#)

**INFORMATION ITEMS:**

14. Legislative Update Report
15. [Executive Officer's Oral Report \(Amended\)](#)
16. 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.)
17. 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.

6/13/22:as

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

**REGULAR MEETING**

**9:00 A.M.**

**MAY 18, 2022**

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Joe Baca	Rick Denison
Jim Bagley, Chair	Kevin Kenley
Phillip Dupper	
Steven Farrell	
Curt Hagman	

**STAFF:**

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

**ABSENT:**

**COMMISSIONERS:**

Kimberly Cox  
Dawn Rowe  
Acquanetta Warren

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

**ANNOUNCEMENT OF CONTRIBUTIONS**

*Commissioner Baca states he has a conflict of interest on Item 11 for receiving campaign contribution made from the property owner of the project. Supervisor Hagman states that he also has a conflict of interest on Item 11 due to a campaign contribution made by the property owner as well. Legal Counsel Paula de Sousa comments that it will be stated on the record and that both Commissioners Baca and Hagman must remove themselves from the dais when agenda item 11 is presented.*

- 1. Presentation of Resolutions of Appreciation to Larry McCallon for his LAFCO Service as City Member, James Curatalo for his LAFCO Service as Special Districts Member, and Dieter Dammeier for his LAFCO Service as Alternate Public Member**

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

Ayes: Baca, Bagley, Farrell, Hagman and Denison.  
Noes: None.  
Abstain: None.  
Absent: Cox and Warren (Denison voting in her stead).

*Larry McCallon and Jim Curatalo express their gratitude to the Commission and staff.*

## **2. Swear in Regular and Alternate Special District and City Commissioners**

*Executive Officer Samuel Martinez states that the City Selection Committee selected Phil Dupper, Mayor of City of Loma Linda, as the new Regular City Member and reappointed Rick Denison as the Alternate City Member. Executive Officer Martinez also states that the Special Districts Selection Committee selected Steve Farrell as the new Regular Special Districts member and Kevin Kenley from the Cucamonga Valley Water District as the Alternate Special Districts member.*

*Clerk administers the Oath of Office for Phil Dupper, Rick Denison, Kevin Kenley and Steve Farrell. Chair Bagley welcomes Commissioners Dupper and Kenley and asks that they join the Commission at the dais.*

*Commissioners Dupper and Kenley express their comments of appreciation and the opportunity to serve on the Commission.*

## **3. Reappointment of Regular Public Member**

*Commissioner Hagman moves the approval of Reappointment of Jim Bagley as Regular Public Member. Second by Commissioner Dupper. The motion passes with the following roll call vote:*

*Ayes: Baca, Dupper, Farrell, Hagman, Denison and Kenley.  
Noes: None.  
Abstain: Bagley  
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).*

## **4. Interview and Select Alternate Public Member**

*Alternate Public Member Candidates:  
Dr. Dwayne Williams Sr.  
James Harvey  
Louisa Amis*

*Commissioner Denison moves to select Jim Harvey as the Alternate Public Member. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

*Ayes: Baca, Dupper, Farrell, Hagman, Denison and Kenley<sup>[1]</sup>.  
Noes: None.  
Abstain: None.  
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).*

*Clerk administers the Oath of Office for James Harvey and Chair asked that he join the Commission at the dais.*

## **5. Selection of Chair and Vice-Chair**

*Commissioner Hagman moves the approval of Reappointment of Commissioner Bagley as Chair and and Commissioner Warren as Vice Chair. Second by Commissioner Dupper. Commissioner Hagman moves to close the nomination. Second by Commissioner Denison. The motion passes with the following roll call vote:*



Ayes: Baca, Dupper, Farrell, Hagman, Denison and Kenley.  
Noes: None.  
Abstain: Bagley.  
Absent: Cox (Kenly voting in her stead) and Warren (Denison voting in her stead).

**CONSENT ITEMS:**

**6. Approval of Minutes for Regular Meeting of March 16, 2022**

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

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from February 23 to March 22, 2022 and March 23 to April 22, 2022.

**8. Ratify Payments as Reconciled and Note Revenue Receipts for the Months of February and March 2022 and Note Revenue Receipts**

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

**9. Note Receipt of Proposal – LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino County Fire Protection District and its Valley Service Zone, and Detachment from City of Redlands**

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

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

Ayes: Baca, Bagley, Dupper, Farrell, Hagman, Denison and Kenley.  
Noes: None.  
Abstain: None.  
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).

**PUBLIC HEARING ITEMS:**

**11. LAFCO SC#484 – City of Rialto Extraterritorial Wastewater Service Agreement (Chandi Enterprises, LLC)**

*Paula de Sousa, General Counsel states for the record that Commissioners Baca and Hagman have left the dais due to conflicts of interest as they have stated at the beginning of the meeting.*

Recommendation: Staff recommends that the Commission approve LAFCO SC#484 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 environmental assessment and Mitigated Negative Declaration including the Addendum prepared by the County of San Bernardino for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center on approximately 8.9 acres, and found them to be adequate for Commission use;

- b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#484 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-01; and,
  3. Adopt LAFCO Resolution #3349 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

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

*Ayes: Bagley, Dupper, Farrell, Denison and Kenley.  
Noes: None.  
Abstain: Baca and Hagman.  
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).*

## **12. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2022**

*Commissioners Baca and Hagman return to the dais.*

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

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.

*Commissioner Hagman moves to approve staff recommendation. Second by Commissioner Baca. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Dupper, Farrell, Hagman, Denison and Kenley.  
Noes: None.  
Abstain: None.  
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).*

Commissioner Kenley leaves the dais and the meeting at 10:00 am following the vote on Item 12.

**13. Review and Adoption of Amendment to LAFCO Policy and Procedure Manual Section III – Human Resources**

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

1. Provide staff with additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
2. Adopt the amendment to the Policy and Procedure Manual, Section III (Human Resources); and
3. Adopt Resolution No. 3351 approving the amendment to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

Commissioner Hagman moves to approve staff recommendation. Second by Commissioner Baca. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Dupper, Farrell, Hagman and Denison.  
Noes: None.  
Abstain: None.  
Absent: Cox, Warren (Denison voting in her stead), Kenley

**14. Review and Adoption of Final Budget for Fiscal Year 2022-23**

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

1. Adopt the Fiscal Year 2022-23 Final Budget 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 cost 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.

Commissioner Farrell moves to approve staff recommendation. Second by Commissioner Hagman. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Dupper, Farrell, Hagman and Denison.  
Noes: None.  
Abstain: None.  
Absent: Cox, Warren (Denison voting in her stead), Kenley

**DISCUSSION ITEM:**

**15. Third Quarter Financial Review for FY 2021-22**

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

1. Note receipt of this report and file.
2. Approve the following amendments to the FY 2021-22 Budget:
  - a. Increase Expenditure Account 2400 (Legal Counsel) by \$19,000 from \$76,272 to \$95,272 to increase appropriation related to unrecoverable legal costs.
  - b. Increase Revenue Account 9800 (LAFCO Fee) by \$19,000 from \$54,019 to \$73,019 to recognize revenues in excess of the budget.

*Commissioner Hagman moves to approve staff recommendation. Second by Commissioner Denison. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Dupper, Farrell, Hagman and Denison.*

*Noes: None.*

*Abstain: None.*

*Absent: Cox, Warren (Denison voting in her stead), Kenley*

**INFORMATION ITEMS:**

**16. Legislative Update Report**

Executive Officer Samuel Martinez states that there is no report for this month.

**17. Executive Officer's Oral Report**

Executive Officer Samuel Martinez reminds the Commission that there will be a June 15 meeting, no meeting in July, and a Commission Strategic Planning Workshop in August. He also states the new website is completed and recognized Hannah for the work being done. Chair Bagley thanks Hannah for her work on the website.

Chair Bagley comments on the Strategic Planning Workshop.

**18. Commissioner Comments**

There are none.

**19. Comments from the Public**

There are none.

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

**ATTEST:**

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

LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
JIM BAGLEY, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sbclafco.org

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DATE : JULY 13, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT

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## RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from April 23 to May 23, 2022 and May 24 to June 22, 2022.

## 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:

- April 23, 2022 to May 23, 2022; and,
- May 24, 2022 to June 22, 2022.

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

SM/AS

Attachment



## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[illegible]

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign)	Date
Samuel Martinez 	07/11/22

<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
Jim Bagley	07/20/22



## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[illegible]

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign)	Date
Samuel Martinez 	07/11/22


<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
Jim Bagley	07/20/22



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
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www.sbclafco.org

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DATE : JULY 13, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF APRIL AND MAY 2022 AND NOTE REVENUE  
RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the months of April and May 2022 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:

- April 1 through April 30, 2022
- May 1 through May 31, 2022

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


SM/MT

Attachment

APRIL 2022 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901221956	5200 2041	04/19/22	Century Link	288557846	Invoice for CenturyLink Comm LLC	\$ 36.30	
1901211528	5200 2090	04/04/22	Jan-Pro	81814	Jan-Pro Inv 8184 Month of April 2022	\$ 490.00	
1901218642	5200 2305	04/13/22	Stericycle	8001314964	Stericycle Inv 8001314964	\$ 19.25	
1901218257	5200 2315	04/13/22	Storetrieve	0175622	SvcPer. 3/1/22 - 3/31/22	\$ 64.37	
1901226277	5200 2424	04/25/22	Tom Dodson	LAFCO 22-4	Tom Dodson Inv. 22-4 Projects - 2022	\$ 1,733.75	
1901226267	5200 2444	04/25/22	Bay Alarm	3856732220415M	Bay Alarm Inv Acct# 3856732	\$ 123.00	
1901211527	5200 2445	04/04/22	Bob Aldrich	# 16	B Aldrich Inv # 16 Key Tasks 29 Palms Svc Review	\$ 262.50	
1901221952	5200 2449	04/19/22	Colantuono, Highsmith & Whatley, PC	51505	29Palms Comm Service Review	\$ 35.00	
1901218260	5200 2895	04/13/22	Konica Minolta	39687377	Inv 39687377	\$ 365.38	
1901218260	5200 2895	04/13/22	Konica Minolta	39687377	Inv 39687377	\$ 50.00	
1901223267	5200 2905	04/20/22	Inland Valley Dev. Auth.	1332	Monthly rent for using Auditorium for Jan 2022	\$ 405.00	
1901223268	5200 2905	04/20/22	Inland Valley Dev. Auth.	1334	Monthly rent for using Auditorium for March 2022	\$ 405.00	
1901226280	5200 2905	04/25/22	Inland Valley Dev. Auth.	1333	Monthly rent for use of Auditorium Feb 2022	\$ 405.00	
1901228850	5200 2905	04/28/22	City Comm	TEN AM 20	Inv Ten Am 20	\$ 8,448.33	
1901228851	4070 9660	04/28/22	Fabian Huizar		Refund for LAFCO SC#470	\$ 125.06	
<b>TOTAL</b>						<b>\$ 12,967.94</b>	
APRIL 2022 COUNTY TRANSFERS PROCESSED							
4300000177	5200 2445	04/08/22	Auditor		County Auditor 21-22 Apportionment	\$ 5,882.00	
4102303617	5200 2031	04/01/22	IT		MAR 2022 Payroll System Services (EMACS)	\$ 54.40	
4102303813	5200 2032	04/01/22	IT		MAR 2022 Virtual Private Network (VPN)	\$ 13.20	
4102303619	5200 2037	04/01/22	IT		MAR 2022 Dial Tone	\$ 254.14	
4102303622	5200 2322	04/01/22	IT		MAR 2022 Enterprise Printing (EMACS)	\$ 7.56	
4102303627	5200 2420	04/01/22	IT		MAR 2022 Wireless Device (Exchange Active Sync)	\$ 17.59	
4102303628	5200 2421	04/01/22	IT		MAR 2022 Desktop Support Services	\$ 1,069.20	
4102303804	5241 2410	04/01/22	IT		IT Infrastructure - Period 10	\$ 556.00	
4102303625	5241 2417	04/01/22	IT		Enterprise Content Management - Period 10	\$ 154.00	
4102303626	5241 2418	04/01/22	IT		Storage Tier 3 - Period 10	\$ 192.00	
4102303626	5241 2418	04/01/22	IT		Storage Tier 1 - Period 10	\$ 151.00	
4200094270	5200 2310	04/01/22	Mail		Mail Services - DEL	\$ 156.00	
4200094272	5200 2310	04/01/22	Mail		Mail Services - FLAT	\$ 106.36	
4200094273	5200 2310	04/01/22	Mail		Mail Services - HAN	\$ 158.72	
4200094465	5200 2415	04/06/22	Auditor		2021/2022 COWCAP-QTR4	\$ 863.50	
<b>TOTAL</b>						<b>\$ 9,635.67</b>	
APRIL 2022 CASH RECEIPTS							
4102310424	various	04/19/22	Rialto (Chandri Enterprises)		Service Contract #484	\$ 3,480.00	
4102299846	various	04/06/22	IVDA (San Bernardino)		LAFCO 3257 & 3258	\$ 10,480.00	
4102299846	various	04/06/22	Rancho Cucamonga et al		LAFCO 3255 & 3256	\$ 23,640.00	
<b>TOTAL</b>						<b>\$ 37,600.00</b>	

APRIL 2022 COUNTY TRANSFERRED RECEIVED							
100755895	4030	8500	04/27/22	Treasury		QE 3/31/2022 INTEREST APPORTIONMENT	\$ 1,720.72
4200095507	various		04/26/22	Special Districts		CSA 79 Reorganization	\$ 29,320.00
<b>TOTAL</b>							<b>\$ 31,040.72</b>
COMPLETED BY:		MICHAEL TUERPE		APPROVED BY:		SAMUEL MARTINEZ	
		Senior Analyst				Executive Officer	
		Date:	6/3/2022			6/3/2022	


MAY 2022 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901232578	5200 2085	05/04/22	Daily Journal	B3573742	Daily Journal Alt Pub Mbr Vacancy Inv B3573742	\$ 210.68	
1901251575	5200 2085	05/25/22	Daily Journal	B3578201	Daily Journal Inv B3578201 May 18 NOH	\$ 448.84	
1901241901	5200 2090	05/16/22	Jan Pro	2122	Jan-PRo Cleaning Svcs Month of May	\$ 490.00	
1901241899	5200 2180	05/16/22	So Cal Edison	6433-5/02/22	Cust Acct 700099666433/Svc Acct 8002108287	\$ 344.24	
1901251578	5200 2180	05/25/22	So Cal Edison	6433-5/11/22	Cust Acct 700099666433/Svc Acct 8002108287	\$ 376.34	
1901251586	5200 2305	05/25/22	Shred-It	9999999999	Shred-it Inv 9999999999	\$ 19.25	
1901233546	5200 2315	05/05/22	Storetrieve	0177159	SvcPer. 04/01/22 - 04/30/22 StoragePer. 05/31/22	\$ 64.37	
1901232573	5200 2400	05/04/22	Best, Best, & Krieger	932846	BBK General Inv 932846	\$ 1,145.67	
1901232575	5200 2400	05/04/22	Best, Best, & Krieger	932847	BBK Litigation Inv 932847	\$ 21,571.85	
1901232577	5200 2400	05/04/22	Best, Best, & Krieger	932848	BBK MVWD Sewer Inv 932848	\$ 1,795.50	
1901251559	5200 2400	05/25/22	Best, Best, & Krieger	935009	BBK Inv 935009 General	\$ 189.00	
1901251561	5200 2400	05/25/22	Best, Best, & Krieger	935010	BBK Inv 935010 Litigation	\$ 11,343.11	
1901251563	5200 2400	05/25/22	Best, Best, & Krieger	935011	BBK Inv 935011 MVWD Sewer Power Activation Request	\$ 346.50	
1901251587	5200 2424	05/25/22	Tom Dodson	LAFCO 22-5	tOM dODSON iNV lafco 22-5 MVWD SC#484	\$ 510.00	
1901247983	5200 2445	05/19/22	Baca	BACA5/18/22	Baca Commissioner Stipend 5/18/22	\$ 200.00	
1901247988	5200 2445	05/19/22	Bagley	BAGLEY5/18/22	Bagley Commissioner Stipend 5/18/22	\$ 200.00	
1901247991	5200 2445	05/19/22	Denison	DENISON5/18/22	Denison Commissioner Stipend 5/18/22	\$ 200.00	
1901247992	5200 2445	05/19/22	Farrell	FARRELL5/18/22	Farrell Commissioner Stipend 5/18/22	\$ 200.00	
1901247993	5200 2445	05/19/22	Hagman	HAGMAN5/18/22	Hagman Commissioner Stipend 5/18/22	\$ 200.00	
1901251581	5200 2445	05/25/22	Event Design Lan	03681	Live Stream Broadcast for May 18 Mtg	\$ 750.00	
1901232583	5200 2905	05/04/22	City Comm	TEN AM 20A	Final payment of 0.28cents Inv Ten Am 20A	\$ 0.28	
1901232584	5200 2905	05/04/22	Inland Valley Dev. Auth.	1351	Monthly rent for using Auditorium for May 18, 2022	\$ 405.00	
1901247988	5294 2940	05/19/22	Bagley	BAGLEY5/18/22	Bagley Commissioner Stipend 5/18/22	\$ 101.79	
1901247991	5294 2940	05/19/22	Denison	DENISON5/18/22	Denison Commissioner Stipend 5/18/22	\$ 77.68	
1901247992	5294 2940	05/19/22	Farrell	FARRELL5/18/22	Farrell Commissioner Stipend 5/18/22	\$ 21.41	
1901232588	4070 9545	5/4/2022	Hyung Jun Yi		LAFCO SC#475 Refund	\$ 539.43	
1901232590	4070 9545	5/4/2022	Ann P John		LAFCO SC#474 Refund	\$ 400.53	
<b>TOTAL</b>						<b>\$ 42,151.47</b>	
MAY 2022 COUNTY TRANSFERS PROCESSED							
4102348087	5200 2031	05/01/22	IT		APR 2022 Payroll System Services (EMACS)	\$ 54.40	
4102348113	5200 2032	05/01/22	IT		APR 2022 Virtual Private Network (VPN)	\$ 13.20	
4102348089	5200 2037	05/01/22	IT		APR 2022 Dial Tone	\$ 226.72	
4102349793	5200 2305	05/16/22	Purchasing		Staples Surcharge	\$ 15.36	
4102348092	5200 2322	05/01/22	IT		APR 2022 Enterprise Printing (EMACS)	\$ 11.34	
4102348097	5200 2420	05/01/22	IT		APR 2022 Wireless Device (Exchange Active Sync)	\$ 17.59	
4102348115	5200 2421	05/01/22	IT		APR 2022 Desktop Support Services	\$ 1,069.20	
4102348098	5200 2460	05/01/22	IT		APR 2022 Aerial Imagery	\$ 3,000.00	
4102348114	5241 2410	05/01/22	IT		IT Infrastructure - Period 11	\$ 556.00	
4102348095	5241 2417	05/01/22	IT		Enterprise Content Management - Period 11	\$ 154.00	
4102348096	5241 2418	05/01/22	IT		Storage Tier 1 - Period 11	\$ 151.00	
4102348096	5241 2418	05/01/22	IT		Storage Tier 3 - Period 11	\$ 192.00	
4102349793	5540 5012	05/16/22	Purchasing		Staples for Office Supplies	\$ 127.98	
4200096957	5200 2424	05/25/22	Clerk to the Board		Enviromental Filing	\$ 50.00	
4200096959	5200 2424	05/25/22	Clerk to the Board		Enviromental Filing	\$ 50.00	

4200095925	5200	2310	05/03/22	Mail		Mail Services - handling	\$	535.52
4200095926	5200	2310	05/03/22	Mail		Mail Services - Flats	\$	12.29
4200095927	5200	2310	05/03/22	Mail		Mail Services - delivery	\$	136.50
<b>TOTAL</b>							<b>\$</b>	<b>6,373.10</b>
<b>MAY 2022 CASH RECEIPTS</b>								
				NONE				
<b>TOTAL</b>							<b>\$</b>	<b>-</b>
<b>MAY 2022 COUNTY TRANSFERRED RECEIVED</b>								
				NONE				
<b>TOTAL</b>							<b>\$</b>	<b>-</b>
COMPLETED BY:	MICHAEL TUERPE			APPROVED BY:	SAMUEL MARTINEZ			
	Senior Analyst				Executive Officer			
		Date: 6/29/2022			6/29/2022			

# 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 :** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
ANGELA SCHELL, Clerk to the Commission  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #4 – APPROVAL OF FISCAL YEAR 2013-14 FINANCIAL  
RECORDS DESTRUCTION PURSUANT TO COMMISSION POLICY**

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## **RECOMMENDATION:**

Staff recommends the Commission direct the Executive Officer, as Records Management Coordinator, to:

1. Destroy the Commission's financial records for Fiscal Year 2013-14 pursuant to the Commission's Records Retention Policy, and
2. Record the items to be destroyed in the Destruction Log along with a copy of the Commission's minute action authorizing destruction.

## **BACKGROUND INFORMATION:**

The Commission's Records Retention Policy states that the Executive Officer, as the Records Management Coordinator, shall present a Commission agenda item once a year related to records to be destroyed.

As part of the Records Retention Policy, the adopted Records Retention Schedule provides for a seven year retention period for all financial records, regardless if the statutes permit a lesser retention period. The records for destruction include expense reports, budgets, billings, accounting reports, budget change proposals, budget change concepts, audits, invoices, fees, receipts, checks, ledgers and registers. In addition, the Fair Political Practices Commission (FPPC) also provides for a seven year retention period for Statements of Economic Interest (FORM 700). The records for destruction will also include the Form 700s for the 2014 calendar year.

Staff Recommends the Commission direct the Executive Officer to take the actions listed in the Recommendation above.


Should the Commission have any questions, staff will be happy to answer them before or at the hearing.

SM/as

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** July 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item 5: Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5

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## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions:

1. Approve the Enterprise Systems Catalog as of July 1, 2022 as identified in this staff report.
2. Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2022 on the LAFCO website.

## **BACKGROUND:**

On October 11, 2015, the State of California enacted Senate Bill 272 (SB 272) which added a section to the California Public Records Act (Government Code Section 6270.5) relating to public records. Section 6270.5 requires local agencies to create a catalog of "Enterprise Systems" and post that catalog on their respective websites with annual updates.

"Enterprise System" is defined as a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both of the following:

- A multi-departmental system or a system that contains information collected about the public.
- A system of record where the system serves as an original source of data within an agency.

Systems used for security, public safety, and public utilities are not included in the requirements.



## **ANNUAL UPDATE:**

Below is the catalog of “Enterprise Systems”, as prepared by LAFCO staff, as of July 1, 2022:

<b>LAFCO ENTERPRISE SYSTEMS</b>						
<b>ENTERPRISE SYSTEMS PURCHASED DIRECTLY BY LAFCO</b>						
<b>Vendor</b>	<b>Product</b>	<b>Purpose</b>	<b>Data Type</b>	<b>Custodian</b>	<b>Data Collection Frequency</b>	<b>Data Update Frequency</b>
CDWG	Adobe Acrobat DC Pro	PDF and fillable forms	Documents	Agency-wide	As needed	As needed
ECS Imaging	Laserfische	Document/Records Management	LAFCO Files, PDFs	Agency-wide	As needed	As needed
Zoom	Zoom	Audio/Video communications, meetings, and recordings	Communications	Agency-wide	As needed	As needed
<b>ENTERPRISE SYSTEMS PURCHASED OR ACCESSED VIA THE COUNTY OF SAN BERNARDINO</b>						
<b>Vendor</b>	<b>Product</b>	<b>Purpose</b>	<b>Data Type</b>	<b>Custodian</b>	<b>Data Collection Frequency</b>	<b>Data Update Frequency</b>
Blackberry Company	Enterprise Blackberry Exchange (BE) Server	Enterprise BE Server Software and Infrastructure	Email	Agency-wide	Daily	Daily
County Information Services	Property Information Management System (PIMS)	Accessing tax roll data for property valuation	Tax Roll	Agency-wide	Daily	Daily
County Information Services	sbclafco.org website	LAFCO website	Communications	Agency-wide	Daily	Daily
ESRI	ArcGIS Suite	Mapping and spatial analysis	Geographic Information System	Agency-wide	As needed	As needed
Microsoft	Exchange	Email	Email system	Agency-wide	Daily	Daily
Microsoft	Office Suite	Statutory obligations, general office work	Vendors or contractors' information	Agency-wide	As needed	As needed
Microsoft	Enterprise Microsoft Exchange (ME) Email	Enterprise ME Email Software and Infrastructure	Email	Agency-wide	Daily	Daily
Microsoft	Enterprise SQL Server	Enterprise SQL Server Software and Infrastructure	Databases	Agency-wide	Daily	Daily
Microsoft	Office 365	Email system used to send and receive emails	Email	Agency-wide	Daily	Daily
Microsoft	Teams	Audio/Video communication and meetings	Communications	Agency-wide	As needed	As needed
SAP	SAP Core Financials and Procurement	Financial management system	Financial	Agency-wide	Daily	Daily

Staff recommends that the Commission take the actions identified on page 1.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sbclafco.org

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**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #6: Note Receipt of Proposal Pursuant to Government Code Section 56857 - - LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70 (Speedway Commerce Center)

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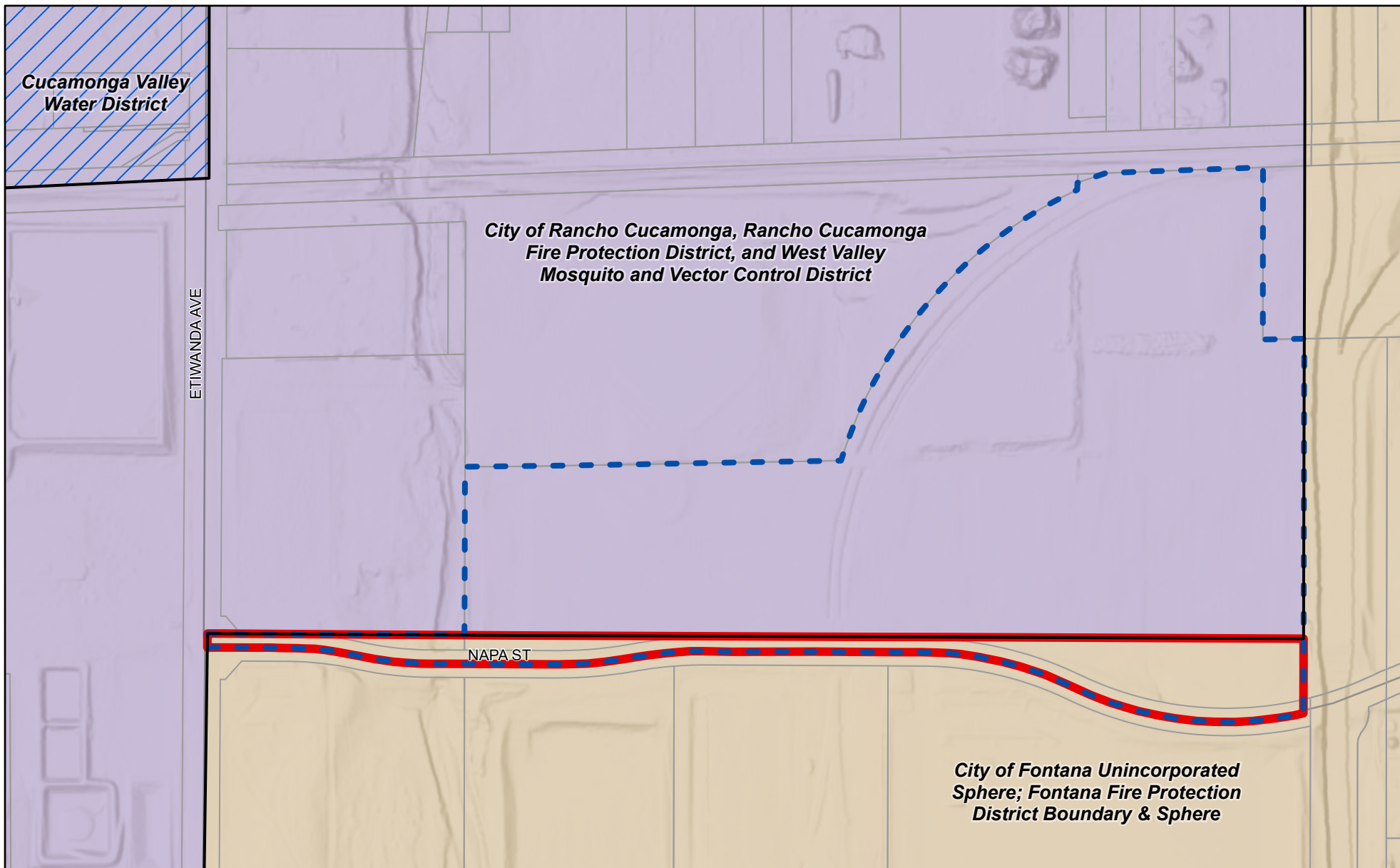
State law requires that any application involving annexation to a special district that has not been initiated by resolution of the district shall be placed on the next available Commission agenda (Government Code Section 56857(a)). Mr. Scott Morse, representative for Speedway Commerce Center Development, LLC, has submitted a petition initiating a reorganization proposal to the City of Rancho Cucamonga that includes the annexation of approximately 38 acres to the Cucamonga Valley Water District (CVWD) along with the annexation of approximately 5 acres to the Rancho Cucamonga Fire Protection District (RCFPD) and the West Valley Mosquito and Vector Control District (WVMVCD). The purpose of the reorganization is to receive municipal services not only from the City of Rancho Cucamonga but also from the other community service providers (i.e. CVWD, RCFPD, and WVMVCD) to the two warehouse facilities being developed within the overall reorganization area. A map of the proposed reorganization is included as an attachment to this report.

Government Code Section 56857(a) sets in motion a 60-day time period in which a district to which annexation is proposed may transmit a resolution requesting termination of the proceedings that include findings related to financial or service related concerns. If such a resolution is received within the 60-day time period as of the June 15 meeting date (prior to August 15, 2022), the Commission is required to terminate LAFCO 3256.

No action is required of the Commission other than to note receipt of the proposal.

Attachments:

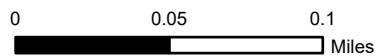
- 1 -- [Map of Reorganization Area](#)
- 2 -- [Application Submitted by Applicant](#)



**LAFCO 3256 - Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70**



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



- |   |   |
|---|---|
| Area to be annexed into Cucamonga Valley Water District   | City & District Existing Spheres of Influence   |
| Area to be annexed into the City of Rancho Cucamonga, Rancho Cucamonga Fire Protection Dist, and West Valley Mosquito and Vector Control Dist and detached from Fontana Fire Protection Dist and CSA 70 | City of Rancho Cucamonga, Rancho Cucamonga Fire Protection Dist, and West Valley Mosquito and Vector Control Dist |
| Cucamonga Valley Water District   | City of Fontana Unincorporated Sphere; Fontana Fire Protection Dist Boundary & Sphere                             |

## NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention to circulate a petition proposing

The Project includes the proposed reorganization and Sphere of Influence (SOI) amendment of two parcels including APN 0229-291-46, of approximately 2.9 acres in size, and a portion of parcel of approximately 0.69 acres (APN 0229-291-23), and half width of Napa Street that extends along the centerline of Napa Street from San Sevaine Channel to Etiwanda Avenue.

A written statement of the reasons for the proposal, not to exceed 500 words in length is as follows:

~~The Project would require SOI Amendments for the Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), Fontana Fire Protection District (reduction), and West Valley Mosquito and Vector Control District (expansion). As well as reorganization to include Annexations to the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, and West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70. The proposed reorganization and SOI amendment is to create a logical boundary and annex a small parcel for the project for parking and access for the two building warehouse project.~~

Name and address of proponent:

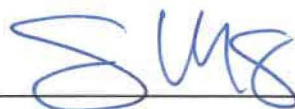
Speedway Commerce Center Development, LLC

Scott Morse, Executive Vice President

901 Via Piemonte Suite 175, Ontario, Ca 91764

SIGNED BY:

DATED:

  
March 21, 2022

Required Attachments:

Sample Petition

Legal Description(s) and Map(s) of Changes within the Proposal

*(The "Notice of Intent to Circulate Petition" must be filed with the Executive Officer of the Local Agency Formation Commission for San Bernardino County prior to circulating the petition. Upon receipt of this Notice, the Executive Officer is required to notify all affected agencies.)*

**EXHIBIT "A"**

**LAFCO 2022-\_\_\_\_ - \_\_\_\_**

**REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70**

**ANNEXATION TO THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70**

A PORTION THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING ON THE CENTERLINE OF ETIWANDA AVENUE;

COURSE 1. THENCE SOUTH 00°17'58" WEST ALONG THE WESTERLY LINE OF SAID SECTION 16 AND SAID CENTERLINE OF ETIWANDA AVENUE, A DISTANCE OF 662.77 FEET TO AN ANGLE POINT IN THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY PER "ANNEXATION NO. \_\_ (LAFCO \_\_\_\_)" AND THE **TRUE POINT OF BEGINNING**;

COURSE 2. THENCE SOUTH 89°45'18" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2647.88 FEET TO AN ANGLE POINT THEREON, SAID POINT BEING ON THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 16;

COURSE 3. THENCE SOUTH 00°06'53" WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 180.99 FEET TO A POINT ON THE CENTERLINE OF NAPA STREET (66.00 FEET IN FULL WIDTH) AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO THE COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 22, 1995 AS DOCUMENT NO. 19950404553, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 12°33'53" EAST;

COURSE 4. THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°12'45", AN ARC DISTANCE OF 566.89 FEET AND A CHORD DISTANCE OF 556.45 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 25°38'52" EAST;

COURSE 5. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 25°22'43", AN ARC DISTANCE OF 376.50 FEET AND A CHORD DISTANCE OF 373.43 FEET;

COURSE 6. THENCE ALONG SAID CENTERLINE NORTH 89°43'51" WEST, A DISTANCE OF 518.47 FEET AND TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 7. THENCE WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°25'48", AN ARC DISTANCE OF 182.04 FEET AND A CHORD DISTANCE OF 181.79 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET, A RADIAL LINE TO SOUTH 10°09'39" EAST;

COURSE 8. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°27'29", AN ARC DISTANCE OF 182.53 FEET AND A CHORD DISTANCE OF 182.28 FEET;

COURSE 9. THENCE NORTH 89°42'10" WEST, A DISTANCE OF 305.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 10. THENCE WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12°08'36", AN ARC DISTANCE OF 173.79 FEET AND A CHORD DISTANCE OF 173.47 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 820.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 12°26'26" EAST;

COURSE 11. THENCE WESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°08'15", AN ARC DISTANCE OF 173.71 FEET AND A CHORD DISTANCE OF 173.38 FEET;

COURSE 12. THENCE NORTH 89°41'49" WEST, A DISTANCE OF 199.97 FEET TO A POINT ON SAID CENTERLINE OF ETIWANDA AVENUE AND THE BOUNDARY LINE OF CITY OF RANCHO CUCAMONGA;

COURSE 13. THENCE NORTH 00°17'09" EAST ALONG SAID WESTERLY LINE AND SAID CENTERLINE, A DISTANCE OF 32.96 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4.80 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

  
MICHAEL E. JOHNSON, L.S. 7673

03/08/22  
DATE

PREPARED BY: LB  
CHECKED BY: mf

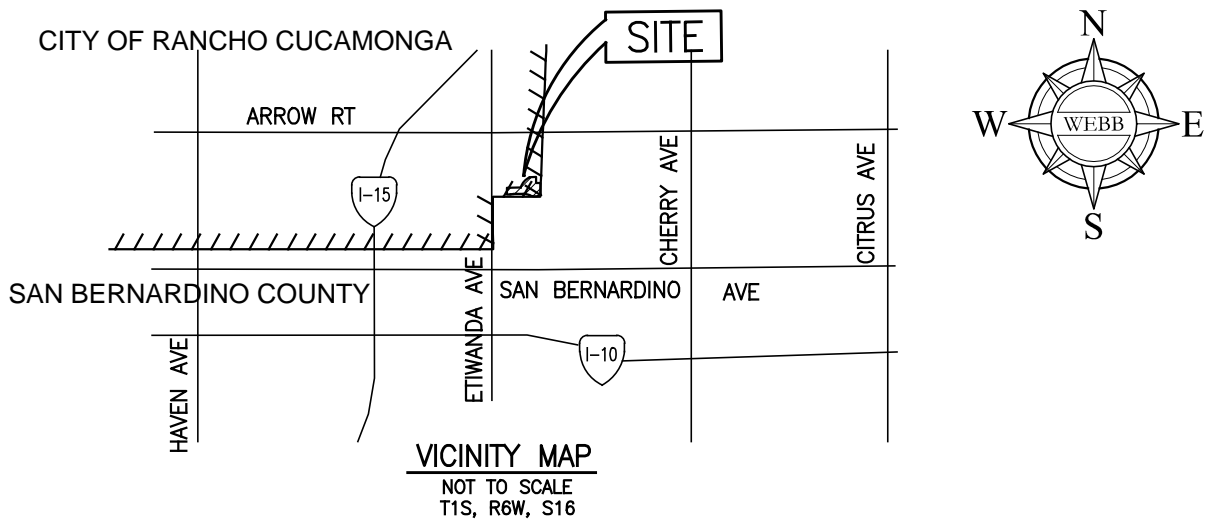




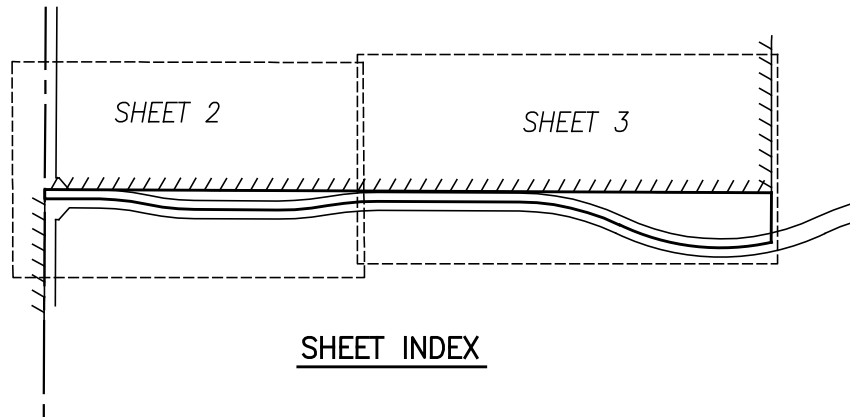
# EXHIBIT "B" LAFCO 2022-\_\_\_\_\_

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70

ANNEXATION TO THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENT FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70.



03/08/22



SEC. 16, T1S, R6W, SBM

**ALBERT A. WEBB ASSOCIATES**

LAFCO 2022-\_\_\_\_\_

H:\2020\20-0066\Drawings\Mapping\LAFCO\20-0066\_LAFCO REORGANIZATION TO CITY.dwg 3/8/2022 11:50 AM

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.  
20-0066

SCALE: N.T.S.

DRWN BY LB  
CHKD BY *ry*

DATE 2/26/22  
DATE 03/08/22

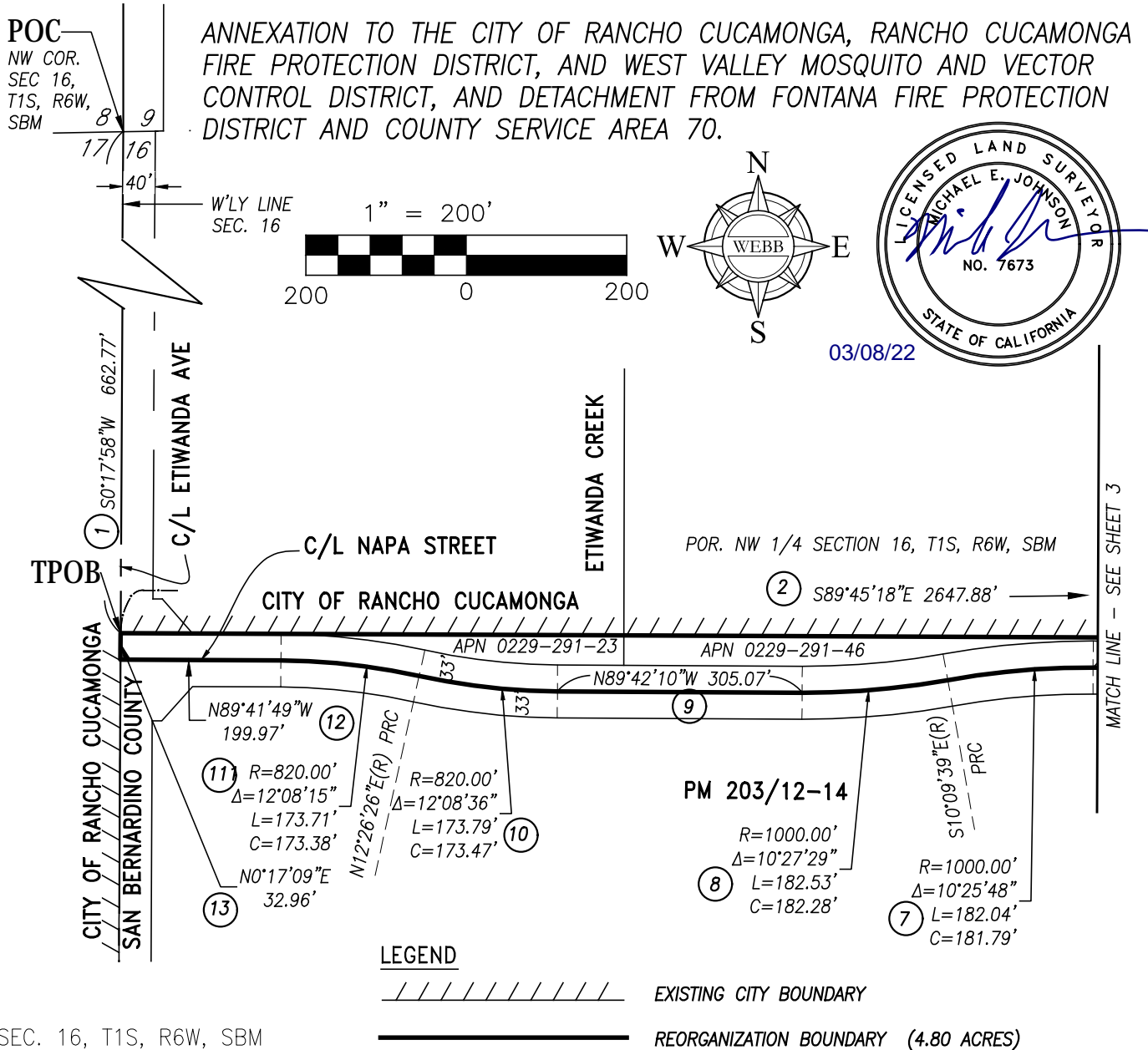
SUBJECT: LAFCO 2022-\_\_\_\_-\_\_\_\_



# EXHIBIT "B"

## LAFCO 2022-\_\_\_\_\_

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 70



ALBERT A.  
**WEBB**  
ASSOCIATES

LAFCO 2022-\_\_\_\_\_

H:\2020\20-0066\Drawings\Mapping\LAFCO\20-0066\_LAFCO REORGANIZATION TO CITY.dwg 3/8/2022 11:50 AM

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.  
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 3

W.O.  
20-0066

SCALE: 1"=200'

DRWN BY LB  
CHKD BY *mf*

DATE 2/26/22  
DATE 03/08/22

SUBJECT: LAFCO 2022-\_\_\_\_-\_\_\_\_

SUBJECT: LAFCO 2022-\_\_\_\_-\_\_\_\_

**EXHIBIT "A"**

**LAFCO 2022-\_\_\_\_ - \_\_\_\_**

**REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA PROTECTION DISTRICT AND COUNTY SERVICE AREA 70**

**ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 9 TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 6 WEST, SAN BERNARDINO BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING ON THE CENTERLINE OF ETIWANDA AVENUE;

COURSE 1. THENCE SOUTH 00°17'58" WEST ALONG THE WESTERLY LINE OF SAID SECTION 16 AND SAID CENTERLINE OF ETIWANDA AVENUE, A DISTANCE OF 662.77 FEET TO AN ANGLE POINT IN THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY PER "ANNEXATION NO. \_\_ (LAFCO \_\_\_\_)" AND THE **TRUE POINT OF BEGINNING**;

COURSE 2. THENCE SOUTH 89°45'18" EAST ALONG SAID BOUNDARY, A DISTANCE OF 627.31 FEET TO A POINT ON THE WESTERLY LINE OF PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. 507 FOR LOT LINE ADJUSTMENT RECORDED JANUARY 17, 2002 AS DOCUMENT NO. 20020026839, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY;

COURSE 3. THENCE NORTH 00°07'01" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 404.23 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2;

COURSE 4. THENCE NORTH 88°57'21" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2, A DISTANCE OF 906.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1062.22 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 72°53'47" WEST;

COURSE 5. THENCE NORTHEASTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°03'24", AN ARC DISTANCE OF 890.93 FEET AND A CHORD DISTANCE OF 865.04 FEET;

COURSE 6. THENCE NORTH 00°08'28" EAST, A DISTANCE OF 37.52 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ATCHISON TOPEKA AND SANTA FE RAILWAY (100.00 FEET IN FULL WIDTH);

COURSE 7. THENCE NORTH 87°55'02" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 447.77 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT

WESTERLY 100.00 FEET, MEASURED AT A RIGHT ANGLE, FROM THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 9;

COURSE 8. THENCE SOUTH 00°14'59" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 414.26 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 9;

COURSE 9. THENCE NORTH 88°57'21" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 100.03 FEET TO A POINT ON SAID CITY OF RANCHO CUCAMONGA BOUNDARY, SAID POINT BEING THE SOUTHEAST CORNER OF SAID SECTION 9, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 16;

COURSE 10. THENCE SOUTH 00°06'53" WEST ALONG SAID CITY OF RANCHO CUCAMONGA BOUNDARY AND ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 16, A DISTANCE OF 903.29 FEET TO A POINT ON THE CENTERLINE OF NAPA STREET (66.00 FEET IN FULL WIDTH) AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO THE COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 22, 1995 AS DOCUMENT NO. 19950404553, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 12°33'53" EAST;

COURSE 11. THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°12'45", AN ARC DISTANCE OF 566.89 FEET AND A CHORD DISTANCE OF 556.45 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 850.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 25°38'52" EAST;

COURSE 12. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 25°22'43", AN ARC DISTANCE OF 376.50 FEET AND A CHORD DISTANCE OF 373.43 FEET;

COURSE 13. THENCE ALONG SAID CENTERLINE NORTH 89°43'51" WEST, A DISTANCE OF 518.47 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1000.00 FEET;

COURSE 14. THENCE WESTERLY ALONG SAID CENTERLINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°25'48", AN ARC DISTANCE OF 182.04 FEET AND A CHORD DISTANCE OF 181.79 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET, A RADIAL LINE TO SOUTH 10°09'39" EAST;

COURSE 15. THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°27'29", AN ARC DISTANCE OF 182.53 FEET AND A CHORD DISTANCE OF 182.28 FEET;

COURSE 16. THENCE NORTH 89°42'10" WEST, A DISTANCE OF 305.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 820.00 FEET;

COURSE 17. THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12°08'36", AN ARC DISTANCE OF 173.79 FEET AND A CHORD DISTANCE OF 173.47 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 820.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 12°26'26" EAST;

COURSE 18. THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°08'15", AN ARC DISTANCE OF 173.71 FEET AND A CHORD DISTANCE OF 173.38 FEET;

COURSE 19. THENCE NORTH 89°41'49" WEST, A DISTANCE OF 199.97 FEET TO A POINT ON SAID CENTERLINE OF ETIWANDA AVENUE AND THE BOUNDARY LINE OF CITY OF RANCHO CUCAMONGA;

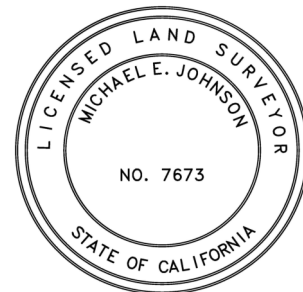
COURSE 20. THENCE NORTH 00°17'09" EAST ALONG SAID WESTERLY LINE OF SECTION 16 AND SAID CENTERLINE, A DISTANCE OF 32.96 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 37.64 ACRES, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.  
PREPARED UNDER MY SUPERVISION

  
MICHAEL E. JOHNSON, L.S. 7673

03/08/22  
DATE

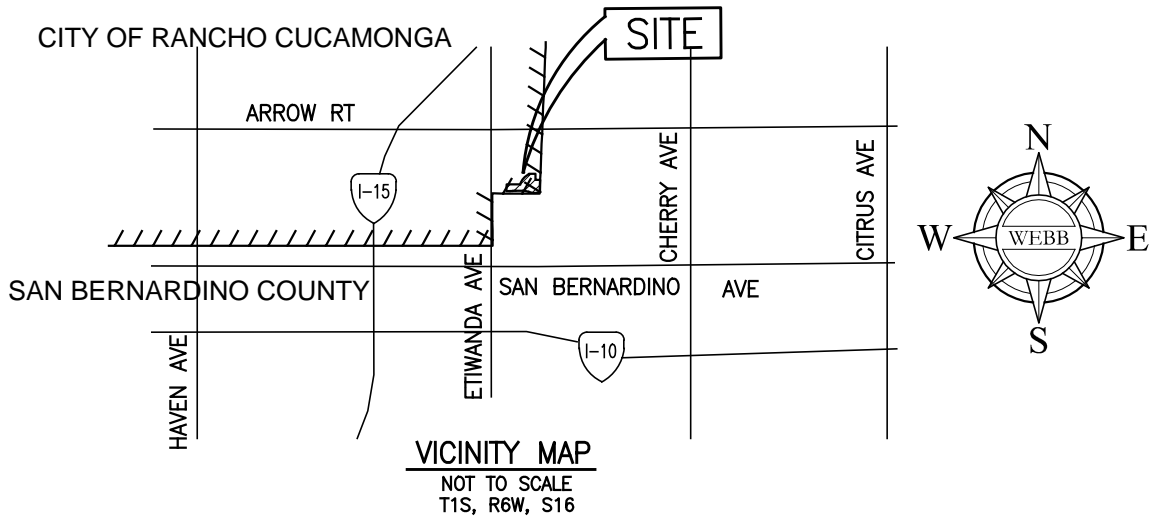


PREPARED BY: LB  
CHECKED BY: my

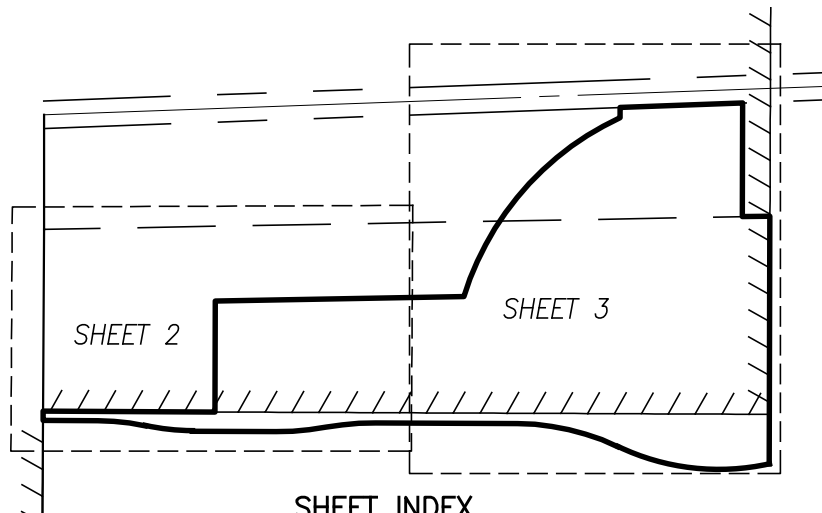
# EXHIBIT "B" LAFCO 2022-\_\_\_\_\_

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

## ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



03/08/22



SEC. 9 & 16, T1S, R6W, SBM

**ALBERT A. WEBB ASSOCIATES**

LAFCO 2022-\_\_\_\_\_

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.  
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 3

W.O.  
20-0066

SCALE: N.T.S.

DRWN BY LB  
CHKD BY mg

DATE 2/26/22  
DATE 03/08/22

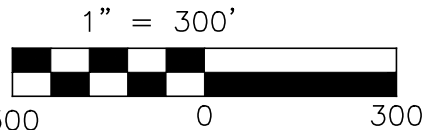
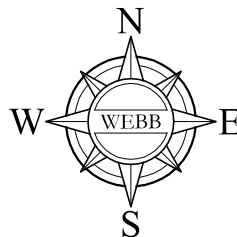
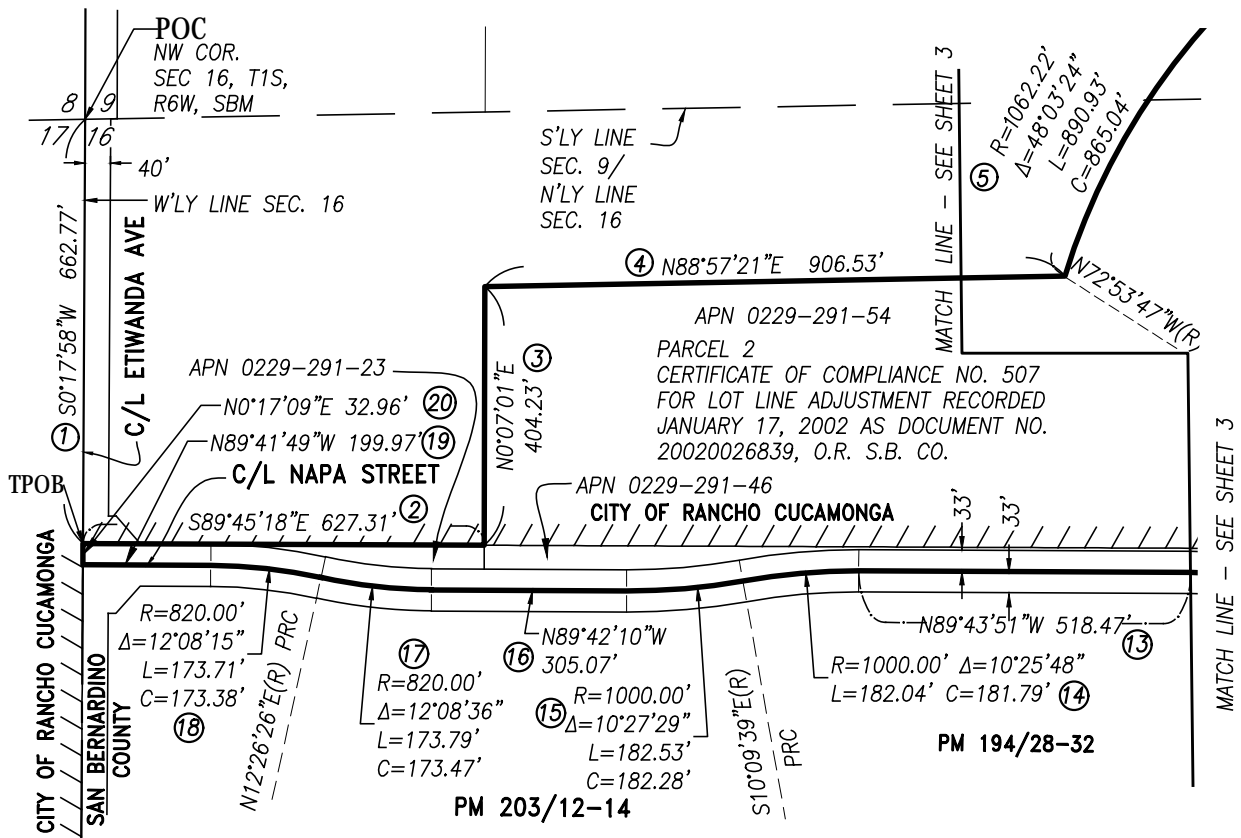
SUBJECT: LAFCO 2022-\_\_\_\_-\_\_\_\_

# EXHIBIT "B"

## LAFCO 2022-\_\_\_\_\_

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

### ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



#### LEGEND



EXISTING CITY BOUNDARY



REORGANIZATION BOUNDARY (37.64 ACRES)

03/08/22

SEC. 9 & 16, T1S, R6W, SBM

ALBERT A.  
**WEBB**  
ASSOCIATES

LAFCO 2022-\_\_\_\_\_

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.  
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 3

W.O.  
20-0066

SCALE: 1"=300'

DRWN BY LB  
CHKD BY mg

DATE 2/26/22  
DATE 03/08/22

SUBJECT: LAFCO 2022-\_\_\_\_\_-\_\_\_\_

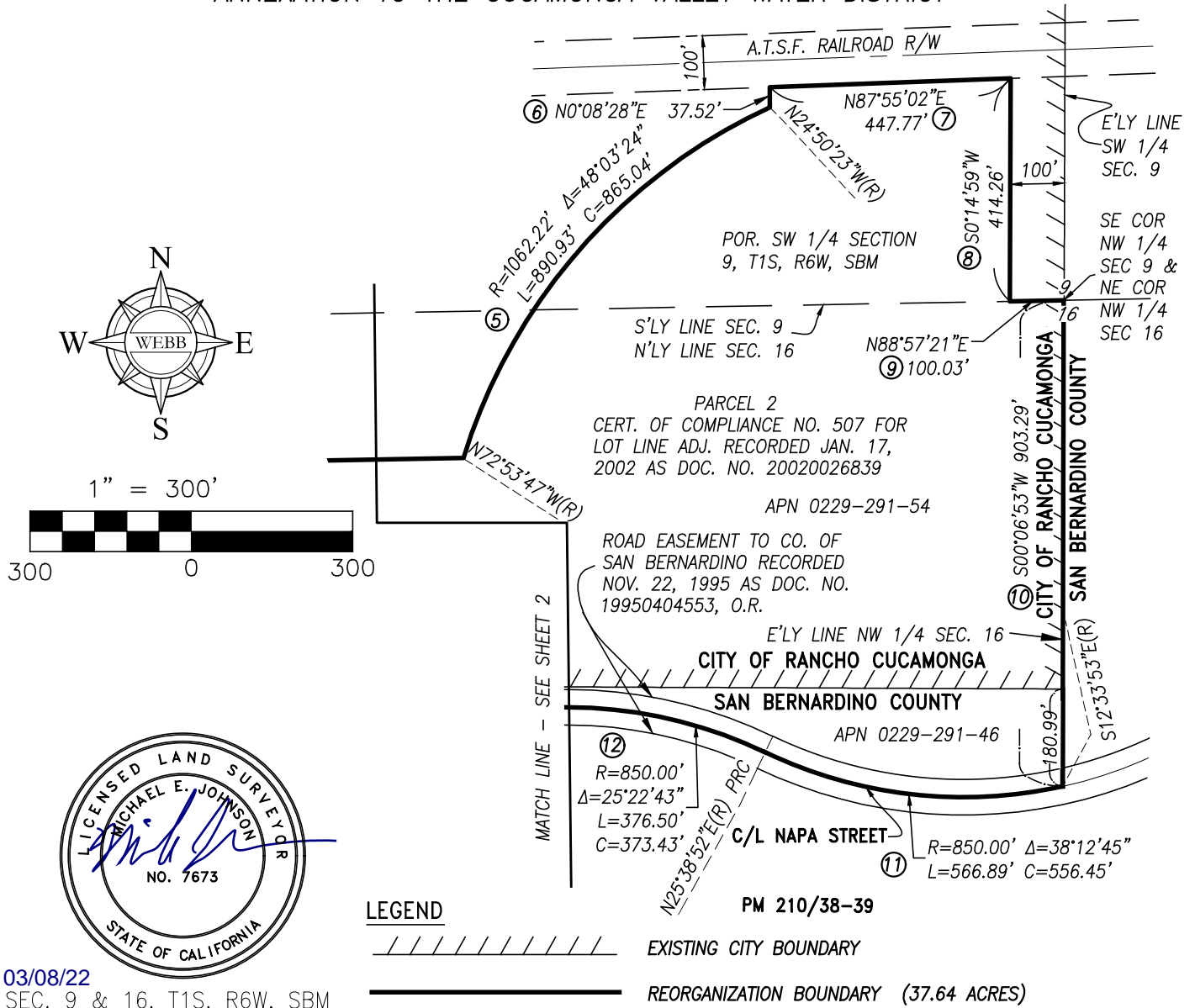


# EXHIBIT "B"

## LAFCO 2022-\_\_\_\_\_

REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RANCHO CUCAMONGA, CUCAMONGA VALLEY WATER DISTRICT, RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, AND WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, AND DETACHMENTS FROM FONTANA FIRE PROTECTION DISTRICT AND COUNTY SERVICE 70

### ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT



ALBERT A.  
**WEBB**  
ASSOCIATES

LAFCO 2022-\_\_\_\_\_

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.  
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 3 OF 3

W.O.  
20-0066

SCALE: 1"=200'

DRWN BY LB  
CHKD BY mg

DATE 2/26/22  
DATE 03/08/22

SUBJECT: LAFCO 2022-\_\_\_\_\_-\_\_\_\_

## SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

### GENERAL INFORMATION

1. NAME OF PROPOSAL: Speedway Commerce Center. The proposed annexation and jurisdictional boundary amendment/ Sphere of Influence (SOI) amendment of two parcels of approximately 4.8 acres for a warehouse project.
  
2. NAME OF APPLICANT: Speedway Commerce Center Development, LLC  
 APPLICANT TYPE: ☒ Landowner ☐ Local Agency  
☐ Registered Voter ☐ Other \_\_\_\_\_  
 MAILING ADDRESS: 901 Via Piemonte Suite 175, Ontario, CA 91764  
 \_\_\_\_\_  
 PHONE: (909) 380-7292  
 FAX: ( )  
 E-MAIL ADDRESS: scott.morse@hillwood.com
  
3. GENERAL LOCATION OF PROPOSAL: The Project site is located partially in the City of Rancho Cucamonga and within San Bernardino County. The Project site is located south of the BNSF railway, west of the San Sevaine Channel, north of Napa St, and east of East Etiwanda Creek. Annexation includes APN 0229-292-46, 0.69-ac of APN 0229-291-23, and from the centerline of Napa St from the San Sevaine Channel to Etiwanda Ave.
  
4. Does the application possess 100% written consent of each landowner in the subject territory?  
 YES ☒ NO ☐ If YES, provide written authorization for change.
  
5. Indicate the reason(s) that the proposed action has been requested. The annexation would allow for a logical boundary along Napa Street between the City of Rancho Cucamonga, the County of San Bernardino, and the City of Fontana sphere of influence (SOI). The request would include a SOI amendment for the City of RC, CVWD, RCFD, and a reduction for Fontana Fire Protection District (FFPD) and West Valley Mosquito and Vector Control District (WVMVCD) . The request would include a reorganization to annex to the City of RC, CVWD, RCFPD and WVMVCD, and detachment from FFPD and CSA 70.

**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres):  
The project is 34.61 acres but the annexation area is a total of 4.8 acres.
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) Zero
3. Approximate current population within area: Zero
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
City of Rancho Cucamonga - D Industrial Employment - light and medium industrial, logistics centers, low impact manufacturing, research parks, and machining operations. Office and retail permitted as accessory use only.  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s): General Industrial (GI) - Among other permitted uses, general or heavy industrial, manufacturing, and processing. Wholesale, warehouse, and distribution are all permitted uses in the general industrial GP designation.
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:  
No special land use concerns. The Project would construct new roads, infrastructure, and buildings to support uses consistent with the 2020-2045 RTP/SCS. The Project would connect people and employment with this new infrastructure.
6. Indicate the existing use of the subject territory.  
Existing uses of the parcels are vacant land. One parcel owned by Southern California Edison (SCE) and occupied by overhead utility lines. This parcel will continue to be owned and operated by SCE.  
  
What is the proposed land use?  
The parcels identified for annexation would be developed as part of the project for two new industrial buildings and the land use would remain the same. The SCE utility corridor and easement will continue to be utilized for overhead power lines.
7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.  
The individual parcels identified for annexation would require public services but are able to be served.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

<input type="checkbox"/> Agricultural Land Uses	<input type="checkbox"/> Agricultural Preserve Designation
<input type="checkbox"/> Williamson Act Contract	<input type="checkbox"/> Area where Special Permits are Required
<input type="checkbox"/> Any other unusual features of the area or permits required: _____	
<u>GPA, Pre-zone, jurisdictional boundary change</u>	

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):  
*The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:*

N/A

### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. \_\_\_\_\_  
Generally flat vacant land, slight NE to SW slope

2. Describe any existing improvements on the subject territory as % of total area.

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	<u>90</u> %
Industrial	_____ %	Other	<u>10</u> %

3. Describe the surrounding land uses:

NORTH	<u>Warehousing, Railroad, Vacant</u>
EAST	<u>Warehousing, Channel, Vacant</u>
SOUTH	<u>Warehousing, Channel, Vacant</u>
WEST	<u>Warehousing, Unimproved Channel, Vacant/Utility</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

Water utility connections, sewer system connection, site grading, storm water sewer infrastructure, roadway improvements, and other appurtenant improvements

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☒ NO ☐ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☒

The Project proposes the development of warehousing within the City of Rancho Cucamonga and allow for the expansion of employment opportunities within the City. Services are already available on and adjacent to the Project site.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐ NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☒ NO ☐ If YES, please explain.

One of the parcels identified for annexation are part of the development project. The Project proposes the development of two warehouse buildings within the City of Rancho Cucamonga, including e-Commerce logistics warehousing.

### NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Monica Contreras TELEPHONE NO. 606-607-7563

ADDRESS: Monica.3.Contreras@SCE.com

NAME Candyce Burnett TELEPHONE NO. 951-824-8697

ADDRESS: 3880 Lemon Street Suite 420, Riverside Ca. 92501

NAME John Grace TELEPHONE NO. 909-256-5924

ADDRESS: 901 Piemonte Suite 175, Ontario Ca. 91764

### CERTIFICATION

As a part of this application, the City/Town of City of Rancho Cucamonga, or the N/A District/Agency, Speedway Commerce Center Development LLC (the applicant) and/or the N/A (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees,



and release 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, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

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

DATE March 21, 2022



SIGNATURE

Speedway Commerce Center Development, LLC, a Delaware limited liability company

By: Scott Morse

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:



ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT



SPHERE OF INFLUENCE CHANGE SUPPLEMENT



CITY INCORPORATION SUPPLEMENT



FORMATION OF A SPECIAL DISTRICT SUPPLEMENT



ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

## SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

<b>ANNEXED TO</b> <u>City of Rancho Cucamonga</u> <u>Cucamonga Valley Water District</u> <u>Rancho Cucamonga Fire Protection District</u> <u>West Valley Mosquito and Vector Control District</u>	<b>DETACHED FROM</b> <u>Fontana Fire Protection District</u> <u>County Service Area 70</u>
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2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

- a. Has pre-zoning been completed? YES ☒ NO ☐  
 b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

Industrial Employment (IE), Industrial land use that allows industrial uses including  
warehouse including e-commerce.

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☒ If YES, please provide a written justification for the proposed boundary configuration.

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4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

The Project will be required to annex into a CFD and pay associated DIF and impact fees.

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5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

The project area will no longer be within CSA 70. No additional special taxes, assessments, etc. apply.

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6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

The project is not subject to a Williamson Act Contract.

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7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

The project was designated for industrial land use and will remain industrial when annexed and therefore will not impact RHNA or the City's or County's fair share housing numbers.

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8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

### **CERTIFICATION**

As a part of this application, the City/Town of Rancho Cucamonga or the N/A District/Agency, Speedway Commerce Center Development, LLC (the applicant) and/or the N/A (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release 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, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of Rancho Cucamonga or the N/A District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 03/21/2022

  
SIGNATURE  
Speedway Commerce Center Development, LLC  
By: Scott Morse

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

Scott Morse, Executive Vice President

Title and Affiliation (if applicable)

# 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

---

**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #7: Review and Approve Agreement with Colantuono, Highsmith & Whatley, PC for Conflicts Counsel

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## **RECOMMENDATION:**

Staff recommends that the Commission approve the Agreement for Conflicts Counsel Services as presented with Colantuono, Highsmith & Whatley, PC and authorize the Executive Officer to sign.

## **BACKGROUND:**

In the past few years, whenever San Bernardino LAFCO legal counsel Paula de Sousa and her firm Best Best & Krieger (BB&K) are disqualified from representing LAFCO due to a conflict of interest, the Commission has retained Holly Whatley from the law firm of Colantuono, Highsmith & Whatley, PC (CH&W) as special counsel on such matters due to the unique nature of LAFCO law and the expertise needed.

Ms. Whatley is currently General Counsel for San Diego LAFCO and she heads her firm's Litigation Department, focusing on public law disputes including post-redevelopment and other municipal finance issues, water issues, land use, California Public Records Act, CEQA, election, public works, employment law, and matters involving LAFCOs.

It has been beneficial to have someone like Ms. Whatley on call in case there is a need to have special counsel represent LAFCO. Having this master agreement to serve as on call/as needed conflicts counsel would eliminate the need to serial agreements every time the Commission requires special counsel. Obviously, Ms. Whatley and her firm would have to—each time—do its due diligence to review any conflicts of interest that may interfere with CH&W from representing San Bernardino LAFCO.

The proposed Agreement for Conflicts Counsel Services includes the following specific provisions:

- CH&W will cap its rates at \$325 per hour for advisory services, \$360 per hour for advisory services if such services are reimbursable to LAFCO by third-parties associated with the specific matter at issue and at \$405 per hour for any litigation services that might be required. These rates may be increased from time to time adjusted usually at the beginning of each calendar year.
- It is noted that Ms. Whatley and Aleks Giragosian will have primary responsibility to represent San Bernardino LAFCO, and the firm will use other attorneys and legal assistants in the best exercise of its professional judgment.

**CONCLUSION:**

Staff is recommending that the Commission approve the Agreement for Conflicts Counsel Services between the Local Agency Formation Commission for San Bernardino County and Colantuono, Highsmith & Whatley, PC.

Attachment: [Colantuono, Highsmith & Whatley, PC As Needed Conflict Counsel Services to San Bernardino LAFCO](#)

**COLANTUONO  
HIGHSMITH  
WHATLEY, PC**

HOLLY O. WHATLEY | (213) 542-5704 | HWHATLEY@CHWLAW.US

May 2, 2022

**VIA ELECTRONIC MAIL**

Samuel Martinez  
Executive Director  
San Bernardino, LAFCo  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0490

**Re: As Needed Conflict Counsel Services to San Bernardino LAFCO**

Dear Sam:

As you asked, I write to propose the terms under which we agree to represent San Bernardino LAFCO (“you” or “LAFCO”) on various matters as needed when LAFCO’s general counsel has a conflict of interest on a particular matter. Colantuono, Highsmith & Whatley, PC and all of its professionals are very pleased to have the opportunity to represent you in this matter.

This letter sets forth the basis upon which our firm will provide legal services to you and bill you for services and costs. The firm maintains a conflict of interest index which lists all clients of our firm and matters in which we represent them. We will not represent any party with an interest that may be adverse to an indexed person without first determining if a professional conflict of interest would arise. We propose to index the following with respect to this matter:

Client: San Bernardino LAFCO

Affected/Interested Agencies: TBD

For each matter on which LAFCO requests our services as conflicts counsel, we will update the “Affected/Interested Agencies” in our index based on the specific matter on which LAFCO seeks our services. For each matter, we will provide you with that list

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790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700  
GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

Samuel Martinez  
San Bernardino LAFCO  
May 2, 2022  
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and request at that time that you let us know if any of these names are incorrect or if there are other parties with an interest in this matter that we should list.

We have reviewed our files and our conflicts index and have no other client relationships which would interfere with our ability to represent LAFCO generally. We will conduct further conflict checks for each new matter on which LAFCO seeks our advice and confirm in writing at that time whether we identify any potential or actual conflicts.

The nature of the matter makes it impossible for us to precisely estimate the fees you may incur. You will receive monthly statements informing you of the fees and costs incurred during the prior month. We will, of course, do our best to represent you efficiently and without undue expense.

Please make payments payable to Colantuono, Highsmith & Whatley, PC directly to our Grass Valley office at:

Colantuono, Highsmith & Whatley, PC  
420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945-5091

Our federal employer identification number is 75-3031545.

I and Aleks Giragosian will have primary responsibility for your representation, and the firm will use other attorneys and legal assistants in the best exercise of our professional judgment. If you have questions, concerns or criticisms at any time, please contact me at once. Naturally, we expect you to keep us reasonably informed of all significant developments regarding this representation.

We review all statements before they are issued to ensure the amount charged is appropriate. The statement for fees is simply the product of the hours worked multiplied by the hourly rates for the attorneys and legal assistants who did the work.

Our hourly rates are based upon the experience, reputation and ability of the lawyer or legal assistant performing the services, and for 2021 range between \$210 and

\$525 per hour for attorneys' time, and between \$135 and \$170 for the time of paralegals and legal assistants. As a courtesy to you, however, we agree to cap our rates at \$325 per hour for advisory services, \$360 per hour for advisory services if such services are reimbursable to LAFCO by third-parties associated with the specific matter at issue and at \$405 per hour for any litigation services that might be required regarding that matter. Our rate structure in general and the rates of particular lawyers may be increased from time to time, and are usually adjusted as of the beginning of each calendar year.

It may be necessary to bill you for items such as, but not limited to, authorized travel, long distance telephone calls, filing fees, photocopying, computerized legal research outside the scope of our Westlaw contract and the like. These items are separately itemized on our statement as "disbursements." These amounts will be billed in addition to our fees.

We will send you monthly statements, and expect payment within 30 days of the billing date. If payment is not received within 60 days of the billing date, we reserve the right to charge interest on the unpaid balance at the rate of 1% per month and to terminate our representation.

We rarely have disputes with clients over our fees. Nevertheless, you should be aware that you are entitled to require that any fee dispute be resolved by binding arbitration in Los Angeles or Nevada Counties pursuant to the arbitration rules for legal fee disputes of the respective County Bar Association. We agree that all disputes between us regarding the services rendered or fees charged not resolved via County Bar fee arbitration will be submitted to binding arbitration in Santa Barbara to be conducted by ADR Services, Inc. in accordance with its commercial arbitration rules. **YOU SHOULD REVIEW THIS PARAGRAPH CAREFULLY AND, IF YOU WISH, SEEK INDEPENDENT LEGAL COUNSEL REGARDING IT, AS YOU AND WE ARE AGREEING TO FOREGO SIGNIFICANT RIGHTS IN THE EVENT OF A DISPUTE BETWEEN US, INCLUDING THE RIGHT TO A JURY TRIAL.**

You have the right to terminate our representation at any time. We have the same right, subject to an obligation to give you reasonable notice to arrange alternative representation. In either circumstance, you agree to secure new counsel to represent you as quickly as possible and to cooperate fully in the substitution of the new counsel as



Samuel Martinez  
San Bernardino LAFCO  
May 2, 2022  
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counsel of record in any litigation in which we may subsequently agree to represent you. Notwithstanding the termination of our representation, you will remain obligated to pay to us all fees and costs incurred previously.

You agree that we may, in our discretion, maintain all or part of your client file in electronic format. The firm may store part or all of your documents using secure cloud storage services. If so, the firm will apply all reasonable methods to maintain the confidentiality of your files, just as it does for your non-digital information. Your data will be password protected and encrypted using currently available technology. Clients requiring information from their files may obtain that information only by written request to us.

You also agree that following termination of our attorney-client relationship, we will not be required to maintain your client file for more than two years. If you ask us to deliver your file to you, you agree that delivery of an electronic version, together with any materials that cannot be saved electronically, satisfies our obligation to release all your client papers and property to you. Two years after termination of our relationship, and after reasonable notice, you agree that we will be free to destroy your client file, including all electronic records. We may also discharge our obligation to maintain your file before two years expire by mailing a copy to you at your address last known to us. You agree that "reasonable notice" means our mailing a notice of our intent to destroy your client file to you at that address.

I apologize for the formality of this letter, but we are required by California law to provide this information to you in writing. We are also required to inform you that we currently maintain professional liability insurance coverage.

Please review the foregoing and, if it meets with your approval, execute it and return it to me. If you have any questions, please feel free to call me at the direct-dial number above. Thank you for the opportunity to represent you!

Samuel Martinez  
San Bernardino LAFCO  
May 2, 2022  
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Very truly yours,



Holly O. Whatley

HOW:cmr

On behalf of San Bernardino LAFCO, I agree to retain Colantuono, Highsmith & Whatley, PC to provide legal services as set forth above.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_, 2022


By: \_\_\_\_\_

Title: \_\_\_\_\_

# 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:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #8: Review and Approve Amendment No. 3 to the  
LAFCO Office Space Lease with the San Bernardino County  
Transportation Authority

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## **RECOMMENDATION:**

Staff recommends that the Commission approve Amendment No. 3 to Lease Agreement Contract No. 16-1001429 and authorize the Commission Chair and Legal Counsel to sign.

## **BACKGROUND:**

In July 2016, the Commission approve the lease agreement (Contract No. 16-1001429) with the San Bernardino County Transportation Authority (SBCTA) for leasing Unit 150 of the San Bernardino Santa Fe Depot (Depot) as the LAFCO office.

The Commission subsequently approved Amendment No. 1 in August 2017 and Amendment No. 2 in July 2020.

Amendment No. 1 included a number of revision to the original lease agreement including a reduction in the overall square footage of the office space (2,970 square feet), a revised start/end date, and a revision to the overall renovation cost, which ended up higher than originally anticipated.

Amendment No. 2 changed the manner in which the Common Area Maintenance (CAM) charges were calculated, which removed/reduced some of the components of the CAM charges. The CAM charges that LAFCO is billed for are based on estimates for the year and the changes to the CAM charges was expected to reduce LAFCO's share of the overall CAM costs. At the end of each calendar year, the actual CAM expenses are

reconciled with the estimated amounts LAFCO gets billed for (and pays for) against its share of the actual expenses incurred for the year. In some years, the estimates were very close to the actual expenses. However, last year, even with the expected reductions associated with Amendment No. 2, LAFCO still ended with an additional bill for its overall CAM charges of (a little over) \$5,000 due to inflation and higher cost for goods and services.

In order to avoid the uncertainty of having to reconcile the CAM charges every year, SBCTA is now proposing to do away with the separate CAM charges and, instead, make it a part of LAFCO's base rent<sup>1</sup>. Current estimated LAFCO's share of the Depot's CAM charges (7.86%), which is equivalent to \$2,197.80 per month, will now be a fix amount of \$0.65 per square foot, or a total of \$1,930.50 per month. Not only is the new CAM cost lower than the previous monthly estimate -- it is now a fix amount.

The proposed new base rent—which will now include the CAM charges—will be at \$1.60 per square foot, or a total of \$4,752 per month with an annual escalator base on CPI (up to three percent).

**CONCLUSION:**

Staff is recommending that the Commission approve Amendment No. 3 to the lease agreement and authorize the Commission Chair and Legal Counsel to sign said Amendment No. 3. LAFCO staff will be happy to answer any questions on this item prior to or at the hearing.

Attachment: [Amendment No. 3 to Lease Contract No. 16-1001429](#)

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<sup>1</sup> Current base rent is at \$0.95 per square foot.

**AMENDMENT NO. 3 TO LEASE**  
**Contract No: 16-1001429**

THIS AMENDMENT NO. 3 TO LEASE (the "Amendment") is entered into on and is effective as of July 24, 2022, by and between San Bernardino County Transportation Authority (SBCTA) ("Landlord"), and Local Agency Formation Commission for San Bernardino County (LAFCO) ("Tenant"), on the basis of the following:

**RECITALS**

A. Landlord and Tenant previously entered into a Lease agreement, First Amendment, and Second Amendment (collectively, the "Lease") for the Premises described as 1170 W. 3<sup>rd</sup> Street, Suite 150, San Bernardino, California, also identified as Contract No. 16-1001429;

B. Tenant wishes to extend the Lease Term by exercising the first of its Options to Extend;

C. The parties agree to modify the tenancy to restructure the Lease as it pertains to operating expense reimbursements.

**AGREEMENT**

IT IS HEREBY AGREED by Landlord and Tenant on the basis of the foregoing and in consideration of the premises contained herein, as follows:

1. **Extension of Lease Term – Option Exercised.** Tenant hereby elects to exercise its first 5-year Option to Extend as set forth in Section 25 of the Lease, except to replace the beginning Rent adjustment as provided for in Section 2 of this Amendment. The amended Expiration Date shall be July 23, 2027.

2. **Base Rent Adjustment - Common Area Maintenance (CAM).** It is the intention of the parties to restructure the Lease so that the sections requiring Tenant to pay its share of Common Area Operating Expenses is eliminated, and that the Base Rent is correspondingly increased to be all-inclusive of those elements. Therefore, effective July 24, 2022, the monthly Base Rent shall be \$1.60 per rentable square foot, and shall increase annually thereafter as set forth in section 7(a) of the Lease. Sections 1.09 ("Tenant's Share of Common Area Operating Expenses") and that certain subsection of Section 6 ("Rent") entitled "Common Area Maintenance Expenses (CAM)", shall be deleted in their entirety and shall be of no further force or effect.

3. **Supremacy.** Except as otherwise expressly stated in this Amendment, all other provisions in the Lease, as previously amended, shall continue in full force and effect without modification. In the event of any conflict between the terms of this Amendment and those of the Lease, the terms of the Amendment shall govern.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment as of the date first set forth above.

**Landlord:**

San Bernardino County  
Transportation Authority

**Tenant:**

Local Agency Formation Commission  
for San Bernardino County

\_\_\_\_\_  
By:  
Curt Hagman, President

\_\_\_\_\_  
By:  
Jim Bagley, Chair

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

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

APPROVED AS TO FORM


\_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

\_\_\_\_\_  
Paula de Sousa  
LAFCO Legal Counsel

# 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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www.sbclafco.org

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**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #10 – 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. 3352 approving the amendment to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **SUMMARY:**

LAFCO, for its employees, generally mirrors the benefits that the County provides to its exempt employees. On May 24, 2022, the County amended its Exempt Compensation Ordinance (Agenda Item 11, Ordinance No. 4433). Some of the changes are substantial (e.g. increased medical subsidy and a new holiday), and others are non-substantial (e.g. technical corrections in language).

The proposed amendments to the Policy and Procedure Manual is recommended for formal adoption at this hearing. Attachment #2 includes the existing policy with revisions in track-change format.



## **SUBSTANTIAL AMEDEMEMENTS:**

Below are the amendments deemed substantial or having a financial effect.

- Update Moving Expense Reimbursement. (*Attachment #2, page 7*)

The amendment decreases the minimum miles eligible for reimbursement from 500 to 250, but only if the relocation is from outside San Bernardino County.

- Add June 19th (Juneteenth) as a Fixed Holiday and update the Maximum Holiday Leave Accrual Balance to reflect the addition of the new holiday. (*Attachment #2, page 33*)

- Update Medical Premium Subsidy (MPS) amounts. (*Attachment #2, page 60*)

For 2022/23, the MPS increases as shown below. MPS amounts are also scheduled for the three subsequent years.

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$143.11 <del>\$134.38</del>	\$286.21 <del>\$268.76</del>
Employee +1	\$225.41 <del>\$211.67</del>	\$450.82 <del>\$423.33</del>
Employee +2	\$316.31 <del>\$297.02</del>	\$632.61 <del>\$594.04</del>

- Add a Tuition Loan Repayment program. (*Attachment #2, page 76*)

Establishing a Tuition Loan Repayment Program would assist employees with student loan obligations and encourage continued LAFCO employment. If the repayment application meets requirements, the payment shall be as follows:

- (A) After completion of 2 continuous years with LAFCO: A single payment of up to \$1,000.
- (B) After completion of 3 continuous years with LAFCO: A single payment of up to \$1,500.
- (C) After completion of 4 continuous years with LAFCO: A single payment of up to \$2,000.
- (D) After completion of 5 continuous years with LAFCO: A single payment of up to \$2,500.
- (E) After completion of 6 continuous years with LAFCO: A single payment of up to \$3,000.

Payment shall not exceed the total amount of \$10,000 per employee.

### **NON-SUBSTANTIAL AMENDEMENTS:**

Below are two examples of amendments deemed non-substantial and lacking a financial effect. Additional non-substantial amendments are included for approval, which can be found throughout the Manual (Attachment #2).

- Rename Longevity Pay to Retention Pay. (*Attachment #2, page 15*)
- Update sections of the Medical and Dental Coverage Insurance provision to provide clarity for administration. (*Attachment #2, page 62*)

### **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendment 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. [Draft LAFCO Resolution No. 3352](#)
2. [Exhibit A to Draft Resolution No. 3352](#)

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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## RESOLUTION NO. 3352

### 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, July 20, 2022, 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:
2. The amended policy 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.

**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:**

**RESOLUTION NO. 3352**

**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 July 20, 2022.**

**DATED:**

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**SAMUEL MARTINEZ**  
**Executive Officer**

## **SECTION III** **HUMAN RESOURCES**

Internal Operating Guidelines consolidated into Human Resources Policies and Procedures – June 16, 2011

Human Resources Policies and Procedures and Benefit Plan incorporated into Policy and Procedure Manual as separate sections – September 28, 2011

Benefit Plan section consolidated into Human Resources Policies and Procedures section as Chapter V – August 19, 2015

## **CHAPTER 1: WORKING ENVIRONMENT**

### **1. EMPLOYEE ACKNOWLEDGEMENT FORM** *(Amended June 16, 2011)*

Consistent with applicable laws, the following policies represent the Human Resources Policies and Procedures established by the San Bernardino Local Agency Formation Commission (hereinafter “SB LAFCO”). These policies and procedures shall in no manner be interpreted as a guaranteed or implied contract between the SB LAFCO and any employee or group of employees.

All employees shall acknowledge receipt of the Human Resources Policies and Procedures by signing the form titled “Employee Receipt of San Bernardino LAFCO Human Resources Policies and Procedures” with placement of the signed form in the employee’s personnel file.

### **2. AT- WILL-EMPLOYMENT** *(Amended June 16, 2011)*

The employment relationship between San Bernardino LAFCO and its employees is for an unspecified term and may be terminated by the employee, or SB LAFCO Executive Officer or the Commission of SB LAFCO at any time, with or without cause or advanced notice. The LAFCO Commission is the appointing authority for the LAFCO Executive Officer. The LAFCO Executive Officer is the appointing authority for all other LAFCO employees. Also, SB LAFCO reserves the right to transfer, demote, suspend and administer discipline with or without cause or advance notice.

None of the policies, procedures or contents of this manual is intended to create any contractual obligations which in any way conflict with the SB LAFCO’s policy of At-Will-Employment. The at-will relationship can only be modified by a written agreement signed by the employee and the Executive Officer or the Commission of SB LAFCO.

### **3. EQUAL EMPLOYMENT OPPORTUNITY** *(Amended June 16, 2011)*

SB LAFCO is strongly committed to providing equal opportunity to all employees and applicants for employment. SB LAFCO does not discriminate on the basis of race, color, religion, national origin, ancestry, citizenship, sex, age, medical condition, sexual orientation, genetic characteristics, gender identity, marital status, pregnancy, physical or mental disability, caregiver responsibilities, veteran or other protected status, or on the basis of any perception that an applicant or employee has any of these characteristics or on the basis that an applicant or employee is associated with someone who has or is perceived to have these characteristics. SB LAFCO strictly prohibits the harassment of any individual on any basis listed above (see the Policy Against Harassment for further clarification).

This policy applies to all employment practices, including recruitment, advertising, job application procedures, hiring, firing, advancement, compensation, training, benefits, transfers, social and recreational programs, and any other terms, conditions and privileges of employment.

An employee who believes that he or she has been subjected to any form of unlawful discrimination should make a complaint, preferably written, to the Executive Officer. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. SB LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If SB LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken to deter any future discrimination.

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Commitment Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

#### **4. DISABILITY ACCOMMODATION**

SB LAFCO is committed to complying fully with state and federal disability discrimination laws. As previously stated, no program or activity administered by the employer shall exclude from participation, deny benefits to or subject to discrimination any individual based on an employee's actual or perceived disability or based on an employee's association with someone who has an actual or perceived disability.

SB LAFCO is further committed to providing reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee. If you believe you are a qualified individual with a disability and that you need a reasonable accommodation in order to perform the essential functions of your job, please notify the Executive Officer. The accommodation process is interactive and allows the applicant or employee to identify possible accommodations. However, SB LAFCO has the right to choose among effective accommodations.

#### **5. POLICY AGAINST HARASSMENT**

- A. SB LAFCO prohibits and will not tolerate unlawful harassment. This policy applies to all persons involved with SB LAFCO including employees, applicants, customers or persons providing services



pursuant to a contract. This policy prohibits sexual harassment and harassment based on an individual's inclusion in a protected class, such as race, color, religion, national origin, ancestry, sex, age, medical condition, sexual orientation, gender characteristics, gender identity, marital status, caregiver responsibilities, citizenship, pregnancy, physical and mental disabilities, veteran or any other consideration made unlawful by federal, state or local laws, including persons perceived to have any of these characteristics. SB LAFCO will also take all responsible steps to prevent or eliminate unlawful harassment by non-employees, including customers, clients, and suppliers, who have workplace contact with SB LAFCO's employees. *(Amended June 16, 2011)*

**B. DEFINITION**

Unlawful harassment is generally conduct that: does not relate to the business of SB LAFCO; has the purpose or effect of interfering with an individual's ability to work, or that creates a hostile, intimidating or abusing work environment; and is directed at an individual because of the individual's inclusion in a protected class.

Conduct prohibited by this policy includes, but is not limited to the following:

- (1) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- (2) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawing or gestures;
- (3) Physical conduct such as assault, unwanted touching, blocking, normal movement or interfering with work because of sex, race or any other protected basis;
- (4) Threats, demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.

**C. REPORTING AND COMPLAINT PROCEDURE**

An employee who believes that he or she has been subjected to any form of prohibited harassment should make a complaint, preferably written, to his or her supervisor, the Executive Officer or the Chair of the Commission. If the employee is uncomfortable approaching either his or her supervisor, the Executive Officer or the Chair of the Commission, any other member of management is available to hear

their concerns. Managers must report all harassment complaints. Complaints should be specific and should include the names of individuals involved and the names of any witnesses.

SB LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. SB LAFCO will maintain confidentiality to the extent possible during the investigation, however, disclosures of certain information to members of management or as required by law may be necessary. If SB LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense up to and including termination. Appropriate action will also be taken to deter any future harassment.

**D. NON-RETALIATION**

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

**6. WORKPLACE ANTI-VIOLENCE POLICY (Amended June 16, 2011)**

SB LAFCO is committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, SB LAFCO has established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace, while on duty, while on SB LAFCO-related business, or while operating any vehicle or equipment owned or leased by SB LAFCO. This policy applies to all employees.

In order to achieve our goal of providing a workplace that is secure and free from violence, SB LAFCO must enlist each employee's support. Compliance with this policy and SB LAFCO's commitment to a zero-tolerance policy with respect to workplace violence is every employee's responsibility. A violation of the policy's terms, by engaging in or contributing to violent behavior or by threatening others with violence may lead to disciplinary action, up to and including immediate termination.

If an employee becomes aware of an imminent act of violence or threat of violence, the employee is to immediately call 911 and then notify the Executive Officer or any member of management. Employees should also immediately inform the Executive Officer about any workplace security hazards. If the Executive Officer is not readily available, employees should

immediately inform any member of Management so that appropriate action can be taken.

There will be no retaliation against employees for bringing a complaint in good faith under the Workplace Anti-Violence Policy or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

## **7. DRUG AND ALCOHOL POLICY**

Because all employees deserve to work in a safe, efficient and productive environment, all employees must work free from the effects of drugs, alcohol or other controlled substances.

Drugs refer to any drug, including prescribed medication, which is not legally obtained. Using prescribed drugs for other than prescribed purposes is also not acceptable.

SB LAFCO strictly prohibits using, being under the influence of, possessing, distributing, selling or buying drugs or alcohol on SB LAFCO property or time, including break or meal periods. The possession or use of drug paraphernalia is also prohibited on SB LAFCO property or time, including break or meal periods.

Each employee is accountable for the performance of his or her job duties and personal conduct at all times. Employees should be aware that if a problem with their job performance exists, SB LAFCO will address those issues with the employee, regardless of any substance problem that the employee may have.

SB LAFCO considers failure to comply with these guidelines to be a serious matter. It may result in disciplinary action, up to and including immediate termination.

## **8. RELOCATION**

The appointing authority may approve reimbursement of moving expenses incurred by new employees upon proof/receipts provided. Such reimbursement is restricted to airfare, auto mileage, meals, overnight stay, and airport transit.

**Policy:**

- A. The SB LAFCO Executive Officer may approve moving expenses up to but not exceeding five thousand dollars (\$5,000) for any employee new to SB LAFCO employment for moving expenses authorized, incurred and documented as a result of accepting the position and remaining for twelve (12) months subsequent to hire.
- B. The SB LAFCO Executive Officer may approve moving expenses up to but not exceeding five thousand dollars (\$5,000) for any employee new to SB LAFCO employment. The Chairman of the Commission may approve such moving expenses for the SB LAFCO Executive Officer. Reimbursement of moving expenses in excess of five thousand dollars (\$5,000) must be approved by the Commission.
- C. For employees not covered by A and B above, the following provision applies.

To assist with the recruitment and appointment of qualified individuals to hard-to-recruit positions/classifications, upon request of the appointing authority, the Executive Officer or designee may authorize reimbursement of a new employee's relocation-related expenses incurred as a result of accepting employment with SB LAFCO, as follows:

<b>Miles Relocated</b>	<b>Maximum Reimbursement</b>
250*500-1000 Miles	\$1,000.00
1001-2000 Miles	\$2,000.00
More than 2000 Miles	\$2,500.00

\*The 250-mile distance shall only apply if the relocation is from outside San Bernardino County

- D. Such reimbursement may be provided to employees upon initial employment with SB LAFCO, provided that the employee (1) is appointed to a regular position; (2) submits original receipts documenting expenses incurred; and (3) agrees to remain employed in the regular position for at least twelve months.

If the employee voluntarily resigns employment prior to completion of 12 months service, the employee shall be required to reimburse SB LAFCO for any payment made under this subsection. If the employee fails to reimburse SB LAFCO, the amount shall be recovered via payroll recovery from the employee's final pay.

**9. WORK-AT-HOME/TELECOMMUTE (Adopted April 15, 2020)**

- A. This Work-at-Home Policy applies to employee work-at-home arrangements, whether on a continuous basis or for a specific, limited period of time. This policy and its procedures applies to LAFCO staff, and will be administered by the Executive Officer.
- B. Working at home is not an employee right or benefit and may be discontinued by the Commission or Executive Officer for any reason that is not arbitrary or capricious, at any time. Employees will be permitted to work at home at the discretion of the Executive Officer. Employees may be removed from the Telecommuting Program if they do not comply with the terms of this policy and its procedures.
- C. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Whether or not specifically articulated in the policy and procedures, work-at-home employees are subject to the same federal and State of California laws and LAFCO policies and procedures applicable to employees at the regular LAFCO worksite.
- D. A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. Any exceptions to deviating from the normal work hours must receive Executive Officer authorization beforehand. Additionally, orders from a health authority, safety authority, governor, etc... regarding shelter-in-place, safer-at-home, school closures, etc... may necessitate alternate working hours and must receive Executive Officer authorization before work begins.

**PROCEDURE:**

**Work-at-Home Criteria**

To be eligible to work at home, employees must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, Internet, supplies, etc.) suitable for working at home; and (3) be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others and may be appropriate to maintain continuity in the event of an emergency, or as part of a flexible work arrangement. Also,

responsibilities that do not require face-to-face interaction, require minimal supervision, involve the extensive use of computers and/or telephones, and have clearly defined and easily measurable tasks are more appropriate for a work-at-home arrangement. The Executive Officer must examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

### **Work Schedule**

In addition to Section D, as is required for the LAFCO worksite, the Executive Officer will establish the employee's home work schedule. The employee will document all time worked and account for hours not worked with the appropriate leave designation (vacation, administrative, sick, holiday, leave without pay, etc.) and, if eligible for overtime, must receive Executive Officer authorization before working overtime.

### **Documentation**

The Executive Officer must complete the Work-At-Home Approval Form. Work-at-home documentation must include the following components:

- a description of the work to be accomplished as well as clearly defined performance requirements that are measurable and results oriented—especially when the work differs from the employee's regular job description and performance plan;
- the work schedule, including as required above, the actual hours worked each day, with the start and end times of the work day and of any breaks and meal periods;
- a telephone number where the employee can be reached during the agreed-upon work schedule; and,
- if LAFCO equipment is used at home, a record of such equipment

In the event of an emergency closure or situation for which the Work-at-Home Approval Form cannot be formalized ahead of time, the work-at-home approval must be documented in an email between the employee and the Executive Officer.

### **Equipment, Supplies, and Telephone/Data Connection**

The employee will use his/her own equipment, supplies, and telephone/Internet connection to perform his/her job duties. In special cases where the Executive Officer determines it is in the best interest of the organization, the Executive Officer may provide equipment necessary for the

employee to perform the desired work at home. LAFCO equipment, software, data and supplies may be used only for official LAFCO business, and must be returned to LAFCO at the termination of the work-at-home arrangement, or upon request by LAFCO. The employee is responsible for operating costs, home maintenance and any other cost associated with the use of the home as an alternate work location. In the event of equipment failure or malfunction, the employee will immediately notify the Executive Officer. In the event of delay in repair or replacement, or any other circumstance which makes work from the home location impracticable, the employee understands that the Executive Officer may require the employee to report to the regular work site. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting.

Employees authorized to work from home under this policy may be entitled to reimbursement for additional expenses incurred as a result of working from home. However, to be eligible for such reimbursement and to the extent reasonably possible, employees must notify and obtain approval from the Executive Officer prior to incurring the expense.

### **Security**

All LAFCO information security, and records management and retention policies that apply at the regular LAFCO worksite apply when the employee works from home.

All LAFCO rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

### **Liability**

LAFCO is not liable for injuries to third persons, including family members, at the home work site. LAFCO is not liable for damages to the employee's personal or real property.

### **Workers' Compensation/Safe Work Spaces**

The employee is covered by Workers' Compensation during the performance of official LAFCO business at the home worksite during work hours. The employee must report work-related injuries immediately to the Executive Officer and will comply with all LAFCO reporting requirements established for the purpose of reporting such claims.

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards.

## **CHAPTER 2: EMPLOYMENT**

### **1. EMPLOYMENT CATEGORIES AND CLASSIFICATIONS**

#### **A. EMPLOYMENT CATEGORIES**

- (1) These categories do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and SB LAFCO.
  - a. Exempt - Exempt employees are classified as being exempt from the provisions of the state and federal wage and hour laws and are compensated for performing defined functions and assignments, not for hours worked. Irregular hours can be expected in these positions.
  - b. Non-Exempt - Non-exempt employees are classified as being non-exempt from the provisions of the state and federal wage and hour laws and are compensated for hours worked and are paid overtime wages in accordance with state and federal regulations.
  - c. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by SB LAFCO management.
- (2) In addition to the above categories, each employee will belong to one other employment category:
  - a. Regular Full Time - Employees who are not in a temporary status and who are regularly scheduled to work 40 hours per week are Regular Full-Time Employees and are generally eligible for SB LAFCO's benefit package, subject to the terms, conditions, and limitations of each benefit program.
  - b. Part-Time - Employees who are not assigned to a temporary status and who are regularly scheduled to work less than 40 hours per week are Regular Part-Time Employees. While they do receive all legally mandated benefits on an hourly prorated basis (such as Social Security and workers' compensation insurance), they may not be eligible for all of SB LAFCO's additional benefit programs. (Eligibility for additional optional



benefits such as medical, life, etc., is based on the current agreements with the insurance carriers. These are reviewed annually for hours eligibility.) For additional information please refer to benefit specifics.

- c. Temporary - Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project are considered temporary. The duration of the temporary position will be based on the requirements of the project or assignment and may be full or part-time. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing, signed by the Executive Officer. Temporary employees are ineligible for SB LAFCO's benefit programs except legally mandated benefits.
- d. Dual Appointments - The appointment of two (2) full time employees to the same budgeted regular position may be authorized by the Appointing Authority to facilitate training, to make assignments to a position which is vacant due to extended authorized leave of absence or in an emergency.
- e. Job Share - When appropriate for business conditions, SB LAFCO will make reasonable accommodations for employees who desire to share their position with other qualified employees or eligible person subject to the approval of the Executive Officer. These requests must be in writing. Jobs may be shared on an hourly or daily basis. Benefits provided by SB LAFCO shall be prorated to the extent practicable.

## **B. EMPLOYMENT CLASSIFICATIONS**

Classification is a management tool to ensure the accurate reflection of tasks and duties involved in each position.

Whenever positions are subject to any change as a result of classification review and are allocated within the Exempt Group, any action shall be on the recommendation of the Appointing Authority. Any request to review a classification action shall be submitted to the Appointing Authority who shall have the final and binding authority in the review process determination.

Upgrade -- An upgrade is the reclassification of a position from one classification to another classification having a higher base salary range.

Downgrade -- A downgrade is the reclassification of a position from one classification to another classification having a lower base salary range. When a position is downgraded, the Appointing Authority may authorize continuation of the same salary rate payment to the incumbent employee that the employee received prior to the downgrading of the position by placing the employee on an "X" step, provided that the employee shall receive no future salary rate increases until the salary rate of the position held exceeds the "X" step.

## **2. COMPENSATION**

- A. It is the intention of SB LAFCO to provide compensation to its employees based on identified responsibilities, skill levels, performance of responsibilities, educational accomplishments and current comparable wages for the region.

Annual compensation reviews will be conducted to assess the employees' performance of the responsibilities as outlined in their job description. The percentage and/or dollar amount to be allocated for merit increases will be determined in the annual budget process with the Commission by recommendation of the Executive Officer. Special compensation adjustments may be made if necessary.

Bi-annual review of the compensation structures will be conducted and if appropriate, adjustments made to accommodate any necessary changes to the established salary range.

Issues regarding compensation should be addressed to the immediate supervisor, Executive Officer or appointed Human Resources Representative.

- B. SALARY RANGES (*Adopted June 16, 2011; Amended May 16, 2012; October 22, 2014; April 15, 2015; January 27, 2016; July 20, 2016; April 18, 2018; May 15, 2019, Amended May 20, 2020; May 19, 2021; May 18, 2022*):

The following shall be the salary ranges for LAFCO positions.

Effective July 30, 2022 the following shall be the salary ranges for LAFCO positions (3.0% increase):

*San Bernardino LAFCO Policy and Procedure Manual  
Section III – Human Resources Policies and Procedures*

Position	Hourly Range
Executive Officer	\$88.22 to \$120.34
Assistant Executive Officer	\$44.70 to \$60.76
Senior Analyst	\$39.75 to \$53.94
Project Manager	\$35.42 to \$47.98
LAFCO Analyst – GIS/Database Manager	\$30.10 to \$40.87
Clerk to the Commission/Office Manager	\$26.97 to \$36.28
Administrative Assistant	\$22.58 to \$30.20

Each salary range shall have 14 steps. The spread between steps shall be approximately two and one-half percent (2.5%). The salary schedule shows the hourly rate for each step in the salary range.

C. SPECIAL ASSIGNMENT COMPENSATION *(Amended August 19, 2015)*

Increases in pay may be granted to recognize the temporary assignment of additional responsibilities that are significant in nature and beyond the normal scope of the position. No award shall be made in any situation related to a vacation, short-term illness or other relief which is six (6) weeks or less. The duration of such assignments are not intended to exceed one (1) calendar year except in unusual circumstances approved by both the Executive Officer and the Commission or designee. Employees will normally not be in a probationary status. The employee shall be required to meet standards for satisfactory performance.

Compensation shall be awarded in pay period increments, and shall be in the form of a specified percentage of the employee's base pay. The Appointing Authority will determine the amount in increments of one-half percent (1/2%) from a minimum of two and one-half percent (2-1/2%) up to a maximum of seven and one-half percent (7-1/2%). The additional compensation will be computed at the specified percentage of the current base pay of the employee for each pay period. Such increases in pay shall not affect an employee's step advancement in the base range pursuant to the Salary Rates and Step Advancements section.

Requests for Special Assignment Compensation may be initiated by the Appointing Authority or an employee via the Appointing Authority. The Appointing Authority and the employee bear mutual responsibility for initiating the compensation request in a timely manner and adhering

to the compensation provisions defined in this provision. It is important to obtain Appointing Authority review of the request in advance of the date the employee begins the assignment, since there is no guarantee ~~that~~ the request will be approved. Special Assignment Compensation is to be effective only with the Commission's written approval, assignment of the greater level of duties, and signed acceptance by the employee.

This provision shall not be utilized to circumvent or provide additional compensation over and above that which may be provided in "Classification" and "Assignment to Vacant Higher Position." These aforementioned provisions are mutually exclusive concepts and as such there shall be no dual or multiple requests based on the same facts.

**D. BILINGUAL COMPENSATION**

Upon the approval of the Commission or designee, employees required to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a condition of employment, shall be eligible for bilingual compensation in the amount of forty-five dollars (\$45.00) per pay period. Such compensation shall apply regardless of the total time required per day for such translation. Such employees must be certified as competent in translation skills by the Appointing Authority to be eligible for compensation.

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

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

**3. PAY POLICIES**

**A. PAYMENT OF WAGES**

All employees are paid bi-weekly (every two weeks). There are 26 pay periods each year with paydays being every other Thursday. In the event that the normal payday falls on a SB LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

Employees are required to make arrangements for the direct deposit of all paychecks into the financial institution of their choice via electronic fund transfer.

**B. CORRECTIONS TO PAYROLL**

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. The employee's supervisor will be involved only if that supervisor was involved in the error. Payment due to a correction will be processed in accordance with state law.

**C. OVERTIME PAY (*Amended June 16, 2011*)**

When operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work must receive the Executive Officer's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with current federal and state wage and hour accommodations. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of overtime calculations.

**D. WORK HOURS (*Amended June 16, 2011*)**

Work schedules for employees may vary within the organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Effective July 18, 2011, the LAFCO office shall operate on a nine-day/80-hour work period with the office closed every other Friday. A schedule of days that the office is closed shall be posted on the SB LAFCO website.

**E. TIME-KEEPING**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require SB LAFCO to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Employees should record work hours only for themselves. An employee who submits erroneous or tardy timesheets will be subject to discipline, up to and including termination.

Altering, falsifying, or tampering with time records may result in termination.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

#### **4. PERFORMANCE MANAGEMENT**

##### **A. PERFORMANCE REVIEW *(Amended June 16, 2011)***

A review and discussion of each employee's performance is conducted annually to enable the employee and the supervisor to discuss the employee's performance relative to his/her goals and objectives in addition to those of SB LAFCO. Supervisors and employees are also strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal performance evaluation is conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to a one-year cycle, on or around the employee's anniversary date. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems but never more than one year apart.

The terms for performance include:

1= Needs improvement

2= Proficient  
3= Strong  
4= Exceptional

While merit-based pay adjustments are awarded by SB LAFCO in an effort to recognize truly superior employee performance, positive performance evaluations do not always guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the agency and depend on many factors in addition to performance. Please refer to the Compensation Policy #2 for further information. After receiving their review, employees will be asked to sign the evaluation report acknowledging that it has been presented and discussed between the employee and supervisor. The employee's signature does not represent an agreement with the performance review but rather an acknowledgement of receipt of the report and discussion.

SB LAFCO's provision of performance evaluations does not alter the at-will employment relationship.

**B. ELIGIBILITY FOR STEP ADVANCEMENT** *(Amended June 16, 2011, January 27, 2016; August 17, 2016; April 18, 2018, May 15, 2019)*

~~New~~ Employees shall be hired at step 1 of the established base salary range, except as otherwise provided in this section. Variable entrance steps may be established if justified by recruitment needs through Step 7 with the approval of the Executive Officer and through the top step with the approval of the Commission ~~or designee~~.

Within the base salary range, all step advancements will be made at the beginning of the pay period in which the employee completes the required number of service hours. However, when an employee reaches the required number of service hours with 80 hours in each pay period, the step advance will be made at the beginning of the next pay period. Approval for advancement shall be based upon completion of required service hours in the classification, satisfactory work performance, and Appointing Authority recommendation.

Completed service hours shall be defined as regularly scheduled hours in a paid status, up to 80 hours per pay period. Overtime hours, disability payments, medical emergency leave, and time without pay shall not count toward step advancements. Unless otherwise approved by the Commission, step advancements within a base salary range shall be based upon a one step increment, approximately two and one-half percent. The employee shall be eligible for the first step advancement after completion of ~~increments of~~ 1,040 hours ~~and~~

~~subsequent step advancements after completion of additional increments of 2,080 hours until the top step of the range is reached.~~

C. PROBATIONARY PERIOD *(Amended June 16, 2011)*

Exempt: The probationary period for exempt employees shall be 26 pay periods.

Non-Exempt: The probationary period for non-exempt employees shall be 13 pay periods.

Upon successful completion of the probationary period, regular employees will receive an annual review with their supervisor to discuss their performance relative to the established goals and objectives. The evaluation includes the measurement of both conduct and production standards. Disciplinary actions, in keeping with legal requirements in the form of suspensions, demotions, salary reductions and dismissal from SB LAFCO employment will be administered in accordance with the Human Resources Policies and Procedures. An Exempt employee with regular status may appeal an order of suspension, demotion, salary step reduction or dismissal from SB LAFCO employment to the Commission and request a hearing via a written request within five (5) work days of receipt of the order.

D. DEMOTIONS

A demotion is the appointment of an employee from an incumbent position to a position in a different classification for which the maximum rate of pay is lower. An employee demoted for disciplinary reasons shall be placed on the step within the base salary range of the class to which demoted as provided in the Order of Demotion. The Commission shall designate the classification and salary in the event demotion is authorized.

An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided the salary rate does not exceed ~~step 14~~ ~~the top step of the applicable range~~, in accordance with the provisions of the Downgrade section, with the approval of the Appointing Authority ~~and the Commission~~.

E. PROMOTIONS

A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted



employee shall receive at least the entrance rate of the new range or a two (2) step salary increase, whichever is greater, provided that no employee is thereby advanced in step nor advanced above step 14 of the higher base salary range. At the discretion of the Appointing Authority an employee may be placed at any step within the higher base salary range. Promotions shall be effective only at the beginning of a pay period. All promotions are subject to the review and approval of the Commission.

**5. PERSONNEL RECORDS**

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of a SB LAFCO representative at a mutually convenient time. Only documents previously signed by the employee are allowed to be copied. Employees may add written versions of any disputed item to their file.

SB LAFCO will attempt to restrict disclosure of your personnel file to authorized individuals within the organization. Any request for information from the file must be made to the Executive Officer or specific designee. Only the Executive Officer or specific designee is authorized to release information regarding current or former employees. Disclosure of personnel information to outside sources will be limited. However, SB LAFCO will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations.

**6. PROBLEM RESOLUTION PROCEDURE**

SB LAFCO is committed to encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management.

SB LAFCO strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. All employees are encouraged to offer positive and constructive criticism.

If there is a disagreement concerning established rules of conduct, policies, or practices, employees may express their concern through the problem resolution procedure. No one will be penalized, formally or informally, for voicing a complaint with SB LAFCO in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps:

- A. Employee presents problem to immediate supervisor after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to the Executive Officer or any other member of management.
- B. Supervisor responds to problem during discussion or after consulting with appropriate management, when necessary. Supervisor documents discussion.
- C. Employee presents problem to the Executive Officer in writing if problem is unresolved.
- D. The Executive Officer reviews and considers problem. The Executive Officer informs employee of decision and forwards copy of written response to the employee's file. The Executive Officer has full authority to make any adjustment deemed appropriate to resolve the problem.
- E. If the problem is of a nature that extends beyond or involves the Executive Officer, the employee may consult the Chair of the Commission to follow the resolution procedures.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

## **7. TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization. Because employment with SB LAFCO is based on mutual consent, both the employee and SB LAFCO have the right to terminate employment at-will, with or without cause at any time.

### **A. VOLUNTARY RESIGNATION**

An employee who voluntarily resigns his/her employment is asked to prepare a written letter of resignation informing SB LAFCO of the intended resignation date. An employee is also considered to have voluntarily terminated employment by failing to report to work for three consecutive scheduled workdays without notice, or without prior approval by their supervisor.

### **B. DISCHARGE**

The violation of the policies and guidelines of SB LAFCO may result in

disciplinary action up to and including termination. Although SB LAFCO may use progressive discipline including, but not limited to verbal and written warnings, suspension, probationary periods and termination of employment, the system is not formalized. SB LAFCO reserves the right to utilize any form of disciplinary action, up to and including immediate termination, at any stage it deems appropriate, depending on the circumstances. Although progressive discipline may be used the at-will relationship is still intact between the employee and SB LAFCO.

C. EXIT INTERVIEW

SB LAFCO will generally schedule exit interviews at the time of employment termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, conversion privileges, and repayment of outstanding debts to SB LAFCO and return of property owned by SB LAFCO in accordance with applicable state laws. Suggestions, complaints and questions are encouraged.

Employees will receive their final pay in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued, and of the terms, conditions and limitations of such continuance.

**8. REEMPLOYMENT**

- A. A regular employee who has terminated from SB LAFCO employment, and who is subsequently rehired in the same classification in a regular position within one year (i.e., beginning the first day of work by the 365th calendar day), may receive restoration of salary step, vacation accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with the Leave Provisions section and the Retirement Plan contribution rate provided the employee complies with any requirements established by the Retirement Board), subject to the approval and conditions established by SB LAFCO. Such employees begin accruing vacation and sick leave and may utilize the same immediately. The employee shall be required to serve a new probationary period, unless waived by the Executive Officer or designee. The employee shall be provided a new date of hire for purposes of SB LAFCO seniority.
- B. A regular employee who has terminated from SB LAFCO employment and who is subsequently rehired to a regular position in the same job family within one year, (i.e., beginning the first day of work by the 365th calendar day), may receive restoration of vacation accrual rate, sick leave, and retirement contribution rate in the same manner as

described above. Such employees begin immediately accruing vacation and sick leave and may utilize the same immediately. The employee shall be required to serve a new probationary period, unless waived by the Executive Officer or designee. The employee shall be provided a new date of hire for purposes of SB LAFCO seniority.

- C. A regular employee who has terminated SB LAFCO employment, and who is subsequently rehired to a regular position in another job family within a ninety (90) calendar day period, must begin the first day of work within ninety (90) calendar days, may receive restoration of salary step (in the instance of rehire in the same classification at the same pay range as the position originally held), vacation accrual rate, sick leave and retirement contribution rate in the same manner as described above. The employee shall be required to serve a new probationary period, unless waived by the Executive Officer or designee.
- D. A regular employee who has been laid off from SB LAFCO employment and is subsequently rehired to a regular position within one (1) year shall receive restoration of vacation accrual rate and sick leave in the same manner as described above. Restoration of retirement contribution rate shall be in accordance with applicable state law and in compliance with any requirements established by the San Bernardino Retirement Board. For purposes of this section, a regular employee shall mean an employee in a regular position who held regular status in any classification during the previous period of SB LAFCO employment.

## **CHAPTER 3: TIME OFF**

### **1. SICK LEAVE**

#### **A. GENERAL**

SB LAFCO provides paid sick leave benefits to all regular full-time and regular part-time employees for periods of temporary absence due to illnesses or injuries. Part-time employees accrue paid sick leave on a pro-rated basis.

#### **B. DEFINITIONS *(Amended April 18, 2018)***

- (1) Sick Leave - Sick Leave with pay is an insurance or protection provided by SB LAFCO to be granted in circumstances of adversity to promote the health of the individual employee. It is not an earned right to time off from work. Sick leave is defined to mean the authorized absence from duty of an employee because of physical or mental illness, injury, pregnancy, confirmed exposure to a serious contagious disease, for a medical, optical, or dental appointment, or other purpose authorized herein.
- (2) Immediate Family - Immediate family is defined as parent, child, or spouse or domestic partner as defined by California Family Code Section 297.
- (3) Extended Family - Extended family is defined as grandchild, grandparent, sibling, parent/sibling-in-law, aunt, uncle, niece, nephew, foster child, ward of the court, or any step relations as defined herein.
- (4) A FAMILY MEMBER, as defined by Labor Code § 245.5, is a parent, child, spouse, registered domestic partner, grandparent, grandchild, or sibling. PARENT means a biological, foster, or adoptive parent, a step-parent, legal guardian, or a person who stood in loco parentis when the employee was a minor child of the employee or the employee's spouse or registered domestic partner. CHILD means a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis. DOMESTIC PARTNER is defined by Family Code § 297

C. PRIOR SERVICE TIME *(Adopted May 20, 2009)*

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior sick leave recognized by SB LAFCO shall do all of the following:

- (1) Provide documentation of the number of sick leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination; and,
- (2) Submit payment of the total amount paid at termination for sick leave to SB LAFCO.

SB LAFCO will then recognize those hours as sick leave subject to the provisions of the Human Resources Policies and Procedures.

D. ACCUMULATION OF SICK LEAVE *(Amended June 16, 2011)*

Regular employees shall accrue sick leave for each payroll period completed, prorated on the basis of 3.69 hours per pay period, except as provided in Leave Accruals While on Disability Leave section. Earned sick leave shall be available for use the first day following the payroll period in which it is earned. Employees in regular positions paid less than 80 hours per pay period shall receive sick leave accumulation on a pro-rated basis. There is no limit on sick leave accumulation.

Temporary employees do not earn sick leave.

E. INVESTIGATION

It shall be the responsibility of each appointing authority (as defined in Section 2 of Chapter 1) to investigate each request for sick leave and to allow sick leave with pay where the application is determined to be proper and fitting.

F. NOTICE OF SICKNESS

Employees are required to notify their appointing authority within one-half hour after the start of the workday on their first day of absence. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day. In the event that the employee receives a doctor's off-work order and provides notice to the supervisor, the employee is not required to contact the supervisor daily. The employee shall provide a doctor's certificate or other adequate proof in all cases of absence due to illness when requested

by SB LAFCO. Violation of this policy will result in denial of sick leave with pay and shall be construed as grounds for disciplinary action up to and including termination.

G. USES OF SICK LEAVE *(Amended June 16, 2011)*

- (1) Sick leave may be applied to the following circumstances:
  - a. An absence necessitated by an employee's personal illness, injury or disability due to pregnancy, childbirth or adoption.
  - b. A maximum of three days earned sick leave may be used per occurrence for bereavement due to the death of persons in the immediate or extended family, as defined herein, or any relative who resides with the employee.
  - c. A maximum of 40 hours earned sick leave may be used per occurrence for arrival of an adoptive child at the employee's home. An employee (father) may utilize on an annual basis no more than 40 hours of accumulated sick leave per calendar year for the birth of his child.
  - d. Medical, dental, or optical appointments when absence during working hours for this purpose is authorized by SB LAFCO.
  - e. Absence due to exposure to a contagious disease when quarantine is imposed by health authorities or when it is determined by a physician designated by SB LAFCO that the presence of the employee on duty would endanger the health of others.
  - f. Absence from duty because the employee's presence is needed to attend to the serious illness of a member of his or her immediate family. Employees may use up to one-half of their yearly sick leave for the purpose of attending to a family member who is ill. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a child, parent or spouse. Upon approval of the appointing authority, the employee may use part of this annual allowance for attendance upon members of the employee's extended family residing in the employee's household who require the attention of the employee.

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- g. Illnesses while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
    - i. The illness or injury of the employee was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
    - ii. The employee must notify his or her supervisor within 4 calendar days of the beginning of the illness or prior to the end of his or her vacation leave, whichever is sooner, to request that his or her illness on vacation be charged to sick leave.
    - iii. The agency shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
  - (2) Absence from duty because of personal emergencies not to exceed 20 working hours during the fiscal year.
  - (3) An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.
  - (4) Sick leave shall not be applied to an absence that occurs on a SB LAFCO holiday.
  - (5) In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, while exempt employees will be charged only for full-day absences.
  - (6) An employee may be required to furnish a certificate issued by a licensed physician or registered nurse or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when the agency has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.
- H. **PAYOUT OF SICK LEAVE** *(Amended July 18, 2007; Amended June 16, 2011)*
- SB LAFCO employees who hold regular positions at SB LAFCO and who have contributed to the San Bernardino County Employees' Retirement Association (SBCERA) retirement system for more than



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five (5) years and have not withdrawn the contributions from the system(s), and who separate from SB LAFCO service for reasons other than death or disability retirement shall receive compensation in accordance with the provisions of the Retirement Medical Trust Fund (see Section 108E of the SB LAFCO Benefits Plan).

Employees with less than 5 (five) years of continuous service from the date of hire in a regular position are not eligible for payment of unused sick leave balances upon death.

For employees with 5 (five) years of continuous service from date of hire in a regular position, upon death, the estate of a deceased employee will be paid for unused sick leave balances according to the following formula:

<b>Sick Leave Balance as of Separation Date</b>	<b>Cash Payment % of Hours of Sick Leave Balance</b>
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 1000 Hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to 100% cash payment of any unused sick leave balances, up to a maximum of 1000 hours, computed at the then current base hourly rate, if they elect early retirement in lieu of exhausting such accrued sick leave balances. In no event, shall any employee, except those receiving a disability retirement, receive compensation under this section in excess of 500 hours of pay computed at the then current base hourly rate of said employee.

While employed by SB LAFCO, employees who have contributed to a public sector retirement for over 5 (five) years and have not withdrawn the contribution from the system may exchange accrued sick leave hours in excess of 200 hours for vacation time on the following basis.

<b>Sick Leave Balance at Time of Conversion</b>	<b>Sick Leave to Vacation Leave Conversion Ratio</b>
201 to 599 Hours	3 sick hours to 1 hour of vacation
600 to 799 Hours	2.5 sick hours to 1 hour of vacation
800 or more Hours	2 sick hours to 1 hour of vacation

Any such exchange must be made in 10 hour increments of accrued sick leave under the procedures established by the Executive Officer or designee. Employees may elect this exchange once per calendar year.

## **2. VACATION**

### **A. GENERAL *(Amended June 16, 2011)***

SB LAFCO provides paid vacation benefits to all regular full-time and regular part-time employees for the recreation and well being of the employees. Part-time employees accrue paid vacation on a pro-rated basis. Employees will accrue vacation according to continuous years of service. If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon a special request of the employee and with the approval of the appointing authority.

### **B. PRIOR SERVICE TIME *(Adopted May 20, 2009)***

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior vacation leave recognized by SB LAFCO shall do the following:

- (1) Provide documentation of the number of vacation leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination.
- (2) Submit payment of the total amount paid at termination for vacation leave to SB LAFCO.

SB LAFCO will then recognize those hours as vacation leave.

### **C. ACCUMULATION *(Amended June 16, 2011)***

Employees in regular positions scheduled to work eighty (80) hours per pay period shall accrue, on pro-rata basis, vacation leave for completed pay periods. The vacation allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has worked six pay-periods from the employee's benefit date. Employees in regular positions paid less than 80 hours per pay period shall receive vacation accumulation on a pro-rated basis.

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<b>Length of Service from Service Date</b>	<b>Annual Vacation Allowance</b>
After 1,600 and through 8320 service hours	80 Hours
Over 8,320 and through 18,720 service hours	120 Hours
Over 18,720 service hours	160 Hours

There shall be no limitation on vacation leave accruals until calendar year 2011. Effective pay period 1 of 2011, the maximum vacation leave accrual balance that may be carried over to a future calendar year shall be 480 hours. However, the maximum vacation leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 480 hours at the end of calendar year 2010 shall be such employee's vacation leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum vacation accrual balance for those employees with a balance greater than 480 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased. Any vacation leave accrual balance in excess of the employee's maximum leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

Vacation should be taken annually with the approval of the appointing authority at such time as it will not impair the work schedule or efficiency of SB LAFCO but with consideration given to the wellbeing of the employee. The minimum charge against accumulated vacation leave shall be 15 minutes. Vacation leave shall be compensated at the employee's base rate of pay, except as otherwise provided. When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.

An employee whose employment terminates will be paid for accrued, unused vacation hours. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.

In cases where an employee terminates employment with SB LAFCO, and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of un-accrued time off taken.

D. CONVERSION OF VACATION LEAVE TO CASH (*Amended June 16, 2011; Amended April 18, 2018*)

(1) Elective Conversion

Eligible employees may be approved by the appointing authority to sell back vacation time at the then hourly base rate of the employee. Eligible employees may exercise this option under procedures established by the Executive Officer or designee. In lieu of cash, the employee may designate that part or all of the value of vacation leave be contributed to LAFCO's section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back vacation time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1, Future Accruals - An employee must make an irrevocable election during the month of December specifying the number of hours to be sold back from the next calendar year's vacation time accrual. Such election must be made, in increments of not less than 10 hours and may not exceed 160 hours. All designated hours remaining at the end of pay period 25 will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2, Existing Accruals - Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 10 hours and will be subject to a 10% penalty.

Upon approval of the appointing authority, eligible employees are permitted to sell back vacation time at the then hourly base rate of the employee, in increments of not less than 10 hours and may not exceed 160 hours.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the last pay period of the calendar year, an employee shall automatically have any vacation leave accruals in excess of the employee's maximum vacation leave accrual balance converted to cash. Such automatic vacation leave cash out shall be paid in pay period 1 of the next calendar year. At termination of employment, all existing vacation leave accruals shall be

converted to cash and paid to the employee.

E. VACATION PRIOR SERVICE CREDIT *(Adopted October 22, 2014)*

New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

3. **HOLIDAY**

A. GENERAL *(Amended June 16, 2011)*

Holiday time off with pay will be granted to all regular full-time and regular part-time employees, immediately upon their start date, for the days designated by SB LAFCO. Employees in regular positions are also entitled to a total of eight hours of floating holiday time annually provided that the employee is not on unpaid leave for the entire pay period and is ~~in paid status~~~~actively on the payroll~~ for the pay period where the floating holiday time is to accrue. Eight hours floating holiday time shall be accrued during the first pay period prior to the third Monday in January.

Recognized holidays that fall on a Saturday will be observed on the preceding Friday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. Those that fall on a Sunday will be observed on the following Monday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday. SB LAFCO reserves the right to change or substitute holidays. Employees will be given notice of any such changes.

Regular full-time and regular part-time employees are eligible for holiday pay immediately upon their start date. Holiday pay will be calculated based on an employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

If a recognized holiday falls during an employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the vacation or sick time off benefit that would otherwise have applied.

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In the rare circumstances that a non-exempt employee must work on a recognized holiday, he/she will receive holiday pay plus wages at his/her straight time rate for the hours worked on the holiday. If an exempt employee must work on a recognized holiday, they may reschedule their observance of the holiday to a different (normally worked) date that is mutually acceptable to both the appointing authority and employee.

All employees in regular positions are entitled to the following holidays:

<b>January 1</b>	<b>Second Monday in October</b>
<b>Third Monday in January</b>	<b>November 11</b>
<b>Third Monday in February</b>	<b>Thanksgiving Day</b>
<b>Last Monday in May</b>	<b>Day after Thanksgiving</b>
<b>June 19</b>	<b>December 24</b>
<b>July 4</b>	<b>December 25</b>
<b>First Monday in September</b>	<b>December 31</b>

Floating holidays accrued shall be available for use on the first day following the pay period in which they are accrued, with the approval of the appointing authority. Appointing authorities have the right to schedule employees' time off for accrued holidays to meet the needs of the service but with consideration given to the well-being of the employee. Employees in regular positions budgeted less than 80 hours per pay period or job-shared positions shall receive floating holiday accruals on a pro-rata basis.

~~There shall be no limitation on holiday leave accruals until calendar year 2011. Effective pay period 1 of 2011, the~~The maximum holiday leave accrual balance that may be carried over to a future calendar year shall be 112 hours. However, the maximum holiday leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 112 hours at the end of calendar year 2010 shall be such employee's holiday leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum holiday accrual balance for those employees with a balance greater than 112 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased.

~~Effective pay period 1 of calendar year 2022, the maximum holiday leave accrual balance that may be carried over to a future calendar year shall be 120 hours. However, employees with a grandfathered balance of more than 120 hours shall carry over their maximum grandfathered accrual balance in accordance with this section.~~

Any holiday leave accrual balance in excess of the employee's maximum holiday leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

When a fixed holiday falls within a vacation period, the holiday time shall not be charged against all employee's earned vacation benefits.

Whenever an employee is required to work on a fixed holiday or the fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue, on an hour-for-hour basis, up to a total of eight hours floating holiday time.

When a fixed holiday falls on a Saturday, the previous Friday will be observed as the fixed holiday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. When a fixed holiday falls on a Sunday, the following Monday will be observed as the fixed holiday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday.

**B. CONVERSION OF HOLIDAY LEAVE TO CASH (*Amended April 18, 2018*)**

**(1) Elective Conversion**

An employee may sell back holiday time at the base hourly rate of the employee as hereinafter provided, upon approval of the appointing authority. Eligible employees may exercise this option under procedures established by the Executive Officer. In lieu of cash, the employee may designate that part or all of the value of holiday time to be contributed to LAFCO section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back holiday time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1. Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than eight hours and may not exceed the annual amount to be accrued for the next calendar year. All designated hours remaining at the end of pay period 25 will automatically be

converted into cash in the last pay period of the calendar year.

- b. Option 2. Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash out of eight hours and will be subject to a ten percent penalty.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the calendar year, an employee shall automatically have any holiday leave accruals in excess of the employee's maximum holiday leave accrual balance converted to cash. Such automatic holiday leave cash out shall be paid in Pay Period 1 of the next calendar year.

Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate.

**4. OTHER TIME OFF**

A. BEREAVEMENT LEAVE (*Amended June 16, 2011*)

Employees in regular positions may use up to two days paid leave, not charged to the employee's personal leave balances, per occurrence for bereavement due to the death of the employee's parent, child, spouse or domestic partner, as defined by California Family Code Section 297. One additional day shall be granted if the employee travels over 1,000 miles from his/her residence to the bereavement service(s). This additional day shall not be charged to the employee's personal leave balances. The appointing authority may request verification of distance traveled. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, overtime, or shift differentials. Regular part-time employees will receive paid bereavement leave on a prorated basis.

Due to the death of persons in the immediate or extended family as defined in Section 1 of Chapter 3, employees may also, with their appointing authority's approval, use sick leave as set forth in Section 301 or any available vacation for additional time off as necessary.



Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

**B. VOTING**

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, SB LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the election day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

**C. JURY DUTY AND OTHER COURT-RELATED LEAVES (*Amended June 16, 2011*)**

SB LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. SB LAFCO provides paid time off for jury duty service provided that the employee waives fees for service, other than mileage. Paid leave for jury duty is available for all regular full-time and part-time employees for the duration of the jury duty. Part-time employees will be paid on a pro-rated basis.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. SB LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

Employees in regular positions shall be entitled to a leave of absence from work when subpoenaed to testify as a witness, such subpoena being properly issued by a court, agency or commission legally empowered to subpoena witnesses. This benefit shall not apply in any case in which the subpoenaed employee is a party to the action, or the subpoena has arisen out of the employee's scope of employment. Witness leave shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly

rate. This benefit will be paid only if the employee has demanded witness fees at the time of service of the subpoena, and such fees are turned over to SB LAFCO.

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

Effective pay period 1 of each year, an employee in a regular position who is in paid status will be provided with 80 hours of Administrative Leave time for the employee's use. An eligible employee in a regular position who is part-time or job sharing shall be eligible for a prorated number of administrative leave hours based on regularly scheduled hours. Employees hired after the beginning of pay period 1 shall receive a prorated number of hours. Such proration shall be based upon the remaining number of pay periods in the calendar year nearest the employee's appointment. Employees not in paid status in pay period 1 shall receive, upon return to paid status, a prorated number of Administrative Leave hours based on the number of pay periods remaining in the calendar year.

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.

E. PERFECT ATTENDANCE LEAVE (*Amended April 18, 2018*)

Employees in regular, full-time positions in SB LAFCO Groups B and C who do not utilize any sick leave, any leave (e.g. vacation) in lieu of sick leave, or benefits in lieu of sick leave (e.g. workers' compensation, Short-Term Disability partial/full integration, etc.) in a payroll calendar year (i.e., pay period 1 through pay period 26 or 27, when applicable, of the same year), and who do not record any sick leave without pay or absent without pay, medical emergency leave, or military leave as provided by law during that year, shall accrue sixteen (16) hours of perfect attendance leave, for use in the next calendar year. Failure to utilize perfect attendance leave within the calendar year shall result in forfeiture of the same. Perfect attendance leave may not be cashed out.

**F. EXAMINATION LEAVE**

Employees in regular positions at the time of application shall be entitled to a reasonable amount of time off with pay for the purpose of attending all examination processes required for selection to a public sector position within San Bernardino County. Employees are responsible for notifying and obtaining approval from their supervisor prior to taking such leave. Examination time off shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate. Employees on probationary status, including those who have previously held regular status in another classification, are not entitled to examination time off with pay.

**G. BLOOD DONATIONS**

Employees in regular positions who donate blood without receiving compensation for such donation may have up to 2 hours off with pay with prior approval from the supervisor for each blood donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work, any time in excess of two hours may be charged to accumulated sick leave or be taken as leave without pay. Employees must provide evidence of the blood donation to the Executive Officer or Appointing Authority to receive this benefit.

Employees in regular positions who are aphaeresis donors may have up to 4 hours off with pay with prior approval of the immediate supervisor for each such donation, provided no compensation is received for such donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work any time in excess of four hours, such time may be charged to accumulated sick leave or be taken as leave without pay. Evidence of each aphaeresis donation must be presented to the Executive Officer or Appointing Authority to receive this benefit.

**H. LEAVE ACCRUALS WHILE ON DISABILITY LEAVE**

Employees receiving the benefits of Workers' Compensation or short-term disability leave receive partial replacement of their income through these benefits. Employees on these types of disability leave may choose to fully integrate, partially integrate, or not integrate personal leave time with these disability payments.

The maximum amount the employee receives from integrating leave time with disability payments shall not exceed 100% of the employee's base salary. Paid personal leave time coded on the employee's time and labor report will be limited to the amount of leave necessary to

integrate benefits to the level designated by the employee. When the exact amount is not known, a good faith estimate may be made and the amount will be adjusted later as necessary. If any overpayments are made, the employee will be required to repay that amount. An employee who knowingly receives payment in excess of his or her regular base salary is required to report it to his or her departmental payroll clerk.

Employees who are fully integrating accrued leave time with disability benefits and have at least 41 hours of any type of leave time accrued as of the prior pay period shall be eligible to receive full accruals of vacation and sick leave. Employees who are not fully integrating or employees who have less than 41 hours of any type of leave time accrued shall earn pro-rated vacation and sick leave accruals based upon paid leave time coded on the time and labor report only.

Employees who are fully integrating paid leave time with disability benefit(s) will be eligible for fixed holiday pay, provided they are on the payroll for the entire pay period, have no unapproved leave for the pay period and have enough leave accrued to equal at least one-half of the employee's normal scheduled hours. Employees who are partially integrating or not integrating paid leave time with disability benefits will be paid for holidays in accordance with the holiday leave provisions.

**I. POLITICAL LEAVE**

Any employee who is declared a candidate for public office shall have the right to a leave of absence without pay for a reasonable period to campaign for the election. Such leave is subject to the conditions governing special leaves of absence.

**J. DOMESTIC VIOLENCE & SEXUAL ASSAULT VICTIM LEAVE**

Employees who are victims of domestic violence or sexual assault may take unpaid time-off to appear in court to attempt to obtain relief or to ensure the health, safety or welfare of the employee or a child. This may include efforts to obtain a temporary restraining order, a restraining order, or other injunctive relief from a court. If desired, employees may use any accrued vacation time for this leave. Reasonable notice must be given to your supervisor before appearing in court. Employees who are victims of domestic violence may also take unpaid time-off to seek medical attention, obtain services from a domestic violence program, obtain psychological counseling, or participate in safety planning. If desired, employees may use any accrued time off for this leave.

**K. VOLUNTEER EMERGENCY LEAVE AND TRAINING**

If employees volunteer their time as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to take unpaid leave to perform emergency duty. Employees may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. Time spent on this leave counts for purposes of determining “length of service.” However employees will not accrue vacation or receive holiday pay during this leave.

**L. ALCOHOL AND DRUG REHAB LEAVE**

SB LAFCO will reasonably accommodate employees who wish to voluntarily enter and participate in an alcohol or drug rehabilitation program provided that the accommodation does not impose an undue hardship on SB LAFCO. SB LAFCO does not provide paid time off for participation in an alcohol or drug rehabilitation program. Employees may use any accrued vacation time or their time spent for rehabilitation leave will be unpaid.

This policy in no way restricts SB LAFCO’s right to impose discipline, including actions up to and including termination of employment, for violation of SB LAFCO’s drug and alcohol policy.

**M. COMPULSORY LEAVE**

If, in the opinion of the appointing authority, employees are unable to perform the duties of their position for physical or psychological reasons, they may be removed from duty without pay or may use accrued paid leave for which they are eligible. In addition, such employees may be required to submit to an examination by either a physician or other competent authority designated by the appointing authority or designee or by their own physician or practitioner, as appropriate. If the examination report of the competent authority (e.g., physician, appropriate practitioner) shows the employee to be in an unfit condition to perform the duties required of the position, the appointing authority shall have the right to compel such employee to take sufficient leave of absence with or without pay, to transfer to another position without reduction in compensation, and/or follow a prescribed treatment regimen until medically qualified to return to unrestricted duty. An employee who has been removed from duty for physical or psychological reasons by the appointing authority, and was required to submit to an examination, may not return to duty until such time as medical clearance has been obtained.

N. SUSPENDED PUPIL/CHILD LEAVE

California law requires employers to provide time off for parents required to visit a child's school where the child has served a period of suspension from school. To be eligible for time off to attend a child's school, the employee must be the parent of a child in kindergarten or in grades 1 through 12 and must present to his/her supervisor the school's letter, which requests the employee's appearance at the school, at least two days before the requested time off. Employees may use accrued vacation or administrative leave to attend a child's school under these circumstances. If not, suspended pupil/ child leave will be unpaid.

O. TIME OFF FOR PARENTS

Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to 40 hours per school year to attend authorized school activities which involve one or more of the employee's school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed 8 hours in any calendar month.

Employees may use any accrued vacation or administrative leave while they attend their child's school activities. If not, employees' parental time off will be unpaid. For scheduling purposes, employees must notify their supervisors at least 1 week before the date of the school activity, so that their work duties may be covered.

5. **MILITARY LEAVE** *(Amended June 16, 2011)*

A. DEFINITION

Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training (weekend drills), full-time National Guard duty, and a period for which an employee is absent for the purpose of an examination to determine the fitness of the person to perform any such duty.

B. NOTICE AND ORDERS

All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is

impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.

**C. TEMPORARY DUTY**

Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to temporary military leave of absence for the purpose of active military training provided that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty. While on paid status, an employee on temporary military leave shall receive the same vacation, holiday, and sick leave, and step advances that would have been enjoyed had the employee not been absent, providing such employee has been employed by SB LAFCO for at least one year immediately prior to the date such leave begins. In determining the one year employment requirement, all time spent in recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one year employment requirement shall be entitled to receive his or her regular salary or compensation, pursuant to Sub-Section E.

**D. ACTIVE DUTY**

Employees who resign from positions to serve in the Armed Forces for more than 180 days, shall have a right to return to former classification upon serving written notice to the appointing authority, no later than 90 days after completion of such service. Returning employees are subject to a physical/psychological examination.

Should such employee's former classification have been abolished, then the employee shall be entitled to a classification of comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to former classification shall include the right to be restored to such civil service status as the employee would have if the employee had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such employee of this right to restoration.

Eligible employees are also entitled to the reemployment and benefit rights as further described in the Uniformed Services and Employment and Reemployment Rights Act, 38 U. S. C. §§ 4301-4333. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, sick leave balance (unless the

employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board). However, such employee will not have accrued vacation, sick leave, or other benefit while absent from SB LAFCO employment, except as provided in the temporary duty provision.

**E. COMPENSATION**

This provision does not include an employee's attendance at weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee is required to use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty must also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave. Any employee meeting the requirements in sections C and D shall be entitled to receive their regular salary or compensation for the first 30 calendar days of any such leave. Pay for such purposes shall not exceed 30 days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the 30 calendar days.

Employees who are called to active duty as a result of the activation of military reservists and are eligible to receive the 30 calendar days military leave compensation shall receive the difference between their regular SB LAFCO salary and their military salary starting on the 31st calendar day of military leave. The difference in salary shall continue for any additional period as outlined in the County Exempt Compensation Ordinance. During this period, SB LAFCO will continue to provide the employee all the benefits and leave accruals as were provided prior to such active duty. Retirement system contributions and service credit will be granted if the employee had enough pay to cover the entire retirement system contribution. If the employee does not receive enough pay to cover the retirement system contribution, no contribution or credit will be given. Employees should note that the Accidental Death and Dismemberment (AD&D) plan contains a war exclusion.

Employees who are eligible for military leave compensation will be placed on a leave of absence with right to return to their positions.

**F. SPOUSE, CHILD OR PARENT EXIGENCY LEAVE**



Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

## **6. WORKERS' COMPENSATION LEAVE**

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee's work-related injury qualifies as a serious health condition, any Workers' Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act (FMLA) and the California Family Rights Act (CFRA). Employees on Workers' Compensation Leave are required to keep their supervisor updated as to their work status. Employees must provide a doctor's release before returning to work.

## **7. FAMILY AND MEDICAL LEAVE**

### **A. ELIGIBILITY (*Amended June 16, 2011*)**

An unpaid leave of absence for family or medical care will be granted for up to 12 weeks in a 12-month period. This includes family members of all active-duty military personnel. To be eligible for family care or medical leave, the employee must have at least one year of service with SB LAFCO and at least 1,250 hours of service during the 12-month period prior to the leave. The employee must notify SB

LAFCO immediately of any decision not to return to work at the end of the leave.

Part-time employees who meet the requirements will calculate family/medical leave on a prorated basis according to the number of hours they are normally scheduled to work.

You may be eligible for an unpaid family/ medical leave in the event of:

- \* The birth of a child
- \* The placement of a child for adoption or foster care
- \* Caring for veterans undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred in the past five years.
- \* The need to care for a parent, spouse, or child with a serious health condition
- \* If you are unable to perform your essential job duties due to a serious health condition.

SB LAFCO may require proper medical certification if leave is requested in connection with the employee's own serious health condition, or the serious health condition of a family member; and in certain cases SB LAFCO can require second and third opinions.

If the need for leave is foreseeable, the employee requesting leave must give reasonable advance notice (at least 30 days) of the need for the leave. In cases where the need for leave is not foreseeable, the employee must request the leave as soon as he or she learns of the need for leave. Employees using the family care or medical leave must use accrued vacation or sick time benefits during the period of leave.

If your need for leave is due to your own serious health condition or due to the need to care for a child, spouse or parent who has a serious health condition, you must provide a health care provider's statement verifying the need for such leave and its beginning and expected ending dates. For leave for your own serious health condition, SB LAFCO may require you to obtain a second or third medical opinion. If a second or third medical opinion is requested, the cost of the examination will be paid by SB LAFCO.

If your leave exceeds 30 days, or you ask for an extension of your leave, you may be required to provide additional medical certification of your inability to return to work.

If the leave is for the care of a child after birth, adoption or foster care placement, you must complete the leave within 1 year of birth, adoption or foster care placement.

Family/ Medical leave may be taken intermittently or on a reduced schedule if it is medically necessary to care for a spouse, parent or child with a serious health condition for your own serious health condition. Leave for the birth or adoption of a child or placement of a child in foster care may be taken in amounts approved by SB LAFCO. You may be temporarily transferred to an alternative position with equivalent pay and benefits which better accommodates a reduced or intermittent schedule. Intermittent leave, reduced schedules and leaves which are foreseeable must be scheduled in a manner which will minimize disruption to operations.

**B. LENGTH OF LEAVE**

Leave will be counted as part of entitlement to family and medical leave under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). The maximum leave available is 12 weeks of FMLA or CFRA leave during any 12-month period (exception for pregnancy disability- see policy). For the purpose of calculating the 12-week maximum, any other qualifying disability leave, occupational disability leave or family leave taken during the 12-month period will be included. Prior pregnancy disability leave will not be included in computing the 12-week maximum under the CFRA. The 12-month period will be tracked as a rolling 12-month period measured backward from the first day of leave.

A leave to care for the child after birth, adoption or foster care placement may be limited to less than 12 weeks if your spouse is employed by SB LAFCO and is also taking family leave. If you are eligible and your leave is approved, you may not be employed with any employer, other than SB LAFCO during your leave of absence. Outside employment during your leave will result in immediate termination.

**C. IMPACT ON BENEFITS**

During any period that the employee takes leave, SB LAFCO will maintain and pay for the employee's medical coverage under a group health plan, on the same terms that apply when the employee is actively employed. The employee taking leave must make arrangements to pay the employee share of dependent premiums while on leave. The use of leave will not result in the loss of any employment benefit that accrued prior to the beginning of the employee's leave. However, accrual of additional benefits, such as vacation and sick time benefits will cease during leave.

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Upon return from leave, employees must submit a physician's release. Employees will generally be reinstated to the same or equivalent position unless otherwise permitted by law.

SB LAFCO will comply with the state and federal Family Care and Medical Leave statutes.

**8. PREGNANCY DISABILITY LEAVE**

**A. GENERAL**

Pregnancy disability leaves of absence without pay are available to eligible employees who are temporarily unable to work due to a disability related to pregnancy, childbirth, or related medical conditions. Employees are normally granted unpaid leave for the period of the disability up to a maximum of 4 months within any 12-month period. Employees may substitute any accrued paid leave time for unpaid leave as part of the pregnancy disability leave period.

In addition to the 4 months pregnancy disability leave, an employee may also be eligible for up to 12 additional weeks of unpaid California Family Rights Act (CFRA) Leave within a 12-month period. If an employee qualifies for CFRA Leave in addition to Pregnancy Disability Leave, the total time she may take off is 4 months for Pregnancy Disability Leave and 12 weeks for the CFRA Leave.

**B. TO REQUEST A LEAVE**

A health care provider's statement must be submitted verifying the need for pregnancy disability leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to SB LAFCO.

Employees requesting pregnancy disability leave should contact the local branch of their State Disability office to obtain the appropriate disability forms.

**C. IMPACT ON BENEFITS**

Where an employee's pregnancy disability leave runs concurrently with leave taken pursuant to the Family Medical Leave Act (FMLA), SB LAFCO will continue to provide health insurance benefits for up to 12 weeks of approved pregnancy disability leave.

If an employee chooses to combine pregnancy disability leave with family/medical leave, the maximum amount of time SB LAFCO will pay health insurance premiums is still 12 weeks in a 12-month period. Beyond the 12 weeks, the employee may choose continuation of health insurance coverage through COBRA.

Benefit accruals, vacation and sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

For pregnancy leaves of 30 calendar days or less, salary and performance reviews will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon return to work. For pregnancy disability leaves of over 30 days, salary and performance reviews will be extended equal to the length of the leave.

**D. RETURN FROM LEAVE**

So that an employee's return to work can be properly scheduled, an employee on pregnancy disability leave is requested to provide SB LAFCO with at least two weeks advance notice of the date she intends to return to work. When a pregnancy disability leave ends, the employee will be reinstated to the same position unless either the job ceased to exist because of legitimate business reasons or each means of preserving the job would substantially undermine the ability to operate SB LAFCO safely and efficiently. If the same position is not available, the employee may be offered a comparable position in terms of such issues as pay, location, job content, and promotional opportunities. An offer of a comparable position is contingent on such a position being available, and on SB LAFCO's determination that placing the employee in that position will not undermine SB LAFCO's ability to operate its business safely and efficiently. An employee returning from pregnancy disability leave has no greater right to reinstatement to the same or comparable position or to other benefits or conditions of employment than an employee who has been continuously employed in another position that is being eliminated.

If an employee fails to report to work promptly at the end of the pregnancy disability leave, SB LAFCO will assume that the employee has resigned.

**E. ADDITIONAL ACCOMMODATIONS**

SB LAFCO will provide reasonable accommodation to an employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider.

## **CHAPTER 4: ELECTRONIC COMMUNICATION, SAFETY, AND EQUIPMENT**

### **1. COMPUTER AND E-MAIL USAGE (Amended June 16, 2011)**

#### **A. GENERAL**

Computers, computer files, the e-mail system, and software furnished to employees are SB LAFCO property intended for business use. Employees are not entitled to privacy in regard to computer files or e-mail messages. Employees should not use a password, access a file, or retrieve any stored communication without authorization. SB LAFCO may audit and/or access computer files and e-mail messages as needed. SB LAFCO owned computers, with the exception of laptops/tablets designated for remote use, shall not be removed from the premises.

#### **B. E-MAIL**

SB LAFCO utilizes the existing e-mail systems of the County of San Bernardino. The County of San Bernardino e-mail systems are valuable resources for communication of information that is necessary to conduct SB LAFCO business. Employees and other authorized users are encouraged to make use of this tool to carry out their responsibilities and duties in a professional and courteous manner, which is in the best interest of SB LAFCO.

Limited, occasional or incidental use of the e-mail systems for personal purposes may be acceptable, if done in a professional and appropriate manner, not used on SB LAFCO work time, not violating prohibited activities contained in this policy and not interfering with the conduct of SB LAFCO business or the performance of the employee's duties. All messages will be treated as business messages, therefore, employees should not use the email system for messages they wish to keep private.

In order to ensure the proper use of SB LAFCO resources, SB LAFCO reserves the right without advance notice to users of the e-mail systems to monitor, access, copy or delete any messages stored on any of its e-mail systems. **NO USER OF ANY COUNTY E-MAIL SYSTEM SHOULD HAVE AN EXPECTATION OF PRIVACY IN ITS USE.**

Employees are expected to respect the privacy of messages sent to others using the County's e-mail systems. Therefore, no employee, except those authorized to do so, shall access, view, retrieve, listen to,

record, tamper with, copy, change, print or delete another employee's information or communications without that employee's permission.

Some of the messages sent, received, or stored on the SB LAFCO e-mail system will constitute confidential, privileged communications between SB LAFCO and its inside or outside attorneys. Upon receipt of a message either from or to counsel, do not forward its contents to others without counsel's authorization.

SB LAFCO e-mail shall not be used to announce, advertise, or otherwise promulgate any event, cause, organization, or activity that is not an official SB LAFCO function or program. Any use of the e-mail system to promulgate a legitimate event must be approved by the SB LAFCO Executive Officer.

#### C. PROHIBITED EMAIL ACTIVITIES

It shall be a violation of this policy to use e-mail to violate any existing law, regulation, SB LAFCO policy, department or personnel rule. Other prohibited uses of the County's e-mail systems include, but are not limited to:

- (1) Activity that could subject SB LAFCO to civil or criminal liability.
- (2) Representing oneself as a spokesperson and/or making commitments on behalf of SB LAFCO without authorization.
- (3) Usage intended for personal or commercial financial gain (e.g., advertising), or participating in any gambling, gaming or wagering activities.
- (4) Any use of e-mail for the purpose of distributing materials, promoting causes or beliefs, or soliciting membership in, support for or donations to any organization, group or entity including, but not limited to, those of a commercial, political, charitable or ideological nature unless officially sanctioned by SB LAFCO.
- (5) Utilization of e-mail to distribute offensive, abusive, threatening, pornographic, and sexually explicit or hate messages or images.
- (6) Use of e-mail to commit illegal, fraudulent or malicious activities.
- (7) Originating or intentionally propagating computer viruses and/or chain letters or petitions.



- (8) Disclosing confidential and/ or personal information without appropriate authorization or sharing SB LAFCO e-mail accounts or passwords to access those accounts with others.
- (9) Personal usage that results in any charges or other costs to SB LAFCO.
- (10) Subscribing to external mailing lists, notification services, or other e-mail services that are not reasonable related to the performance of assigned job duties.
- (11) Using animation, specialized graphics or colored backgrounds in e-mails.

**D. SOFTWARE**

SB LAFCO purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, SB LAFCO does not have the right to reproduce such software for use on more than one computer. No software owned by an employee shall be installed on a SB LAFCO owned computer without permission from the licensing authority.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. SB LAFCO prohibits the illegal duplication of software and its related documentation.

**E. RESPONSIBILITIES**

The SB LAFCO Executive Officer is responsible for ensuring that all policy requirements are fulfilled. County ISD will not respond to requests for e-mail access without written approval from the SB LAFCO Executive Officer or LAFCO Legal Counsel. Employees should notify their appointing authority or the Executive Officer upon learning of violations of this policy.

**F. DISCIPLINE**

Violations of this policy may be considered as a basis for disciplinary action, up to and including termination.

**2. ELECTRONIC COMMUNICATIONS POLICY** (Adopted March 21, 2018)

**Background and Purpose**

The Commission as the legislative body of the Local Agency Formation Commission for San Bernardino County ("LAFCO") hereby adopts the following policy regarding the conduct of LAFCO business via electronic communications by commissioners and employees. Specifically, this policy is adopted in light of the *City of San Jose* case, which held that a city employee's communications related to the conduct of public business do not cease to be public records under sent or received using a personal account or personal device.

Existing and emerging electronic communications technologies have become an integral part of the ability of Commission officials and staff members to efficiently and effectively conduct Commission business. Such technology has the potential to enhance communications with the public and provide a higher level of service to the citizens of the Commission. However, with such technology in the work environment, the Commission must ensure it continues to meet its legal obligations with respect to transparency in the conduct of the people's business, including in the area of public records disclosure and retention requirements. To that end, the following policy and procedures will be followed.

**Definitions**

For purposes of this policy, the following definitions apply:

"LAFCO" means the Local Agency Formation Commission for San Bernardino County.

"LAFCO official" for this policy shall mean any commissioner, employee of LAFCO, or person assigned an LAFCO electronic messaging account.

"LAFCO business" shall be construed broadly to mean information relating to the conduct of the public's business or communications concerning matters within the subject matter of LAFCO's jurisdiction, including, but not limited to, pending or potential LAFCO projects, past or prospective LAFCO agenda items, or LAFCO budgets or expenditures involving LAFCO funds. Resolution of the question will involve an examination of several factors, including: (a) the content itself; (b) the context in, or purpose for which, it was written; (c) the audience to whom it was directed; (d) the purpose of the communication; and (e) whether the writing was prepared by an LAFCO official acting or purporting to act within the scope of his or her employment.

"Electronic communications" includes any and all electronic transmission, and every other means of recording upon any tangible thing in any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Without limiting the nature of the foregoing, "electronic communications" include e-mails, texts, voicemails, and also include communications on or within commercial applications (apps) such as Facebook Messenger, Twitter, WhatsApp, etc.

"Electronic messaging account" means any account that creates, sends, receives or stores electronic communications.

### **Policy**

1. All LAFCO officials shall be assigned a LAFCO electronic messaging account.
2. LAFCO accounts shall be used to conduct LAFCO business. LAFCO officials shall not use personal accounts for the creation, transmission or storage of electronic communications regarding LAFCO business.
3. All LAFCO officials shall, within 30 days following the adoption of this policy, search all private, nongovernmental electronic messaging accounts to which they have user access and locate any electronic communications that might constitute a "public record", because it involved "LAFCO business", as set forth above. All such communications shall be forwarded to the LAFCO official's LAFCO-provided account. To the extent the LAFCO official believes that any part of such communications contain personal matter not related to the conduct of the public's business, the LAFCO official shall provide a declaration, as set forth in paragraphs 10 and 11, below.
4. The LAFCO account, along with the attendant access to LAFCO's account server, are solely for LAFCO and LAFCO official's use to conduct LAFCO business and shall not be used for personal business or political activities. Incidental use of LAFCO electronic messaging accounts for personal use by LAFCO officials is permissible, though not encouraged.
5. If an LAFCO official receives an electronic message regarding LAFCO business on his/her non-LAFCO electronic messaging account, or circumstances require such person to conduct LAFCO business on a non-LAFCO account, the LAFCO official shall either: (a) copy ("cc") any communication from a LAFCO official's personal electronic messaging account to his/her LAFCO electronic messaging account; or (b) forward the associated electronic communication to his/her LAFCO account no

later than 10 days after the original creation or transmission of the electronic communication.

6. LAFCO officials shall endeavor to ask persons sending electronic communications regarding LAFCO business to a personal account to instead utilize the LAFCO official's account, and likewise shall endeavor to ask a person sending an electronic communication regarding non-LAFCO business to use the LAFCO official's personal or non-LAFCO electronic messaging account.
7. The LAFCO official shall retain all emails related to a proposal for six months following issuance of the certificate of completion, certificate of termination, or withdrawal notification by the applicant.
8. LAFCO officials understand they have no expectation of privacy in the content of any electronic communication sent or received on an LAFCO account or communication utilizing LAFCO servers. LAFCO provided electronic devices, including devices for which LAFCO pays a stipend or reimburses the LAFCO official, are subject to LAFCO review and disclosure of electronic communications regarding LAFCO business. LAFCO officials understand that electronic communications regarding LAFCO business that are created, sent, received or stored on an electronic messaging account, may be subject to the Public Records Act, even if created, sent, received, or stored on a personal account or personal device.
9. In the event a Public Records Act request is received by LAFCO seeking electronic communications of LAFCO officials, the LAFCO Clerk shall promptly transmit the request to the applicable LAFCO official(s) whose electronic communications are sought. The LAFCO Clerk shall communicate the scope of the information requested to the applicable LAFCO official, and an estimate of the time within which the LAFCO Clerk intends to provide any responsive electronic communications to the requesting party.
10. It shall be the duty of each LAFCO official receiving such a request from the LAFCO Clerk to promptly conduct a good faith and diligent search of his/her personal electronic messaging accounts and devices for responsive electronic communications. The LAFCO official shall then promptly transmit any responsive electronic communications to the LAFCO Clerk. Such transmission shall be provided in sufficient time to enable the LAFCO Clerk to adequately review and provide the disclosable electronic communications to the requesting party.
11. In the event a LAFCO official does not possess, or cannot with reasonable diligence recover, responsive electronic communications from the LAFCO

official's electronic messaging account, the LAFCO official shall so notify the LAFCO Clerk, by way of a written declaration, signed under penalty of perjury. In addition, an LAFCO official who withholds any electronic communication identified as potentially responsive must submit a declaration under penalty of perjury with facts sufficient to show the information is "personal business" and not "public business" under the Public Records Act. The form of the declaration is attached hereto as Attachment A.

12. It shall be the duty of the LAFCO Clerk, in consultation with LAFCO's Legal Counsel, to determine whether a particular electronic communication, or any portion of that electronic communication, is exempt from disclosure. To that end, the responding LAFCO official shall provide the LAFCO Clerk with all responsive electronic communications, and, if in doubt, shall err on the side of caution and should "over produce". If an electronic communication involved both public business and a personal communication, the responding LAFCO official may redact the personal communication portion of the electronic communication prior to transmitting the electronic communication to the LAFCO Clerk. The responding LAFCO official shall provide facts sufficient to show that the information is "personal business" and not "public business" by declaration. In the event a question arises as to whether or not a particular communication, or any portion of it, is a public record or purely a personal communication, the LAFCO official should consult with the LAFCO Clerk or the Legal Counsel. The responding LAFCO official shall be required to sign a declaration, in a form acceptable to the Legal Counsel, attesting under penalty of perjury, that a good faith and diligent search was conducted and that any electronic communication, or portion thereof, not provided in response to the Public Records Act request is not LAFCO business.
13. AB 1234 (ethics) training should include a discussion of the impacts of the *City of San Jose* case and this policy. Such training should include information on how to distinguish between public records and personal records. LAFCO officials who receive AB 1234 training from other providers should actively solicit training from the alternative provider on the impacts of the *City of San Jose* case.
14. LAFCO officials understand that electronic communications regarding LAFCO business are subject to LAFCO's Records Retention Policy (Section II, Chapter 1, Policy 7), even if those electronic communications are or were created, sent, received or stored on an LAFCO official's personal electronic messaging account. It is a felony offense to destroy, alter or falsify a "public record". As such, unless the LAFCO official has cc'd/transmitted electronic communications in accordance with Paragraph 5 above, that LAFCO official must retain all electronic communications

regarding LAFCO business, in accordance with LAFCO's adopted records retention policy, regardless of whether such electronic communication is originally sent or received on a personal electronic messaging account.

15. Failure of an LAFCO official to abide by this policy, following its adoption, may result in one or more of the following:

- Disciplinary action, up to and including termination (for employees);
- Removal from office (for commissioners);
- Censure (for commissioners);
- Revocation of electronic device privileges (including revocation of stipend or reimbursement);
- Judicial enforcement against the LAFCO official directly, by the requesting party; and

16. This policy does not waive any exemption to disclosure that may apply under the California Public Records Act.

17. Upon leave of service from LAFCO, the Email administrator will request that County ISD close the LAFCO official's Email account and copy the contents from the Email account onto an electronic medium (CD, DVD, USB flash drive) and to be retained in accordance with the Commission's Record Retention Policy.

## **ATTACHMENT A**

### **DECLARATION**

(on file at the LAFCO office)

**2. SAFETY**

Every employee is responsible for safety. To achieve our goal of providing a completely safe workplace, everyone must be safety conscious. Employees should report any unsafe or hazardous condition directly to their supervisor immediately.

In case of an accident involving a personal injury, regardless of how serious, employees should notify a supervisor or the Executive Officer immediately. Failure to report accidents can result in a violation of legal requirements, and can lead to difficulties in processing insurance and benefit claims.

If an employee is injured on the job, he or she will be entitled to benefits under the state workers' compensation law in most cases. SB LAFCO carries workers' compensation insurance and will assist employees to obtain all benefits to which they are legally entitled.

**3. DESK INSPECTION POLICY**

Although desks, lockers, cabinets and shelves are made available for the convenience of employees while at work, employees should remember that all desks, lockers, cabinets and shelves remain the sole property of SB LAFCO. Moreover SB LAFCO reserves the right to open and inspect desks, lockers, cabinets, and shelves, as well as any contents, effects, or articles in desks, cabinets, and shelves. Such an inspection can occur at any time, with or without advance notice or consent. An inspection may be conducted before, during, or after working hours by a supervisor, manager, or security personnel designated by SB LAFCO.

Prohibited materials, including weapons, explosives, alcohol and non-prescribed drugs or medications, may not be placed in a desk, locker, cabinet or shelf. Employees may keep "lawful over-the-counter or legally prescribed drugs" in their desks, lockers or cabinets. Employees, who, if requested, fail to cooperate in any inspection, will be subject to disciplinary action, up to and including termination. SB LAFCO is not responsible for any articles that are placed or left in a desk, locker, cabinet, or shelf that are lost, damaged, stolen or destroyed.

## **CHAPTER 5: BENEFITS PLAN**

*(Benefit Plan Consolidated with Section III - Human Resources Policies and Procedures on August 19, 2015)*

### **1. INTRODUCTION**

#### **A. ADMINISTRATION OF BENEFITS**

San Bernardino LAFCO has contracted with the County of San Bernardino to administer the benefits for SB LAFCO employees equivalent to those provided to County “Exempt” employees. When questions arise, employees will first contact the SB LAFCO payroll person. If additional information is required, employees will contact the Human Resources Employee Benefits and Services Division Chief or designee.

#### **B. BENEFIT PLAN GROUPS**

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Amended October 22, 2014; September 16, 2020)*

- (1) Group A. Executive Officer
- (2) Group B. All SB LAFCO Employees not in Groups A or C
- (3) Group C. Employees hired after September 16, 2020, except for the Executive Officer

### **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; July 21, 2021)*

- A. SB LAFCO has established a Medical Premium Subsidy (MPS) to offset the cost of medical and dental plan premiums charged to eligible employees. The MPS shall be applied first to medical plan premiums and then to dental plan premiums. The applicable MPS amount shall be paid directly to the providers of the County-sponsored medical and dental plan in which the eligible employee has enrolled. In no case, shall the MPS exceed the total cost of the medical and dental insurance premium for the coverage selected.



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

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

Effective 7/17/21 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 7/16/22 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$143.11 <del>\$134.38</del>	\$286.21 <del>\$268.76</del>
Employee +1	\$225.41 <del>\$211.67</del>	\$450.82 <del>\$423.33</del>
Employee +2	\$316.31 <del>\$297.02</del>	\$632.61 <del>\$594.04</del>

Effective 7/15/23 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$151.83	\$303.66
Employee +1	\$239.16	\$478.31
Employee +2	\$335.39	\$671.18

Effective 7/13/24 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$160.56	\$321.11
Employee +1	\$252.09	\$505.80
Employee +2	\$354.88	\$709.75

Effective 7/12/25 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$169.28	\$338.56
Employee +1	\$266.65	\$533.29
Employee +2	\$374.16	\$748.32

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 \$250.79 and receives a per pay period MPS of \$243.33 will receive a DPS in the amount of \$7.46 per pay period.

**B. ELIGIBILITY FOR MPS AND DPS WHILE ON LEAVE** (*Adopted August 19, 2015; Amended April 18, 2018*)

- (1) FMLA/CFRA - Employees who are on approved leave, pursuant to FMLA/CFRA law and whose paid hours in a pay period are less than the required number of hours designated by the applicable benefit provision will continue to be enrolled in a County-sponsored medical plan and receive MPS and DPS in accordance with applicable law.
- (2) Pregnancy Disability Leave (PDL) – An employee on an approved pregnancy disability leave is eligible for continuation of MPS and DPS in accordance with PDL, Government Code section 12945.
- (3) Workers' Compensation – Employees who are on an approved leave based on an approved workers' compensation claim shall continue to receive the MPS and DPS for up to a total of twenty (20) pay periods while off work due to that work injury as long as the employee pays his/her portion of the premiums on time. If any subsequent workers' compensation claims occur during the initial twenty (20) pay periods, the remaining MPS eligibility from the original claim shall run concurrent with any additional approved workers' compensation claims that occur during the initial claim. For example, if the employee is receiving the MPS and DPS for twenty (20) pay periods for an injury and after ten (10) pay periods another workers' compensation claim is

approved and the employee is eligible to receive the MPS and DPS for an additional twenty (20) pay periods, ten (10) pay periods will run concurrent with the initial claim, for a total of 30 pay periods. Employees who are still on workers' compensation after the expiration of the initial twenty (20) pay periods shall continue to receive MPS and DPS provided the employee is fully integrating appropriate paid leave time.

- (4) Short Term Disability – Employees who are fully integrating paid leave time with Short-Term Disability (STD) insurance provided by the County or State Disability Insurance (SDI) shall continue to receive the MPS and DPS.
- (5) Per Episode of Illness or Injury - Employees who are on an approved medical leave of absence and whose paid hours in a pay period are less than the required number of hours will continue to receive the benefits of this subsection for up to six pay periods per episode of illness or injury.

**3. MEDICAL AND DENTAL INSURANCE** (Amended August 17, 2005; June 16, 2011; August 19, 2015)

Except as otherwise provided, all eligible employees scheduled to work 40 hours or more per pay period in a regular position must enroll in a medical and dental plan offered by SB LAFCO through the County. Employees who fail to elect medical and dental plan coverage will be automatically enrolled in the medical and dental plan with the lowest biweekly minimum premium rates available in the geographical location of the employee's primary residence. Medical and dental plan coverage will become effective on the first day of the pay period following the first pay period in which the employee is scheduled to work forty (40) hours or more ~~and be in paid status received pay for at least one-half plus one hour of scheduled hours.~~

To continue enrollment in County-sponsored medical and dental plan coverage, a SB LAFCO employee must remain in a regular position scheduled to work for a minimum of 40 hours per pay period and ~~be in paid status have received pay for at least one-half plus one hour of scheduled hours~~ or be on approved leave for which continuation of medical and dental coverage is expressly provided for, or be eligible for and have timely paid the premium for COBRA continuation coverage.

Enrollment elections must remain in effect for the remainder of the Plan Year unless an employee experiences an IRS qualifying event.

Eligible employees may elect to enroll dependents upon initial eligibility for medical and dental insurance. Thereafter, newly eligible dependents may be

enrolled within sixty (60) days of obtaining dependent status, such as birth, adoption, marriage, or registration of domestic partnership.

Notification of a mid-year qualifying event must be submitted to the SB County Human Resources Employee Benefits and Services Division Chief or designee in accordance with procedures adopted by the County. Employees are responsible for notifying the County within sixty (60) days of dependent's change in eligibility for the County plans.

Dependent(s) must be removed mid-Plan year when a dependent(s) becomes ineligible for coverage under the insurance plan eligibility rules, for example, divorce, over-aged dependent, or termination of domestic partnership.

Premiums for coverage will be automatically deducted from the employee's pay warrant. Failure to pay premiums will result in loss of coverage for the employee and/or the dependents. 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 County Employee Benefits and Services Division.

Employees eligible for medical plan coverage who are also enrolled in comparable group medical plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in the County-sponsored medical plan (opt-out or waive). Employees scheduled to work 61 to 80 hours per pay period who elect to opt-out or waive the County-sponsored medical plan coverage will be provided bi-weekly amounts as follows:

- A. Employees who elected to opt-out of County-sponsored health plan coverage prior to July 9, 2005 and continue to opt-out will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$80.77	\$161.54

- B. Employees who elected to waive health plan coverage to a spouse or domestic partner currently employed by the County prior to July 9, 2005 will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$115.00	\$230.00

- C. New opt-outs or waivers (i.e., new employees and current employees who opted-out or waived effective July 9, 2005 and any time thereafter) will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$20.00	\$40.00

To receive these amounts, the employee must be ~~in paid status~~~~paid for a minimum of one-half plus one of their scheduled hours. For instance, an employee scheduled to work 80 hours must be paid for a minimum of 41 hours during a pay period to receive the opt-out or waive amounts.~~

Employees eligible for County-sponsored dental plan coverage who are also enrolled in a comparable group dental plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in their County-sponsored dental plan.

The rules and procedures for electing to opt-out or waive the County-sponsored medical and dental plan coverage are established and administered by the SB County Human Resources Employee Benefits Department and Services Division.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage(s) within 60 calendar days of the effective date of gaining other employer group coverage. Proof of initial gain of other group coverage is required at the time that opt-out or waive is elected.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage during an annual open enrollment period. All employees who are newly opting-out or waiving during an open enrollment period must provide verification of other employer group coverage.

Except as required at the initial opt-out/waive election, employees are not required to provide verification of continued coverage unless requested by the plan administrator.

Employees who voluntarily or involuntarily lose other employer group health plan coverage must enroll in a County-sponsored medical and/or dental plan within 60 calendar days. Enrollment in the County-sponsored plan will be provided in accordance with the requirements of the applicable plan.

There must be no break in the employee's medical and/or dental plan coverage between the termination date of the other employer group coverage and enrollment in a County-sponsored medical and/or dental plan. Terms and conditions of the applicable plan will determine the required retroactive

enrollment period and premiums required to implement coverage. Failure to notify the County of loss of group coverage within 60 calendar days will require the employee to pay insurance premiums retroactively on an after-tax basis.

#### **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 is in paid status. For pay periods in which the employee is not in paid status, the employee shall have the option of continuing life insurance coverage at the employee's expense.

**B. VARIABLE UNIVERSAL LIFE INSURANCE** (*Amended May 16, 2007; June 16, 2011; August 19, 2015*)

Eligible SB LAFCO employees may purchase, through payroll deductions, variable group universal life insurance subject to carrier requirements and approval. The benefit levels for such insurance shall be equivalent to no more than three (3) times the employee's annual base earnings. Employees who purchase variable group universal life insurance shall be provided a SB LAFCO contribution towards the bi-weekly premium based on the following:

**Benefit Group A**

(Executive Officer) = 50% of the premium of the one-time annual base salary or 100% of the premium equal to 50 percent of the one time annual base salary.

**Benefit Groups B and C**

(All other SB LAFCO employees) = 25% of the premium of the one-time annual base salary.

**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. 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.

D. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE  
(Amended August 19, 2015)

Eligible employees may purchase amounts of Accidental Death and Dismemberment Insurance coverage for themselves and dependents through payroll deduction. New employees shall become initially eligible to participate in these programs on the first day of the pay period following the first 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 County Human Resources, Employee Benefits and Services Division. The benefits will be provided subject to carrier requirements, and will be administered by the County Employee Benefits and Services Division.

E. LONG-TERM DISABILITY INSURANCE (Amended August 19, 2015)

SB LAFCO will provide employees with long-term disability insurance through the county subject to carrier requirements and approval. The benefit levels or such insurance shall be those approved by the County's Director of Human Resources. Integration of leave balances (e.g., sick, vacation, etc.), either partially or fully, are ~~not~~ allowed in conjunction with long-term disability benefits.

F. SHORT-TERM DISABILITY INSURANCE (Amended June 16, 2011; August 19, 2015; April 18, 2018)

SB LAFCO will provide an employer paid Short-Term Disability Insurance Plan through the County for employees. This benefit shall apply to employees in regular positions who are regularly scheduled to work 40 or more hours per pay period. The Short-Term Disability Insurance Plan benefit coverage shall be governed by the Plan Document that has been approved and adopted by the Board of Supervisors for Exempt Group employees and is subject to carrier

requirements and approval. The short-term disability insurance plan benefit coverage shall include a provision for a seven (7) consecutive calendar day waiting period from the first day of disability before benefits begin. Benefits shall be fifty-five percent (55%) of base salary up to a weekly maximum established a formula that incorporates the State of California for the State Disability Insurance fund maximum. Benefit payments terminate when the employee is no longer disabled or upon termination of employment from SB LAFCO, or after receiving 180 days of benefits at which time the employee would be eligible for long-term disability benefits if still medically disabled.

G. VISION CARE INSURANCE *(Amended August 19, 2015)*

SB LAFCO will pay the premiums for vision care insurance for employees who are in paid status and their dependents, subject to carrier requirements the same as provided to County exempt employees.

5. **SECTION 125 PREMIUM CONVERSION PLAN** *(Amended August 19, 2015)*

Eligible employees shall be provided with a Section 125 Premium Conversion Plan. The purpose of the Plan is to provide employees a choice between paying premiums with either pre-tax salary reductions or after-tax payroll deductions for medical insurance, dental insurance, vision insurance, voluntary life (to the IRS specified limit) and accidental death and dismemberment insurance premiums currently maintained for Exempt employees or any other program(s). The amount of the pre-tax salary reduction or after-tax payroll deduction must be equal to the required insurance premium.

Medical and dental coverage elections shall not reduce earnable compensation for purposes of calculating benefits or contributions for the San Bernardino County Employees' Retirement Association. To be eligible for this benefit, an employee must be eligible to participate in medical, dental, vision, AD&D, and/or life insurance and have a premium deduction for these benefit plans.

Election of pre-tax and after-tax payroll deductions shall be made within sixty (60) days of the initial eligibility period in a manner and on such forms designated by the San Bernardino County Human Resources Employee Benefits Department and Services Division Chief, or designee. Failure to timely submit appropriate paperwork will result in after-tax deductions for all eligible premiums for the remainder of the Plan Year.

Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal



Revenue Service rulings and regulations and consistent with the County's Plan Document. The employee must submit request for a change due to a mid-year qualifying event within sixty (60) days of the qualifying event.

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). This plan has been established in accordance with the provisions of Internal Revenue Code (IRC) Section 125. Human Resources will serve as the Plan's Administrator and will administer the FSA in accordance with the County's 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 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 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 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.

7. **DEPENDENT CARE ASSISTANCE** *(Amended August 20, 2008; June 16, 2011)*

The purpose of this Section 125 Dependent Care Assistance Plan (DCAP) is to permit eligible employees to make an election to pay for certain dependent care expenses with salary reductions from compensation contributed to the Plan before federal income or social security taxes are paid to the Internal Revenue Service ("Salary Reduction") in accordance with Sections 125 and

129 of the Internal Revenue Code of 1986 (IRC) and regulations issued pursuant thereto. DCAP shall be construed to comply with said Code Sections and to meet the requirements of any other applicable provisions of law.

SB LAFCO participates in the DCAP that is administered by the County's Human Resources Department, Division Chief, Employee Benefits and Services Division in accordance with the dependent care assistance plan document and applicable law.

To be eligible for this benefit, an employee must be in a regular position.

Enrollment in the Plan is required every Plan Year and is limited to the annual open enrollment period or no later than sixty (60) calendar days following the date of becoming eligible due to a mid-year change in status event. Failure to submit participation agreement within the time frame shall result in an election to not participate in the Plan.

An employee must elect to contribute to DCAP through salary reduction on forms approved by the County Human Resources Division Chief, Employee Benefits & Services Division. An employee election to participate shall be irrevocable for the remainder of the plan year. Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal Revenue Service rulings and regulations and with the County's Plan Document.

Pursuant to IRC §125, any amounts remaining in the employee's account at the end of a Plan year must be forfeited except as permitted by the IRC and the Plan Document.

## **8. SALARY SAVINGS PLANS**

- A. 401K PLAN (*Amended August 17, 2005; May 16, 2007; August 20, 2008; June 16, 2011, September 16, 2020*)

Biweekly contributions of SB LAFCO employees to the County's 401(k) Defined Contribution Plan will be matched by a SB LAFCO contribution on the basis of two times the employee's contribution. The biweekly contributions of employees in Groups A and B of up to four percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the employee's contribution, not to exceed eight percent of an employee's biweekly base salary.

The biweekly contributions of employees in Group C to the County's 401(k) Defined Contribution Plan of up to two percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the

employee's contribution. The SB LAFCO contribution shall not exceed four percent of an employee's biweekly base salary.

**B. 457 DEFERRED COMPENSATION PLAN (*Amended June 16, 2011*)**

- (1) Bi-weekly contributions of SB LAFCO Group A employees to the County's Section 457 Deferred Compensation Plan up to one percent (1%) of an employee's bi-weekly base salary will be matched by a SB LAFCO contribution on the basis of one (1) times the employee's contribution. The SB LAFCO contribution shall not exceed one percent of the employee's biweekly salary. The contribution shall be deposited in the County's 401(a) Plan.
- (2) Bi-weekly contributions of SB LAFCO Group B and C employees to the County's Section 457 Deferred Compensation Plan up to one percent (1%) of an employee's bi-weekly base salary will be matched by a SB LAFCO contribution of one-half (1/2) times the employee's contribution. The SB LAFCO contribution shall not exceed one-half percent (1/2%) of the employee's bi-weekly salary. The contribution shall be deposited in the County's 401(a) Plan.

**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).

Any dollars that are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash.

Pursuant to the California Public Employees' Pension Reform Act of 2013 (AB 340), SB LAFCO establishes a two-tier system for retirement contribution as follows:

Tier 1 employees are employees with an SBCERA membership date prior to January 1, 2013.

Tier 2 employees are employees with an SBCERA membership date on or after January 1, 2013.

SBCERA membership date is determined based on the following:

- Date of hire as a regular or eligible contract (when applicable) employee, or
- Date of transfer from a non-qualifying position (for example: extra-help, temporary, or part-time) to a regular position that requires membership in SBCERA, or
- Date of entry into membership with another public retirement system with which the employee established reciprocity. Therefore, if the employee enters SBCERA membership under Tier 2, but establishes reciprocity with another public retirement system where the employee was a member prior to January 1, 2013, the employee will be reclassified as a Tier 1 employee.

**B. REMAINING EMPLOYEE CONTRIBUTIONS** *(Amended April 18, 2018)*

All employee retirement system contribution obligations shall be “picked up” for tax purposes only pursuant to this Section. SB LAFCO shall implement the pickup of such retirement system contribution under Internal Revenue Code Section 414(H) (2).

SB LAFCO shall make member contributions under this section on behalf of the employee, which shall be in lieu of the employee's contributions, and such contributions shall be treated as employer contributions for purposes of reporting and wage withholding under the Internal Revenue Code and the Revenue and Taxation Code. The amounts picked up under this section shall be recouped through offsets against the salary of each employee for whom SB LAFCO picks up member contributions. These offsets are akin to a reduction in salary and shall be made solely for purposes of income tax reporting and withholding. The member contributions picked up by SB LAFCO under this section shall be treated as compensation paid to SB LAFCO employees for all other purposes. SB LAFCO paid employer contributions to the SBCERA under this section shall be paid from the same source of funds as used in paying the salaries of the affected employees. No employee shall have the option to receive the Retirement System contribution amounts directly instead of having them paid to SBCERA.

Until retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions.

Upon retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid

contributions. Contributions under this section shall be applied (as all employer or all employee contributions with the same value and restrictions) for Retirement System purposes in the same manner as the contributions under the SB LAFCO Contributions provision above.

C. SPECIAL PROVISIONS *(Amended June 16, 2011; April 18, 2018)*

Except as provided below, employees who have 30 years of service credit shall not be paid in cash seven percent (7%) of earnable compensation. Employees with at least 25 years of service as set forth in Government Code Section 31625.3 as of June 18, 2011, and who either already have or thereafter attain 30 years of service credit as set forth in Government Code Section 31625.3 shall have one opportunity during the employee's employment to receive cash payments of seven percent (7%) of earnable compensation for up to twenty-six (26) consecutive pay periods.

Employees who are over age 60 at time of hire, and who are in a regular position, and who choose not to be a member of the Retirement Association, shall be enrolled in the County's 401(k) Salary Savings Plan. SB LAFCO shall contribute the applicable percent of the employee's biweekly salary as defined in this Section to the Plan, and the employee shall contribute a minimum of three percent of biweekly salary to the plan, not to exceed the annual limits of the Plan as defined in the Internal Revenue Code.

D. SURVIVOR BENEFITS *(Amended April 18, 2018)*

Survivor Benefits are payable to employed general retirement members with at least 18 months continuous retirement membership pursuant to Government Code Section 31855.12. An equal, non-refundable employer and employee bi-weekly contribution will be paid to SBCERA as provided in the annual actuarial study.

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

A Retirement Medical Trust Fund has been established for SB LAFCO employees with five (5) or more years of participation in the San Bernardino County Employees' Retirement Association (SBCERA). The Trust Fund is a Voluntary Employees Benefit Association (VEBA) and will comply with all of the provisions of Section 501(c) (9) of the Internal Revenue Code.

The Retirement Medical Trust Fund will be administered by the Employee Benefits and Services Division as the plan administrator in accordance with the plan document and applicable law.

**Sick Leave Conversion Eligibility** - SB LAFCO employees with five (5) or more years of participation in SBCERA are eligible to participate in the Trust. The purchase of additional retirement credit or other retirement service credit and/or participation in other public sector retirement systems may be counted towards the service requirement provided that the employee has not withdrawn their contributions from the system(s) and the employee is also a participant in SBCERA. Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn.

**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 80% of the cash value of the employee's unused sick leave hours, up to a maximum of 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	2.00%
10-15 Years	2.75%
16 or more years	3.75%

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

**10. HEALTHY LIFESTYLES PROGRAM** *(Amended August 17, 2005; August 20, 2008; August 19, 2015)*

SB LAFCO contracts with SB County to provide to its employees the "Healthy Lifestyles" program. Under this program SB LAFCO employees are eligible for reimbursement for health club membership up to \$324 on an annual basis. SB LAFCO employees wishing to participate in this program must submit a Healthy Lifestyles application as approved for use by SB County.

SB LAFCO employees are also eligible for an annual physical examination through Arrowhead Regional Medical Center.

**11. PORTABLE COMMUNICATION DEVICE ALLOWANCE** *(Adopted April 20, 2005; Amended July 18, 2007; August 19, 2015; May 15, 2019)*

The SB LAFCO Executive Officer, when in paid status, shall receive a bi-weekly portable communication device allowance in the amount of fifty dollars (\$50.00). The Executive Officer shall purchase a portable communication device capable of sending and receiving cellular telephone calls, and if approved by the appointing authority, capable of sending and receiving e-mails to and from the County of San Bernardino (County) e-mail system. SB LAFCO shall pay for any license and set up expense for the device if any, and the employee shall pay for the equipment and monthly voice and data plans.

**12. AUTOMOBILE ALLOWANCE** *(Amended August 20, 2008; August 19, 2015; May 15, 2019)*

The SB LAFCO Executive Officer, when in paid status, shall receive a bi-weekly automobile allowance in the amount of three hundred dollars (\$300.00) with no mileage reimbursement. Should the Executive Officer become eligible or ineligible for this benefit in the middle of a pay period they will receive a prorated sum of automobile allowance. The Executive Officer shall be required to have a vehicle available at all times for use on SB LAFCO business. This allowance shall be considered complete reimbursement for the acquisition, insurance, maintenance, repair, upkeep, fuel, and all other costs for the required vehicle.

**13. TUITION REIMBURSEMENT AND MEMBERSHIP DUES**

SB LAFCO encourages and supports efforts by its employees to improve their skills and educate themselves for advancement. SB LAFCO believes that assisting the employee in the pursuit of an educational agenda or to otherwise expand their work-related knowledge base will benefit both the employee and SB LAFCO.

All regular Full-Time employees of SB LAFCO, who have been employed for at least 90 days prior to enrollment, are eligible to receive educational assistance.

Upon pre-approval by the employee's supervisor and Executive Officer, the following reimbursement policies have been outlined to cover tuition, course/seminar or degree related expenses, and membership dues in professional organizations:

*San Bernardino LAFCO Policy and Procedure Manual*  
*Section III – Human Resources Policies and Procedures*

- Maximum SB LAFCO reimbursement is \$1,000 per fiscal year for membership dues and/or all course expenses plus the cost of books.
- Courses and memberships in professional organizations must be related to the work of the employee's position or occupation and courses must be taken at accredited institutions.
- Pre-approval of classes (or course of study) is required by the appointing authority. Employees must apply for tuition reimbursement, prior to enrolling in the class, by completing the "Educational Assistance Request Form" and submitting it to the appointing authority for approval.
- To be eligible for tuition reimbursement, employees must be employed by SB LAFCO throughout the duration of the course. If the reimbursement is approved and paid to the employee, and the employee leaves SB LAFCO prior to completing two years of LAFCO service after completing the job-related education or coursework, the employee will reimburse SB LAFCO according to the following schedule:

<u>Job-related education/ course completion date</u>	<u>Reimbursement</u>
Within 9 months	100%
After 9 months, but before 18 months	50%
After 18 months, but before 24 months	25%
After 24 months	0%

- The percentage of reimbursement is based on the grade earned for each college seminar, certification, associate, bachelors, masters or doctoral degree course:
  - Grade A 100%
  - Grade B 100%
  - Grade C\* 50%
  - Pass/Credit 50%
- Masters and doctoral degree courses completed with a letter grade of "C" or below are not eligible for any reimbursement.
- Reimbursable expenses include tuition, required textbooks, lab fees, library fees, and required registration and parking fees.



- Upon completion of the course, official grades and receipts must be submitted to the Executive Officer for reimbursement. Taxes are withheld on educational reimbursements when required by law.

#### **14. TUITION LOAN REPAYMENT**

The Commission shall establish a Tuition Loan Repayment Program to assist employees with student loan obligations and encourage continued LAFCO employment.

- (1) Eligibility requirements - all requirements must be met before the employee is deemed eligible for loan repayment assistance:
  - (A) The employee is employed in a regular full time exempt classification.
  - (B) The employee fully completes the County's Student Loan Repayment Application.
  - (C) The employee submits proof of the following:
    - (I) A qualifying degree.
    - (II) Current statements from an unpaid loan.
    - (III) The employee is in paid status in the pay period the repayment is made.
    - (IV) The employee is not participating in another tuition loan repayment program. This does not include participation in any- loan forgiveness program.
    - (V) Employee's last Work Performance Evaluation rating is a "meets standards" or above and not on a work performance improvement plan.
    - (VI) Employee is not on a current leave restriction plan.
- (2) Terms of Loan Repayment Assistance: Employees with 2 or more years of continuous service with LAFCO may apply for tuition loan repayment. Continuous service is defined as the total length of service from an employee's most recent beginning (hire) date in a regular position with no separation from employment. Employees must complete a new application and submit supporting documentation for each disbursement for loan repayment. Any additional annual incentive will require completion of new one-year continuous periods of Qualifying Service on and after the date of the implementation of this provision. In no event will the payments be combined. If the application meets LAFCO requirements, the payment shall be as follows:
  - (A) After completion of 2 continuous years with LAFCO: A single payment of up to \$1,000.
  - (B) After completion of 3 continuous years with LAFCO: A

single payment of up to \$1,500.

- (C) After completion of 4 continuous years with LAFCO: A single payment of up to \$2,000.
- (D) After completion of 5 continuous years with LAFCO: A single payment of up to \$2,500.
- (E) After completion of 6 continuous years with LAFCO: A single payment of up to \$3,000.

Payment shall not exceed the total amount of \$10,000 per employee. Eligible employees may receive the payment within thirty (30) days after approval of the required documentation.

(3) Restrictions

- (A) Employee must have one or more qualifying student loans (including private loans provided they qualify pursuant to all applicable State and Federal laws, rules, and regulations).
- (B) Degree must have been completed and employee must be in active repayment of the loan.
- (C) Loans must not be in default status. Employees must provide a written statement from their lender(s) substantiating that the loan(s) are not in default, dated within ten (10) business days of the application for payment.
- (D) Payments made on loans in the year prior to the repayment request that are less than the maximum yearly repayment amount will be eligible for the lesser amount paid only.
- (E) Employees who separate from LAFCO employment are not entitled to prorated payments.
- (F) The lender information must be verified annually, and must not be older than ten (10) days prior to the application for payment.
- (G) If loans have been consolidated, proof of consolidation must be provided.
- (H) Employees must show proof of loan payments for each of the prior twelve (12) consecutive months.

(4) Program Details


- (A) Payment will be made directly to the employee through EMACS. Payment will be subject to all required payroll deductions, and participants will be responsible for any and all applicable taxes resulting from the payments they receive.
- (B) Qualifying Student Loan shall mean a loan (or the portion of a loan, if consolidated) taken and used to cover the cost of an eligible qualifying degree. The determination of whether or to what extent a loan is a Qualifying Student Loan shall be made based on guidelines established by the County's Human Resources Department.
- (C) Notwithstanding the foregoing, reimbursement under this

Section shall be made subject to any additional conditions approved by the- appointing authority.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #11: LAFCO 3252 - Service Review for the Twentynine Palms Community

---

## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions related to LAFCO 3252:

1. Accept the request of the City of Twentynine Palms to cease further movement on the Service Review for the Twentynine Palms Community.
2. Receive and file the First Draft for the Service Review for the Twentynine Palms Community.
3. Should LAFCO not receive an application to reorganize cemetery services in the Twentynine Palms Community by July 1, 2023, the Commission shall commence a sphere of influence update (expansion) for the Twentynine Palms Cemetery District.

## **CITY INITIATION REQUEST:**

In September 2021, the City Council for the City of Twentynine Palms adopted Resolution No. 20-17 requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). The stated reasoning is to, "identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community." The resolution further states, "a local stakeholder group will be formed to provide peer review of the service review that may identify operational and financial reasons for potential consolidation."

## **CITY WITHDRAWAL REQUEST:**

In May, LAFCO staff released the First Draft to the service review for review and comment by all and any parties (attached to this email). Normally, following a draft release, at a subsequent hearing the Commission would accept and file the service review, adopt the mandatory determinations of the review, approve the environmental action, and adopt the resolution.

However, following the May release of the First Draft, the City informed LAFCO of its desire for the Commission to cease further movement on the service review. On June 14, the City passed a resolution formally requesting LAFCO to stop the service review and not take any additional actions (attached to this email). Rather than withdrawing the service review altogether, the City requests the Commission accept the First Draft but not finalize the service review. Note that the City's staff report also includes the First Draft as an attachment. In essence, what's done is done – the First Draft has been released for all to review but for the City and LAFCO to stop there.

In this matter, the staff recommendation to the Commission is to simply receive and file the first draft. By filing the first draft, which has been widely released, the Commission or any party will be able to access material from the draft and request that the Commission consider and/or remove it for use as a part of another matter before the Commission.

### **TWENTYNINE PALMS CEMETERY DISTRICT:**

One such matter for potential future use is related to the Twentynine Palms Cemetery District. 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. Based on the reasons described in the May 2012 service review, LAFCO designated a zero sphere of influence for the District, thereby signaling the Commission's position for a reorganization of cemetery services in Twentynine Palms.

In 2020, LAFCO conducted a service review of public cemetery districts which identified good movement towards good governance and sustainability. Nonetheless, LAFCO's determination in said service review affirmed a zero sphere of influence for the District.

Since 2020, the District continues to improve. Given the trajectory, LAFCO and District staff's position is that the Commission designate a sphere of influence for the District. Should LAFCO not receive an application to reorganize cemetery services by July 1, 2023, LAFCO staff recommends that the Commission initiate a sphere of influence update (expansion) for the Twentynine Palms Cemetery District.

### **CONCLUSION:**

Staff recommends that the Commission take the actions outlined on page 1.

SM/MT

Attachment:

[City Request to the Commission](#)  
[First Draft for the Service Review for the Twentynine Palms Community](#)

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 22-15**

**A RESOLUTION OF THE CITY OF TWENTYNINE PALMS, SAN BERNARDINO  
COUNTY, CALIFORNIA, FINISHING THE LOCAL AGENCY FORMATION  
COMMISSION (LAFCO) SERVICE REVIEW FOR THE TWENTYNINE PALMS  
COMMUNITY**

**WHEREAS**, the City of Twentynine Palms desired LAFCO to commence a service review pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, to identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community; and

**WHEREAS**, a service review consists of:

- The Twentynine Palms Water District operations of retail water management; and
- The City of Twentynine Palms municipal operations in development of Wastewater and Sewer, Roads, recreations, law enforcement, land use management, and parks; and
- The Twentynine Palms Public Cemetery District operations with operations of public cemetery; and


**WHEREAS**, it is desired that:


- A draft copy was circulated to the affected entities for review and comment; and
- Within the draft copy, although there was measurable fiscal benefits, a consolidation is NOT warranted;
- The City does however want to pursue community savings WITHOUT a consolidation.
- **NOW THEREFORE, BE IT RESOLVED**, the City Council of the City of Twentynine Palm that LAFCO is hereby request the conclusion of the service review for the Twentynine Palms Community in the manner provide by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 without any additional action.

**PASSED, APPROVED AND ADOPTED** on the 14<sup>th</sup> day of June, 2022.



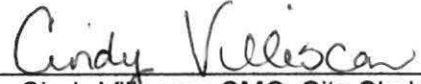
ATTEST:

  
Cindy Villegas CMC, City Clerk

  
Karmollette O'Gilvie, Mayor

I, do hereby certify that the foregoing Resolution No. was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on the 14<sup>th</sup> day of June, 2022, by the following vote:

AYES:	COUNCILMEMBER: BILDERAIN, KLINK, MINTZ, WRIGHT, O'GILVIE
NOES:	COUNCILMEMBER: NONE
ABSENT:	COUNCILMEMBER: NONE
ABSTAIN:	COUNCILMEMBER: NONE

  
Cindy Villescas CMC, City Clerk





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Jun 14 2022

**SUBJECT:** LAFCO Special Service Review.

## RECOMMENDATION:

The City Council approve Resolution No. 22-\_\_\_ that requests the completion of the special service review of the Twentynine Palms Community that includes the City of Twentynine Palms, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District without any additional action.

## ORDER OF PROCEDURE:

Request Staff Report (City Manager  
Presenting)  
Council Questions of Staff  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [Resolution](#)
- [LAFCO Service Review First Draft](#)

## BACKGROUND:

Municipal Service Reviews (MSR) were added to LAFCO's mandate with the passage of the CKH Act in 2000. A service review is a comprehensive study to better inform LAFCO, Local Agencies, and the Community about the provision of municipal services. Service reviews attempt to capture and analyze information about the governance structures and efficiencies of service providers, and to identify opportunities for greater coordination and cooperation between providers. The service review is a prerequisite to a sphere of influence determination and may lead to LAFCO to take other actions under its authority.

LAFCO 3252 (Service Review for the Twentynine Palms Community) has been complete and in draft, the LAFCO Board was going to have a hearing on June 15, 2022, to conclude their review, however, the hearing has been cancelled. The City of Twentynine Palms initiated this process with LAFCO, an independent body, to comprehensively review the governance and operational structure of the identified entities. The City is receiving and filing the review, but NOT taking any additional actions.

The City does, however, want to work with the sister agencies, outside of any LAFCO action, to look for ways to reduce redundancy to save the citizens and rate payers of the community money.

## ENVIRONMENTAL:

To be determined.

## ALTERNATIVES:



The City Council could choose not to approve the Resolution, or add other services to the review, and/or eliminate services as part of this review.

**FISCAL IMPACT:**

This special service review will cost \$5,299 for the review plus a \$4,000 deposit that includes legal, environmental, and noticing. LAFCO has indicated that in most cases, most of the deposit will be returned.

***Service Review for the  
Twentynine Palms Community***

**LAFCO 3252**



**Accepted and Filed \_\_\_\_\_**

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## Executive Summary

### City Request to LAFCO to Conduct a Service Review of the Community

In September 2021, the City Council for the City of Twentynine Palms adopted Resolution No. 20-17 requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). The stated reasoning is to, “identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community.” The resolution further states, “a local stakeholder group will be formed to provide peer review of the service review that may identify operational and financial reasons for potential consolidation.”

Importantly, this service review does not contain LAFCO recommendations. Rather, this service review is the first study, a broad overview, meant to encourage further discussion and analysis. If an agency pursues some type of reorganization, a detailed plan for service - to include a five-year fiscal impact analysis - would be required.

### Service Review Summary of Mandatory Determinations

#### City of Twentynine Palms

Currently, the City’s position in governance, management, and operations is solid. The City’s financial position improved in spite of the pandemic, although modestly, and continues to improve.

#### Twentynine Palms Water District

Currently, the Water District is solid in all aspects: governance, management, finances, and operations. This service review does not identify any infrastructure needs or deficiencies related to water. The financial position of the Water District is solid after years of operating with expenses greater than revenues. A recently approved tiered rate increase projects necessary revenues to meet the reserve policy and fund capital improvements.

#### Twentynine Palms Public Cemetery District

Following years of financial and operations mismanagement, the Cemetery District has made significant improvement in governance and management. Currently, the Cemetery District is stable in all aspects: governance, management, finances, and operations.

### LAFCO Analysis of Methods to Gain Efficiencies

If a service is not federal or state, it is local. Local services are provided by a county, city, or a special district that is either regional or community in nature. While federal and state elections tend to garner the attention, it is local government that is closest to the citizen. Further, most services are provided by local governments. Therefore, in

aggregate, local governments spend a great deal of money. It is reasonable to ask if the public's interest would be better served by consolidation or improved coordination at the local level. In the end, is a reorganization effort clear to regular citizens that they will be better off in the new arrangement – specifically taxes, rates, and service level? Further, would there be local interest from the electorate, water rate payers, and civic leaders to consolidate?

At a basic level, there are two methods to evaluate the City's statement to "identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community": consolidation and collaboration.

### Consolidation

Local services in the Twentynine Palms community are vertically fragmented. This means that there are overlapping local agencies providing distinct services. Vertical consolidation is between overlapping units of government, such as a city and a special district, hoping to better coordinate public services, reduce administrative costs, or enhance civic participation.

The literature indicates there are four primary reasons for consolidation<sup>1</sup>: (1) efficiencies, (2) increase accountability and civic participation, (3) to achieve local and regional goals, and (4) increase capacity to provide services. The fourth reason identified, increase capacity to provide services, does not apply to Twentynine Palms since the governmental structure is vertically fragmented (meaning they overlap and provide different services). Therefore, there is no single service capacity to increase.

There could be some cost efficiencies in duplication of administration functions such as payroll or accounting. However, if the public employees who previously provided the service are moved to new roles within the local government, rather than terminated, then the consolidation would probably not make financial sense. In the long-run, financial benefits could be realized through attrition.

Additionally, subsequent analysis would need to consider the union status of the general employees of the District (excluding the General Manager and three department heads) since City employees are not unionized, the benefit differences in retirement and social security, and the lack of representation of those residing outside the City limits. Those voters and rate payers residing outside the City would lack a vote in electing the governing body of the water department (the City Council). In the unincorporated portion of the Water District, the Water District identifies 1,477 connections as of May 13, 2022 and the Registrar of Voters identifies XXXXX registered voters as of May XX, 2022. Further, it would prohibit those registered voters from running for the governing body of their water service provider.

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<sup>1</sup> "Consolidation" is the merging of services, merging of tax bases, or reducing overlapping units. The definition of "consolidation" in the Local Government Reorganization Act (LAFCO Law) does not apply to this discussion.

## SERVICE REVIEW FOR THE TWENTYNINE PALMS COMMUNITY

This service review does not consider the effectiveness of the service following a reorganization. As stated throughout this review, whereas a reorganization may result in efficiencies, it may not result in more effective service.

*Based on the following scale (strong, solid, fair, and weak), the merits of consolidating either district with the City to:*

- *Gain efficiencies - fair.*
- *Increase the number of candidates for open seats – strong.*
- *Increase voter turnout – solid.*
- *Provide a single forum to address all community service issues – strong.*
- *Provide a single forum to address a potential sewer system – strong.*
- *Achieve local and regional goals – strong.*

### Collaboration

It may be that improved government processes or collaboration, rather than consolidation, may achieve efficiencies or achieve local goals. One such collaboration is sharing facilities or services in order to gain efficiencies.

In Twentynine Palms, the possible desire to develop a municipal sewer system could benefit from Water District and City collaboration. First, both agencies have financial limits as to what they can do themselves. Second, due to the obvious lack of experience in developing a sewer system by both agencies, their respective strengths and experience would benefit the community. Lastly, the project and the community would be better off if the two parties were invested in this endeavor.

*Based on the following scale (strong, solid, fair, and weak), the merits of collaborating amongst the agencies to:*

- *Gain efficiencies - fair.*
- *Achieve local and regional goals – strong.*

As stated previously, this service review does not contain LAFCO recommendations. Rather, this service review is the first study, a broad overview, meant to encourage further discussion and analysis. This review provides a framework for such discussion and analysis, to include any alternative means. If an agency pursues some type of reorganization, a detailed plan for service - to include a five-year fiscal impact analysis - would be required.

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## Introduction

### 1. Purpose of Report

In September 2021, the City Council for the City of Twentynine Palms adopted Resolution No. 20-17 requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). The stated reasoning is to, “identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community.” The resolution further states, “a local stakeholder group will be formed to provide peer review of the service review that may identify operational and financial reasons for potential consolidation.”

In November 2021, LAFCO accepted the City’s application and initiated a service review. This service review fulfills the service review requirements as identified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et. seq.). In general, service reviews evaluate how agencies currently provide municipal services within their service area and the impacts on those services that may occur over the long-term due to population growth and other issues.

Importantly, this service review does not contain LAFCO recommendations. Rather, this service review is the first study, a broad overview, meant to encourage further discussion and analysis. If an agency pursues some type of reorganization, a detailed plan for service - to include a five-year fiscal impact analysis - would be required.

LAFCO may then use this service review as a basis to initiate agency sphere of influence updates, where warranted, to help address identified service efficiencies or deficiencies. “Sphere of Influence” means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission (§56076). Spheres are designed to both proactively guide and respond to the need for the extension of infrastructure and delivery of municipal services to areas of emerging growth and development. The requirement for LAFCOs to conduct service reviews was established as an acknowledgement of the importance of spheres of influence, and recognition that periodic updates of agency spheres should be conducted (§56425[g]) with the benefit of current information available through service reviews (§56430[a]). Service reviews require LAFCO to prepare written statements of six determinations:

1. Growth and population projections for the affected area;
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
4. Financial ability of agencies to provide service;
5. Status of, and opportunities for, shared services; and,
6. Accountability for community service needs, including government structure and operational efficiencies.



## **2. Report Objective**

The primary objective of this service review is to provide the Commission with recommendations to: (1) update the determinations from previous service reviews; (2) initiate sphere of influence updates, if appropriate; (3) identify possible reorganization options for agencies within the Twentynine Palms community; and (4) monitor specific agencies where appropriate.

## **3. Methodology**

Staff referred to a variety of sources for this report, including:

- Previous service reviews and determinations.
- LAFCO's geographic information system ("GIS") which was used to identify future population growth areas and disadvantaged unincorporated communities.
- Information from local agencies, including, but not limited to, budgets, audits, county local agency management plan, city general plan, and land use maps.
- LAFCO outreach to each agency with agency participation, including:
  - A working copy of the service review for review and comment;
  - Notice of the LAFCO hearing to stakeholders and interested parties which was posted on the LAFCO website;
  - LAFCO staff report, along with the first draft, which were provided to all agencies, stakeholders, and interested parties and posted on the LAFCO website.

## **4. Report Organization**

The Twentynine Palms Community Service Review is organized as follows:

<b>Executive Summary</b>	Overview of the key components within the report.
<b>Introduction</b>	(This section) introduces the service review and discusses the mandatory components within a service review which are required by law
<b>Part I: Overview of Twentynine Palms Community</b>	Community location and history, organization of services, and reorganization history
<b>Part II: Possible Reorganization and Governance Options</b>	Section 1: Introduction Section 2: Consolidation Section 3: Coordination
<b>Part III: Agency Profiles and Reviews</b>	Section 1: Community-Level items Section 2: City of Twentynine Palms Section 3: Twentynine Palms Water District Section 4: Twentynine Palms Public Cemetery District
<b>Appendices</b>	A. Comments to the First Draft and LAFCO Staff Responses B. Acronyms and Definitions C. Primers

## **PART I: Overview of Twentynine Palms Community**

### **1. Community Location and History**

The Twentynine Palms Community is located at the eastern end of the Morongo Basin, approximately 90 miles east of San Bernardino and 55 miles north of Palm Springs. State Route 62 (Twentynine Palms Highway) traverses the community leading to the U.S. Marine Corps Air Ground Combat Center and one of the gateways to Joshua Tree National Park, which was designated as a national monument in 1936 and a national park in 1994.

The Twentynine Palms community is located in an area historically occupied by Native American groups referred to as the Serrano and the Chemehuevi. The Serrano occupied an area in and around the San Bernardino Mountains. Their territory extended west into the Cajon Pass, east as far as Twentynine Palms, north past Victorville, and south to the Yucaipa Valley. Their habitation sites required year-round water sources and tended to be located on the desert floor, mountain bases, and into the foothills.

The Chemehuevi arrived in the Twentynine Palms area at the Oasis of Mara around 1870. The Chemehuevi are Southern Paiutes whose territory extended off the lower Colorado toward the west. The Morongo Band of Mission Indians of the Morongo Reservation was established through presidential executive orders in 1877 and 1889.

Twentynine Palms was named for the palm trees located at the Oasis of Mara. When Colonel Henry Washington, Surveyor for the United States government land office arrived in 1855, Chemehuevi were the primary occupants of the Oasis. The gold prospectors who followed in the 1870s used the Oasis as a campsite.

Because of the area's clean dry air and elevation, Dr. James B. Luckie established a retreat for people afflicted with respiratory and heart problems in the 1920s. World War I veterans brought their families and began homesteading the 160-acre parcels made available to settlers by the federal government at no cost. It was homesteading that determined the widespread area that is Twentynine Palms today.

During World War II, the area became important to the U.S. Army and the U.S. Navy, who practiced bombing and held aviation training over the area. In 1952, the facility expanded and transitioned to a U.S. Marine Corps base, now called the U.S. Marine Corps Air Ground Combat Center, which is the largest Marine Corps base.

### **2. Organization of Local Services in Twentynine Palms**

If a service is not federal or state, it is local. Local services are provided by a county, city, or a special district that is either regional or community in nature. While federal and state elections tend to lead the headlines, it is local government that is closest to the citizen. In the Twentynine Palms community, local services are vertically fragmented. This means that there are overlapping local agencies providing distinct services.

This service review by design is a community service review, thus the agencies subject to a full review are the City of Twentynine Palms, Twentynine Palms Water District, and the Twentynine Palms Public Cemetery District.

The table below outlines the local service agencies in the community and the function(s) that each performs. The reader may notice that a sewage or wastewater collection agency is not listed in the table below. Except for the Marine Corps Base, currently there is no organized municipal sewage collection system or wastewater treatment facility within the community. On-site septic systems have been historically utilized by residences and businesses throughout the community.

**Table I-1: List of Community Agencies (Vertically Fragmented)**

City of Twentynine Palms	incorporated municipality that is responsible for all municipal services <sup>2</sup> , unless another agency provides it
Twentynine Palms Water District	retail water
Twentynine Palms Public Cemetery District	cemetery

The following is a brief description of the three agencies subject to a full review.

- City of Twentynine Palms – The City incorporated on November 23, 1987, and encompasses approximately 58 square miles (larger than the city of San Francisco). As a municipality the City is responsible for, or the default agency for, all municipal services unless that service is provided by another agency. For example, the City is not responsible for retail water or fire protection/emergency medical services/ambulance since those services are the responsibility of overlaying agencies. Hence, under its municipal powers, the City is the default agency for park and recreation, streetlighting, and other services including the provision of (potential) sewer service. The City is classified as a “contract city”, defined by the State of California as a city which has a contract with another agency or private organization for the provision of various governmental services.<sup>3</sup> For example, the City is responsible for law enforcement, and it chooses to contract with the County Sheriff’s Department for such services.
- Twentynine Palms Water District – The Twentynine Palms Water District formed in 1954. LAFCO authorizes the Water District the functions of Water (retail, agricultural, domestic, replenishment) and Sewer (limited to planning and engineering). The Water District is an independent special district with a five-member board and operates under County Water District Law (Division 12 of the Water Code). Its boundaries encompass approximately 87 square miles, and

<sup>2</sup> Municipal services refer to basic services that residents expect the local government to provide in exchange for the taxes paid or charges. Basic municipal services may include water, sewer, refuse, roads, library, fire protection, emergency medical, law enforcement, and transportation. Some municipal services overlap with the social services category.

For both social and municipal services, the government may provide these services directly or contract to third party. The available services for any individual government will depend on location, history, geography, statutes and tradition. Provided services vary amongst countries, states, counties, communities, and cities.

<sup>3</sup> Such cities provide many of the basic services (i.e., law enforcement, fire protection, engineering, libraries, and park) through contracts with outside entities with the contract specifying the levels of service to be provided and the financial compensation for the service. Most cities in California which incorporated after Proposition 13 did so as contract cities as a cost savings measure.

## SERVICE REVIEW FOR THE TWENTYNINE PALMS COMMUNITY

includes incorporated and unincorporated area. The Water District's boundaries and/or sphere of influence do not include the City portion that is within the Marine Corps Base.

- Twentynine Palms Cemetery District – In 1934, voters approved the formation of the Twentynine Palms Cemetery District to provide cemetery services to Twentynine Palms, Wonder Valley, and outlying areas. For ease of an identifiable boundary at that time, the Cemetery District formed as the same boundary as the Twentynine Palms Judicial Township. The Cemetery 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).

There are other local agencies that provide services countywide or regionally, which the Twentynine Palms community is a part. The table below identifies these agencies, which are not reviewed in this report.

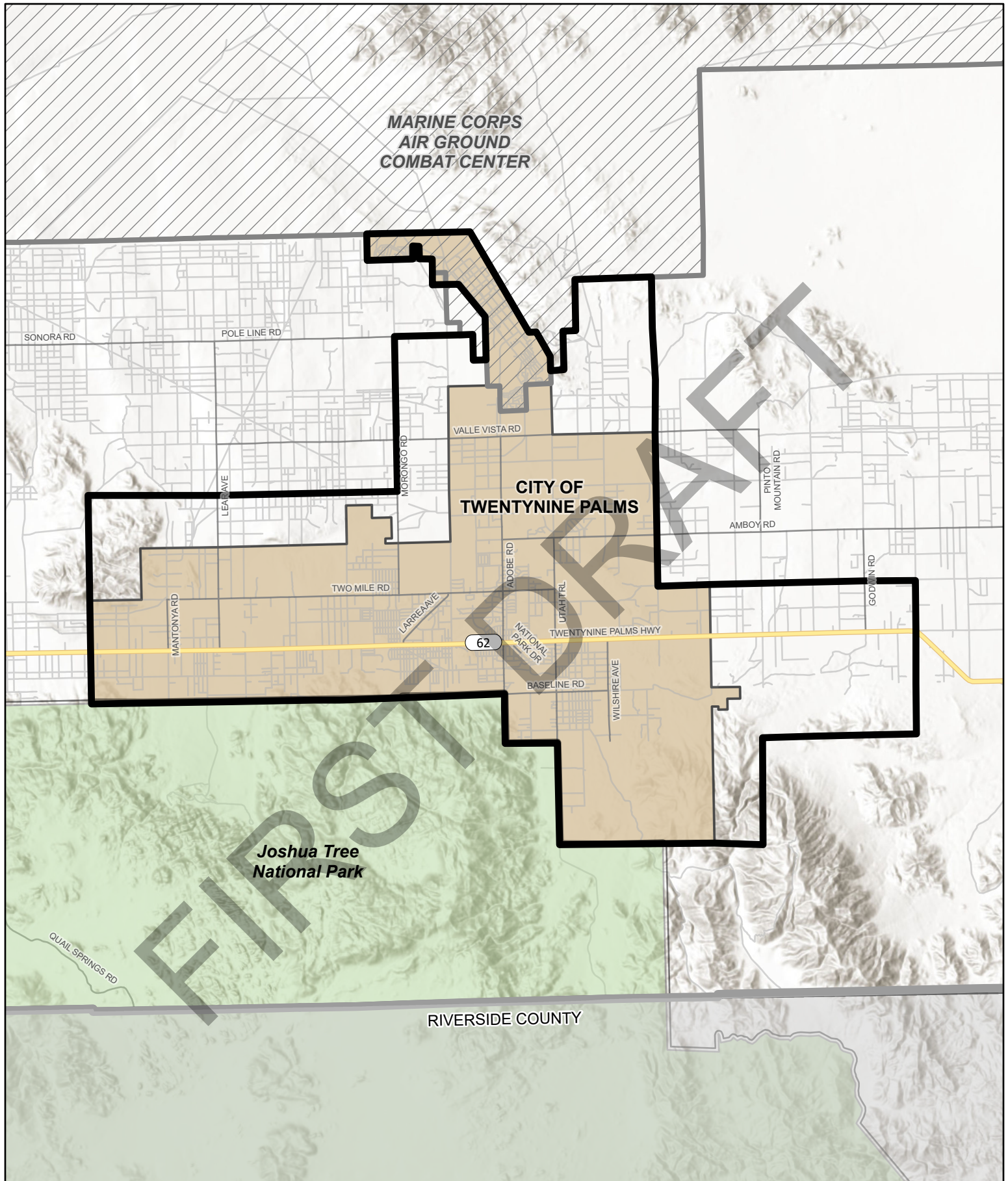
**Table I-2: List of Regional Agencies**

County Service Area 70 Zone TV-5	television translator (eastern portion of the Morongo Basin)
Mojave Desert Resource Conservation District	resource conservation
Morongo Basin Healthcare District	hospital and clinics
San Bernardino County	most social services <sup>4</sup> , law enforcement
San Bernardino County Fire Protection District (County Fire) and its South Desert Service Zone	fire protection, emergency medical services <sup>5</sup>
San Bernardino County Flood Control District	flood control

The following maps include the three agencies subject to a full service review: City of Twentynine Palms, Twentynine Palms Water District, and the Twentynine Palms Public Cemetery District.

<sup>4</sup> Social Services may include healthcare, welfare, job placement, and transition assistance. Some social services overlap with the municipal services category.

<sup>5</sup> Ambulance is provided by Morongo Basin Ambulance, a non-profit.



## City of Twentynine Palms Overview



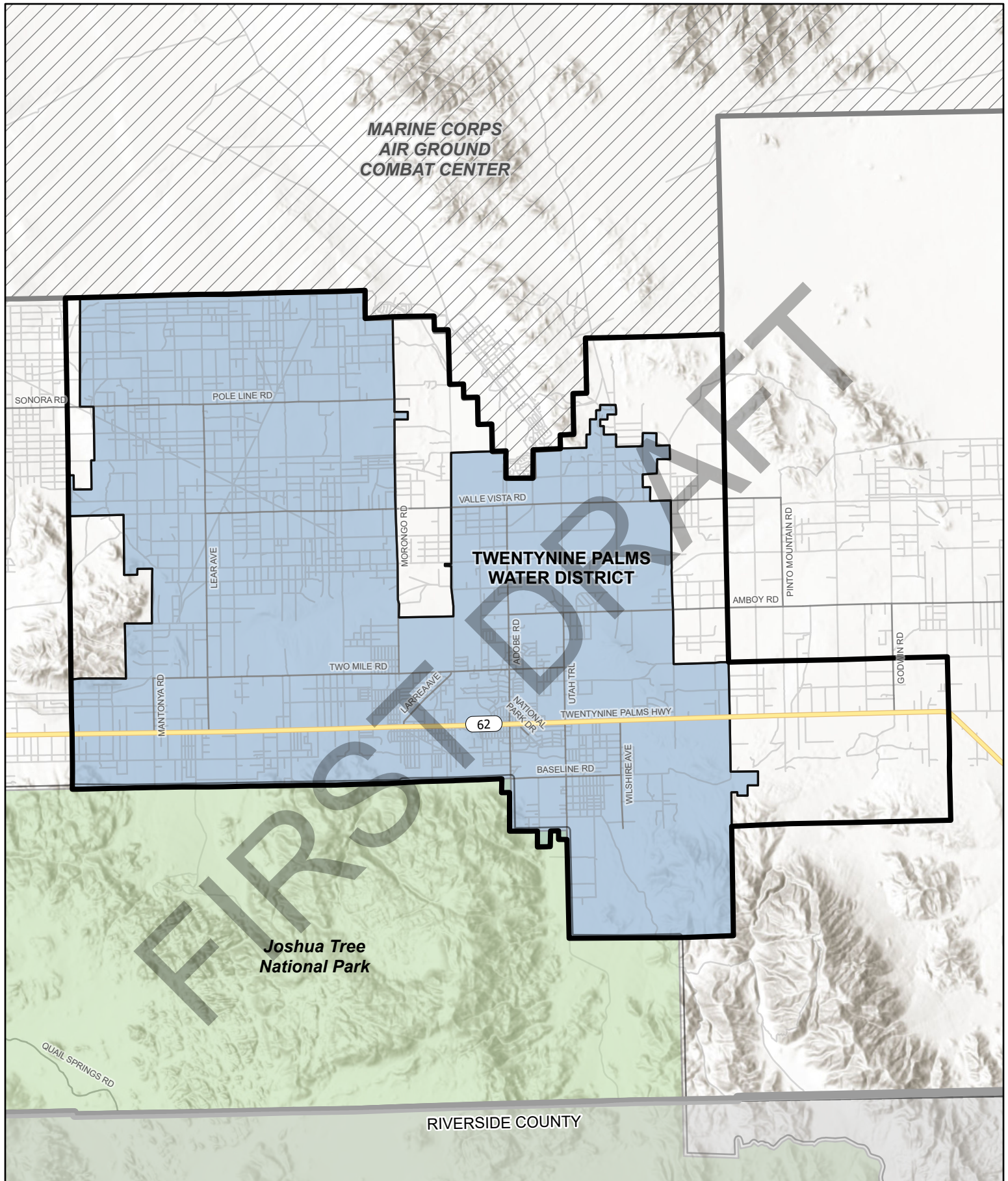
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

0 1.5 3 Miles



- City of Twentynine Palms
- City of Twentynine Palms Sphere of Influence
- Joshua Tree National Park
- Marine Corps Air Ground Combat Center
- County Line





## Twentynine Palms Water District Overview



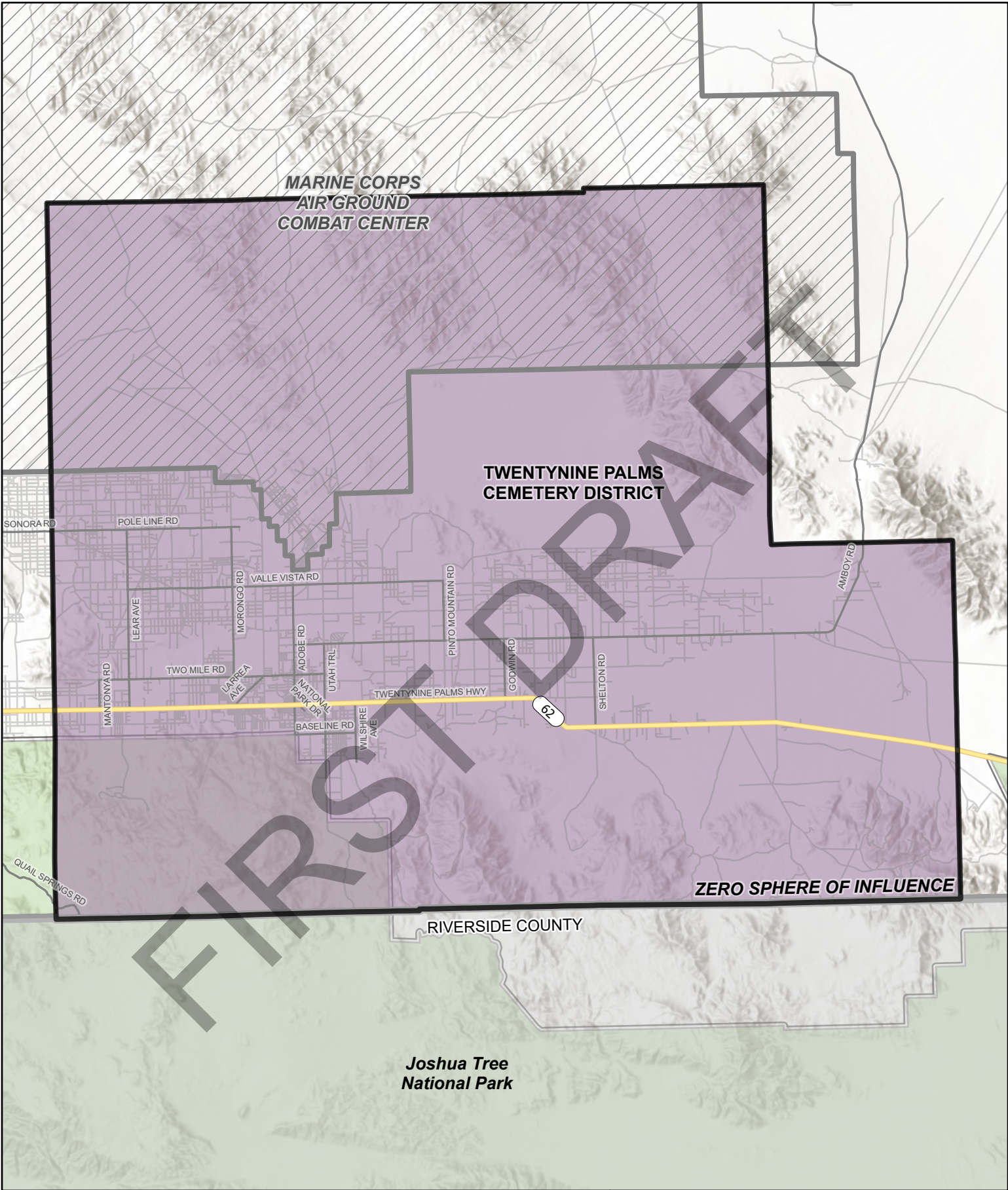
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

0 1.5 3 Miles



- Twentynine Palms Water District
- Twentynine Palms Water District Sphere of Influence
- Joshua Tree National Park
- Marine Corps Air Ground Combat Center
- County Line



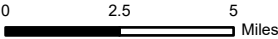


Twentynine Palms Cemetery District Overview

- Twentynine Palms Cemetery District
- Joshua Tree National Park
- Marine Corps Air Ground Combat Center
- San Bernardino County



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



### 3. Reorganization History

The items below are the major events (in terms of government reorganization) for the community.

- 1934 The County Board of Supervisors and the electorate approved the formation of the Twentynine Palms Public Cemetery District as an independent special district to provide cemetery service in the Twentynine Palms, Wonder Valley, and outlying areas, utilizing the boundaries of the Twentynine Palms Judicial Township.
- 1938 The County Board of Supervisors and the electorate approved the formation of the Twentynine Palms Park and Recreation District as a board-governed special district<sup>6</sup> to provide park and recreation service in the Twentynine Palms and Wonder Valley areas.
- 1954 Prior to 1954, the Twentynine Palms area was served water by three privately owned water companies: (1) Abell Water Company, (2) Condor Mutual Water Company, and (3) Pacific Water Company. In 1954 the Twentynine Palms County Water District was formed and subsequently purchased the three water companies. Their wells, storage facilities, and piping served as the initial water system for the Water District.
- 1958 The Twentynine Palms County Water District began to provide fire protection services, under the name Twentynine Palms Fire Department, after the California Department of Forestry ceased providing local fire protection.
- 1985-87 In 1985, the Twentynine Palms Water District denied the hauling of water for uses outside of its boundaries, effective in 1989, in response to changes in the Water Code. In response to the board's action, residents and voters in the area petitioned the district for annexation in order to continue to receive hauled water. In 1986, the Water District initiated an application to expand its sphere by 75 square miles (LAFCO 2406) and annex 25 square miles within five separate areas which was commonly known as the "Lear Avenue Annexation" (LAFCO 2400). The purpose of the annexations was to plan to provide water (which an assessment district would be formed to eventually pipe water to the area) and fire protection services to the area.
- According to the staff report for this item, the vast majority of the residents of the area favored the proposal, and the majority of absentee landowners or holders of large vacant parcels opposed the proposal. In response to the opposition from absentee and vacant landowners, the district's proposed assessment district would only include the basic lands whose owners desire water improvements. The Commission approved the proposals as modified.
- 1987 Registered voters, through citizens group advocating incorporation, gathered adequate signatures and submitted a reorganization application to incorporate the City of Twentynine Palms, dissolve County Service Area 8, and detach from County Service Area 70 (LAFCO 2427). LAFCO held a community workshop on the incorporation which was attended by numerous

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<sup>6</sup> A board-governed special district is a special district that is governed by the County Board of Supervisors.



residents. The Commission approved the proposal on the basis that: 1) the area is a recognizable community; 2) the area is so far away from the seat of county government, that self-governance is warranted; 3) the boundaries adequately reflect the community; and 4) the area has the ability to provide service at a lower cost than other urban areas. Following Commission approval, the County Board of Supervisors ordered that the question for the reorganization be placed on the November election. The measure passed with 52% of the vote (980 for, 894 against). Effective November 23, 1987, Twentynine Palms became a city.

- 1992 The County Board of Supervisors, as the governing body of the Twentynine Palms Recreation and Park District, transferred jurisdictional responsibility for the District to the City Council of the City. Since virtually all of the program and budget decisions primarily affected the citizens of the city, it was recognized that those decisions could be better rendered at the local level.
- 1993 As the governing body of the Twentynine Palms Recreation and Park District, the City submitted an application to dissolve the district (LAFCO 2752). The main reason for the proposal was for the possibility for the City to receive the special district augmentation revenue that went to the district<sup>7</sup>. In addition, the City cited that economies of scope could be realized. The proposal included the transfer of property taxes from the Park District to the City for the City to provide the service. The Commission approved the proposal with the condition that the City was required to continue to provide park and recreation services for residents of the former district that did not reside within the City.
- 1999 The City initiated an application to annex the residential portion of the Marine Corps Base, along with concurrent sphere of influence expansion, comprising 3.9 miles (LAFCO 2855 and 2856). The purpose of the annexation was to increase the City's population through inclusion of military personnel residing in on-base housing, which would increase the revenues distributed to the City through various State subventions, particularly Motor Vehicle in Lieu revenues, while not incurring service or land use obligations on the military base.
- 2012 Over time, the Fire Department of the Twentynine Palms Water District evolved into a two station, fully staffed Basic Life Support ("BLS") operation providing fire, rescue and EMS functions to the citizens of the City of Twentynine Palms and surrounding communities. However, as detailed in LAFCO's 2012 Service Review conducted for the Twentynine Palms community, due to funding shortfalls and subsequent staff attrition, the foundation for Twentynine Palms fire and emergency services eroded over time.

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<sup>7</sup> Soon after passage of Proposition 13 in 1978, the state provided revenue to special districts to bail-out non-enterprise functions. In FY 1979-80 the state adopted a permanent bail-out measure which established the Special Districts Augmentation Fund. Under the law at that time, the full amount of property tax revenue of the District would transfer to the City without reference to the augmentation fund. However, in 1993 the state was considering reducing or even eliminating the augmentation fund which prompted the City need to act on the application to LAFCO.

Options were reviewed during the 2012-13 timeframe which included a discussion with the San Bernardino County Fire Protection District (County Fire) to assume fire responsibility. However, the determination was made to retain local control of the operation. On June 1, 2013, the provision of fire protection and emergency medical services was reduced from two staffed fire stations to one staffed fire station due to the lack of a sustainable revenue source for continued service provision.

2012 The Twentynine Palms Cemetery District's first service review from 2012 raised concerns regarding its fiscal health, lack of a master plan, and other financial and operational issues. Based on the reasons described in the 2012 service review, LAFCO designated a zero sphere of influence for the Cemetery District.

2015 In 2015 the Water District initiated an application to LAFCO to annex into County Fire and to divest itself of the responsibility to provide fire protection and emergency medical services. In essence, fire and emergency services would transfer from the Water District to County Fire. In February 2016, LAFCO considered and approved the proposed reorganization, and County Fire assumed fire and emergency services on July 1, 2016.

As a condition of the reorganization, the City agreed to assume the Water District's remaining fire pension obligation – at that time the assumed obligation was over \$3 million. The justification for this arrangement was that should the Water District's fire operations cease without a reorganization to County Fire, the City would be required to provide fire and emergency services to its territory by law. In short, the use of City funds to resolve this liability dilemma protected the City from being the default agency to assume fire and emergency medical services.

## **PART II: Possible Reorganization and Governance Options**

### **SECTION 1: Introduction**

In September 2021, the City of Twentynine Palms adopted a resolution requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City of Twentynine Palms, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). The stated reasoning is to, “identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community.” The resolution further states, “a local stakeholder group will be formed to provide peer review of the service review that may identify operational and financial reasons for potential consolidation.” That being stated, it seems fair that if local government resources are constrained, then exploring efficiencies is a reasonable inquiry.

Taking into consideration the City’s statement in its resolution, whereas 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 efficiencies in order to reduce service costs;
- Enhancing capital improvement plans and increasing capacity; 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 to any proposed alternative;
- Impact on operating costs (short and long-term); and
- An agency’s financial stability.

At a basic level, there are two methods to evaluate the City’s statement to “identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community”: consolidation and collaboration. The following two sections explore these two methods.

In the end, is a reorganization effort clear to regular citizens that they will be better off in the new arrangement – specifically taxes, rates, and service level? Further, would there be local interest from the electorate, water rate payers, and civic leaders to consolidate?

According to a 2020 publication from the Governance Finance Officers Association, concessions that limit personnel and department cuts hinder the expected cost savings and efficiency gains. Thus, as with any large endeavor, the difference between success or failure is in the details. This means that even if consolidation improves the efficiency of government in the short run, efficiencies are not guaranteed in the long run.<sup>8</sup>

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<sup>8</sup> Kavanagh, Shayne and Chris Fabian. Governing Magazine. Improving Local Government Coordination and Reducing Waste from Local Government Fragmentation – Part 3: Government as a Platform: Plugging in the Best Service Providers”. Governance Finance Officers Association. 2020.

## **PART II: Possible Reorganization and Governance Options**

### **SECTION 2: Consolidation**

Local services in the Twentynine Palms community are vertically fragmented. This means that there are overlapping local agencies providing distinct services. Vertical consolidation is between overlapping units of government, such as a city and a special district, hoping to better coordinate public services, reduce administrative costs, or enhance civic participation. Conversely, horizontal consolidation is between adjacent units of government (two cities for example) hoping to merge services or combine resources or tax base; this does not apply to this community.

The literature indicates there are four primary reasons for consolidation<sup>9</sup>: (1) efficiencies, (2) increase accountability and civic participation, (3) to achieve local and regional goals, and (4) increase capacity to provide services. The fourth reason identified, increase capacity to provide services, does not apply to Twentynine Palms since the governmental structure is vertically fragmented (meaning they overlap and provide different services). Therefore, there is no single service capacity to increase.

Some base-level considerations should be factored into the feasibility of consolidation, such as bonded indebtedness, retirement differences, employee benefit differences, infrastructure conditions, legal issues, and more.<sup>10</sup>

#### **1. Consolidation: Efficiencies**

##### **A. Why Consolidate: Efficiencies**

Consolidation can reduce redundant tasks and positions, thereby resulting in efficiencies. Since the City does not provide water or cemetery services, there would not be significant efficiencies in water or cemetery operations. Rather, such efficiencies could be in purchasing, management, finance, technology, infrastructure, and others.

Two types of consolidation are available to the community. The first is dissolving the water and cemetery districts and making their functions a City Department. The second is retaining the Water District but establish it as a subsidiary district of the City (the Cemetery District is not eligible for subsidiary district status as it is vastly larger than the City). Both types are discussed below.

##### **B. Dissolution of the Water District and Make the Function a City Department**

The City could apply to LAFCO to dissolve the Water District and make the function a city department, for example the City of Twentynine Palms Water Department.

<sup>9</sup> "Consolidation" is the merging of services, merging of tax bases, or reducing overlapping units. The definition of "consolidation" in the Local Government Reorganization Act (LAFCO Law) does not apply to this discussion.

<sup>10</sup> Kavanagh, Shayne. Governing Magazine. Improving Local Government Coordination and Reducing Waste from Local Government Fragmentation – Part 1: Does Consolidating Local Governments Work?". Governance Finance Officers Association. 2020.

Efficiencies would come from the reduction of the district board of directors, legal counsel, auditor, at least one upper level management position, and human resources. Whereas the elimination of some positions would occur, the proportionate tasks would be reduced but not be eliminated. These items are addressed individually below.

- Little to No Reduction
  - Legal Counsel – Most of the District's legal costs relate to water operations with a lesser amount for general operations.
  - Audit and Budget – Auditing standards require separate accounting by fund. The water department's activities would need separate accounting across-the-board. Therefore, there would be little to no reduction in these costs.
- Reduction but not elimination
  - Finance, Human Resources, and Board Clerk – These positions could technically be eliminated but the related tasks in full most likely could not be assumed by the City's respective staff. As a starting basis for discussion, a savings factor of 50% could be applied to the current cost for these services.
  - Board of Directors – A board of directors would be eliminated upon dissolution. However, due to the historical and technical nature of water service, an advisory council or water committee seems likely. As such, the services of these people would incur costs, but likely less than that of a full functioning district board of directors. As a starting basis for discussion, a savings factor of 50% could be applied to the current cost for these services.
  - General Manager – The General Manager of the Twentynine Palms Water District performs two functions – the head of administration and the head of operations. For administrative purposes, the City could choose not to function with a Water General Manager. Administrative functions could be assumed by the City Manager. However, the City Manager could not assume the duties as head of water operations since such duties require certifications. After reviewing the District's documents as well as content from interviews between LAFCO staff and District management, the bulk of the General Manager's work relates to operations and not administration. The District has confirmed that the Director of Operations position is typically vacant, supporting the staffing model where the General Manager is the lead operator. Earlier this year, even with a Director of Operations, the two supervisors (Maintenance and Production) reported to the General Manager and not the Director of Operations. Additionally, the District has not had an engineer on staff. Further, the past few general managers have all been promoted from within, thereby

promoting continuity and expertise of local operations. In essence, the General Manager of this district is the lead operator. Therefore, as a starting basis for discussion, a savings factor of 25% could be applied to the current cost for this service.

### **Items to Consider:**

First, LAFCO's preliminary calculations for this option would result in an annual savings of roughly \$200,000. Should the City desire to pursue this option, the required application to LAFCO would include a Plan for Service and Fiscal Impact Analysis detailing the reductions. Additional analysis would include addressing the union status of the general employees of the District (excluding the General Manager and three department heads) since City employees are not unionized.

Second, the District participates in Social Security as well as CalPERS. In 1986 Social Security changed to allow agencies that contract with retirement plans such as CalPERS to also participate in Social Security. The District is an agency that elected to participate, so it has both benefits. The employees pay their full share of the employee CalPERS costs and the employee Social Security costs. Elimination of Social Security and providing the other government retirement plan, CalPERS, would save an additional roughly \$100,000. Analysis of this matter is beyond the scope of this service review, and proper consideration requires detailed analysis.

Third, one downside to dissolving the District and making its function a City Department, is that the District's territory is larger than the City's. In this case, the City would be obligated to continue service beyond its boundary - throughout the District's territory. The consequence of this option is that those voters and rate payers residing outside the City would lack a vote in electing the governing body of the water department (the City Council). In the unincorporated portion of the Water District, the Water District identifies 1,477 connections as of May 13, 2022 and the Registrar of Voters identifies XXXXX registered voters as of May XX, 2022. Further, it would prohibit those registered voters from running for the governing body of their water service provider.

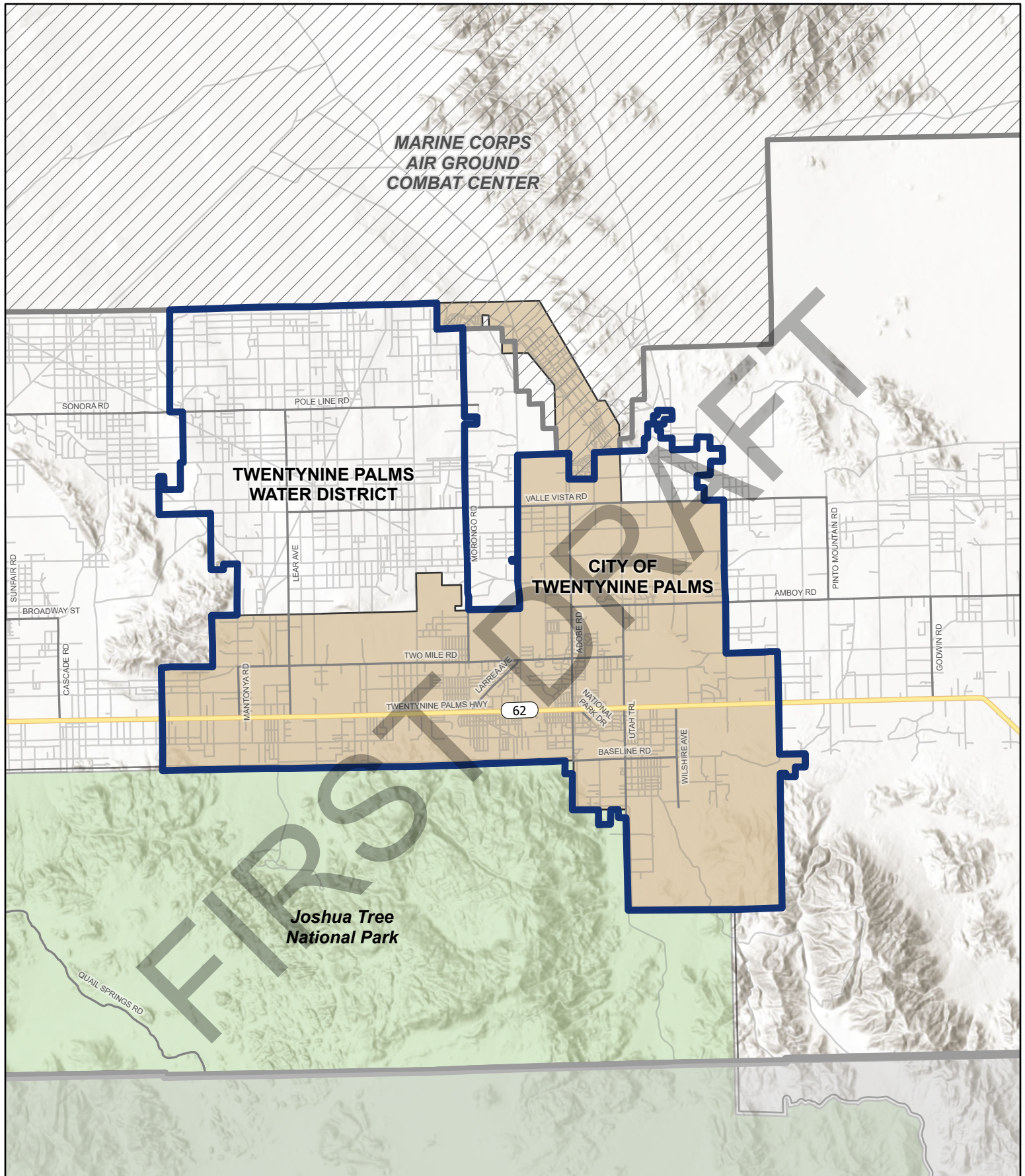
Lastly, this service review does not consider the effectiveness of the service following a reorganization. As stated throughout this review, whereas a reorganization may result in efficiencies, it may not result in more effective service.

### **C. Retain the Water District but make it a Subsidiary District of the City**

A similar option would be to retain the Water District but make it a subsidiary district of the City. This means that the district transitions from an independent district to a dependent district governed by the City Council. In fact, a subsidiary district can be larger than a city. State law allows for subsidiary district status if at least 70% of the district territory and 70% of the district's registered voters are within the city limits. In the corporate world, a subsidiary company is a company owned or controlled by another company, which is called the parent company or holding company.

The following figure shows the Water District overlaid by the City.





## Twentynine Palms Water District Overlaid with the City of Twentynine Palms



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

0 1.5 3 Miles



- City of Twentynine Palms
- Twentynine Palms Water District
- Joshua Tree National Park
- Marine Corps Air Ground Combat Center
- County Line

The benefits for a city to govern a subsidiary district is to control the governance and operations of the district. On the other hand, some communities form subsidiary districts or re-establish independent districts as subsidiary districts in order to gain efficiencies, while isolating the district's finances from the parent (the city). In the case of Twentynine Palms, a subsidiary Twentynine Palms Water District would be governed by the City Council (acting as the Water District board) and the lead water administrator would likely report to the City Manager. The Water District's finances would be separate from the City's and pursuant to accounting standards would require separate budgets and audits.

At this time, the Water District is not eligible for subsidiary district status. It only meets the voter requirement, but does not meet the territory requirement because 62% of the district's territory is within the city limits. In order to be eligible, the City would first have to annex an additional eight percent to reach the 70% minimum. The most likely area for annexation would be Desert Heights.

Similar cost efficiencies would occur as with the previous option (dissolution and establishing a water department). In addition, should the City annex the additional two percent, it would gain a portion of the property tax of the area in order to provide general municipal services.

#### **D. Dissolution of the Cemetery District and Make the Function a City Department**

The City could apply to LAFCO to dissolve the Cemetery District and succeed to its service responsibility, assets, and liabilities. 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 Cemetery 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 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.

In addition, the Cemetery District's territory is much larger than the City. Should this option come to fruition, LAFCO staff would recommend that the Commission include a condition that the City continue to provide cemetery services for residents of the former district that do not reside within the City. Efficiencies would come from the reduction of the district board of directors, legal counsel, and auditor. Whereas the elimination of some positions would occur, the proportionate tasks would be reduced.

#### **E. Conclusion: Efficiencies**

There could be some cost efficiencies in duplication of administration functions such as payroll or accounting. However, if the public employees who previously provided the service are moved to new roles within the local government, rather than terminated, then the consolidation would probably not make financial sense.

This service review does not consider the effectiveness of the service following a reorganization. As stated throughout this review, whereas a reorganization may result in efficiencies, it may not result in more effective service.



## 2. Consolidation: Increase Accountability and Civic Participation

The occurrence of three overlapping governmental units<sup>11</sup> in a small community could result in insufficient civic participation, both for candidates running for office and electorate voting.

### A. Candidates Running for Office

In order to run for office, one must be a registered voter. The community has pool of roughly 7,800 registered voters that are eligible for candidacy for the City, Water District, Cemetery District, Unified School District, and Community College District. Therefore, the small pool does not lend to competitive elections in this community.

Elections for representation on the City Council of the past 10 years shows competitive races in six of eight elections since 2012. Therefore, competition is not a challenge for City elections during this time span. Note that the City transitioned from at-large membership to membership by district starting with the 2018 election.

**Table II-1: City Elections since 2012, Number of Candidates**

	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT 5
2020 Presidential General	1	2			
2018 Statewide General			1	2	2
	CITY WIDE, AT LARGE				
2016 Presidential General	4	pick 2			
2014 Statewide General	6	pick 3			
2012 Presidential General	3	pick 2			

Source: San Bernardino County Registrar of Voters

Elections for representation on the Water District Board of the past 10 years shows competitive races in two of four elections since 2012. Therefore, competition is a challenge for Water District elections during this time span.

**Table II-2: Water District Elections since 2012, Number of Candidates**

Election	Candidates	Election/Appointment
2019 District Mail	3	Election, pick 2
2017 Consolidated Mail	3	appointments in lieu of election, 3 seats
2015 Consolidated Mail	1	appointments in lieu of election, 1 seat
2013 Consolidated Mail	5	Election, pick 3

Source: San Bernardino County Registrar of Voters

<sup>11</sup> The Morongo Basin Unified School District is excluded from this analysis since its jurisdiction is larger than the Twentynine Palms Community, generally encompassing the entire Morongo Basin.

By law, Cemetery District board members are appointed by the County Board of Supervisors.

## B. Interest in Appointments to the Cemetery Board

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 (Health and Safety Code §9020, §9025). In the LAFCO staff's view, limiting membership to three members for such a large area would not promote 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.

Additionally, 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.

## C. Voter Participation

As shown in the table below, voter turnout to City elections has been strong. Turnout was 44% and 53% during the past two Statewide General elections and over 70% in each of past three Presidential General Elections. However, turnout has been weak during mail elections for the Water District. Note that in 2015 and 2017, the Water District appointed in lieu of election due to lack of candidates.

**Table II-3: Voter Turnout since 2012**

CITY		WATER DISTRICT	
2020 Presidential General	76%	2019 District Mail	18%
2018 Statewide General	53%	2017 Consolidated Mail	--
2016 Presidential General	76%	2015 Consolidated Mail	--
2014 Statewide General	44%	2013 Consolidated Mail	25%
2012 Presidential General	71%		

Source: San Bernardino County Registrar of Voters

### Water District Election Change

Elections Code Sections 14050 through 14057, known as the California Voter Participation Rights Act (Act), prohibits cities, school districts, and special districts from holding an election other than on a statewide election date in even-numbered years, if holding an election on a non-concurrent date has historically significantly decreased voter turnout. Significant decrease in voter turnout is defined as at least 25 percent less than the average voter turnout within the jurisdiction for the previous four statewide general elections. Local agencies must consolidate their elections with a statewide election no later than the November 8, 2022 Statewide General Election.

The Water District has held its governing body elections as mail ballot elections in August of odd-numbered years since 2009 when its voters approved the move. The Water District's most recent election was held on August 27, 2019 and voter turnout was 18.33%. The average voter turnout in statewide general elections of 2012, 2014, 2016 and 2018 was 59.40%. The Water District's voter turnout in 2019 was significantly decreased as defined in the Act. On January 5, 2021, the County Board of Supervisors approved a District request to move its election dates from mail ballot elections held in August of odd-numbered years to statewide general elections held in November of even-numbered years, commencing with the November 8, 2022 Statewide General Election. (Board Item 38).

Future discussion on efficiencies can take into consideration the voter participation from the November 8, 2022 election for the Water District.

#### **D. Conclusion: Accountability and Civic Participation**

In the Twentynine Palms community, three overlapping governmental units contributes to insufficient civic participation. Elections for representation on the City Council for the past ten years show competitive races in six of eight elections since 2012. However, competition has been a challenge for Water District elections. As for voter turnout, turnout has been strong for City elections and weak for Water District elections. With a move to Statewide General Elections for the Water District, the hope is for increased turnout as well a decrease to election costs. Number of candidates and voter participation are solely not reasons for consolation, but should be considered as a part of the overall discussion.

### **3. Consolidation: Achieve Local and Regional Goals**

#### **A. Consolidation to Provide a Single Forum**

As currently organized, community members must participate in two government forums to obtain a complete picture of water and wastewater matters. This may lend to inefficiency in messaging and planning.<sup>12</sup> For example, the public may be better able to voice concerns and receive more attention from one lead elected official (mayor) and one lead administrator (city manager).

Second, there is a lack of competition in vertical agencies, specifically when one agency is single purpose. As a result, there is lack of competition in the budget process when there is a single purpose agency. As constructed, community members must participate in two budget processes to provide their input on policy priorities and fund allocation.<sup>13</sup> Should the Water District be a part of the City as a

<sup>12</sup> Goodman, Christopher B. "Local Government Fragmentation: What Do We Know?" State and Local Government Review. 51 (2): 134–144. (2019).

<sup>13</sup> Christopher R. Berry. Imperfect Union: Representation and Taxation in Multilevel Governments. New York: Cambridge University Press. 2009.

department, then the amount of funds divided amongst all priorities and services could be debated in one forum.

## **B. Sewer System**

As stated, this community is vertically fragmented, meaning that there is little overlap in responsibility. The community is exploring the opportunity to develop a sewer collection and treatment system. Should this become an explicit goal of the community, then the city absorbing the Water District and making into a city department could provide a single voice for all water and wastewater matters. Water and wastewater are services whose planning and operations are influenced by the other. For example, groundwater is affected by waste discharge, and wastewater can be treated and put back into the ground or used for non-potable uses such as irrigation.

In 2018, LAFCO conducted a *Countywide Service Review for Wastewater*, which included the Twentynine Palms community. That service review determined that the City and the Water District are aware that the Colorado River Basin Regional Water Quality Control Board is concerned about potential contamination, and the parties are concerned that the Regional Board could issue an order for the community to immediately develop a wastewater system. Meanwhile, the neighboring Marine Base has an aging wastewater treatment facility.

The Twentynine Palms community is identified as an area that has a need and opportunity for an organized wastewater collection system, and an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps base.

Two local agencies have the authority to plan for a future wastewater system: (1) the City of Twentynine Palms as a municipality can provide collection and/or treatment, and (2) the Twentynine Palms Water District is authorized by LAFCO the Sewer function but with services limited to Planning and Engineering.

Meanwhile, the neighboring Marine Base has an aging wastewater treatment facility located just north of Mesquite Dry Lake aboard the installation. The Base has requested military construction funding to construct a new facility near the current site. This is the highest priority construction project for the Base, however it is not currently scheduled, and it is unclear when this construction may be funded. With concurrent wastewater treatment needs for the Marine Corps base and the Twentynine Palms community, the City has presented an opportunity to develop a joint wastewater system with the Marine Corps base.

LAFCO staff understands that the Twentynine Palms Water District has participated in meetings with the City and Marine Base, but that the City is taking the lead in the feasibility study with the Marine Base. The Water District is authorized by LAFCO the Sewer function but with services limited to Planning and Engineering. Having such authorization allows the Water District to play an integral role in a potential sewer collection and treatment system and shaping the future of the overall Twentynine Palms Community.

### Benefits for a Combined Water/Sewer Agency

There are significant benefits when one agency is responsible for water and sewer services – be it a city or district. First, if one agency is responsible for sewer treatment and another is responsible for water distribution, there may be differing policies on the distribution of the treated wastewater (also known as recycled water or grey water). In many instances, the agencies have agreements on where, when, and how to distribute the treated wastewater. However, in other instances, the different governing bodies may have different philosophies and policies regarding recycled water and cannot come to an agreement. For example, who becomes the responsible agency to distribute the treated wastewater to the parks for irrigation – the water agency or the wastewater agency? Alternatively, when one agency is responsible for both sewer treatment and water distribution, the result is clear policy on recycled water. Further, a combined agency would have direct access to recycled water, thereby partially offsetting its water demands for irrigation.

Second, there is crossover in equipment and maintenance of the systems. When there are separate agencies, both agencies have separate fleets for water and sewer. When combined, certain equipment such as backhoes, trucks, and jetters can be shared for the water system and sewer system. Further, a combined crew can work on both the water system and sewer system since the core task is similar. Note that the separate certifications are required for water treatment and sewer treatment.

Third, a combined agency would benefit by providing a bundled service and billing to customers for water and sewer. A combined agency could simply charge for sewer based upon water consumption.

### **C. Conclusion: Achieve Local and Regional Goals**

Consolidation can provide for a single forum for community engagement. In some cases, this may promote more efficient messaging and planning. Should the community desire to develop a sewer collection and treatment system, the City absorbing the Water District and making into a city department could provide a single voice for all water and wastewater matters.

This service review does not consider the effectiveness of the service following a reorganization. As stated throughout this review, whereas a reorganization may result in efficiencies, it may not result in more effective service.

## **PART II: Possible Reorganization and Governance Options**

### **SECTION 3: Collaboration**

This section explores the concept of collaboration as a means to enjoy the benefits of consolidation without surrendering identity and independence. It may be that improved government processes or collaboration, rather than consolidation, may achieve efficiencies or achieve local goals. In the previous section, three reasons were discussed for consolidation: (1) efficiencies, (2) increase accountability and civic participation, and (3) achieve local and regional goals. This discussion excludes item (2) increase accountability and civic participation, as is not a significant factor for collaboration.

#### **1. Collaboration: Efficiencies**

One such collaboration is sharing facilities or services in order to gain efficiencies. Across the country, there are substantial gains available from collaboration. Since the agencies do not duplicate or overlap in services, efficiencies would be in general administration such as payroll and accounting. Further there is no unique community character associated with these services.

In this option, the agencies could share resources. For example, equipment used by both agencies, but not full time, could be shared. Of course, this is dependent upon the legal and risk management (insurance) review.

#### **2. Collaboration: Achieve Local and Regional Goals**

In working towards a goal, collaboration holds promise for addressing big social challenges that are multi-faceted like poverty, homelessness, and addiction. However, a review of the literature shows that local governments in general are starting to use collaboration to address community challenges.

Collaboration connects separate entities to pursue a shared vision and harnesses their collective resources and capital to achieve the objective. Further, this engagement makes the entities mutually accountable. For example, the County of San Bernardino created a shared vision for the entire county and enlisted organizations from many sectors in this vision, including local governments within the county.

In Twentynine Palms, the possible desire to develop a municipal sewer system could benefit from Water District and City collaboration. First, both agencies have financial limits as to what they can do themselves. Second, due to the obvious lack of experience in developing a sewer system by both agencies, their respective strengths and experience would benefit the community. Lastly, the project and the community would be better off if the two parties were invested in this endeavor.

According to the Water District, the City and Water District have a history of joint committees and collaboration. These include:

- Having a joint ad hoc committee to evaluate technical inquiries over the potential impact of septic systems on groundwater sources.
- Water District staff have participated in three previous engineering evaluations of centralized wastewater management sponsored by the City.
- Pursuing state grants related to wastewater study and water services.

FIRST DRAFT

## **PART III: Agency Profiles and Reviews**

### **SECTION 1: Community-Level Review Items**

Due to the overlay of the City, Water District, and Cemetery District, three of the mandatory determinations for a service review can be reviewed at the community level, and not duplicated for each agency. These determinations are:

1. Growth and population projections for the affected area
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence
3. Infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence

#### **1. Growth and population projections for the affected area**

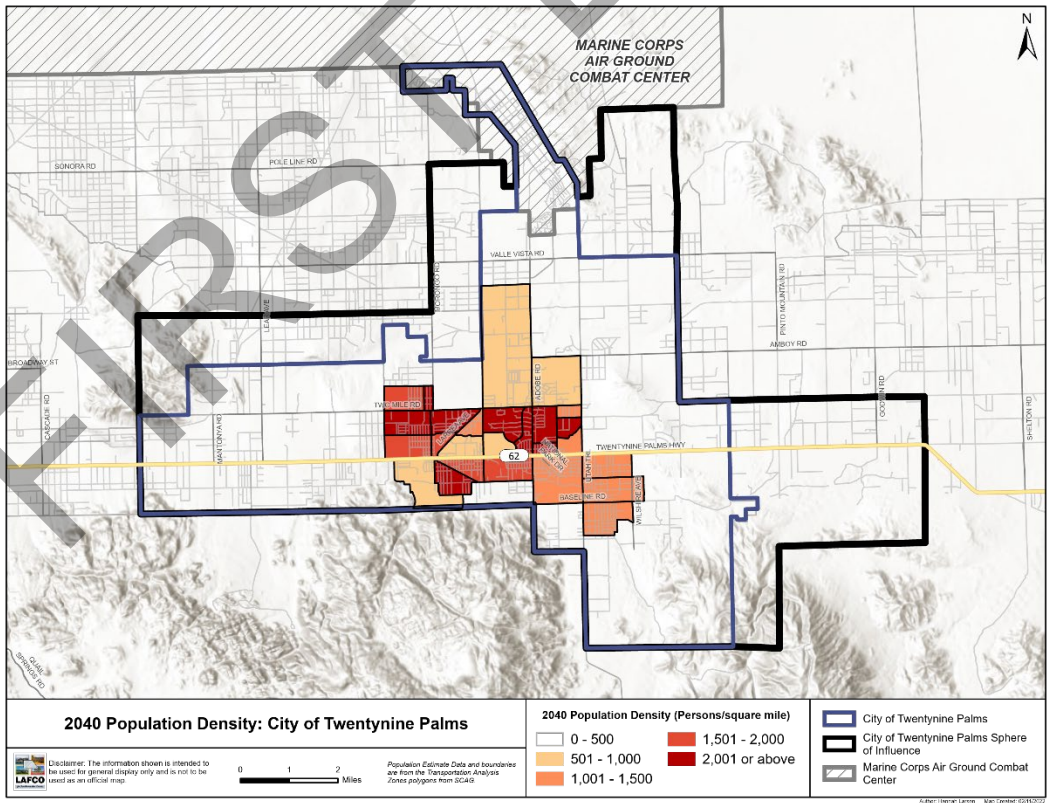
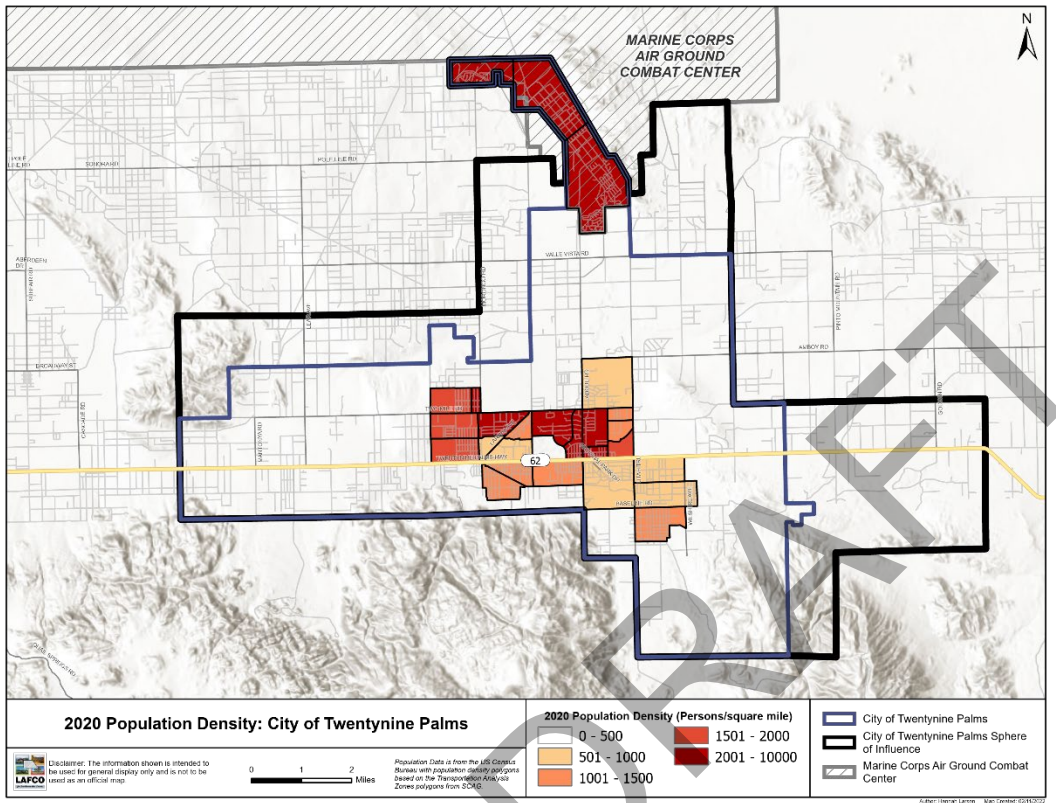
Twentynine Palms can be characterized as a rural desert community that has a high population density where its boundary overlaps with the Marine Corps Air Ground Combat Center. The community is concentrated around commercial areas which run along State Highway 62, also known as Twentynine Palms Highway, and Adobe Road, which runs north to the Military Base. These areas contain the majority of multifamily and relatively dense single-family land uses. Less dense single family and rural living are located in the majority of the remainder of the community.

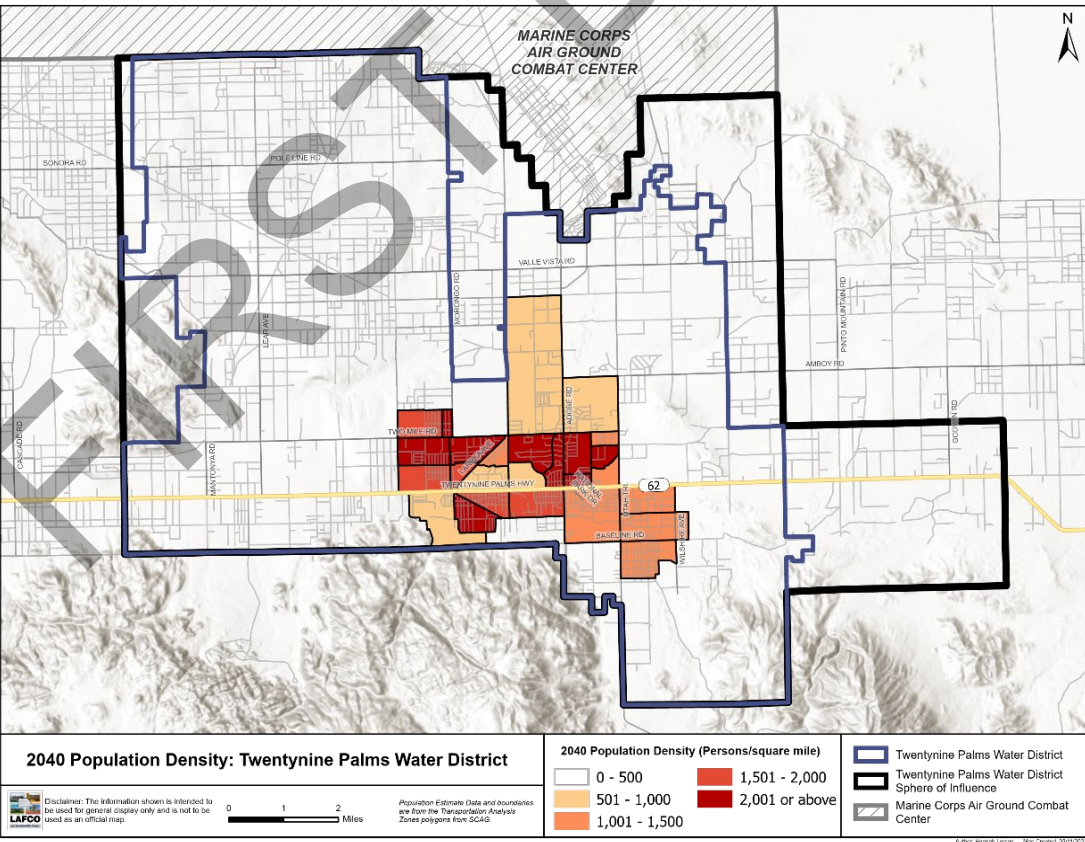
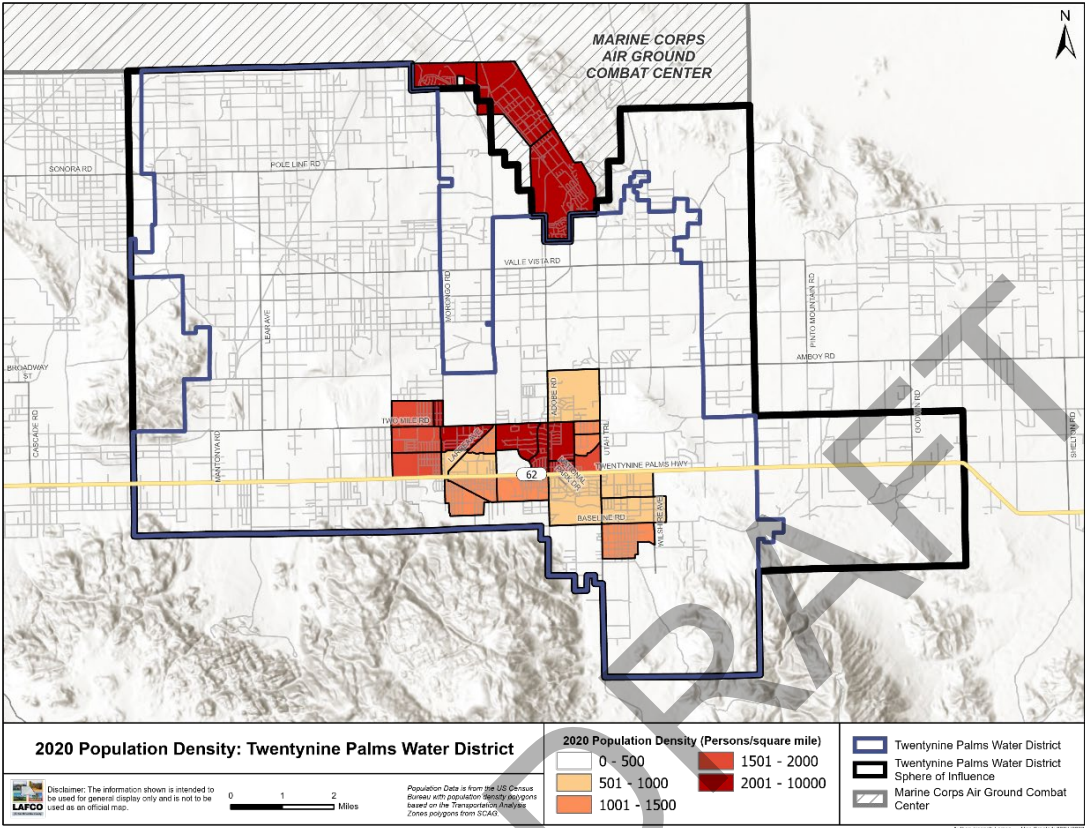
The City had a total population of 25,048 in 2010 and 28,065 in 2020 according to the United States Census Bureau. Overall, the City has grown by 1% annually for the past 10 years.

The following three pages show two population density figures for each agency: 2020 estimate and 2040 forecast. As shown, the population density in the community is not projected to increase significantly by year 2040 given the availability of developable land, remote nature of the desert communities removed from pass-through traffic, and the local economic structure.

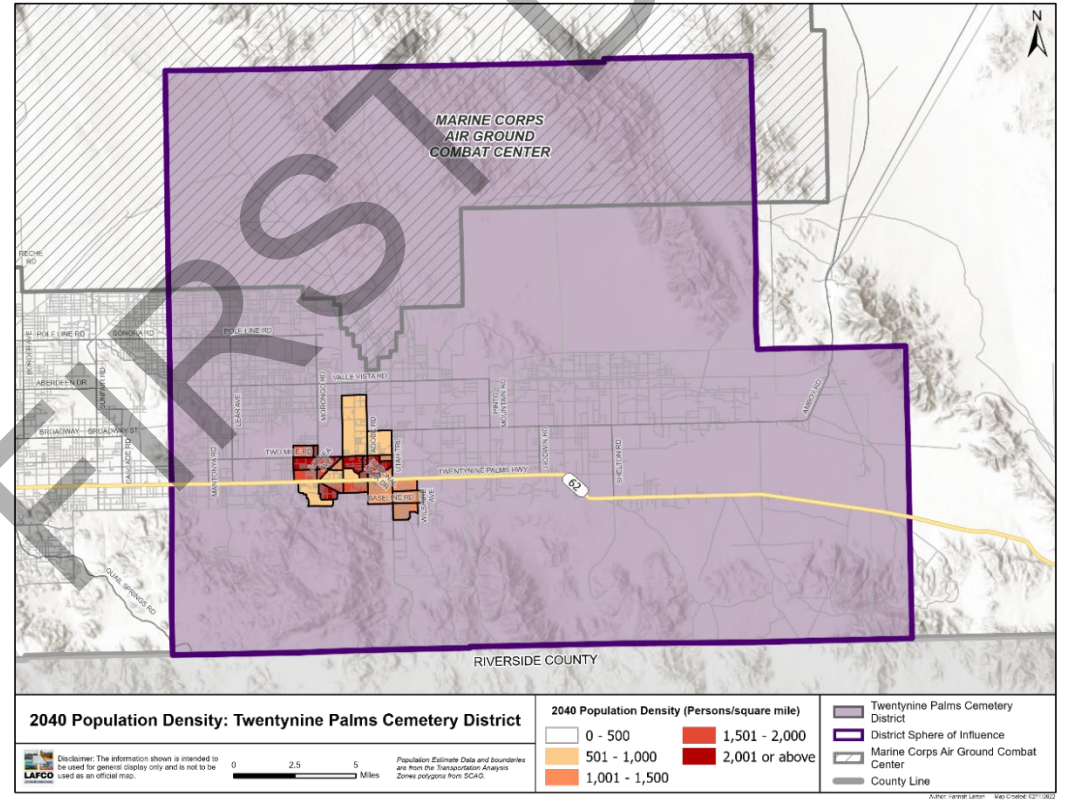
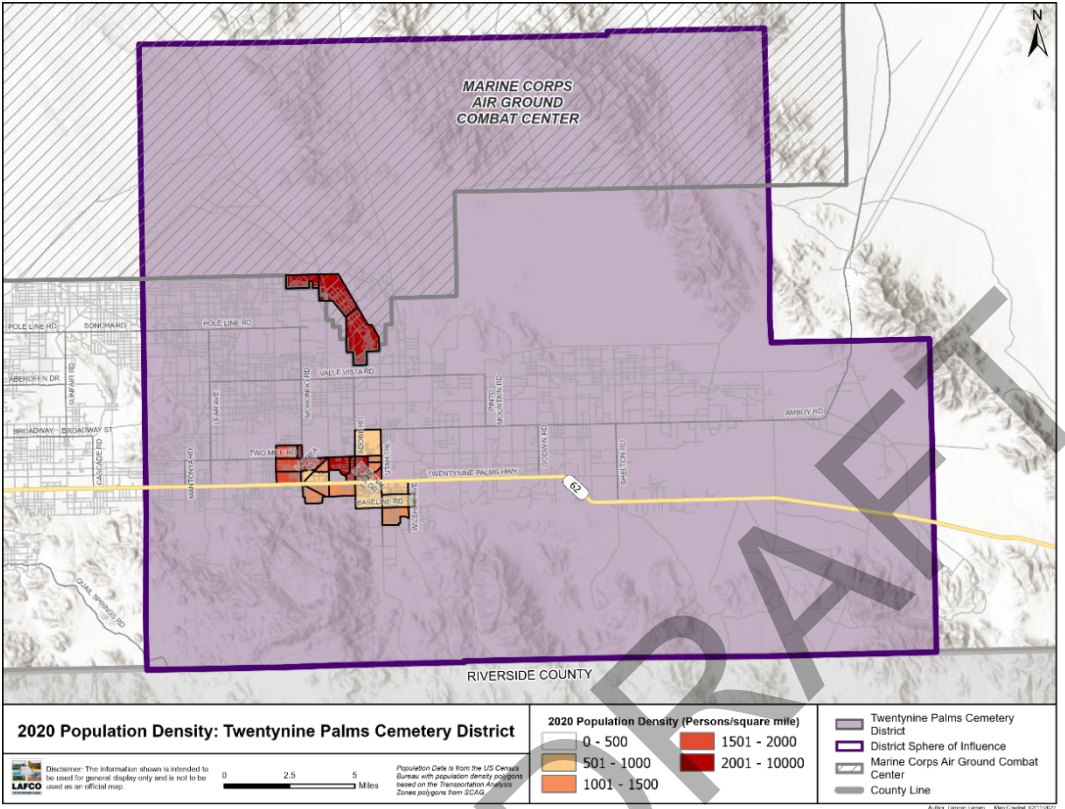
However, San Bernardino County, in general, is anticipated to see more population growth in the near term than the coastal regions of Southern California. The high cost of housing in the coastal counties of Los Angeles, Orange and San Diego has made the Inland Empire a destination of choice for many residents willing to commute to those areas. Shortly, the South Desert Region, including Twentynine Palms, has experienced an increase in full-time and part-time residents and visitors seeking rural and open space.











## 2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

### A. Definition

The State of California adopted a definition of disadvantaged community (or “DAC”) through passage of Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. This measure added §79505.5(a) to the California Water Code and defines a disadvantaged community as a “community with an annual median household income that is less than 80 percent of the statewide annual median household income.” For 2021, 80% of the statewide median household income is \$60,188. 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.

### B. Disadvantaged Unincorporated Communities (DUCs)

Particular to annexations, the state mandate is to identify the location and characteristics of disadvantaged unincorporated communities (or “DUCs”). Gov. Code §56375 specifically prohibits an annexation to a city of any territory greater than 10 acres where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation unless an application to annex the entire disadvantaged unincorporated community has also been filed. Gov. Code §56033.5 defines DUCs as “...inhabited territory [12 or more registered voters]...or as determined by Commission policy, that constitutes all or a portion of a “disadvantaged community”... with less than 80% of the median household income.

For LAFCO service reviews, the state requires that service reviews identify and describe the characteristics of disadvantaged communities of unincorporated areas only (commonly referred to as “DUCs”). For the purposes of defining a DUC, San Bernardino LAFCO policy defines a community as an inhabited area comprising no less than 10 dwellings adjacent or in close proximity to one another. Uninhabited areas include vacant or government lands. The table below identifies the major DUC within the Twentynine Palms Community.

**Table III-1: Disadvantaged Unincorporated Area**

Characteristics	Twentynine Palms (Northwest Unincorporated Area)
Area, sq. miles	40
Population (2021)	1,406
Households (2021)	634
Median Household Income	\$29,300
Characteristics	Natural desert setting, rural lifestyle, wide open spaces and natural features. Predominant land use is rural residential with large lots. There is very little commercial or industrial development.

Source: ESRI Community Analyst

### C. Disadvantaged Communities (DACs)

Although the state requires that LAFCOs focus their service review analyses on disadvantaged communities within unincorporated areas, the reality is that disadvantaged communities do not necessarily follow jurisdictional boundaries and occur in incorporated areas (cities) as well. It is LAFCO's responsibility to also recognize and describe the characteristics of the disadvantaged communities countywide regardless of jurisdiction.

The table below identifies the characteristics of the Disadvantaged Community ("DAC") within the City of Twentynine Palms.

**Table III-2: Disadvantaged Incorporated Area**

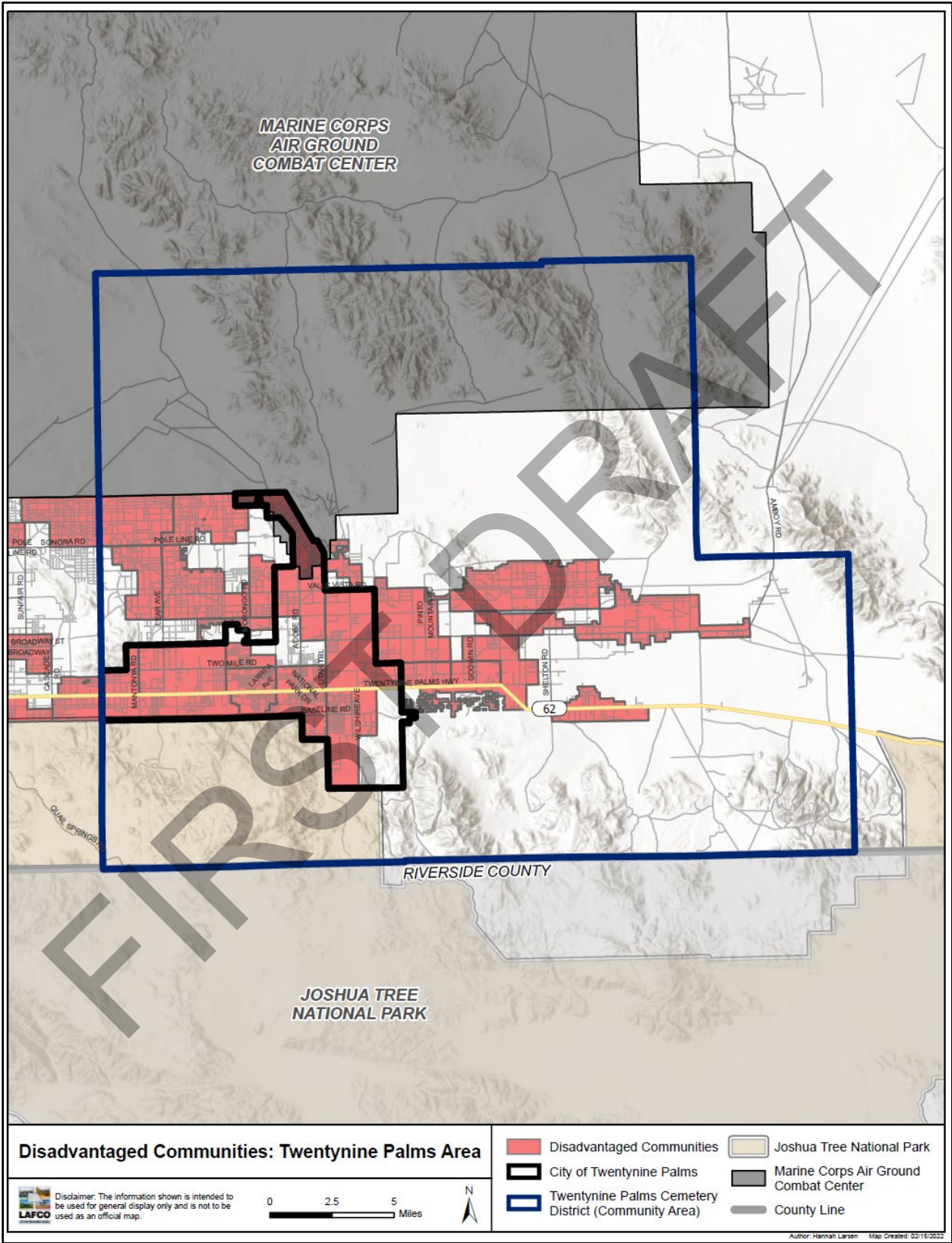
Characteristics	Central Twentynine Palms Incorporated
Area, sq. miles	9.17
Population (2021)	12,874
Households (2021)	5,054
Median Household Income	\$45,841
Characteristics	Low, medium, and medium-high density residential, rural residential, general commercial, public facilities, and low density industry.

Source: ESRI Community Analyst

The figure on the following page identifies the location of the DACs. Shown are the Cemetery District outline, as it is the largest boundary, and the City outline as a reference for the disadvantaged communities within the incorporated area.



Figure III-7: Disadvantaged Communities



### 3. Infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence

#### A. Sewer

##### (1) Historical

There currently is no organized municipal sewage collection system or wastewater treatment facility within the City. Most wastewater in the community is disposed of via individual septic tanks at residences and businesses. The exceptions to this are the mainside area of Marine Corps Base and some of the new subdivisions and businesses contain on-site wastewater collection and treatment systems ("OWTS"). OWTS are wastewater treatment systems that use subsurface disposal, including: individual; community collection and disposal; and alternative collection and disposal systems. The most common OWTS are septic systems. OWTS do not include "graywater" systems pursuant to Chapter 15 of the California Plumbing Code.<sup>14</sup>

In 2018, LAFCO conducted a *Countywide Service Review for Wastewater*, which included the Twentynine Palms community. That service review determined that the City and the Water District are aware that the Colorado River Basin Regional Water Quality Control Board is concerned about potential contamination, and the parties are concerned that the Regional Board could issue an order for the community to immediately develop a wastewater system. Meanwhile, the neighboring Marine Base has an aging wastewater treatment facility.

Given the direction of Gov. Code §56430 and the Commission's policies related to spheres of influence and service reviews, the Twentynine Palms community is identified as an area that has a great need and opportunity for an organized wastewater collection system. In turn, the Commission identified the Twentynine Palms community as a "hot spot" and recognized that an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps base.

##### (2) Infrastructure Need

Two local agencies have the authority to plan for a future wastewater system: (1) the City of Twentynine Palms as a municipality can provide collection and/or treatment, and (2) the Twentynine Palms Water District is authorized by LAFCO the Sewer function but with services limited to Planning and Engineering.

Meanwhile, the neighboring Marine Base has an aging wastewater treatment facility located just north of Mesquite Dry Lake aboard the installation. The Base has requested military construction funding to construct a new facility near the current site. This is the highest priority construction project for the Base, however it is not currently scheduled, and it is unclear when this construction may be funded.

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<sup>14</sup> See Appendix C: Primers (Onsite Wastewater Treatment Systems)

With concurrent wastewater treatment needs for the Marine Corps base and the Twentynine Palms community, the City has presented an opportunity to develop a joint wastewater system with the Marine Corps base. The City recently completed a feasibility study to develop a wastewater system to promote economic growth, protect groundwater resources from contamination, and provide a means for using recycled water to recharge groundwater, thereby enhancing the long-term sustainability of the community's resources. The City is interested in pursuing a joint solution with the Marine Corps Base in order to capitalize upon economies of scale, avenues for more favorable financing for the City's share of a joint project, and promoting basin-wide groundwater sustainability. The study is anticipated to evaluate a joint wastewater treatment plant as well as the City constructing its own treatment plant.

LAFCO staff understands that the Water District has participated in meetings with the City and Marine Base, but that the City is taking the lead in the feasibility study with the Marine Base. The Water District is authorized by LAFCO the Sewer function but with services limited to Planning and Engineering. Having such authorization allows the Water District to play a contributing role in a potential treatment system and shape the future of the overall community.

Any joint project between the Twentynine Palms community and the Marine Base would allow for economies of scale, phased approach to connecting the non-base community to a new treatment plant, promote economic growth, and protect groundwater quality. Additionally, it would promote retention of workers, since local citizens are not subject to deployment or reassignment, and shared risk - even more so if the Water District becomes a partner.

As of this writing, the Regional Board has not issued a prohibition, and the City recently completed a feasibility study to evaluate the available wastewater treatment options for the community, to include the Marine Corps Base.

In February 2022, the City Council approved direction to pursue state funding for a wastewater collection and treatment system and to spend no more than \$500,000, in part to create a shovel-ready plan to submit to the State. At this time, the system could cost between \$150 million and \$200 million. The application is due March 2023, and construction would need to start by June 2024 and completed by June 2016.

## **B. Water**

LAFCO authorizes the Water District to provide retail water service within its boundary, which includes the incorporated city. This service review does not identify any infrastructure needs or deficiencies related to municipal and industrial water. Please refer to Part I, Section 3 (Twentynine Palms Water District) of this report.

## **C. Fire and Emergency Services**

The community is within the boundaries of the San Bernardino County Fire Protection District ("County Fire"), which is responsible for fire protection and

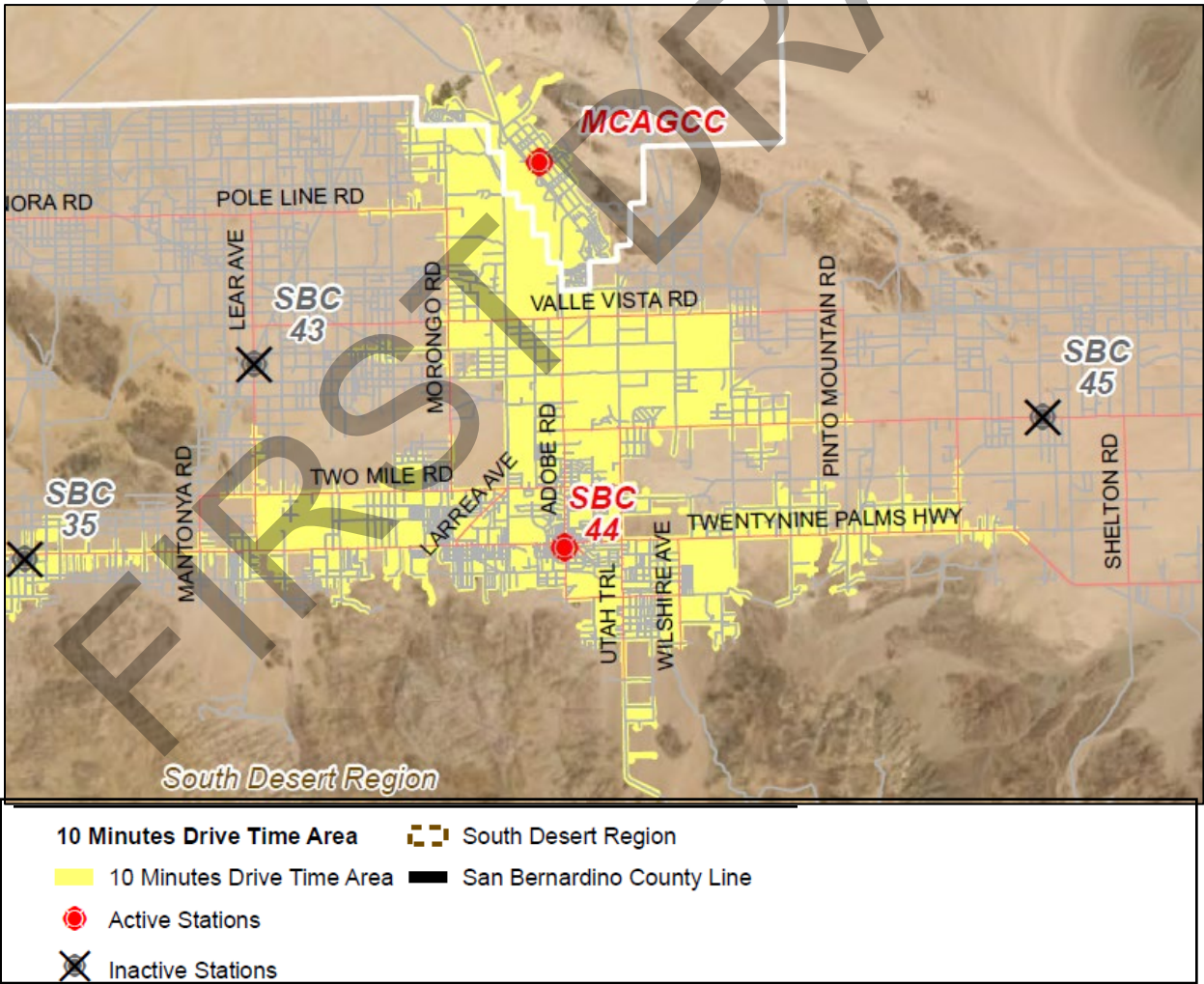


emergency services. The following identifies the fire stations in the community and adjacent areas:

Twentynine Palms Community	Adjacent
<ul style="list-style-type: none"><li>○ Station 44 – active</li><li>○ Station 43 – inactive</li><li>○ Marine Corps – active, mutual aid</li></ul>	<ul style="list-style-type: none"><li>○ Station 35 (Joshua Tree) – inactive</li><li>○ Station 45 (Wonder Valley) – inactive</li></ul>

At this time, County Fire has the only active station in the community, Station 44, and the two adjacent stations are inactive. The distance between a fire station and the location of an emergency has a significant impact on response time. LAFCO staff conducted a drive time analysis to evaluate the emergency service coverage to the community. The figure below shows that the majority of the community can be reached from Station 44 or the Marine Corps station within 10 minutes, the standard for rural communities. Staff performed the analysis using typical traffic conditions during mid-week (Wednesday at 12 P.M.) driving a standard fire rescue truck.

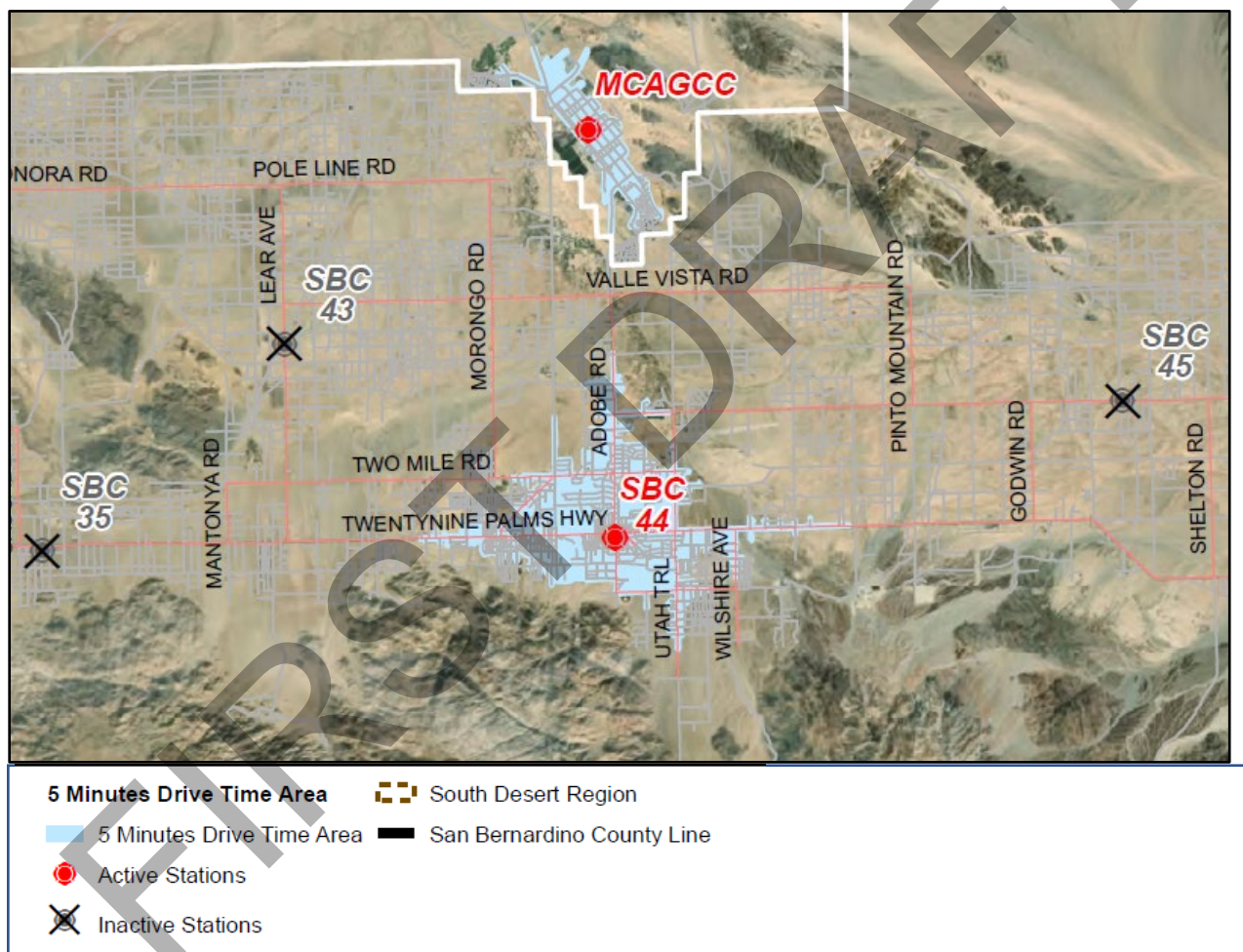
**Figure III-8: Fire Station Drive Time Analysis – 10 minutes (Rural standard)**



As identified in LAFCO's 2020 *Countywide Service Review for Fire Protection/Emergency Medical Services/Ambulance*, no infrastructure needs or deficiencies were identified. That determination is reiterated in this service review as well, evidenced by adequate coverage on a 10-minute response time.

However, when the response time goal is lessened to the five-minute standard for urban communities, the community lacks adequate coverage. Under this metric, there is a deficiency in adequate coverage and an infrastructure need for an additional active station.

**Figure III-9: Fire Station Drive Time Analysis – 5 minutes (Urban Standard)**



## **PART III: Agency Profiles and Reviews**

### **SECTION 2: City of Twentynine Palms**

The City incorporated in 1987 following both LAFCO and local voter approval. The city operates under the council-manager form of government. Five council members are elected at large for four-year overlapping terms with the mayor chosen on an annual basis by the members of the city council.

#### **1. Growth and population projections for the affected area**

See Part II, Section 1, Item 1 for this determination.

#### **2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

See Part II, Section 1, Item 2 for this determination.

#### **3. A. Present and planned capacity of public facilities and adequacy of public services, and B. Infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

##### **A. Present and planned capacity of public facilities and adequacy of public services**

The City of Twentynine Palms is the municipal agency in the Twentynine Palms community and is responsible for (1) roads, (2) park and recreation, and (3) law enforcement within its boundary, as well as other services.

##### **(1) Roads**

Upon incorporation, the City assumed responsibility from the County for a road system in which some streets were maintained and others were not. Streets that were built to the County's standards were transferred to the City. In addition, dedicated but unpaved, substandard streets were also transferred to the City upon its incorporation.

Twentynine Palms Highway (Highway 62) represents a constraint on the City's circulation system as it divides the City in two. Maintenance and highway improvements must be coordinated through Caltrans as Twentynine Palms Highway is part of the State Highway System. Even though Twentynine Palms Highway represents a constraint on the City's circulation system, it also serves as the City's primary access route as there are very limited access alternatives to the highway. Due to the highway's role as the main thoroughfare in and out of the City and region, it receives a high volume of traffic.

Typical street improvements include two-lanes of pavement, one-lane of pavement on each direction. Aside from Twentynine Palms Highway and Adobe

Road, even the City's primary corridors are generally only improved to the two-lane pavement standard. The primary reason that most streets are not improved is because street construction is extremely costly.

The lack of street improvements is also attributed to the fact that the City is fairly large, which requires more streets to provide an adequate level of service to City residents. According to the City, future improvements will be scheduled based on available budget and possible Federal and State grant awards to the City. Further, the lack of resources limits the ability to perform street maintenance throughout the City. Typically, maintenance is only provided to streets improved to City's standards; however, during emergencies, street maintenance can be provided to all City streets.

During FY 20-21, the City Public Works Department continued to pave streets rather than contracting out the work to private contractors. In FY 20-21, the City overlaid one mile of residential streets while doing street/road improvements to Sullivan Road. In FY 21-22, the City's schedule has it applying chip seal paving along various streets within the City limits, including Valle Vista, Utah, Amboy, and Baghdad Road, which will consist of approximately three miles.

## (2) Parks and Recreation

The City of Twentynine Palms has 175 acres of recreational opportunities made up of parks, special use areas and passive use areas provided by different sources, including the City of Twentynine Palms, the Morongo School District and the National Recreation Areas. The City gained ownership of the local parks and administration of recreation services in 1993. The Community Services Department of the City coordinates parks and recreation services, which is charged with administering recreation programs and working with the Public Works Department to ensure that parks are developed and maintained.

The City has five parks in various sizes which provide for a range of recreational activities. Luckie Park (27-acre) is the biggest and most used park. This park offers the most recreational variety which includes a swimming pool and lighted recreational facilities. Knotts Sky Park (19-acre) and Pioneer Park (18-acre), which is under development, are the next largest. Veteran's Park (6.4-acre) and Bucklin Park (0.4-acre) are the smallest parks in the City. The City reports that most of park and recreation facilities are irrigated with non-potable water.

The Morongo Unified School District has several recreational facilities associated with schools in Twentynine Palms. Within the City, the District has two high schools, one junior high school, and four elementary schools, all providing various recreational activities and facilities. The City's Community Services Department uses several of the District's facilities for youth and adult recreational activities. The City and District both allow mutual use of their facilities to each other, although there is no actual joint use agreement.

The City's existing General Plan park standard is four acres of parkland per 1,000 persons. The City currently has 175 acres of parkland, which includes parks, special use areas, and undeveloped parkland sites. Of the 175 acres, approximately 80 acres are currently developed. According to the City's General



Plan Recreation Element (2012), the City will start experiencing a reduction in parkland per resident in the near future, and will need to find an alternate source of parkland funding to keep up with the growing population and its need for additional parks. Currently, the City does not have a park fee collection program that is used to acquire additional parkland.

The Recreation Needs Assessment analyzed how successful the existing parks were in serving the residents of Twentynine Palms, using the criteria of providing parks within two miles of every resident. It was identified that Highway 62 and Adobe Road are significant barriers for park access, and that Luckie Park and Knott's Sky Park served most of the developed portions of the City.

According to the City, areas that are not being well served include the southeast and northeast areas. In addition, parks will be needed on the west side of the City in anticipation of serving new planned developments in that area. The Master Plan of Parks and Recreation identifies a number of needed upgrades to the City's existing parks and six potential future park areas designed to provide access to park facilities for the entire community.

### (3) Law Enforcement

Police protection is provided through contract with the San Bernardino County Sheriff's Department. Service is provided from the Morongo Basin station at 6527 White Feather Road in Joshua Tree and Sheriff's Department personnel are provided a satellite office at Twentynine Palms City Hall on Adobe Road.

According to the Sheriff's Department, the Morongo Basin Station is one of the largest Sheriff's station in both area and total number of calls for law enforcement services in San Bernardino County. Within the station's area of responsibility are the incorporated communities of Twentynine Palms and the Town of Yucca Valley, as well as the unincorporated communities of Morongo Valley, Landers, Johnson Valley, Joshua Tree, Wonder Valley, Pioneertown, Amboy, Cadiz and Flamingo Heights. The station is part of the County's Law and Justice Complex located in Joshua Tree. The facility there also houses three courtrooms and a "Type I" jail capable of housing 79 inmates.

To meet the needs of such a diverse area, the Morongo Basin station relies heavily on volunteers who are willing to partner with the Department in its public safety mission. As a result, the station has some 200 members in its various Volunteer Forces organizations, including Uniformed Patrol Reserves, Search and Rescue, Mounted Equestrian Search and Rescue, Explorer Scouts, and seven separate Citizen Patrol Units, who work in support of uniformed patrol deputies to provide a community-based law enforcement service. Clerical staff, dispatch and specialized law enforcement services (SWAT, aviation, intelligence, narcotics, homicide and specialized investigations, evidence processing and handling, training, etc.) are provided to the City by the Sheriff's Department pursuant to the law enforcement services contract.

More than 2 million tourists visit the Morongo Basin annually, with the majority traveling to visit Joshua Tree National Park. There, a team of park rangers offers basic police protection while major crimes are jointly investigated.

A portion of the Marine Corps Base is located within the City boundaries. Providing police protection to the military personnel is a Military Police Department that serves under the command of the Office of the Provost Marshall General (“OPMG”). The San Bernardino Sheriff’s Department has joint law enforcement jurisdiction and authority on the base and works together with the OPMG and investigators from the Naval Criminal Investigative Service (“NCIS”).

**B. Infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

See Part II, Section 1, Item 3 for this determination.

#### **4. Financial ability of agencies to provide service**

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, capital improvement program). Additionally, LAFCO developed Fiscal Indicators to show fiscal trends for the agency.

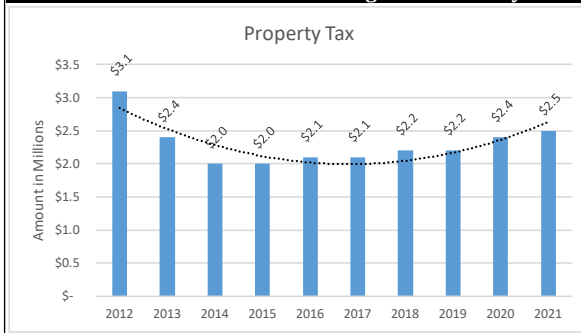
**A. Financial Position**

The City’s financial position improved in spite of the pandemic, although modestly, and continues to improve. For example, Property Tax, Sales Tax, Transient Occupancy Tax, and Franchise Fees (as a group) increased 21.49% from 2015 through 2021 or \$1.6M. This amount has been keeping up with inflation during this growth period.

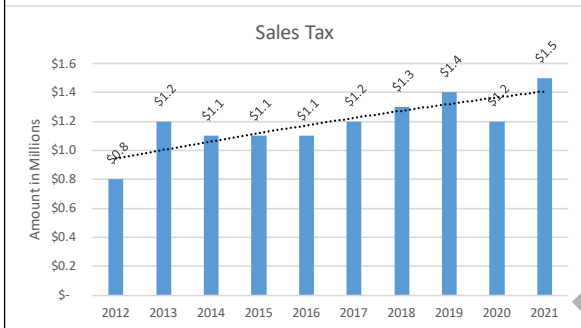
**B. Fiscal Indicators**

Select fiscal indicators are shown graphically below. These indicators provide a measurement of the agency’s financial condition over time.

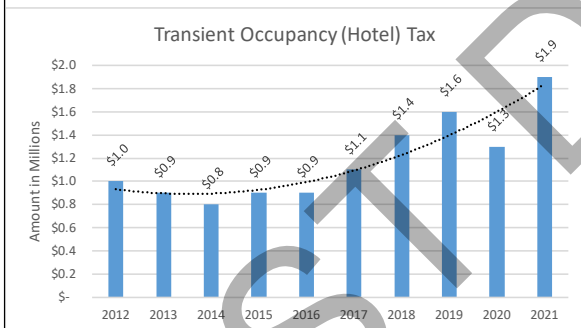
**Figure III-10: City Fiscal Indicators**



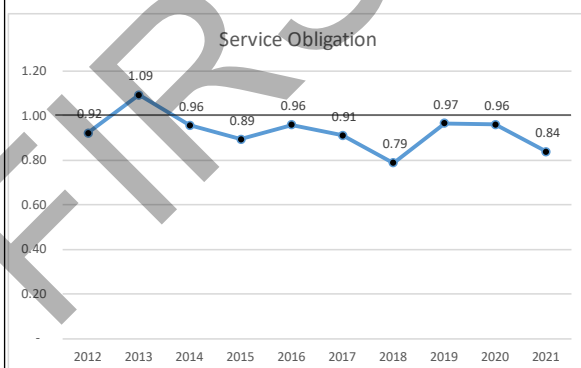
This indicator is important for general services as they are heavily reliant upon property tax revenues. As this revenue source is relatively stable and lags about two years behind changes in market conditions, this indicator can potentially depict the stability of an agency's revenue base.



This indicator is important for general services as they are heavily reliant upon sales tax revenues. This revenue source is more sensitive to economic conditions which may impact an agency's ability to fund and provide services.



This indicator is important for general services as they supplement other tax revenues. This revenue source is more sensitive to economic conditions which may impact an agency's ability to fund and provide services.



A Service Obligation ratio of one or more indicates if revenues were sufficient to pay for operations. It is calculated by operating revenues divided by operating expenditures.

Fiscal Year	Operating Revenues	Operating Expenditures	Ratio
2012	\$ 12,432,192	\$ 13,465,352	0.92
2013	\$ 12,332,451	\$ 11,274,385	1.09
2014	\$ 10,141,458	\$ 10,592,640	0.96
2015	\$ 10,472,712	\$ 11,710,881	0.89
2016	\$ 10,336,805	\$ 10,783,603	0.96
2017	\$ 11,703,033	\$ 12,830,573	0.91
2018	\$ 12,805,908	\$ 16,235,526	0.79
2019	\$ 13,061,359	\$ 13,532,249	0.97
2020	\$ 14,293,840	\$ 14,864,490	0.96
2021	\$ 15,771,570	\$ 18,790,878	0.84

**Post-Employment Liabilities**

The two charts below identify the funding status and asset coverage of the pension and OPEB plans.

**Pension**

Funded ratio (plan assets as a % of plan liabilities)

Net liability, pension (plan liabilities - plan assets)

2018	2019	2020	2021	Trend
80%	100%	97%	96%	
\$ 3,474,126	\$ 70,807	\$ 506,204	\$ 793,186	

**Other Post Employment Benefits (OPEB)**

Funded ratio (plan assets as a % of plan liabilities)

Net liability, OPEB (plan liabilities - plan assets)

2018	2019	2020	2021	Trend
33%	45%	97%	95%	
\$ 3,040,777	\$ 2,089,910	\$ 76,616	\$ 102,817	

### **C. General Fund**

The General Fund is the chief operating fund of the City of Twentynine Palms. At the end of FY 20/21, the unassigned fund balance of the General Fund was \$6.8M while total fund balance was \$10.0M. 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. Unassigned fund balance represents 74% of total General Fund expenditures, while total fund balance represents 108% of that same amount. The 74% of unassigned General Fund balance complies with the City's Fund Balance policy.

The fund balance of the City's General Fund increased by \$1,857,680 during FY 20/21, primarily due to increased tax revenue and revenues from building permits as well as decreased expenditures for community service activities.

Sales tax collections increased from \$1,226,377 in FY 19-20 to \$1,445,428 in FY 20-21. Taxable sales are expected to increase in the coming fiscal year as the economy is slowly recovering from the COVID-19 pandemic.

### **D. Increasing Expenditures**

The City's contract with the County Sheriff has increased significantly since FY 17/18, increasing 34% into the FY 22/23 budget year.

**Table III-3: City Law Enforcement Contract with County Sheriff**

FY 17/18 ACTUAL	\$ 3,497,000
FY 18/19 ACTUAL	3,729,388
FY 19/20 ACTUAL	4,018,094
FY 20/21 FORECAST	4,288,588
FY 21/22 BUDGET	4,449,119
FY 22/23 BUDGET	4,684,775

### **E. Pension and Other Post Employment Liabilities**

The City's pension liability was fully funded with zero liability however, a CalPERS reassessment increased the liability as \$469,000. The OPEB liability is nearly fully funded.

In addition, the City assumed the Water District's responsibility for fire pensions. The fire department's pension is funded at \$3.3M plus the cash on hand of \$1.8M; the funding ratio is at 86.6%. The City is waiting for the US Treasury 20-year bond rates to get in the mid 3% to high 3% range to terminate the plan and reduce the City's liability.



## **F. Liabilities**

At the end of the current fiscal year, the City had no bonded debt due to dissolution of the Redevelopment Agency and the transfer of its debt to the Successor Agency.

### **5. Status of, and opportunities for, shared services**

As a contract city, the City has entered into contracts with County Fire and San Bernardino County Sheriff for fire and emergency services and law enforcement. The Morongo Unified School District has several recreational facilities associated with schools in Twentynine Palms. Within the City, the District has two high schools, one junior high school, and four elementary schools, all providing various recreational activities and facilities. The City's Community Services Department uses several of the District's facilities for youth and adult recreational activities. The City and District both allow mutual use of their facilities to each other, although there is no actual joint use agreement.

See Part III, Section 3 of this report for a review of the opportunities for coordination of services and facilities.

### **6. Accountability for community service needs, including government structure and operational efficiencies**

#### **A. Governmental Structure**

The City operates under the council-manager form of government. Five council members are elected at large for four-year overlapping terms with the mayor chosen on an annual basis by the members of the city council (see table below). The City Council is responsible for the adoption of all laws and public policies, and sets goals, designs strategies, adopts budgets and gives direction. The Council presides over governance and appoints a professional administrator (city manager) who is charged with the duty of executing the policy decisions of the council under the direct and close supervision of the Council.

The Twentynine Palms City Council meets on the second and fourth Tuesday of each month at 6:00 p.m. in Council Chambers at City Hall, 6136 Adobe Road, Twentynine Palms, CA 92277. Council meetings are open to the public. Council meetings are also live streamed.

**Table III-4: City of Twentynine Palms City Council**

<b>City Council</b>	<b>Title</b>	<b>District</b>	<b>Term</b>
Karmollette O'Gilvie	Mayor	4	2018 - 2022
McArthur Wright	Mayor Pro Tem	5	2018 - 2022
Steve Bilderein	Councilperson	1	2020 - 2024
Joel A. Klink	Councilperson	2	2020 - 2024
Daniel L. Mintz, Sr.	Councilperson	3	2018 - 2022

## B. Website Transparency

Senate Bill 929 added Government Code Sections 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 III-5: City Website Transparency**

City of Twentynine Palms Website Checklist website accessed 6/9/2021 <a href="https://www.ci.twentynine-palms.ca.us/">https://www.ci.twentynine-palms.ca.us/</a>			
Required			
		Yes	No
Government Code §53087.8	Agency maintains a website with current contact information? (required for independent special districts by 1/1/2020)	X	
Government Code §6270.5	Agency has created an Enterprise System Catalog and posted it to website?	X	
Government Code §54954.2	Agency has current agenda posted to website homepage and is accessible through a prominent, direct link?	X	
Government Code §53908	Agency's website provides information on compensation of elected officials, officers and employees or has link to State Controller's Government Compensation website?		X
The following criteria are recommended for agency websites by a number of governance associations and organizations.			
		Yes	No
Description of services?		X	
Service area map?		X	
City Council schedule?		X	
Budgets (past 3 years)?		X	
Audits (past 3 years)?			X
List of elected officials and terms of office?			X
List of key agency staff with contact information?		X	
Meeting agendas/minutes (last six months)?			X
Notes:			

## **PART III: Agency Profiles and Reviews**

### **SECTION 3: Twentynine Palms Water District**

The Twentynine Palms Water District formed in 1954. LAFCO authorizes the Water District the functions of Water (retail, agricultural, domestic, replenishment) and Sewer (limited to planning and engineering). Its boundaries encompass approximately 87 square miles, and includes incorporated and unincorporated area. The District's boundaries and/or sphere of influence do not include the portion of the City that is within the Marine Corps Base.

#### **1. Growth and population projections for the affected area**

See Part II, Section 1, Item 1 for this determination.

#### **2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

See Part II, Section 1, Item 2 for this determination.

#### **3. A. Present and planned capacity of public facilities and adequacy of public services, and B. Infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

##### **A. Present and planned capacity of public facilities and adequacy of public services**

Prior to 1954, the Twentynine Palms area was served by three privately owned water companies: Abell Water Company, Condor Mutual Water Company, and Pacific Water Company. The District formed in 1954 and subsequently purchased the three water companies. Their wells, storage facilities, and piping served as the initial water system for the District. Historical pumping and water deliveries by the District have steadily increased since its formation in the mid-1950s.

According to the District's 2020 Urban Water Management Plan ("UWMP"), the District provides groundwater to a population of approximately 18,700 residents within an 87-square mile area, consisting of 7,438 meter services, 200 miles of pipeline and 17 million gallons of water storage capacity. Annual water usage is approximately 2,100 – 2,900 acre feet ("AF") which is mostly used by single-family residential (approximately 83%). The other approximately 17% is a combination of multi-family residential, commercial, or landscape/irrigation. All of the District's water supply is provided by groundwater pumped from seven water production wells, primarily along the southern edge of the service area. The District has one groundwater treatment facility which removes fluoride from one water production well. The pipelines distribute the water via the District's eight booster pump stations and ten water storage reservoirs.

The District's 2020 UWMP concludes that the District has adequate supplies to meet demands during normal, single-dry, and multiple-dry years throughout the 20-year planning period. In addition, there is sufficient production capacity to meet projected future demands with the actions the District is taking to maintain supply availability.

**B. Infrastructure needs or deficiencies related to sewers or municipal and industrial water in any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

LAFCO authorizes the Water District the functions of Water (retail, agricultural, domestic, replenishment) and Sewer (limited to planning and engineering) throughout its jurisdiction, which includes the incorporated city.

1) Water

This service review does not identify any infrastructure needs or deficiencies related to municipal and industrial water.

The District has become a test district for the EPA's research into an economical method for small, low-income water agencies to remove arsenic. This new method brings the district's drinking water into compliance with recent maximum contaminant levels for arsenic and saves the district over \$20,000 annually. The program involves onsite regeneration of iron-based adsorptive media to remove arsenic from drinking water. Not only does this clean the local water, the results from this test case support the removal of arsenic in other areas of the country with a lower cost method.<sup>15</sup> Additionally, the District operates a Fluoride Removal Plant that removes high levels of naturally occurring fluoride from the Mesquite Lake sub-basin.

2) Sewer

See Part II, Section 1, Item 3B for a review of potential sewer service.

**4. Financial ability of agencies to provide service**

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, capital improvement program). Additionally, LAFCO developed Fiscal Indicators to show fiscal trends for the agency.

**A. Financial Position**

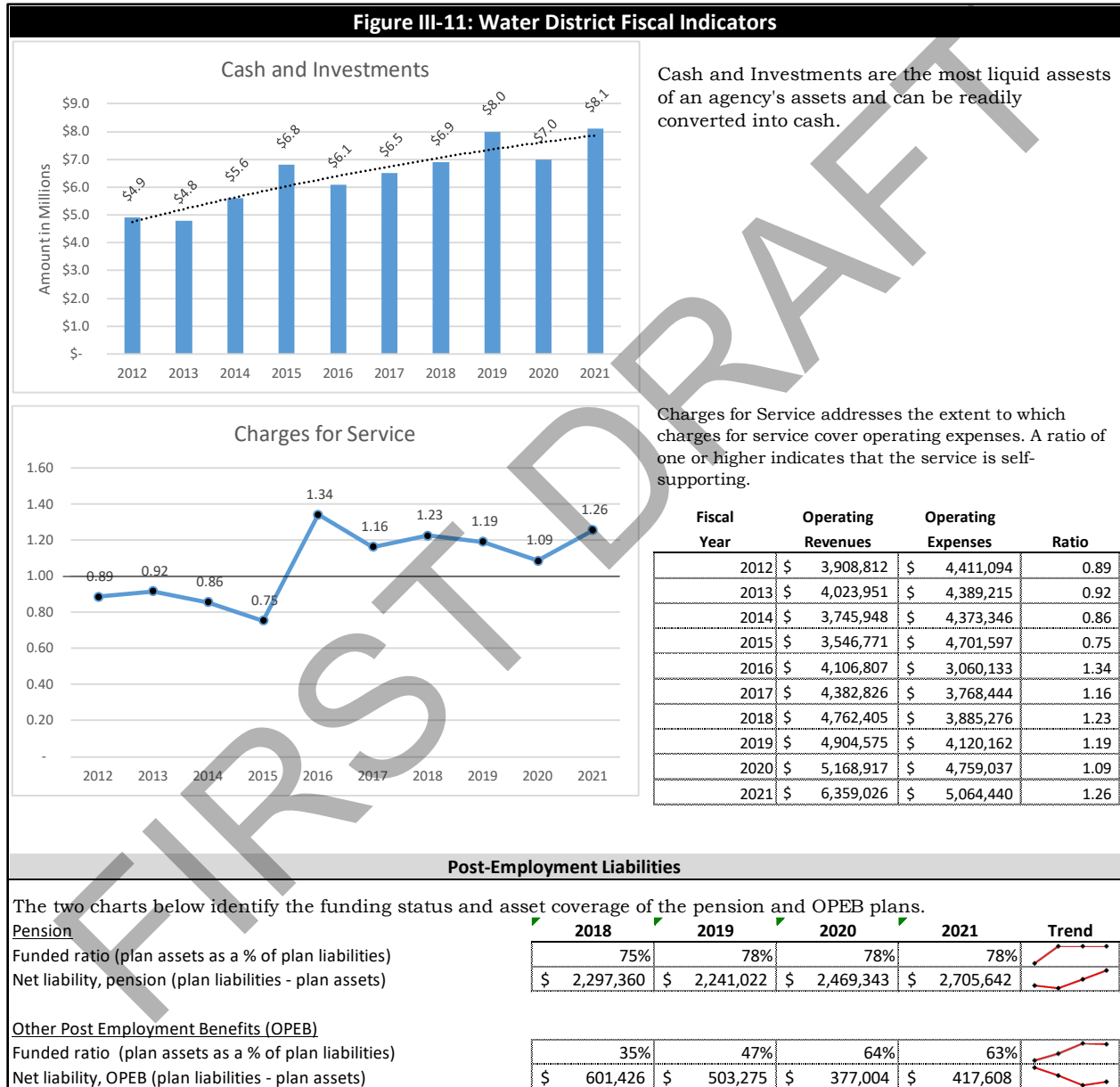
The financial position of the District is solid after years of operating with expenses greater than revenues. A recently approved tiered rate increase projects necessary revenues to meet the reserve policy and fund capital improvements.

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<sup>15</sup> Sorg, Thomas and Abraham S.C. Chen, Lili Wang, and Raymond Kolisz. "Regenerating an Arsenic Removal Iron-Based Adsorptive Media System, Part 1: The Regeneration Process", Journal of the American Water Works Association. 109:5. May 2017.

## B. Fiscal Indicators

Select fiscal indicators are shown graphically below. These indicators provide a measurement of the agency's financial condition over time. Following at least four years of steady decline, the District has operated with revenues over expenses since 2016. During that time, cash and investments have steadily increased from \$6.1 million to \$8.1 million.



### Post-Employment Liabilities

The two charts below identify the funding status and asset coverage of the pension and OPEB plans.

#### Pension

Funded ratio (plan assets as a % of plan liabilities)

Net liability, pension (plan liabilities - plan assets)

#### Other Post Employment Benefits (OPEB)

Funded ratio (plan assets as a % of plan liabilities)

Net liability, OPEB (plan liabilities - plan assets)

	2018	2019	2020	2021	Trend
Funded ratio (plan assets as a % of plan liabilities)	75%	78%	78%	78%	
Net liability, pension (plan liabilities - plan assets)	\$ 2,297,360	\$ 2,241,022	\$ 2,469,343	\$ 2,705,642	
Funded ratio (plan assets as a % of plan liabilities)	35%	47%	64%	63%	
Net liability, OPEB (plan liabilities - plan assets)	\$ 601,426	\$ 503,275	\$ 377,004	\$ 417,608	

## C. Rate Increase

Effective February 2021, the District's approved rate increases (on average 10% annually through 2025) will provide additional revenue to keep pace with inflation, drinking water regulations, and other costs that are passed onto the water system.

Further, as stated in the District's notice regarding the proposed rate increase, the increases will meet reserve requirements<sup>16</sup>, fully fund its capital improvement program, and avoid an annual deficit in future years.

#### **D. Pension and Other Post Employment Liabilities**

The position of the pension fund (Miscellaneous pension fund) has slightly improved over the past few years. Further, the position of the Other Post Employment Benefits ("OPEB") fund has significantly improved over the past few years. With cash available, the District has been able pay down its OPEB liability.

#### **E. Liabilities**

The largest liability for the District is for the pension plan. This is shown in the Fiscal Indicators figure above as \$2,705,642. Following that liability is a loan agreement balance of \$1,622,204. In 2019, the District entered into an agreement to finance the purchase of water meters in the form of \$2 million note. The final payment is due October 2028.

### **5. Status of, and opportunities for, shared services**

The TPWD has no shared services with other agencies at this time.

See Part III, Section 3 of this report for a review of the opportunities for coordination of services and facilities.

### **6. Accountability for community service needs, including government structure and operational efficiencies**

#### **A. Governmental Structure**

The Water District is governed by a locally elected five-member Board of Directors. Each director serves four-year terms (see table below). The Directors meet on the fourth Wednesday of every month at 4 PM in the District Office located at 72401 Hatch Road, Twentynine Palms. Board meetings are open to the public.

**Table III-6: Water District Board of Directors**

<b>Trustee</b>	<b>Title</b>	<b>Term</b>
Carol Giannini	President	2020 - 2024
Anita "Suzi" Horn	Vice President	2018 - 2022
Michael Arthur	Director	2020 - 2024
Robert "Bob" Coghill, Jr.	Director	2018 - 2022
Randy Leazer	Director	2018 - 2022

<sup>16</sup> District Resolution No. 19-09, approved 26 June 2019, sets the following reserve levels: Operating Reserves (minimum of 180 days of budgeted operating and maintenance expenses) and Capital Reserves (minimum amount of 6% of total capital assets).

## B. Website Transparency

Senate Bill 929 added Government Code Sections 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 III-7: Water District Website Transparency**

<b>Twentynine Palms Water District Website Checklist</b> website accessed 2/2/2022 <a href="https://www.29palmswater.com">https://www.29palmswater.com</a>			
<b>Required</b>			
		<b>Yes</b>	<b>No</b>
Government Code §53087.8	Agency maintains a website with current contact information? <i>(required for independent special districts by 1/1/2020)</i>	X	
Government Code §6270.5	Agency has created an Enterprise System Catalog and posted it to website?	X	
Government Code §54954.2	Agency has current agenda posted to website homepage and is accessible through a prominent, direct link?	X	
Government Code §53908	Agency's website provides information on compensation of elected officials, officers and employees or has link to State Controller's Government Compensation website?	X	
<b>The following criteria are recommended for agency websites by a number of governance associations and organizations.</b>			
		<b>Yes</b>	<b>No</b>
	Description of services?	X	
	Service area map?	X	
	City Council schedule?	X	
	Budgets (past 3 years)?	X	
	Audits (past 3 years)?	X	
	List of elected officials and terms of office?	X	
	List of key agency staff with contact information?	X	
	Meeting agendas/minutes (last six months)?	X	
<b>Notes:</b>			

## **PART III: Agency Profiles and Reviews**

### **SECTION 4: Twentynine Palms Public Cemetery District**

In 1934, the Twentynine Palms Cemetery District was formed 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.

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>17</sup> Based on the reasons described in the May 2012 service review, LAFCO designated a zero sphere of influence for the District. In 2020, LAFCO conducted a service review of public cemetery districts. LAFCO's determination in said service review affirmed a zero sphere of influence for the District.

#### **1. Growth and population projections for the affected area**

See Part II, Section 1, Item 1 for this determination.

#### **2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence**

See Part II, Section 1, Item 2 for this determination.

#### **3. Present and planned capacity of public facilities and adequacy of public services**

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 March 25, 2022, the cemetery had:

- 2,589 available sites
- 4,234 occupied sites
- 664 reserved sites

According to the District, based on the average number of internments over the past few years, it would take 112 years for the cemetery to reach capacity, not counting the additional 10 acres of empty land. Given the remote nature of the District, as well as the need for internment services, the public service is adequate.

<sup>17</sup> [http://www.sbcounty.gov/lafco/items/201211/Item\\_7.pdf](http://www.sbcounty.gov/lafco/items/201211/Item_7.pdf)



#### 4. Financial ability of agencies to provide service

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, capital improvement program). Unlike the financial reviews for the City and Water District, the following financial review for the Cemetery District does not include Fiscal Indicators. Due to the District having three operating funds, each fund warrants a separate review and cannot be combined into fiscal indicator figures.

##### A. Overview

Revenues are composed 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 fees. The District does not offer a defined payment retirement plan to its employees; therefore, it does not have any pension liability. The District is currently discussing with CalPERS the possibility of joining the plan, which would not take effect until FY 2023/24.

The most recent audit, FY 2020/21, identifies that assets exceeded liabilities at the close of the year by \$587,730.

##### 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 2015/16 through FY 2020/21. The fund balance has decreased by 108% within five years. This is primarily due to roughly \$122,000 in capital outlay during 2020/21.

Note that in also 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.

Also noteworthy is the ending fund balance of negative \$7,768 for FY 2020/21. This circumstance is not due to a lack of cash or operating in the negative. In FY 2015/16, the District made a transfer from the Endowment Fund to the General Fund of \$138,521. The purpose of the transfer was related to capital improvements. It has recently been determined that \$80,000 of this transaction was actually principal (only interest can be used) and incorrectly transferred from the Endowment Fund to the General Fund. Accounting standards are counting this circumstance as an interfund loan, which means that the General Fund incurs \$80,000 as Accounts Payable. In other words, accounting standards have lessened the fund balance by \$80,000 even though cash was not lessened.

District management has indicated that it has formulated a repayment plan to repay the Endowment Fund of said amount.

**Table III-8: Cemetery District General Fund Balance**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	5 yr Var
<b>REVENUES</b>							
Charges for services	19,571	23,464	26,508	53,777	33,263	30,596	56%
Property taxes	183,587	186,353	192,777	197,292	205,801	233,456	27%
Other	11,718	4,858	16,876	3,426	1,231	2,273	-81%
Total Revenue	\$ 214,876	\$ 214,675	\$ 236,161	\$ 254,495	\$ 240,295	\$ 266,325	24%
<b>EXPENDITURES</b>							
Salaries & Benefits	186,404	188,507	185,153	154,418	137,990	183,829	-1%
Services & Supplies	49,891	51,733	53,474	37,415	57,938	98,140	97%
Capital Outlay/Other	177,540	18,796	34,266	25,996	91,998	179,940	1%
Total Expenditures	\$ 413,835	\$ 259,036	\$ 272,893	\$ 217,829	\$ 287,926	\$ 461,909	12%
Revenues less Expend.	(198,959)	(44,361)	(36,732)	36,666	(47,631)	(195,584)	
<b>OTHER FINANCING</b>							
Transfers In	143,144	11,924	19,971	9,572	24,809	111,091	
Fund Balance Begin	158,322	102,507	70,070	53,309	99,547	76,725	-52%
<b>Fund Balance End</b>	<b>\$ 102,507</b>	<b>\$ 70,070</b>	<b>\$ 53,309</b>	<b>\$ 99,547</b>	<b>\$ 76,725</b>	<b>\$ (7,768)</b>	<b>-108%</b>

#### *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 transfer from the Endowment Fund to the General Fund of \$138,521. The purpose of the transfer was related to capital improvements. It has recently been determined that \$80,000 of this transaction was incorrectly transferred (see discussion above). Additionally, in 2020/21 a transfer of interest to the General Fund occurred for pay for capital improvements.

The figure below shows the fund balance of the Endowment Care fund for the same time period.

**Table III-9: Cemetery District Endowment Fund**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	5 yr Var
<b>REVENUES</b>							
Charges for services	2,289	5,094	3,775	5,369	6,966	5,337	133%
Interest & investment	3,809	1,827	557	6,665	5,458	1,984	-48%
Total Revenue	\$ 6,098	\$ 6,921	\$ 4,332	\$ 12,034	\$ 12,424	\$ 7,321	20%
<b>EXPENDITURES</b>							
Total Expenditures	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ -	
Revenues less Expend.	6,098	6,921	4,332	12,034	12,284	7,321	20%
<b>OTHER FINANCING</b>							
Other							
Transfers In (Out)	(138,521)	-	-	-		(61,591)	
Fund Balance Begin	357,973	225,550	232,471	236,803	248,837	261,121	-27%
<b>Fund Balance End</b>	<b>\$ 225,550</b>	<b>\$ 232,471</b>	<b>\$ 236,803</b>	<b>\$ 248,837</b>	<b>\$ 261,121</b>	<b>\$ 206,851</b>	<b>-8%</b>
<b>*Endowment Principal</b>	<b>\$224,935</b>	<b>\$212,812</b>	<b>\$232,524</b>	<b>\$214,563</b>	<b>\$255,415</b>	<b>\$206,571</b>	<b>-8%</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 III-10: Cemetery District Pre-Need Fund**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	5 yr Var
<b>NET ASSETS</b>							
Unrestricted							
Restricted	217,239	228,905	226,239	232,738	238,732	206,806	8%
<b>Total net assets</b>	<b>\$ 217,239</b>	<b>\$ 228,905</b>	<b>\$ 226,239</b>	<b>\$ 232,738</b>	<b>\$ 238,732</b>	<b>\$ 206,806</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 (\$3,628) and a Trust Corpus Note (\$80,000) owed from the General Fund to the Endowment Fund.

## **5. Status of, and opportunities for, shared services**

The District does not have any shared services with other agencies at this time. An opportunity may exist for the District to lease its non-used land to other public agencies. Government Code 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.

See Part III, Section 3 of this report for a review of the opportunities for coordination of services and facilities.

## **6. Accountability for community service needs, including government structure and operational efficiencies**

### **A. Governmental Structure**

The District is an independent special district with a five-member appointed board of trustees (see table below) and operates under Public Cemetery District Law (Division 8, Part 4 of the Health and Safety Code). Currently, the District is authorized by LAFCO to provide the function of cemetery pursuant to the Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts.

The Board meets monthly, on the third Tuesday of every month, at 5:30 p.m. in the District offices located at 5350 Encelia Drive in Twentynine Palms. Meetings are open to the public.

The District uses a cloud-based archive (CemSites) to account and mark its sites. Via the District's website, the public may access the program to find a site or interned name.

**Table III-11: Cemetery District Board of Trustees**

Trustee	Title	Term
Kevin Cole	Chairperson	2020 - 2024
JoAnn Larsen	Vice-Chairperson	2020 - 2024
Francisco Romo	Trustee	2022 - 2026
Rebecca Rinkes	Trustee	2020 - 2024
Meredith Plumber	Trustee	2022 - 2026

## B. Website Transparency

Senate Bill 929 added Government Code Sections 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 III-12: Cemetery District Website Transparency**

<b>Twentynine Palms Cemetery District Website Checklist</b> website accessed 1/1/2022 <a href="https://www.29Palmscemetery.org">https://www.29Palmscemetery.org</a>			
<b>Required</b>			
		Yes	No
Government Code §53087.8	Agency maintains a website with current contact information? <i>(required for independent special districts by 1/1/2020)</i>	X	
Government Code §6270.5	Agency has created an Enterprise System Catalog and posted it to website?	X	
Government Code §54954.2	Agency has current agenda posted to website homepage and is accessible through a prominent, direct link?	X	
Government Code §53908	Agency's website provides information on compensation of elected officials, officers and employees or has link to State Controller's Government Compensation website?	X	

<b><i>The following criteria are recommended for agency websites by a number of governance associations and organizations.</i></b>		
	<b>Yes</b>	<b>No</b>
Description of services?	X	
Service area map?	X	
City Council schedule?	X	
Budgets (past 3 years)?	X	
Audits (past 3 years)?	X	
List of elected officials and terms of office?	X	
List of key agency staff with contact information?	X	
Meeting agendas/minutes (last six months)?	X	
<b>Notes:</b>		

<p><b>APPENDIX A:</b></p> <p><b>Comments to the First Draft and LAFCO Staff Responses</b></p>
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FIRST DRAFT

## APPENDIX B: Acronyms and Definitions

### Acronyms

AF	Acre Feet
CALPERS	California Public Employees' Retirement System
CIP	Capital Improvement Plan
DAC	Disadvantaged Community
DUC	Disadvantaged Unincorporated Community
EMS	Emergency Medical Services
FY	Fiscal Year
GIS	Geographic Information System
LAFCO	Local Agency Formation Commission
MSR	Municipal Service Review
NPL	Net Pension Liability
OPEB	Other Post-Employment Benefits
SBCFPD	San Bernardino County Fire Protection District
SOI	Sphere of Influence
TPFD	Twentynine Palms Fire Department
TPWD	Twentynine Palms Water District
UWMP	Urban Water Management Plan

### Definitions

Acre Feet - An acre foot of water is a common way to measure water volume and use. An acre foot of water equals about 326,000 gallons, or enough water to cover an acre of land 1-foot deep.

Capital Improvement Plan/Program – A capital improvement plan or program is a short-range plan, usually five to ten years, which identifies capital projects and equipment purchases, provides a planning schedule and identifies options for financing the plan.

Contract City – A contract city is a term used for a city that contracts for the provision multiple municipal services with another unit of government or with a private or commercial



organization. The City of Twentynine Palms, which contracts for police and fire services, among other services, is considered a contract city.

Dependent Special District – A special district whose board of directors is another legislative body, such as a city council or board of supervisors.

General Plan – A city's general plan serves as a blueprint for the future, prescribing policy goals and objectives to shape and guide the physical development of the City.

Geographic Information System - A Geographic Information System (GIS) is a computer system that analyzes and displays geographically referenced information. It uses data that is attached to a unique location.

Government Fund – A fund used to account for activities that are governmental in nature. Governmental activities are typically tax-supported and include the operations and maintenance of the cemetery.

Horizontal Consolidation - Between adjacent units of government may be pursued to merge services or combine resources or tax base.

Independent Special District – A special district that has a directly elected board of directors.

LAFCO - Local Agency Formation Commissions are State-mandated, independent agencies with countywide jurisdiction over changes in organization and boundaries of cities and special districts including annexations, detachments, incorporations, and formations. There are 58 LAFCOs in California – one in each of the State's 58 counties.

Municipal Services - Basic services that residents expect the local government to provide in exchange for the taxes paid. Basic municipal services may include water, sewer, refuse, roads, library, fire protection, emergency medical, law enforcement, parks and recreation and transportation. Some municipal services overlap with the social services category. The government may provide these services directly or contract to third party. The available services for any individual government will depend on location, history, geography, statutes and tradition. Provided services vary amongst countries, states, counties, cities, and communities.

Other Post-Employment Benefits – Benefits, other than pensions, that are provided to retired employees. These benefits principally involve health care benefits, but may also include life insurance, disability, legal and other services.

Reorganization - Two or more changes of organization initiated in a single proposal.

Special District – A local government agency formed pursuant to general law of the state or special act.

Sphere of Influence – A plan for the probably physical boundaries and service area of a local agency, as determined by the Commission (Gov Code §56076). Spheres both proactively guide and respond to the need for the extension of infrastructure and delivery of municipal services to areas of emerging growth and development. The requirement for

LAFCOs to conduct service reviews was established to acknowledge the importance of spheres of influence, and recognize that periodic updates of agency spheres should be conducted with the benefit of current information available through service reviews.

Social Services – Services that may include healthcare, welfare, job placement, and transition assistance. Some social services overlap with the municipal services category. The government may provide these services directly or contract to third party. The available services for any individual government will depend on location, history, geography, statutes and tradition. Provided services vary amongst countries, states, counties, cities, and communities.

Subsidiary District – A district of limited powers for which a city council is designated as the ex-officio board of directors of the district. At least 70 percent of the district territory and 70 percent of the district's registered voters must be within the city limits for a district to become a subsidiary district.

Urban Water Management Plan - Urban Water Management Plans are prepared by urban water suppliers every five years. These plans support the suppliers' long-term resource planning to ensure that adequate water supplies are available to meet existing and future water needs.

Vertical Consolidation - Between overlapping units of government, such as a municipality and a special district, may better coordinate public services, reduce administrative costs, or enhance civic participation.

## **APPENDIX C: Primers**

1. Disadvantaged Communities
2. Onsite Wastewater Treatment Systems
3. Spheres of Influence

FIRST DRAFT

## Disadvantaged Communities

The State of California adopted a definition of disadvantaged community (or “DAC”) through passage of Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. This measure added §79505.5(a) to the California Water Code and defines a disadvantaged community as a *“community with an annual median household income that is less than 80 percent of the statewide annual median household income.”* For 2021, 80% of the statewide median household income is \$60,188.<sup>18</sup> 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.

### Disadvantaged Unincorporated Communities

Gov. Code §56033.5 defines DUCs as *“...inhabited territory [12 or more registered voters]...or as determined by Commission policy, that constitutes all or a portion of a “disadvantaged community”... with less than 80% of the median household income.*

Particular to LAFCOs, the state mandate is to identify the location and characteristics of disadvantaged unincorporated communities (or “DUCs”). Gov. Code §56375 specifically prohibits an annexation to a city of any territory greater than ten acres where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation unless an application to annex the entire disadvantaged unincorporated community has also been filed.

### Need for Consistency

The DAC definition, as defined in Water Code §79505.5(a), differs from the definition of a DUC in two important ways: (1) a DUC must be inhabited, and (2) DUCs comprise unincorporated territory only, not territory within cities. For purposes of further defining a DUC, San Bernardino LAFCO policy defines a community as an *inhabited area comprising no less than 10 dwelling units adjacent or in close proximity to one another.*

Alternatively, Gov. Code §65302.10 (General Plans) identifies a DUC as being 80% or less than the median household income. This is in contrast to Water Code §79505.5 and Gov. Code §56033.5 which reads less than 80%.

Other State agencies, such as the California EPA, use alternative criteria to identify disadvantaged communities for grant funding purposes. The different criteria used to identify disadvantaged communities at the local and state government levels is confusing and complicates implementation of a consistent approach to addressing our disadvantaged residents. While staff recognizes the difficulty in developing a one-size-fits-all definition, LAFCO staff’s position is that additional work should occur Statewide to develop a method for identifying disadvantaged communities that is more consistent yet recognizes the diversity of communities and geographies in California.

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<sup>18</sup> Environmental Systems Research Institute (ESRI)

## Onsite Wastewater Treatment Systems

According to the State Regional Water Quality Control Board<sup>19</sup>, onsite wastewater treatment systems (“OWTS”) are defined as “...individual systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal.” When properly sited, designed, operated and maintained, OWTS treat domestic wastewater to reduce its polluting impact on the environment and protect public health. In June 2012, it was estimated by the Regional Board that there are more than 1.2 million onsite systems, the majority which are septic tanks, operating in California.

As waste flows into the tank, heavier solids sink to the bottom, forming the “sludge” layer. Solids are decomposed by the anaerobic bacterial action of the sludge. In theory, a relatively harmless effluent will be produced, and under proper soil conditions, further decontamination can occur. Even under ideal conditions, eventually the amount of sludge will interfere with the bacterial digestive action, and it must be pumped for off-site disposal.

The majority of OWTS operate in a satisfactory manner, and in some cases, remain the only viable option for sewage treatment for locations removed from centralized wastewater treatment systems. However, there are instances in California where OWTS fail to protect water quality and public health. Some common reasons for OWTS failure include:

- Poor design and improper site conditions
- Improper and/or deferred system maintenance
- High geographic concentration of OWTS resulting in a combined effluent flow that cannot be assimilated into the environment

When a community sewer is not available, and a property improvement will generate wastewater, the property owner must demonstrate the following to San Bernardino County Department of Environmental Health to verify the lot will support onsite wastewater disposal:

- Soils are conducive to onsite wastewater disposal.
- Sewer is not available within 200 feet (plus 100 feet per dwelling unit thereafter).
- Enough area is available to install a septic system that meets proper setbacks (for new construction, 100% expansion area must be available).
- OWTS will not impact ground or surface water.
- OWTS is sized appropriately to serve the intended land use.

As California’s population continues to grow, the development of higher density housing in rural areas and in more varied terrain increases the risk of OWTS creating public environmental and health issues. Improperly maintained or failing OWTS can result in the discharge of pathogens, nitrates, salts, household chemicals, oils and grease into the environment. As conditions and circumstances change around particular locations, increased scrutiny is necessary to properly site, operate and professionally maintain OWTS.

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<sup>19</sup> Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (CA Water Boards 2012)

## Spheres of Influence

Government Code Section 56076 defines a "sphere of influence" as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO.

The purpose of a sphere of influence is to encourage the logical and orderly development and coordination of local government agencies to provide for the present and future needs of the county and its communities. The statement of purpose adopted by San Bernardino LAFCO for spheres of influence include seven points. Those pertinent to this study are:

- To promote orderly growth of communities, whether or not services are provided by a city or district (board governed or independently governed);
- To encourage economical use and extension of facilities by assisting governmental agencies in planning the logical and economical extension of governmental facilities and services, thereby avoiding duplication of services;
- To provide assistance to property owners in relating to the proper agency to comprehensively plan for the use of their property;
- To encourage the establishment of urban-type services only within an adopted sphere of influence.

San Bernardino LAFCO has adopted ten policies related to a sphere of influence. Those pertinent to this analysis are:

- **RESPONSIBILITY/OBLIGATION FOR A SPHERE OF INFLUENCE AREA**

When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city or district agrees to plan for the provision of services.


- **URBAN DEVELOPMENT WITHIN A CITY SPHERE**

LAFCO takes the position that any new urban development which occurs within a city sphere of influence should take place as close to the city's urban area as possible. This position is emphasized for two reasons: first, so that contiguous areas may easily be annexed to the city; and secondly, so that the new urban area can be served by reasonable extension of the city's already developed municipal services.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 \* Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #12 – UPDATE ON THE BARSTOW CEMETERY  
DISTRICT LANDSCAPE PROJECT

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## **RECOMMENDATION:**

Staff recommends that the Commission receive and file this report.

## **BACKGROUND:**

At the March meeting during public comment, Dr. Denise Meek representing “Save the Barstow Cemetery” provided comments regarding the Barstow Cemetery Landscape Conversion project. In response, Commissioner Baca requested staff to review and provide an update as he concurs with Dr. Meek’s concerns.

On May 3, staff conducted a site visit to the cemetery. The District General Manager, Melinda Johnson, provided staff a tour of the grounds and identified the progress to date as well as next steps.

## **UPDATE:**

In the fall of 2020, in order to reduce water use and expenses, the District Board decided to remove the turf at the Mt. View Memorial Park cemetery and convert to drought tolerant landscaping. The project began with the goal of removing 13.1 acres of turf and has been divided into two main areas. The first area is 8.6 acres and includes the eastern (back) section of property. This 8.6 acres is further divided into five separate blocks. The second area includes the western (front) section of the cemetery and includes 4.5 acres of turf.

Attachment #1 is the Design Plan which includes an overview, demolition plan, planting concept, and planting plan. Attachment #2 is the repeatable planting plan that will be used for each Block at the cemetery.

As of July 1, 2022, the following work has been completed:

- Conceptual drawings have been developed for the entire cemetery and a planting plan has been created by a licensed landscape architect.
- 8.6 acres of turf has been removed from the eastern section. This included the removal and resetting of all headstone and leveling the ground.
- 160 trees have also been removed from the eastern section.
- The old irrigation system was disconnected and a new irrigation system has been installed. This included a new mainline from Irwin Road to the east side of the property. Lateral lines have also been installed throughout the eastern section.

The next step will be to fully complete one of the east side blocks. This will include the spreading and compaction of the decomposed granite over the entire surface where the turf once was, installation of the drip irrigation system, pouring of concrete curbing with aprons for vehicle and pedestrian access, addition of decorative rock and boulders, and plant installation.

The District intends to have the first block completed by the end of December 2022. This block will serve as the model so that the residents can get a better idea of what the completed project will look like. Below are a couple of before-and-after renderings of the project:







The District continues to seek additional funding to complete the entire project over time.

To date the project has been awarded just over \$1.1 million dollars. Sources include:

- Mojave Water Agency Large Scale Cash-for-Grass
- Donation from Golden State Water Company
- Proposition 1 Grant Funding (Lahontan Region)
- Community Partnership Grant
- Donation from Brubaker-Mann Inc.

### **CONCLUSION:**

LAFCO staff has encouraged the District to increase communication with the community on the benefits of the project as well as better signage that clearly acknowledges the inconvenience that the project has created due to all the construction activity.

Attachment:

1. [Landscape Plan](#)
2. [Repeatable Planting Plan](#)

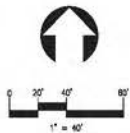
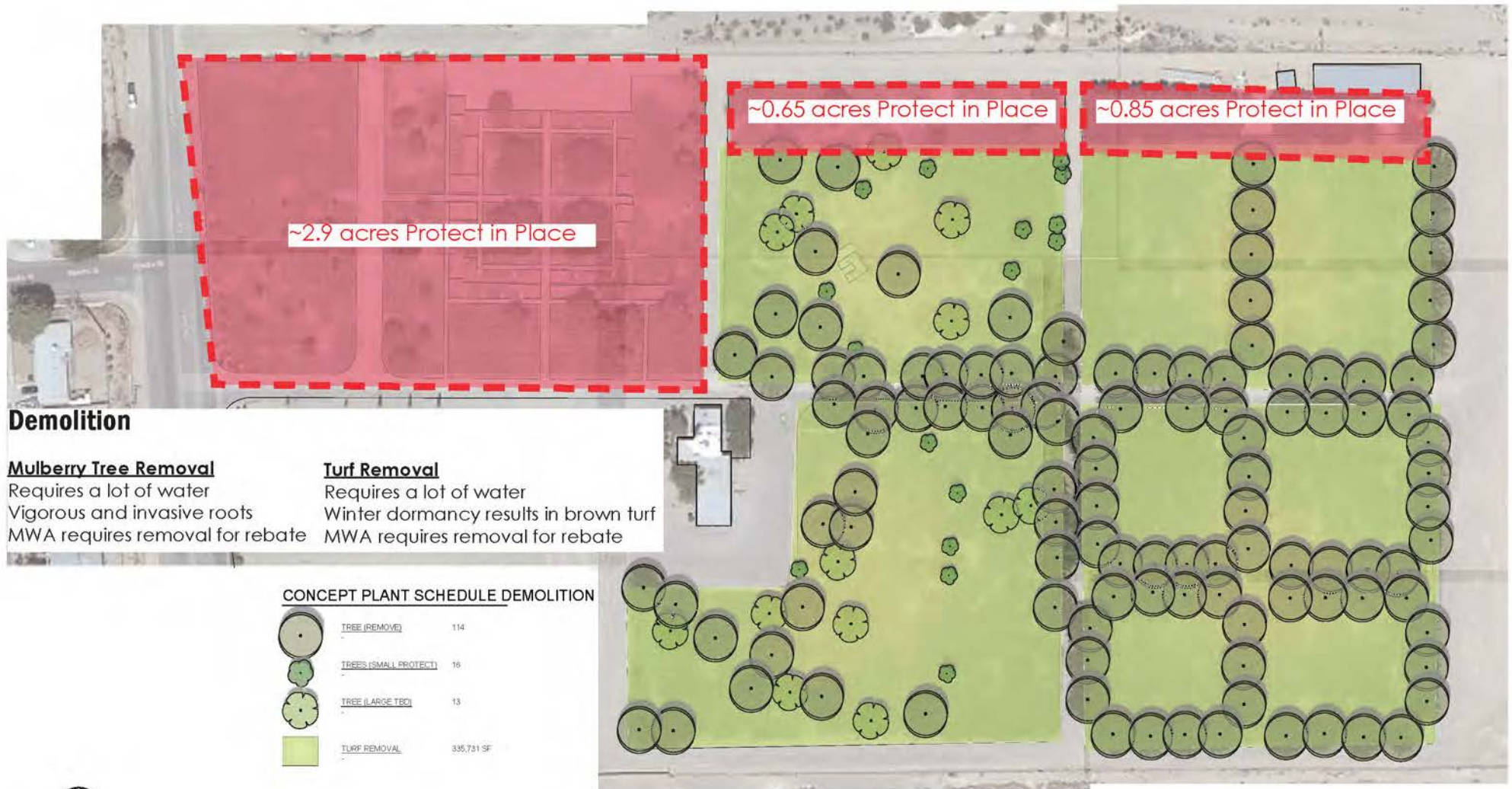


## Existing Site Overview

### MOUNTAIN VIEW MEMORIAL PARK

JULY 14, 2021





## Demolition Plan

MOUNTAIN VIEW MEMORIAL PARK

JULY 14, 2021

# Planting Concept

## Landscape

Corridor Trees

Large Shade Trees

Decorative Xeriscape

Border Planting

## Hardscape

Decomposed Granite

Boulders

Small Rock

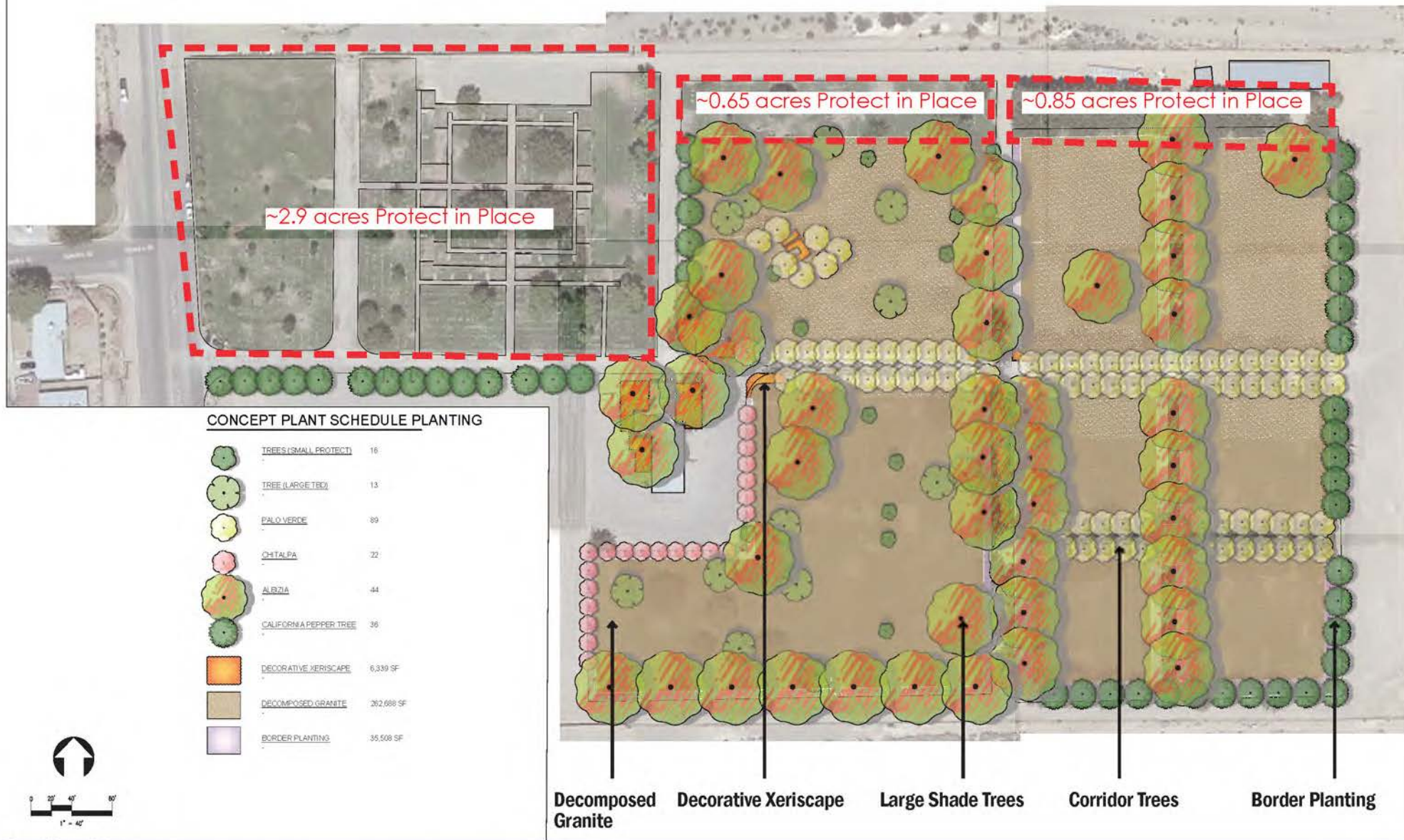


## Planting Concept

MOUNTAIN VIEW MEMORIAL PARK

JULY 14, 2021





## Planting Plan

### MOUNTAIN VIEW MEMORIAL PARK

JULY 14, 2021

# Planting Concept

## Corridor Trees

- Replace trees along pathways
- Creates long sightlines of vegetation
- Shades pathways

## Large Shade Trees

- Selective tree planting within the block based on vacant land
- Upon maturity, large shade trees can shade 500 - 1000 sf of space
- Trees serve as visual break in the hardscape
- Minimal disturbance for irrigation

## Decorative Xeriscape

- Ornamental plantings used in areas with high visibility
- Limited locations allow for more intensive planting and irrigation
- Plantings create thoughtful destinations such as the ash scattering memorial
- Planting around office welcomes visitors and sets tone for overall site

## Border Planting

- Limited along corridor to reduce disturbance
- Linear irrigation next to irrigation main lines
- Creates long sightlines of vegetation
- Protected from sun exposure beneath trees

## Hardscape

### Decomposed Granite

- Decomposed granite (dg) crusher fines will be donated from Brubaker Mann
- DG is locally sourced and consistent with Barstow aesthetic
- Easy removal for burial with little visual disturbance
- Can be used as mulch around plantings

### Boulders

- Used in decorative xeriscape areas
- Desert aesthetic

### Small Rock

- Complimentary colors to decomposed granite
- Adds visual appeal
- Can be used as mulch around plantings

## Irrigation Types

### Tree Bubblers

- Encourages deep tree roots (not surface roots)
- Conserves water by limiting evaporation

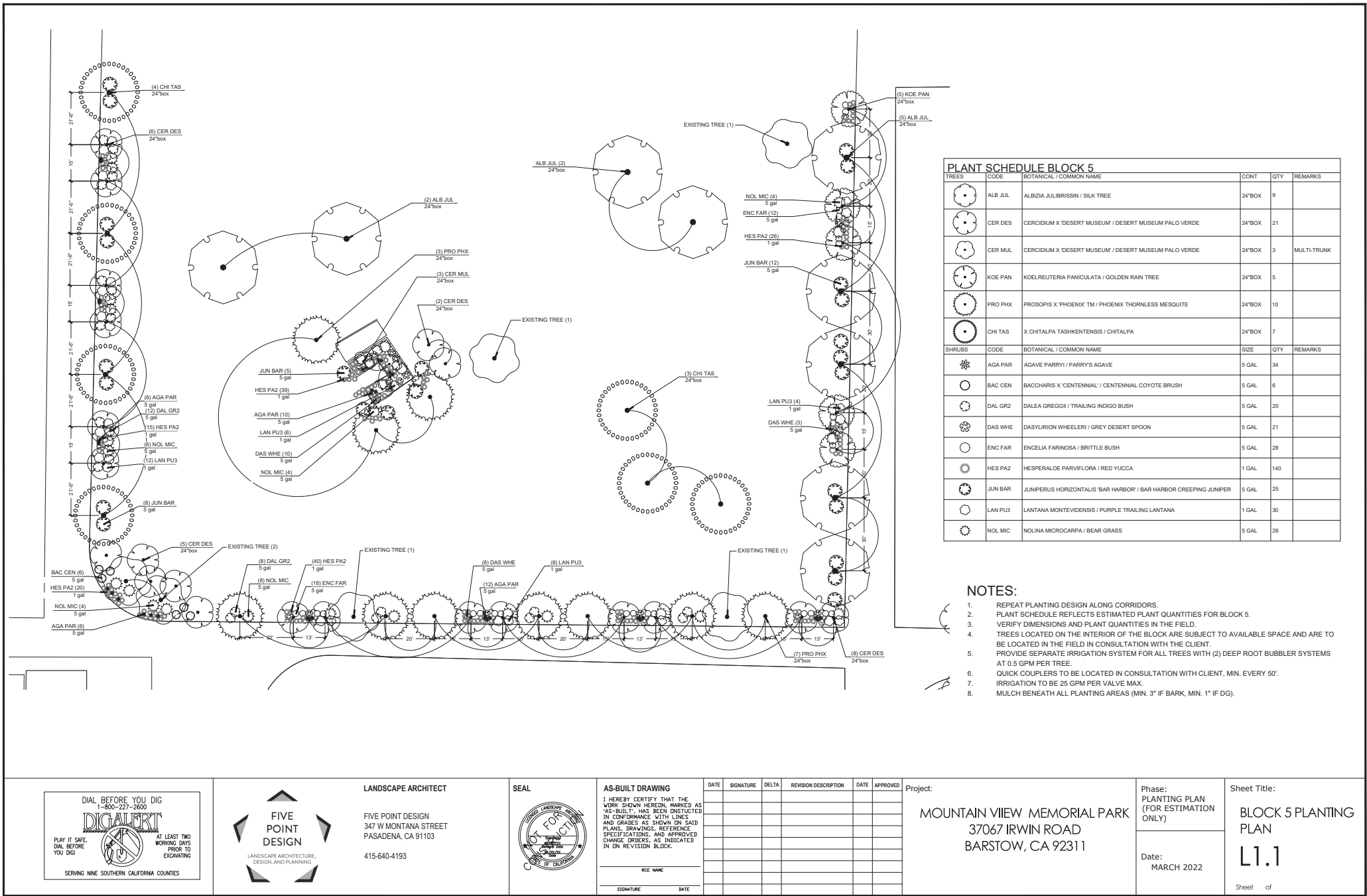
### Drip Irrigation

- Limited to edges to reduce disturbance of blocks
- Conserves water by limiting evaporation
- Not affected by high winds

## Planting Plan

### MOUNTAIN VIEW MEMORIAL PARK





LANDSCAPE ARCHITECT  
FIVE POINT DESIGN  
347 W MONTANA STREET  
PASADENA, CA 91103  
415-640-4193



AS-BUILT DRAWING  
I HEREBY CERTIFY THAT THE WORK SHOWN HEREIN, MARKED AS "AS-BUILT", HAS BEEN INSTRICTED IN CONFORMANCE WITH THE SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.  
DATE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

DATE	SIGNATURE	DELTA	REVISION DESCRIPTION	DATE	APPROVED

Project:  
MOUNTAIN VIEW MEMORIAL PARK  
37067 IRWIN ROAD  
BARTSTOW, CA 92311


Phase:  
PLANTING PLAN  
(FOR ESTIMATION ONLY)  
Date:  
MARCH 2022

Sheet Title:  
BLOCK 5 PLANTING PLAN  
L1.1  
Sheet of

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** JULY 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
HANNAH LARSEN, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #13: Appointment of Voting Delegate and Alternate  
Voting Delegate for the 2022/2023 CALAFCO Regional Caucus  
Elections and/or for the Annual Business Meeting and  
Nomination/Selection Process for CALAFCO Board Member

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Select Commission Chair Jim Bagley as voting delegate (and Vice Chair Acquanetta Warren as alternate voting delegate) to cast this Commission's vote(s) for CALAFCO Board Member during the Regional Caucus Elections and on other matters during the Annual Business Meeting; and,
2. For CALAFCO Board Member nomination/selection process, do the following:
  - Nominate Commissioner Acquanetta Warren, incumbent Board member for the open Southern Region City member seat that she currently holds on the CALAFCO Board of Directors; and,
  - Direct the voting delegate to select incumbents Acquanetta Warren for the City Member Seat and Derek McGregor (Orange LAFCO) for the Public Member Seat as the Southern Region representatives to the CALAFCO Board of Directors.

## **BACKGROUND:**

At the CALAFCO Annual Conference this October in Orange County, elections will occur for the Southern Region representatives on the Board of Directors. The positions up for election for 2022/2023 are City and Public board member representatives. These positions are for a two-year term.



**Voting Delegate for Regional Caucus Elections and the Annual Business Meeting:**

Pursuant to CALAFCO's bylaws, the member LAFCO's voting delegate (or alternate) designated to cast the Commission's vote for CALAFCO Board Member during the Regional Caucus Elections must be forwarded to the CALAFCO Executive Director prior to the conference.

In addition, the voting delegate (or alternate) may be required to cast this Commission's vote on other matters during the CALAFCO Annual Business Meeting.

LAFCO staff is recommending that the Commission designate:

- Chair Jim Bagley as the voting delegate; and,
- Vice Chair Acquanetta Warren as the alternate voting delegate.

**Nomination and Selection of Candidates for Board of Directors:**

As outlined in the attached memo from CALAFCO, there are two positions on the CALAFCO Board of Directors representing the southern region whose terms are expiring this year. The first position is for the City member, currently held by Commissioner Acquanetta Warren. Commissioner Warren was appointed in January 2021 to fill the unexpired term of Commissioner Cheryl Brothers from Orange LAFCO. Commissioner Warren, who currently holds an officer position (Secretary) on the CALAFCO Board, has indicated her desire to continue in this position. Staff is recommending that the Commission nominate Commissioner Warren and submit the nomination documents to CALAFCO prior to the September 19, 2022 deadline.

The second position is for the Public member, currently held by Orange LAFCO Commissioner Derek McGregor. Commissioner McGregor was appointed in January 2022 to fill the unexpired term of Commissioner David West from Imperial LAFCO. Commissioner McGregor has also indicated his desire to continue in this position.

LAFCO Staff is recommending that the Commission nominate Commissioner Warren to her current seat and direct the voting delegate to select both Commissioner Warren and Orange LAFCO Commissioner McGregor as the Southern Region representatives to the CALAFCO Board of Directors.

Staff will be happy to answer any questions prior to or at the hearing on the proposed nomination and/or selection.

Attachment: [CALAFCO Memo Regarding Nominations for 2022/23 CALAFCO Board of Directors Dated June 1, 2022](#)

June 1, 2022

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Jo MacKenzie, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors



**RE: Nominations for 2022/2023 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	SOUTHERN REGION	NORTHERN REGION	COASTAL REGION
County Member District Member	City Member Public Member	City Member Public Member	County Member District Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

**MONDAY, SEPTEMBER 19, 2022 at 5:00 PM**

Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, with half of the meetings currently being held virtually and the rest being held at alternate sites around the state.

Board seats are for a two-year term, with no term limits, and any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat. The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 20, 2022 at the Hyatt Regency John Wayne Airport in Newport Beach, California.

*Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Résumé Form or provide the specified information in another format other than a résumé.*



**Please note that completed nomination forms and all materials must be RECEIVED by the CALAFCO Executive Director no later than Monday, September 19, 2022 at 5:00 p.m.**

Returning the nomination form prior to that deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Forms and materials may either be emailed to [info@calafco.org](mailto:info@calafco.org) or mailed to:

CALAFCO Election Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, California 95814

Nominations received by the September 19th deadline will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 4, 2022, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than 5:00 pm on Monday, September 19, 2022, with completed absentee ballots returned by 5:00 p.m. on Friday, October 14, 2022.**

#### NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **June 1** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 19** – Completed Nomination packet due
- **September 19** – Request for an absentee/electronic ballot due
- **September 19** – Voting delegate name due to CALAFCO
- **October 4** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 4** – Distribution of requested absentee/electronic ballots.
- **October 14** – Absentee ballots due to CALAFCO
- **October 20** - Elections

If you have any questions about the election process, please contact me at [jmackenzie@calafco.org](mailto:jmackenzie@calafco.org) or by calling 760-743-7969. You may also contact CALAFCO Executive Director René LaRoche at [rlaroche@calafco.org](mailto:rlaroche@calafco.org) or by calling 916-442-6536.

Members of the 2022/2023 CALAFCO Election Committee are:

Jo MacKenzie, Chair  
[jmackenzie@calafco.org](mailto:jmackenzie@calafco.org)

San Diego LAFCo (Southern Region)  
760-743-7969

Bill Connelly  
[bconnelly@calafco.org](mailto:bconnelly@calafco.org)

Butte LAFCo (Northern Region)  
530-538-6834

Margie Mohler  
[mmohler@calafco.org](mailto:mmohler@calafco.org)

Napa LAFCo (Coastal Region)  
707-287-6911

Daniel Parra  
[dparra@calafco.org](mailto:dparra@calafco.org)

Fresno LAFCo (Central Region)  
559-834-3113

Additionally, you will also find attached for your reference a copy of the CALAFCO Board of Directors Nomination and Election Procedures, as well as the current listing of Board Members and corresponding terms of office.

*I sincerely hope that you will consider joining us!*

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF AN ELECTION COMMITTEE:**

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFcos across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

### **2. ANNOUNCEMENT TO ALL MEMBER LAFcos:**

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFco for distribution to each commissioner and alternate. The announcement shall include the following:
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFcos listed by region.
  - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFco marked "Received too late for Election Committee action."
  - iv. The names of the Election Committee members and the name of their LAFco, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
  - v. The email address and physical address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
  - vii. The specific date by which all voting delegate names are due.
  - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

#### **Key Timeframes for Nominations Process**

Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

\*Days prior to annual membership meeting

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

### **3. THE ELECTION COMMITTEE:**

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

### **4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING**

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.

- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:**

- a. The Presiding Officer shall:
  - i. Review the election procedure with the membership of their region.
  - ii. Present the Election Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    - 1. For city member.
    - 2. For county member.
    - 3. For public member.
    - 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    - 1. Name the nominees and offices for which they are nominated.
    - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
  - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
    - 1. Poll the LAFCOs in good standing by written ballot.
    - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
  4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFcos in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
  2. The nominee receiving the majority of votes cast is elected.
  3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
  4. In case of tie votes:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFco may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

## **7. LOSS OF ELECTION IN HOME LAFco**

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

## **8. FILLING BOARD VACANCIES**

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.



## CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas  
Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Gary Thompson  
Riverside LAFCo  
gthompson@lafco.org

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** Dawn Longoria  
Napa LAFCo  
dlongori@napa.lafco.ca.gov

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** José Henriquez  
Sacramento LAFCo  
henriquezj@saccounty.net

## CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly, <b>Vice Chair</b>	Butte <i>Northern</i>	County (2023)
Blake Inscore	Del Norte <i>North</i>	City (2022)
Gay Jones	Sacramento <i>Central</i>	District (2022)
Michael Kelley	Imperial <i>Southern</i>	County (2023)
Debra Lake	Humboldt <i>Northern</i>	District (2023)
Chris Lopez	Monterey <i>Coastal</i>	County (2022)
Daron McDaniel	Merced <i>Central</i>	County (2022)
Michael McGill	Contra Costa <i>Coastal</i>	District (2022)
Derek McGregor	Orange <i>Southern</i>	Public (2022)
Jo MacKenzie	San Diego <i>Southern</i>	District (2023)
Margie Mohler, <b>Treasurer</b>	Napa <i>Coastal</i>	City (2023)
<b>Anita Paque, Chair</b>	Calaveras <i>Central</i>	Public (2023)
Daniel Parra	Fresno <i>Central</i>	City (2023)
Shane Stark	Santa Barbara <i>Coastal</i>	Public (2023)
Josh Susman	Nevada <i>Northern</i>	Public (2022)
Acquanetta Warren, <b>Secretary</b>	San Bernardino <i>Southern</i>	City (2022)

**Board of Directors**  
**2022/2023 Nominations Form**

***Nomination to the CALAFCO Board of Directors***

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)      ☐ City      ☐ County      ☐ Special District      ☐ Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_ LAFCo Chair

\_\_\_\_\_ Date

**NOTICE OF DEADLINE**

Nominations must be received by **September 19, 2022**  
**at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to:

CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

Or email to: [info@calafco.org](mailto:info@calafco.org)

Date Received  
\_\_\_\_\_

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS



**Board of Directors**  
**2022/2023 Candidate Résumé Form**  
**(Complete both pages)**

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one): ☐ Northern ☐ Coastal ☐ Central ☐ Southern

Category (please check one): ☐ City ☐ County ☐ Special District ☐ Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **September 19, 2022 at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to:


CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

Or email to: [info@calafco.org](mailto:info@calafco.org)

**AMENDED JULY 18, 2022**  
**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:** JULY 18, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #15: EXECUTIVE OFFICER'S REPORT (AMENDED JULY 18)**

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**1. LAFCO Reminder – Meeting Schedule**

The Commission's August 17 Meeting will be a Strategic Planning Workshop. The workshop will be an all-day meeting that will begin promptly at 9:00 AM and ending at 2:30 PM. It should be noted that the August meeting will not be held at the Commission's usual meeting place—the Norton Regional Event Center Auditorium—instead at the San Bernardino County Transportation Authority (SBCTA) Board Room located at the lobby of the San Bernardino Train Depot.

**2. LAFCO Ad Hoc Administrative and Finance Committee Appointment**

LAFCO staff has reached out to the Commission Chair on forming the three-member Ad Hoc Administrative Committee for this fiscal year.

As you may be aware, the Commission's new practice on the Ad Hoc Administrative and Finance Committee composition is: the Chair, the Vice Chair, and a member from the regular membership to be selected by the Chair. Based on LAFCO staff's consultation with the Commission Chair, he has chosen Commissioner Kimberly Cox to be the third member of the Committee. Therefore, the Ad Hoc Administrative and Finance Committee for Fiscal Year 2022-23 is composed of the following members:

- Chair Bagley
- Vice Chair Warren
- Commissioner Cox

The Committee will meet this fiscal year to review the audit and review next year's budget.

**3. Staff Recruitment**

Included in the 2022-23 Budget approved by the Commission in May is the recruitment of the Clerk position due to the current Clerk, Angie, retiring in March 2023. Since that time our GIS Analyst, Hannah, informed me that she will attend graduate school in the Fall with a separation from LAFCO at the end of July.



AMENDED JULY 18, 2022

To our benefit, Angie notified me that she is willing to remain with LAFCO for at least another year, through March 2024. Therefore, in consultation with the Chair, the recruitment authorized by the Commission will modify from the Clerk position to the GIS Analyst position. The hiring range for the positions has a nominal difference, so the modification will have no financial effect on the approved budget. The recruitment closes July 22, and we hope to have the GIS Analyst begin by September 1.

#### 4. CALAFCO News:

- **Annual CALAFCO Conference**

Early Registration for the 2022 CALAFCO Annual Conference is now open! This year, the conference will be from Wednesday, October 19 to Friday, October 21 at the Hyatt Regency (John Wayne Airport) in Newport Beach. A special treat this year is Wednesday's Mobile Workshop, which includes a 2-hour harbor cruise! See Conference Announcement flyer for additional information (copy included as Attachment #1).

LAFCO staff will coordinate with Commissioners shortly regarding attendance.

- **CALAFCO Achievement Awards**

CALAFCO issued a memo for the 2022 Achievement Awards nominations (included as Attachment #2). Every year, CALAFCO recognizes outstanding achievements throughout the State at the CALAFCO Conference. The categories include:

- 1) Outstanding CALAFCO Volunteer,
- 2) Outstanding CALAFCO Associate Member,
- 3) Outstanding Commissioner,
- 4) Outstanding LAFCO Professional,
- 5) Mike Gotch Excellence in Public Service – *Protection of agricultural and open space lands and prevention of sprawl,*
- 6) Mike Gotch Excellence in Public Service – *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services,*
- 7) Legislator of the Year, and
- 8) Lifetime Achievement Award.

It is requested that the Commission provide direction, if any, on items which they wish to nominate for these awards.

Attachments:

1. 2022 CALAFCO Annual Conference Flyer and Mobile Workshop Flyer
2. CALAFCO Memo Regarding 2022 CALAFCO Achievement Award Nominations



# Announcing The 2022 CALAFCO Annual Conference

Hosted by CALAFCO



## October 19 - 21

Hyatt Regency, Newport Beach  
Conveniently located near the John Wayne Airport

### Relevant & Diverse General & Breakout Session Topics

- Everything you ever wanted to know about Municipal Service Reviews but were afraid to ask.
- All about Fire, Fire Districts, and Fire Service Impacts
- Recruitment and Succession Planning
- Avoiding Conflicts of Interest and Other legal pitfalls
- Grand Juries and LAFCOs – Why Can't We Be Friends?
- The Definitive Session on Pensions – LAFCO's two-fold Responsibility to Take Care of Its Own and Review Agencies
- How commission meetings can go wrong
- Legislative Update

*Please note that the Program is still under development and topics are subject to change.*

### Special Highlights

#### LAFCo 101 & More

An introduction (and more) to LAFCo and LAFCo law for Commissioners, Staff, and anyone interested in learning more about LAFCo

*Wednesday morning*

#### Mobile Workshop

*"It's a Shore Thing:  
Navigating Municipal  
Service Delivery within  
Coastal Areas"*

A mobile workshop on multi-agency collaboration that starts with a 2 hour harbor boat ride to Marina Park Community Center for lunch and presentations.  
(Limited to 85)

*Wednesday morning*

### We can't wait to see you!

### Invaluable Networking Opportunities for Reconnection!

- Regional Roundtable discussions on current regional LAFCo issues
- Extended roundtable discussion for LAFCo legal counsel
- Networking breakfasts and extended breaks
- Welcome Reception Wednesday
- Thursday Pre-dinner Reception & breaks with Sponsors
- Awards Banquet Thursday

**Hyatt Regency Newport Beach at  
the John Wayne Airport**



Make your reservations now at the **Hyatt Regency** at the special CALAFCO rate of \$194 (excludes tax and fees).

**Reservations must be made by 9/19/22 to qualify for the Group Rate.**

TO MAKE HOTEL RESERVATIONS, PLEASE VISIT: <https://www.hyatt.com/en-US/group-booking/SNARJ/G-CALF> or call directly at (800) 233-1234 and reference CALAFCO event.

Visit [www.calafco.org](http://www.calafco.org) for more Conference details or call us at 916-442-6536.

**Registration is now open!**  
**For more information, visit**  
**[www.calafco.org](http://www.calafco.org)**



## 2022 CALAFCO ANNUAL CONFERENCE MOBILE WORKSHOP

# IT'S A SHORE THING: NAVIGATING MUNICIPAL SERVICE DELIVERY WITHIN COASTAL AREAS

**WEDNESDAY, OCTOBER 19 • 7:45 am – 1:00 pm**

**BUS BOARDS IN FRONT OF HOTEL AT 7:45 AM**

We begin with a 2-hour harbor cruise that highlights various projects involving multi-agency collaboration. After our cruise, we will travel to Marina Park Community Center where we will have lunch and hear from a panel of local agency representatives on their challenges to collaborate in support of providing efficient and effective services to coastal residents.

Attire is flat, closed toe shoes. Dress in layers. You can register and pay online or complete the registration form and pay by check. All information on the Workshop can be found at [www.calafco.org](http://www.calafco.org).

This Workshop will include the history, features and jurisdiction of the Harbor and will showcase several projects that involve multi-agency collaboration and processes. Our luncheon panel will include representatives from the City of Newport Beach, Capistrano Bay CSD and South Coast Water District. They will talk about their challenges to provide services within a coastal community and the efforts of multi-agency collaboration to support efficient and effective service delivery.

**\$60 per person includes lunch**  
*(Limited to the first 85 registrations)*

**Deadline to register is September 29, 2022.**

Registration fees are refundable (less \$30) if request is received in writing no later than September 29, 2022.

**\*\*Please note that pets are not allowed.\*\***



**CALAFCO | (916) 442-6536 | [WWW.CALAFCO.ORG](http://WWW.CALAFCO.ORG) | [INFO@CALAFCO.ORG](mailto:INFO@CALAFCO.ORG)**

**Sponsored in part by Imperial LAFCo,  
Orange LAFCo, City of Newport Beach and  
Davey's Locker Whale Watching.**





**Date:** June 8, 2022

**To:** CALAFCO Members  
LAFCo Commissioners and Staff  
Other Interested Organizations

**From:** Blake Inscore, Committee Chair  
CALAFCO Achievement Awards Committee  
CALAFCO Board of Directors



**Subject: 2022 CALAFCO Achievement Award Nominations Period Open**

**Deadline: 5:00 p.m., Friday, August 12, 2022**

On behalf of the Association, I am pleased to announce that the nomination period for the 2022 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held on October 20 at the Hyatt Regency Newport Beach John Wayne Airport, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone ***above and beyond*** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

#### ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration. The Committee will not consider any nomination for an award for any category other than the one for which it was submitted. Duplicate nominations ***will not be considered by the Committee.***
3. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each nomination. The form is your opportunity to highlight the most important points of your nomination.
4. Nomination *Executive Summaries* must be ***limited to no more than 250 words in length.*** Nomination *Summaries* must be ***limited to no more than 1,000 words or 2 pages in length maximum.*** You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount ***will not be considered by the Committee.***

5. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. ***Limit supporting documentation to no more than 3 pages.*** If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount ***will not be considered by the Committee.***
6. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
7. **Nominations and supporting materials must be received no later than 5:00 p.m., Friday, August 12, 2022.** Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer  
[slucas@buttecounty.net](mailto:slucas@buttecounty.net)

***You may contact Steve Lucas, CALAFCO Executive Officer, at [slucas@buttecounty.net](mailto:slucas@buttecounty.net) or (530) 538-7784 with any questions.***

### Members of the 2022 CALAFCO Board of Directors Awards Committee

#### Board Members:

<i>Blake Inscore</i> , Committee Chair (Del Norte LAFCo, North Region)	<a href="mailto:binscore@calafco.org">binscore@calafco.org</a>
<i>Debra Lake</i> (Humboldt LAFCo, Northern Region)	<a href="mailto:dlake@calafco.org">dlake@calafco.org</a>
<i>Daniel Parra</i> (Fresno LAFCo, Central Region)	<a href="mailto:dparra@calafco.org">dparra@calafco.org</a>
<i>Shane Stark</i> (Santa Barbara LAFCo, Coastal Region)	<a href="mailto:mmohler@calafco.org">mmohler@calafco.org</a>
<i>Acquanetta Warren</i> (San Bernardino LAFCo, Southern Region)	<a href="mailto:awarren@calafco.org">awarren@calafco.org</a>

#### Regional Officer Members:

<i>José Henriquez</i> , CALAFCO Deputy Executive Officer (Central Region)	<a href="mailto:henriquezj@saccounty.net">henriquezj@saccounty.net</a>
<i>Steve Lucas</i> , CALAFCO Executive Officer (Northern Region)	<a href="mailto:slucas@buttecounty.net">slucas@buttecounty.net</a>
<i>Dawn Longoria</i> , CALAFCO Deputy Executive Officer (Coastal Region)	<a href="mailto:dlongori@napa.lafco.ca.gov">dlongori@napa.lafco.ca.gov</a>
<i>Gary Thompson</i> , CALAFCO Deputy Executive Officer (Southern Region)	<a href="mailto:gthompson@lafco.org">gthompson@lafco.org</a>

#### Included as attachments:

- 2022 Achievement Award nomination form
- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients





**2022 Achievement Award Nominations**  
**Due by Friday, August 12, 2022 at 5:00 p.m.**

## **Achievement Award Nomination Form**

### **NOMINEE - Person or Agency Being Nominated**

Name:

Organization:

Address:

Phone:

E-mail:

### **NOMINATION CATEGORY** (check one – see category criteria on attached sheet)

- ☐ Outstanding CALAFCO Volunteer
- ☐ Outstanding CALAFCO Associate Member
- ☐ Outstanding Commissioner
- ☐ Outstanding LAFCo Professional
- ☐ Mike Gotch Excellence in Public Service (choose one category below)
- ☐ *Protection of agricultural and open space lands and prevention of sprawl*
- ☐ *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*
- ☐ Legislator of the Year (must be approved by the full CALAFCO Board)
- ☐ Lifetime Achievement Award

### **NOMINATION SUBMITTED BY:**

Name:

Organization:

Address:

Phone:

E-mail:



**2022 Achievement Award Nominations**  
**Due by Friday, August 12, 2022 at 5:00 p.m.**

**EXECUTIVE SUMMARY**

In no more than 250 words, summarize why this recipient is the most deserving of this award.





**2022 Achievement Award Nominations**  
**Due by Friday, August 12, 2022 at 5:00 p.m.**

**NOMINATION SUMMARY**

Please indicate the reasons why this person or agency deserves to be recognized (this section must be no more than 1,000 words or 2 pages maximum).



## **CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA**

CALAFCO recognizes excellence within the LAFCo community and the full membership by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **5:00 p.m., Friday, August 12, 2022** in the following categories:

### **OUTSTANDING CALAFCO VOLUNTEER**

#### Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service during the past year. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

#### Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

#### Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

### **OUTSTANDING CALAFCO ASSOCIATE MEMBER**

#### Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCos by consistently producing distinguished work that upholds the mission and goals of LAFCos and has helped elevate the role and mission of LAFCos through its work. Recipient consistently demonstrates a collaborative approach to LAFCo stakeholder engagement. Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCo and CALAFCO.

#### Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCo has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and

solutions that affect LAFCo statewide as an Associate Member.

8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

## **OUTSTANDING COMMISSIONER**

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCo in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCo on which the Commissioner serves.
4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

## **OUTSTANDING LAFCo PROFESSIONAL**

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCo staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCo responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCo in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCo or a contractor providing employee-type services to the LAFCo.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCo shall not be a consideration, nor shall be the size or geographic area of the LAFCo.

4. The overall impact of the LAFCo professional to their LAFCo and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

## **LIFETIME ACHIEVEMENT AWARD**

### Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCo community in terms of longevity of service, exemplary advocacy of LAFCo-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCos throughout California. At a minimum, the individual should be involved in the LAFCo community for at least twenty (20) years.

### Nomination criteria:

1. Nomination must be received from a member LAFCo or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCo community is required for consideration.
3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCos statewide.
4. This includes advocacy of LAFCos statewide through legislation, developing creative and innovative solutions to LAFCo issues that serve beyond their LAFCo to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCo.

### Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCos throughout the state.

## **LEGISLATOR OF THE YEAR**

### Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCos to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

### Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCos statewide, with efforts resulting in a positive impact for all LAFCos.

### Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

## **MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD**

### Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCo-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCo, or collaborative effort among multiple LAFCOs or a LAFCo with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has the following two distinct categories, each focusing on specific areas of the LAFCo mission:

1. *Protection of agricultural and open space lands and prevention of sprawl*
2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

### Award categories:

#### **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

#### **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovative support and systems within internal LAFCo operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

### Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCo or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCo best practice.
8. Clear demonstration how this nomination meets all criteria.

### Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCo within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.



## **PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS**

### **2020 – 2021** *(2 year period due to the pandemic)*

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Outstanding Associate Member	<b>Planwest Partners</b>
Outstanding Commissioner	<b>Olin Woods, Yolo LAFCo</b>
Outstanding LAFCo Professional	<b>Crystal Craig, Riverside LAFCo</b>
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	<b>Napa LAFCo</b>
Mike Gotch Courage & Innovation in Local Government Leadership Award	<b>Yolo LAFCo</b>
Lifetime Achievement Award	<b>Jerry Glabach, Los Angeles LAFCo</b>

### **2019**

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Distinguished Service Award	<b>Charley Wilson, Orange LAFCo</b>
Most Effective Commission	<b>Contra Costa LAFCo</b>
Outstanding Commissioner	<b>Jim DeMartini, Stanislaus LAFCo</b>
Outstanding LAFCo Professional	<b>David Church, San Luis Obispo LAFCo</b>
Project of the Year	<b>Orange LAFCo, for San Juan Capistrano Utilities MSR</b>
Government Leadership Award	<b>CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCo, for Sativa Water District Butte LAFCo</b>
Mike Gotch Courage & Innovation in Local Government Leadership Award	
Legislator of the Year	<b>Assembly Member Mike Gipson</b>
Lifetime Achievement Award	<b>John Benoit, various LAFCos, Jurg Heuberger, Imperial LAFCo</b>

### **2018**

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Distinguished Service Award	<b>John Withers, Orange LAFCo</b>
Most Effective Commission	<b>Santa Clara LAFCo</b>
Outstanding Commissioner	<b>Margie Mohler, Napa LAFCo</b>
Outstanding LAFCo Professional	<b>George Williamson, Del Norte LAFCo</b>
Outstanding LAFCo Clerk	<b>Elizabeth Valdez, Riverside LAFCo</b>
Outstanding CALAFCO Associate Member	<b>Best Best &amp; Krieger</b>
Project of the Year	<b>Lake LAFCo, water services consolidation</b>
Government Leadership Award	<b>City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project</b>
Mike Gotch Courage & Innovation in Local Government Leadership Award	<b>Mike Ott, San Diego LAFCo</b>
Legislator of the Year	<b>Assembly Member Anna Caballero</b>
Lifetime Achievement Award	<b>Pat McCormick, Santa Cruz LAFCo, George Spiliotis, Riverside LAFCo</b>

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**2017**

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Most Effective Commission	<b>Los Angeles LAFCo</b>
Outstanding CALAFCO Member	<b>Sblend Sblendorio</b> , Alameda LAFCo
Outstanding Commissioner	<b>John Marchand</b> , Alameda LAFCo
Outstanding LAFCo Professional	<b>Paul Novak</b> , Los Angeles LAFCo
Outstanding LAFCo Clerk	<b>Richelle Beltran</b> , Ventura LAFCo
Outstanding CALAFCO Associate Member	<b>Policy Consulting Associates</b>
Project of the Year	<b>County Services MSR</b> , Butte LAFCo, and <b>Santa Rosa Annexation</b> , Sonoma LAFCo
Government Leadership Award	<b>San Luis Obispo County Public Works Dept.</b>
Lifetime Achievement Award	<b>Kathy Rollings McDonald</b> (San Bernardino)

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**2016**

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Distinguished Service Award	<b>Peter Brundage</b> , Sacramento LAFCo
Most Effective Commission	<b>San Luis Obispo LAFCo</b>
Outstanding CALAFCO Member	<b>John Leopold</b> , Santa Cruz LAFCo
Outstanding Commissioner	<b>Don Tatzin</b> , Contra Costa LAFCo
Outstanding LAFCo Professional	<b>Steve Lucas</b> , Butte LAFCo
Outstanding LAFCo Clerk	<b>Cheryl Carter-Benjamin</b> , Orange LAFCo
Project of the Year	<b>Countywide Water Study</b> , (Marin LAFCo)
Government Leadership Award	<b>Southern Region of CALAFCO</b>
Lifetime Achievement Award	<b>Bob Braitman</b> (retired Executive Officer)

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**2015**

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Mike Gotch Courage & Innovation in Local Government Leadership Award	<b>Yuba County Water Agency</b>
Distinguished Service Award	<b>Mary Jane Griego</b> , Yuba LAFCo
Most Effective Commission	<b>Butte LAFCo</b>
Outstanding CALAFCO Member	<b>Marjorie Blom</b> , formerly of Stanislaus LAFCo
Outstanding Commissioner	<b>Matthew Beekman</b> , formerly of Stanislaus LAFCo
Outstanding LAFCo Professional	<b>Sam Martinez</b> , San Bernardino LAFCo
Outstanding LAFCo Clerk	<b>Terri Tuck</b> , Yolo LAFCo
Project of the Year	<b>Formation of the Ventura County Waterworks District No. 38</b> (Ventura LAFCo) and <b>2015 San Diego County Health Care Services five-year sphere of influence and service review report</b> (San Diego LAFCo)
Government Leadership Award	<b>The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency</b>
CALAFCO Associate Member of the Year	<b>Michael Colantuono</b> of Colantuono, Highsmith & Whatley
Legislators of the Year Award	<b>Assembly member Chad Mayes</b>
Lifetime Achievement Award	<b>Jim Chapman</b> (Lassen LAFCo) and <b>Chris Tooker</b> (formerly of Sacramento LAFCo)

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**2014**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award  
Most Effective Commission  
Outstanding CALAFCO Member  
Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk  
Project of the Year

**David Church**, San Luis Obispo LAFCo

**Kate McKenna**, Monterey LAFCo

**Santa Clara LAFCo**

**Stephen Lucas**, Butte LAFCo

**Paul Norsell**, Nevada LAFCo

**Kate McKenna**, Monterey LAFCo

**Paige Hensley**, Yuba LAFCo

**LAFCo Procedures Guide: 50<sup>th</sup> Year Special Edition**,  
San Diego LAFCo

Government Leadership Award

**Orange County Water District, City of Anaheim, Irvine Ranch  
Water District, and Yorba Linda Water District**

Legislators of the Year Award

**Assembly member Katcho Achadjian**

Lifetime Achievement Award

**Susan Wilson**, Orange LAFCo

## **2013**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award  
Most Effective Commission  
Outstanding CALAFCO Member  
Outstanding Commissioner  
Outstanding LAFCo Professional  
LAFCo Outstanding LAFCo Clerk  
Project of the Year

**Simón Salinas**, Commissioner, Monterey LAFCo

**Roseanne Chamberlain**, Amador LAFCo

**Stanislaus LAFCo**

**Harry Ehrlich**, San Diego LAFCo

**Jerry Gladbach**, Los Angeles LAFCo

**Lou Ann Texeira**, Contra Costa

**Kate Sibley**, Contra Costa LAFCo

**Plan for Agricultural Preservation**, Stanislaus LAFCo

Government Leadership Award

**Orange County LAFCo Community Islands Taskforce**,  
Orange LAFCo

Legislators of the Year Award

**Senators Bill Emmerson and Richard Roth**

Lifetime Achievement Award

**H. Peter Faye**, Yolo LAFCo; **Henry Pellissier**, Los Angeles  
LAFCo; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**,  
Santa Clara LAFCo.

## **2012**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award  
Most Effective Commission  
Outstanding CALAFCO Member  
  
Outstanding Commissioner  
LAFCo Outstanding LAFCo Professional  
Outstanding LAFCo Clerk  
Project of the Year

**Bill Chiat**, CALAFCO Executive Director

**Marty McClelland**, Commissioner, Humboldt LAFCo

**Sonoma LAFCo**

**Stephen A. Souza**, Commissioner, Yolo LAFCo and  
CALAFCO Board of Directors

**Sherwood Darington**, Monterey

**Carole Cooper**, Sonoma LAFCo

**Gwenna MacDonald**, Lassen LAFCo

**Countywide Service Review & SOI Update**, Santa Clara  
LAFCo

Government Leadership Award

**North Orange County Coalition of Cities**, Orange LAFCo

Lifetime Achievement Award

**P. Scott Browne**, Legal Counsel LAFCos

## **2011**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award  
LAFCo Most Effective Commission  
Outstanding CALAFCO Member  
Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

**Martin Tuttle**, Deputy Director for Planning, Caltrans  
**Mike McKeever**, Executive Director, SACOG  
**Carl Leverenz**, Commissioner and Chair, Butte  
**San Bernardino LAFCo**  
**Keene Simonds**, Executive Officer, Napa LAFCo  
**Louis R. Calcagno**, Monterey LAFCo  
**June Savala**, Deputy Executive Officer, Los Angeles LAFCo  
**Debbie Shubert**, Ventura LAFCo

**Cortese-Knox-Hertzberg Definitions Revision**  
Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper,  
and George Spiliotis  
**Contra Costa Sanitary District**  
**Elsinore Water District and Elsinore Valley Municipal Water  
District**

## **2010**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award

Most Effective Commission  
Outstanding CALAFCO Member  
Outstanding Commissioner  
Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

Special Achievement

**Helen Thompson**, Commissioner, Yolo LAFCo

**Kathleen Rollings-McDonald**, Executive Officer, San  
Bernardino LAFCo  
**Bob Braitman**, Executive Officer, Santa Barbara LAFCo

**Tulare LAFCo**

**Roger Anderson, Ph.D.**, CALAFCO Chair, Santa Cruz LAFCo

**George Lange**, Ventura LAFCo

**Harry Ehrlich**, Government Consultant, San Diego LAFCo

**Candie Fleming**, Fresno LAFCo

**Butte LAFCo**

Sewer Commission - Oroville Region Municipal Service  
Review

**Nipomo Community Services District** and the **County of San  
Luis Obispo**

**Chris Tooker**, Sacramento LAFCo and CALAFCO Board of  
Directors

## **2009**

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Mike Gotch Courage & Innovation in  
Local Government Leadership Award  
Distinguished Service Award  
Most Effective Commission  
Outstanding CALAFCO Member

Outstanding Commissioner  
Outstanding LAFCo Professional  
Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

**Paul Hood**, Executive Officer, San Luis Obispo LAFCo

**William Zumwalt**, Executive Officer, Kings LAFCo  
**Napa LAFCo**

**Susan Vicklund Wilson**, CALAFCO Vice Chair  
**Jerry Gladbach**, CALAFCO Treasurer

**Larry M. Fortune**, Fresno LAFCo

**Pat McCormick**, Santa Cruz LAFCo Executive Officer

**Emmanuel Abello**, Santa Clara LAFCo

**Orange LAFCo** Boundary Report

**Cities of Amador City, Jackson, Lone, Plymouth & Sutter**

**Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project**

**Assembly Member Jim Silva**

Legislator of the Year Award

**2008**

Distinguished Service Award

**Peter M. Detwiler**, Senate Local Government Committee  
Chief Consultant

Most Effective Commission

**Yuba LAFCo**

Outstanding Commissioner

**Dennis Hansberger**, San Bernardino LAFCo

Outstanding LAFCo Professional

**Michael Ott**, San Diego LAFCo Executive Officer  
**Martha Poyatos**, San Mateo Executive Officer

Outstanding LAFCo Clerk

**Wilda Turner**, Los Angeles LAFCo

Project of the Year

**Kings LAFCo**  
City and Community District MSR and SOI Update

Government Leadership Award

**San Bernardino Board of Supervisors**

Legislator of the Year Award

**Assembly Member Anna M. Caballero**

**2007**

Outstanding CALAFCO Member

**Kathy Long**, Board Chair, Ventura LAFCo

Distinguished Service Award

**William D. Smith**, San Diego Legal

Counsel Most Effective Commission

**Santa Clara LAFCo**

Outstanding Commissioner

**Gayle Uilkema**, Contra Costa LAFCo

Outstanding LAFCo Professional

**Joyce Crosthwaite**, Orange LAFCo Executive Officer

Outstanding LAFCo Clerk

**Debby Chamberlin**, San Bernardino LAFCo

Project of the Year

**San Bernardino LAFCo and City of Fontana**  
Islands Annexation Program

Government Leadership Award

**City of Fontana - Islands Annexation Program**

Lifetime Achievement

**John T. "Jack" Knox**

**2006**

Outstanding CALAFCO Member

**Everett Millais**, CALAFCO Executive Officer and Executive  
Officer of Ventura LAFCo

Distinguished Service Award

**Clark Alsop**, CALAFCO Legal Counsel

Most Effective Commission Award

**Alameda LAFCo**

Outstanding Commissioner Award

**Ted Grandsen**, Ventura LAFCo  
**Chris Tooker**, Sacramento LAFCo

Outstanding LAFCo Professional Award

**Larry Calemene**, Los Angeles LAFCo Executive Officer

Outstanding LAFCo Clerk Award

**Janice Bryson**, San Diego LAFCo  
**Marilyn Flemmer**, Sacramento LAFCo

Project of the Year Award

**Sacramento Municipal Utility District** Sphere of Influence  
Amendment and Annexation; **Sacramento LAFCo**

Outstanding Government Leadership Award

**Cities of Porterville, Tulare, and Visalia and Tulare LAFCo**  
Island Annexation Program

Legislator of the Year Award

**Senator Christine Kehoe**

**2005**

Outstanding CALAFCO Member

**Peter Herzog**, CALAFCO Board, Orange LAFCo

Distinguished Service Award

**Elizabeth Castro Kemper**, Yolo LAFCo

Most Effective Commission Award

**Ventura LAFCo**

Outstanding Commissioner Award	<b>Art Aseltine</b> , Yuba LAFCo <b>Henri Pellissier</b> , Los Angeles LAFCo
Outstanding LAFCo Professional Award	<b>Bruce Baracco</b> , San Joaquin LAFCo
Outstanding LAFCo Clerk Award	<b>Danielle Ball</b> , Orange LAFCo
Project of the Year Award	<b>San Diego LAFCo</b> MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	<b>Sacramento Area Council of Governments (SACOG)</b>

## **2004**

Outstanding CALAFCo Member	<b>Scott Harvey</b> , CALAFCo Executive Director
Distinguished Service Award	<b>Julie Howard</b> , Shasta LAFCo
Most Effective Commission Award	<b>San Diego LAFCo</b>
Outstanding Commissioner Award	<b>Edith Johnsen</b> , Monterey LAFCo
Outstanding LAFCo Professional Award	<b>David Kindig</b> , Santa Cruz LAFCo
Project of the Year Award	<b>San Luis Obispo LAFCo</b> Nipomo CSD SOI Update, MSR, and EIR

## **2003**

Outstanding CALAFCo Member	<b>Michael P. Ryan</b> , CALAFCo Board Member
Distinguished Service Award	<b>Henri F. Pellissier</b> , Los Angeles LAFCo
Most Effective Commission Award	<b>San Luis Obispo LAFCo</b>
Outstanding Commissioner Award	<b>Bob Salazar</b> , El Dorado LAFCo
Outstanding LAFCo Professional Award	<b>Shirley Anderson</b> , San Diego LAFCo
Outstanding LAFCo Clerk Award	<b>Lori Fleck</b> , Siskiyou LAFCo
Project of the Year Award	<b>Napa LAFCo</b> Comprehensive Water Service Study
Special Achievement Award	<b>James M. Roddy</b>

## **2002**

Outstanding CALAFCo Member	<b>Ken Lee</b> , CALAFCo Legislative Committee Chair
Most Effective Commission Award	<b>San Diego LAFCo</b> Outstanding
Commissioner Award	<b>Ed Snively</b> , Imperial LAFCo
Outstanding LAFCo Professional Award	<b>Paul Hood</b> , San Luis Obispo LAFCo
Outstanding LAFCo Clerk Award	<b>Danielle Ball</b> , Orange LAFCo
Project of the Year Award	<b>San Luis Obispo LAFCo</b>
Outstanding Government Leadership Award	<b>Napa LAFCo</b> , <b>Napa County Farm Bureau</b> , <b>Napa Valley Vintners Association</b> , <b>Napa Valley Housing Authority</b> , <b>Napa County Agricultural Commissioner's Office</b> , <b>Napa County Counsel Office</b> , and <b>Assembly Member Patricia Wiggins</b>

## **2001**

Outstanding CALAFCo Member	<b>SR Jones</b> , CALAFCo Executive Officer
Distinguished Service Award	<b>David Martin</b> , Tax Area Services Section, State Board of Equalization
Outstanding Commissioner Award	<b>H. Peter Faye</b> , Yolo LAFCo
Outstanding LAFCo Professional Award	<b>Ingrid Hansen</b> , San Diego LAFCo
Project of the Year Award	<b>Santa Barbara LAFCo</b>
Outstanding Government Leadership Award	<b>Alameda County Board of Supervisors</b> , <b>Livermore City Council</b> , <b>Pleasanton City Council</b>
Legislator of the Year Award	<b>Senator Jack O'Connell</b>

## **2000**

Outstanding CALAFCO Member  
Distinguished Service Award

Most Effective Commission Award  
Outstanding Commissioner  
Outstanding LAFCo Professional Award  
Outstanding LAFCo Clerk Award  
Project of the Year Award  
Legislator of the Year Award

**Ron Wootton**, CALAFCO Board Chair  
**Ben Williams**, Commission on Local Governance for the  
21st Century  
**Yolo LAFCo**  
**Rich Gordon**, San Mateo LAFCo  
**Annamaria Perrella**, Contra Costa LAFCo  
**Susan Stahmann**, El Dorado LAFCo  
**San Diego LAFCo**  
**Robert Hertzberg**, Assembly Member

## **1999**

Distinguished Service Award  
Most Effective Commission Award  
Outstanding Executive Officer Award  
Outstanding LAFCo Clerk Award  
Most Creative Solution to a Multi-  
Jurisdictional Problem  
Outstanding Government Leadership Award  
Legislator of the Year Award

**Marilyn Ann Flemmer-Rodgers**, Sacramento LAFCo  
**Orange LAFCo**  
**Don Graff**, Alameda LAFCo  
**Dory Adams**, Marin LAFCo  
**San Diego LAFCo**  
**Assembly Member John Longville**  
**Assembly Member Robert Hertzberg**

## **1998**

Outstanding CALAFCO Member  
Distinguished Service Award  
Most Effective Commission Award  
Outstanding Executive Officer Award  
Outstanding Staff Analysis  
  
Outstanding Government Leadership Award

**Dana Smith**, Orange LAFCo  
**Marvin Panter**, Fresno LAFCo  
**San Diego LAFCo**  
**George Spiliotis**, Riverside LAFCo  
**Joe Convery**, San Diego LAFCo  
**Joyce Crosthwaite**, Orange LAFCo  
**Santa Clara County Planning Department**

## **1997**

Most Effective Commission Award  
Outstanding Executive Officer Award  
Outstanding Staff Analysis  
Outstanding Government Leadership Award  
Most Creative Solution to a Multi-  
Jurisdictional Problem  
Legislator of the Year Award

**Orange LAFCo**  
**George Finney**, Tulare LAFCo  
**Annamaria Perrella**, Contra Costa LAFCo  
**South County Issues Discussion Group**  
**Alameda LAFCo and Contra Costa LAFCo**  
  
**Assembly Member Tom Torlakson**

