

# **AGENDA**

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

**NORTON REGIONAL EVENT CENTER  
1601 E. 3<sup>rd</sup> STREET, SAN BERNARDINO, CA**

### **REGULAR MEETING OF MARCH 19, 2025**

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

#### **ANNOUNCEMENT:**

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

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

#### **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.

2. [Approval of Minutes for Regular Meeting of January 15, 2025](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of December 2024 and January 2025](#)
5. [Approve One Year Extension of Contract with Davis Farr, LLP for Financial Audit Services for Fiscal Year 2024-25](#)
6. Consent Items Deferred for Discussion

#### **DISCUSSION ITEMS:**

7. [LAFCO SC#536 – Request for Exemption from Provisions of Government Code Section 56133 for the Memorandum of Understanding between the County and the City of Colton for the Provision of Water Service \(Terrace Water Company Area\)](#)
8. [Update on the Barstow Cemetery District](#)
9. [Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section I \(Mission Statement and Commission Operations\) and Section II \(Internal Operations, Accounting, and Financial\)](#)

**INFORMATION ITEMS:**

10. [Update on CALAFCO](#)
11. [Legislative Update Report](#)
12. [Executive Officer's Report](#)
13. 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.

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 1601 E. 3rd Street, Suite 102, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org).

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 or with limited English proficiency 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 or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.

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

**REGULAR MEETING**

**9:00 A.M.**

**January 15, 2025**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca Jr.  
Jim Bagley  
Kimberly Cox  
Philipp Dupper  
Curt Hagman  
Acquanetta Warren, Chair

**Alternate Member**

Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Assistant Executive Officer  
Arturo Pastor, Analyst  
Angela Schell, Commission Clerk  
Gavin Centeno, Project Manager/Clerk to the Commission

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Steven Farrell, Vice Chair

**Alternate Member**

Jesse Armendarez

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:06 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Comments from the Public**

There are none.

**CONSENT ITEMS:**

**2. Approval of Minutes for Special Meeting of November 20, 2024**

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

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from October 23, 2024 to November 22, 2024, and November 23, 2024 to December 23, 2024.

**4. Ratify Payments as Reconciled for the Months of October and November 2024 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of October and November 2024 and note revenue receipts for the same period.

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

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

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

**DISCUSSION ITEMS:**

**6. Review and Accept Audit Report for Fiscal Year Ended June 30, 2024**

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2023/24.

*Presenter: Jonathan Foster, Davis Farr LLP*

*Chair Warren states the item is to receive and file.*

**7. Mid-Year Financial Review for FY 2024/25**

Recommendation: Staff recommends the Commission:

1. Note receipt of this report and file.
2. Amend the Budget to account for the office move as follows:
  - a. Increase Expenditures by \$51,000 as follows:
    - i. Increase Account 2043 (Telecommunications) by \$15,000 from \$0 to \$15,000.
    - ii. Increase Account 2245 (Other Professional Services) by \$36,000 from \$82,981 to \$118,981.
  - b. Increase Revenue Account 9910 (Prior Year) by \$51,000 from \$0 to \$51,000 (carryover earmarked for the move).

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

*Ayes: Baca, Bagley, Cox, Dupper, Hagman, Kenley, and Warren.*



Noes: None.  
Abstain: None.  
Absent: Farrell (Kenley voting in his stead).

## **8. Consider Revision to Service Review Schedule**

Recommendation: Staff recommends that the Commission revise the service review schedule by choosing Proposed Schedule B and directing staff to commence the countywide park and recreation service review immediately.

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

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

## **9. Update on Daggett Community Services District Water System**

Recommendation: Staff recommends the Commission:

1. Receive and file this report.
2. Provide staff with direction, if any.

*Chair Warren states the item is to receive and file.*

## **INFORMATION ITEMS:**

### **10. Legislative Oral Report**

Executive Officer Samuel Martinez states there is no legislative report.

### **11. Executive Officer's Oral Report**

Executive Officer Samuel Martinez provides updates of completed proposal and the upcoming protest hearing to be held at the end of the month. He welcomes new employee Gavin Centeno, as the new project manager/clerk to the Commission. He further states, that there will be no February hearing and that there will now be an April hearing.

### **12. Commissioner Comments**

Commissioner Bagley provided a general comment regarding events transpiring at CALAFCO and thanked Chair Warren and Commissioner Cox for their participation on the CALAFCO board.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:42 A.M.**

ATTEST:

ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

ACQUANETTA WARREN, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : MARCH 10, 2025   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT

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## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from December 24, 2024 to January 22, 2025 and January 23, 2025 to February 24, 2025.

## **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 period of:

- December 24, 2024 to January 22, 2025
- January 23, 2025 to February 24, 2025

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

SM/GC

Attachments



PROCUREMENT CARD PROGRAM  
MONTHLY PROCUREMENT CARD PURCHASE REPORT

ATTACHMENT G

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 12/24/24 to 1/22/2025	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
01/07/25	Expedia	1	Hotel Rm for K.Cox	CALAFCO Board Meeting	8900005012	52942942	\$151.41			
01/12/25	Zoom	2	Video Conference	Communication	8900005012	52002305	\$17.23			
01/10/25	Thomson West	3	Law Library Updates	Law Library Updates	8900005012	52002080	\$345.18			
01/16/25	Panera Bread	4	Office Expense	Commission Meeting	8900005012	52002305	\$42.98			
01/17/25	Frontier Comm	5	Phone Service	Communication	8900005012	52002041	\$758.12			

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 <i>Samuel Martinez</i>	03/10/25

Approving Official (Print & Sign)	Date
Acquanetta Warren	03/19/25




PROCUREMENT CARD PROGRAM  
MONTHLY PROCUREMENT CARD PURCHASE REPORT

ATTACHMENT G

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 1/23/25 to 2/24/2025	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBE	*R/D	SALES TAX INCL
1/29/25	JM Trophies	1	Office Supplies	Meeting name plate	8900005012	52002305	\$21.68			
02/10/25	Thomson West	2	Law Library Updates	Law Library Updates	8900005012	52002080	\$345.18			
02/12/25	Zoom	3	Video Conference	Communication	8900005012	52002305	\$17.23			
02/12/25	Golden Star Technology	4	Computer Software	Enterprise for Adobe Acrobat	8900005012	52002115	\$16.67			
02/13/25	Frontier	5	Phone Service	Communication	8900005012	52002041	\$757.37			
02/20/25	Southwest Airlines	6	Air Travel K.Cox	CALAFCO Strategic Planning Retreat	8900005012	52942945	\$426.96			
02/22/25	Temecula Creek Inn	7	Hotel Rm-Samuel Martinez	CALAFCO Staff Workshop	8900005012	52942942	\$211.68			
02/22/25	Temecula Creek Inn	8	Hotel Rm-Mike Tuerpe	CALAFCO Staff Workshop	8900005012	52942942	\$211.68			
02/22/25	Temecula Creek Inn	9	Hotel Rm-Arturo Pastor	CALAFCO Staff Workshop	8900005012	52942942	\$211.68			

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 	03/10/25

Approving Official (Print & Sign)	Date
Acquanetta Warren	03/19/25



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : MARCH 12, 2025  
FROM: SAMUEL MARTINEZ, Executive Officer   
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF DECEMBER 2024 AND JANUARY 2025 AND  
NOTE REVENUE RECEIPTS

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## RECOMMENDATION:

Ratify payments as reconciled for the months of December 2024 and January 2025 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 period of:


- December 1 through December 31, 2024
- January 1 through January 31, 2025

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

SM/MT



Attachment

DECEMBER 2024 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901892515	52002075	12/26/24	CSDA	6986	Annual Membership	\$ 1,809.00
1901915468	52002090	12/04/24	Inland Valley Dev. Authority	INV0692	IVDA Rent Inv 0692	\$ 90.00
1901914026	52002305	12/02/24	Paper Shredding & Recycle	588011	Paper Recycling Inv 588011	\$ 78.00
1901913980	52002400	12/02/24	Best Best Krieger	1011689	Legal Counsel	\$ 1,616.70
1901915971	52002400	12/05/24	Best Best Krieger	1013665	Legal Counsel	\$ 2,062.27
1901916142	52002405	12/05/24	SBCERA	24 GASB 68 RD	GASB 68	\$ 2,427.14
1901926376	52002424	12/17/24	Tom Dodson	LA-1076-3	Tom Dodson & Associates SC#532 Invoice LA-1076-3	\$ 680.00
1901926379	52002424	12/17/24	Tom Dodson	LA-1078-1	Tom Dodson & Associates (Sphere) Invoice LA-1078-1	\$ 595.00
1901926380	52002424	12/17/24	Tom Dodson	LA-1079-1	Tom Dodson & Assoc. (Big River) LA-1079-1	\$ 510.00
1901926382	52002424	12/17/24	Tom Dodson	LA-1080-1	Tom Dodson & Assoc (CVWD-3270) Inv. LA 1080-1	\$ 340.00
1901914690	52002445	12/03/24	GM Business Interiors	0298263-IN	GM Invoice 0298263-IN remaining 50% of balance	\$ 13,286.14
1901914690	52002445	12/03/24	GM Business Interiors	0298263-IN	GM Invoice 0298263-IN remaining 50% of balance	\$ 4,636.50
1901915476	52002445	12/04/24	Event Design Lab	11202024	Live Stream Broadcast Package Per 11/20 Mtg	\$ 900.00
1901925012	52002445	12/13/24	Rebecca Lowery	35	Rebecca Lowery Inv 35 Dec 2- 13	\$ 1,246.88
1901925082	52002445	12/13/24	Rebecca Lowery	34	Rebecca Lowery Inv 34 Nov 18-27	\$ 761.25
1901927726	52002445	12/18/24	Dupper	12-18ADMIN	Dupper Stipend Admin Mtg 12-18-24	\$ 200.00
1901927732	52002445	12/18/24	Farrell	12-18ADMIN	Farrell Stipend Admin Mtg 12-18-24	\$ 200.00
1901927736	52002445	12/18/24	Warren	12-18ADMIN	Warren Stipend Admin Mtg 12-18-24	\$ 200.00
1901917956	52002895	12/10/24	Konica Minolta	46036108	Inv 46036108 Knoica	\$ 365.40
1901915468	52002905	12/04/24	Inland Valley Dev. Authority	INV0692	IVDA Rent Inv 0692	\$ 2,509.00
1901930931	52942940	12/23/24	Arturo Pastor	Q2P7FF	*Trip from 12/03/24 To 12/04/24 to Corona, CA U	\$ 64.32
1901915761	52942940	12/04/24	Arturo Pastor	UTPS8Y	*Trip from 10/15/24 To 10/18/24 to Fish Camp US	\$ 446.22
1901915761	52942943	12/04/24	Arturo Pastor	UTPS8Y	*Trip from 10/15/24 To 10/18/24 to Fish Camp US	\$ 22.29
1901932894	52942943	12/30/24	Arturo Pastor	HBTN61	*Trip from 11/18/24 To 11/18/24 to Chino, CA US	\$ 19.00
DECEMBER 2024 COUNTY TRANSFERS PROCESSED						
4103686628	52002031	12/01/24	IT		NOV 2024 Payroll System Services (EMACS)	\$ 58.16
4103686629	52002032	12/01/24	IT		NOV 2024 Virtual Private Network (VPN)	\$ 10.72
4103686631	52002037	12/01/24	IT		NOV 2024 Dial Tone	\$ 246.24
4103682245	52002305	12/09/24	Purchasing/Staples		7646878012000001	\$ 16.89
4103696532	52002305	12/23/24	Purchasing/Staples		7648213544000001	\$ 21.45
4200144828	52002310	12/06/24	Mail		Mail Services HAN	\$ 140.25
4200144829	52002310	12/06/24	Mail		Mail Services FLAT	\$ 26.36
4200144912	52002310	12/09/24	Mail		Mail Services DEL	\$ 200.70
4200144913	52002323	12/09/24	Purchasing/Printing		N20974 - Emacs Reports 8/5/2024	\$ 18.65
4200145070	52002323	12/11/24	Purchasing/Printing		N20888 - #10 Regular Envelopes	\$ 1,908.92
4200145070	52002323	12/11/24	Purchasing/Printing		N22681 - Emacs Reports 9/3/2024	\$ 18.65
4103692201	52002420	12/01/24	IT		NOV 2024 Data Storage and Backup	\$ 73.36
4103692201	52002420	12/01/24	IT		NOV 2024 Enterprise Content Management	\$ 89.44
4103692201	52002420	12/01/24	IT		NOV 2024 File Sharing Storage	\$ 74.34
4103692201	52002420	12/01/24	IT		NOV 2024 Wireless Device (Exchange Active Sync)	\$ 15.75
4103686638	52002421	12/01/24	IT		NOV 2024 Desktop Support Services	\$ 636.86
4200144969	52002424	12/16/24	Clerk to the Board		NOD - LAFCO SC#532	\$ 50.00
4200144597	2002445	12/04/24	ROV		Voter count	\$ 101.26
4200144771	2002445	12/16/24	ROV		Voter count	\$ 50.63
4200144772	2002445	12/16/24	ROV		Voter count	\$ 101.26
4103686635	2412410	12/01/24	IT		IT Infrastructure - Period 6	\$ 751.00
4103682245	5405012	12/09/24	Purchasing/Staples		7646878012000001	\$ 140.77

4103696532	5405012	12/23/24	Purchasing/Staples	7648213544000001	\$ 178.73
<b>TOTAL</b>					<b>\$ 4,930.39</b>
<b>DECEMBER 2024 CASH RECEIPTS</b>					
4103686413	40709800	12/12/24	City of Upland	Service Contract #533	\$ 634.00
4103686413	40709595	12/12/24	City of Chino	LAFCO 3269 Protest Deposit	\$ 1,500.00
4103686413	40709595	12/12/24	Cucamonga Valley WD	LAFCO 3270 Protest Deposit	\$ 1,500.00
4103686413	various	12/12/24	Barstow Fire Protection Dist.	LAFCO 3271 Deposits	\$ 4,000.00
<b>TOTAL</b>					<b>\$ 7,634.00</b>
<b>DECEMBER 2024 COUNTY TRANSFERRED RECEIVED</b>					
		none			
<b>TOTAL</b>					<b>\$ -</b>
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ	
Assistant Executive Officer				Executive Officer	
Date: 3/10/2025				3/10/2025	




JANUARY 2025 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901936232	52002085	01/08/25	San Bernardino Sun	B3880502	Notice of Hearing SB Sun	\$ 400.60
1901941710	52002085	01/15/25	Daily Journal	B3880927	Daily Journal Invoice b3880927	\$ 720.64
1901934365	52002090	01/06/25	Inland Valley Dev. Authority	INV0831	IVDA Rent Inv 0831	\$ 90.00
1901947594	52002400	01/21/25	Best Best Krieger	1017254	Legal Counsel	\$ 763.69
1901932996	52002445	01/02/25	Rebecca Lowery	36	Invoice 36	\$ 813.75
1901934431	52002445	01/06/25	Cox	COX01-06	Cox Stipend Southern Region Mtg 01-06-25	\$ 200.00
1901934698	52002445	01/07/25	Warren	WARREN01-06	Warren Stipend Southern Region Mtg 01-06-25	\$ 200.00
1901941684	52002445	01/15/25	Rebecca Lowery	37	Invoice 37	\$ 1,148.44
1901942847	52002445	01/16/25	Baca	BACA1-15	Baca Jr. Stipend	\$ 200.00
1901943875	52002445	01/16/25	Bagley	BAGLEY1-15	Bagley Stipend	\$ 200.00
1901945237	52002445	01/16/25	Cox	COX1-15	Cox Stipend	\$ 200.00
1901945238	52002445	01/16/25	Denison	DENISON1-15	Denison Stipend	\$ 200.00
1901945244	52002445	01/16/25	Dupper	DUPPER1-15	Dupper Stipend	\$ 200.00
1901945259	52002445	01/16/25	Hagman	HAGMAN1-15	Hagman Stipend	\$ 200.00
1901945262	52002445	01/16/25	Harvey	HARVEY1-15	Harvey Stipend	\$ 200.00
1901945263	52002445	01/16/25	Kenley	KENLEY1-15	Kenley Stipend	\$ 200.00
1901945268	52002445	01/16/25	Warren	WARREN1-15	Warren Stipend Southern Region Mtg 01-06-25	\$ 200.00
1901948038	52002445	01/21/25	Event Design Lab	01152025	Event Design LAB 01152025	\$ 900.00
1901954225	52002445	01/30/25	Rebecca Lowery	38	Rebecca Lowery inv 38	\$ 1,240.31
1901938120	52002895	01/10/25	Konica Minolta	46223351	Kknica Minolta Inv 46223351	\$ 165.53
1901938120	52002895	01/10/25	Konica Minolta	46223351	Kknica Minolta Inv 46223351	\$ 365.40
1901934365	52002905	01/06/25	Inland Valley Dev. Authority	INV0831	IVDA Rent Inv 0831	\$ 2,509.00
1901951751	52002905	01/28/25	Inland Valley Dev. Authority	INV0932	Rent for Auditorium Use Inv0932	\$ 405.00
1901943875	52942940	01/16/25	Bagley	BAGLEY1-15	Bagley Milage	\$ 121.80
1901945237	52942940	01/16/25	Cox	COX1-15	Cox Milage	\$ 82.60
1901945238	52942940	01/16/25	Denison	DENISON1-15	Denison Milage	\$ 93.66
1901945262	52942940	01/16/25	Harvey	HARVEY1-15	Harvey Milage	\$ 117.60
1901945263	52942940	01/16/25	Kenley	KENLEY1-15	Kenley Milage	\$ 33.88
1901945268	52942940	01/16/25	Warren	WARREN1-15	Warren Milage	\$ 27.44
1901950568	52942942	01/24/25	Farrell	FARRELL1-23	Farrell Hotel Accommodation Reimbursement	\$ 760.29
1901941457	52942940	01/14/25	Michael Tuerpe		*Trip from 10/15/24 To 10/18/24 to Fish Camp, C	\$ 334.33
1901941456	52942943	01/14/25	Michael Tuerpe		*Trip from 10/02/24 To 10/02/24 to Chino, CA US	\$ 16.79
1901941457	52942943	01/14/25	Michael Tuerpe		*Trip from 10/15/24 To 10/18/24 to Fish Camp, C	\$ 16.77
						\$ 13,327.52
JANUARY 2025 COUNTY TRANSFERS PROCESSED						
4103729987	52002032	01/01/25	IT		DEC 2024 Virtual Private Network (VPN)	\$ 10.72
4103729292	52002037	01/01/25	IT		DEC 2024 Dial Tone	\$ 246.24
4103734881	52002305	01/20/25	Purchasing/Staples		7909612016000001	\$ 3.60
4103749503	52002305	01/27/25	Purchasing/Staples		7650399310000001	\$ 3.85
4103729298	52002420	01/01/25	IT		DEC 2024 Wirelless Device (Exchange Active Sync)	\$ 15.75
4103729298	52002420	01/01/25	IT		DEC 2024 File Sharing Storage	\$ 74.34
4103729298	52002420	01/01/25	IT		DEC 2024 Enterprise Content Management	\$ 89.44
4103729298	52002420	01/01/25	IT		DEC 2024 Data Storage and Backup	\$ 73.36
4103729299	52002421	01/01/25	IT		DEC 2024 Desktop Support Services	\$ 701.43
4103729759	52412410	01/01/25	IT		IT Infrastructure - Period 7	\$ 751.00
4103734881	55405012	01/20/25	Purchasing/Staples		7909612016000001	\$ 30.00
4103749503	55405012	01/27/25	Purchasing/Staples		7650399310000001	\$ 32.08

4200146571	52002041	01/16/25	IT		phone service	\$ 1,555.25
4200146645	52002041	01/16/25	IT		phone service	\$ 758.12
4200145252	55405012	01/16/25	IT		Microsoft Annual Licenses	\$ 5,096.57
4200146318	52002445	01/14/25	ROV		LAFCO 3271 voter count	\$ 101.26
4200146143	52002310	01/09/25	Mail		Mail Services FLAT	\$ 21.68
4200146144	52002310	01/09/25	Mail		Mail Services HAN	\$ 336.60
4200146147	52002310	01/09/25	M		Mail Services DEL	\$ 223.00
<b>TOTAL</b>						<b>\$ 10,124.29</b>
<b>JANUARY 2025 CASH RECEIPTS</b>						
4103729102	various	01/13/25	Twentynine Palms WD		LAFCO 3273	\$ 10,114.00
4103736790	40709800	01/22/25	City of San Bernardino		Service Contract #534	\$ 634.00
4103736790	40709800	01/22/25	City of San Bernardino		Service Contract #535	\$ 634.00
<b>TOTAL</b>						<b>\$ 11,382.00</b>
<b>JANUARY 2025 COUNTY TRANSFERRED RECEIVED</b>						
101331428	40308500	01/27/25	Auditor		QE 12/31/2024 INTEREST APPORTIONMENT	\$ 13,390.59
<b>TOTAL</b>						<b>\$ 13,390.59</b>
COMPLETED BY:	MICHAEL TUERPE			APPROVED BY:	SAMUEL MARTINEZ	
	Assistant Executive Officer				Executive Officer	
	Date:	3/10/2025			3/10/2025	

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE :** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #5: Approve One-Year Extension of Contract with Davis Farr, LLP for Financial Audit Services for Fiscal Year 2024-25

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## **RECOMMENDATION:**

Authorize the Executive Officer to exercise the one-year extension with Davis Farr, LLP to prepare the audit for Fiscal Year 2024-25.

## **BACKGROUND:**

In March 2021, the Commission approved a contract with the auditing firm Davis Farr, LLP (hereafter Davis Farr) to perform the Commission's annual audits for the periods FY 2020-21 through FY 2023-24 (four-year term) with a one-year option to continue using Davis Farr for the FY 2024-25 audit, at the discretion of the Commission.

Davis Farr has completed the audits for the four fiscal years, including the FY 2023-24 audit that the Commission received and filed at its January meeting. For the last four years, Davis Farr has performed with outmost professionalism in preparing the Commission's audits.

In response to LAFCO staff's inquiry regarding the one-year option to extend the contract, Davis Farr has provided an engagement letter (see Attachment #1) indicating that it can perform the Commission's FY 2024-25 audit for \$9,000, which is what was identified in the original contract (see Attachment #2). It should be noted that the other LAFCOs who are a part of the joint RFP/contract (Imperial, Los Angeles, Orange, and Riverside LAFCOs) are all exercising their one-year option with Davis Farr as well.

## **CONCLUSION:**

Therefore, LAFCO staff is recommending that the Commission move forward with using Davis Farr to prepare the Commission's FY 2024-25 audit and authorize the Executive Officer to sign the engagement letter for the one-year extension with Davis Farr.

In addition, LAFCO staff will start working with other LAFCOs on issuing a new joint RFP for auditing services starting FY 2025-26 and will return to the Commission for review and approval on the group's recommendation regarding its selection of a new auditor to perform the Commission's annual audits.

Attachments: 1. [Davis Farr, LLP Engagement Letter Dated February 13, 2025](#)  
2. [Current Contract with Davis Farr, LLP](#)



**February 13, 2025**

**Local Agency Formation Commission for San Bernardino County  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415**

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide San Bernardino County Local Agency Formation Commission (the "Entity").

You have requested that we audit the governmental activities, each major fund, and the aggregate remaining fund information of the Entity, as of June 30, 2025, and for the year then ended and the related notes, which collectively comprise the Entity's basic financial statements as listed in the table of contents.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and, if applicable, in accordance with Government Auditing Standards, and/or any state or regulatory audit requirements will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Accounting principles generally accepted in the United States of America, (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that certain required supplementary information ("RSI") such as management's discussion and analysis be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of the Plan's Proportionate Share of the Net Pension Liability
3. Schedule of Contributions

### **Auditor Responsibilities**

We will conduct our audit in accordance with GAAS and in accordance with Government Auditing Standards. As part of an audit in accordance with GAAS and in accordance with Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.<sup>2</sup> However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Entity's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and in accordance with Government Auditing Standards.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the Entity's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Management Responsibilities**

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
  - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit;
  - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
  - iv. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
  - v. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report.
- d. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by us;
- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

### **Nonattest Services**

With respect to any nonattest services we perform,

*At the end of the year, we agree to perform the following:*

- *Propose adjusting or correcting journal entries detected during the audit, if applicable, to be reviewed and approved by the Entity's management.*
- *Word process the financial statements using information provided by management.*

We will not assume management responsibilities on behalf of the Entity. However, we will provide advice and recommendations to assist management of the Entity in performing its responsibilities.

The Entity's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

### **Reporting**

We will issue a written report upon completion of our audit of the Entity's basic financial statements. Our report will be addressed to the Board of Directors of the Entity. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of Government Auditing Standards, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.



**Engagement Fees**

Our fixed fees for the services previously outlined will be as follows:

Financial Statement Audit: \$9,000

Additionally, our fees are dependent on the availability, quality, and completeness of the Entity's records and, where applicable, upon the Entity's personnel providing the level of assistance identified in the "prepared by client" request list distributed at the end of our planning work (e.g., Entity employees preparing confirmations and schedules we request, locating documents selected by us for testing, etc.).

Should our assumptions with respect to these matters be incorrect, or should the condition of the records, degree of cooperation, or other matters beyond our reasonable control require additional commitments by us beyond those upon which our estimated fees are based, we may adjust our fees and planned completion dates. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate as soon as reasonably practicable.

**Other Engagement Matters**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Enclosed, as required by *Government Auditing Standards*, is a copy of the report on the most recent peer review of our firm.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

Jonathan Foster, CPA, is the engagement partner responsible for supervising the engagement and signing the report.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

At the conclusion of our audit engagement, we will communicate to *the Board of Commissioners* the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;

- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Davis Farr LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulatory agencies pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Davis Farr LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulatory agencies. The regulatory agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

We appreciate the opportunity to provide these services and believe this letter accurately summarizes the significant terms of our engagement.

Very truly yours,



**Jonathan Foster, Partner**  
Davis Farr LLP

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The services and arrangements described in this letter are in accordance with our understanding and are acceptable to us.

**San Bernardino County Local Agency Formation Commission**

By \_\_\_\_\_  
**Executive Officer**

Date \_\_\_\_\_

**AGREEMENT FOR SERVICES BETWEEN  
LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY  
AND  
DAVIS FARR, LLP**

This Agreement is made and entered into as of July 1, 2021 ("Effective Date") by and between the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as "LAFCO"), organized and operating pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq.* Davis Farr, LLP (hereinafter referred to as "Consultant").

**RECITALS**

A. LAFCO is a public agency of the State of California and is in need of the following professional services: Audit Services for the fiscal year ending on June 30, 2021, June 30, 2022, June 30, 2023 and June 30, 2024, as more particularly described herein (hereinafter referred to as "the Project").

B. Consultant is a qualified independent Certified Public Accounting firm.

C. The parties desire by this Agreement to establish the terms for LAFCO to retain Consultant to provide the services described herein.

**AGREEMENT**

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide LAFCO with the services described in the Scope of Services attached hereto as Exhibit "A." Should LAFCO determine, in its sole discretion, to exercise its option to renew this Agreement for an additional year as set forth in Section 5 of this Agreement, such renewed services shall be performed as described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. The total amount paid for services rendered by Consultant pursuant to Exhibit "A" for the audit of the fiscal year ending on June 30, 2021 shall not exceed \$8,300, for the fiscal year ending on June 30, 2022 shall not exceed \$8,450, for fiscal year ending on June 30, 2023 shall not exceed \$8,625, and for fiscal year ending on June 30, 2024 shall not exceed \$8,800 without prior written approval by LAFCO. Should LAFCO, in its sole discretion, exercise its option to renew this Agreement for an additional year as set forth in Section 5 of this Agreement, the total amount paid for services rendered by Consultant pursuant to Exhibit "A" for the audit of

the fiscal year ending on June 30, 2025 shall not exceed \$9,000 without prior written approval by LAFCO. Periodic payments shall be made within 30 days of receipt of a statement for services rendered. Payments to Consultant for work performed will be made on a monthly billing basis.

b. Subject to paragraph 2(a) above, LAFCO shall pay for additional consulting services in accordance with the Schedule of Additional Charges set forth in Exhibit "B."

c. LAFCO shall reimburse costs advanced by Consultant on LAFCO's behalf, as well as other expenses, in addition to the amount billed for fees. These currently include, but are not limited to, automobile mileage and actual expenses away from Consultant's offices on LAFCO business, extraordinary photocopy charges and any costs of producing or reproducing photographs, documents and other things necessary for the preparation or presentation of LAFCO business. All costs will be itemized on LAFCO's monthly statement. LAFCO shall not pay fees for travel to or from LAFCO's offices in the ordinary course of business or reimburse mileage to Consultant.

3. Additional Work.

If changes in the work seems merited by Consultant or LAFCO, and informal consultations with the other party indicate that a change is warranted, it shall be processed by LAFCO in the following manner: a letter outlining the changes shall be forwarded to LAFCO by Consultant with a statement of estimated changes in fee or time schedule. An amendment to the Agreement shall be prepared by LAFCO and executed by both parties before performance of such services or LAFCO will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement period and for seven (7) years from the date of final payment under the contract for inspection by LAFCO.

5. Term and Time of Performance.

The term of this Agreement shall be from July 1, 2021 to June 30, 2024. In its sole discretion, LAFCO may extend the Services required hereunder to include audit services related to the fiscal year ending on June 30, 2025, in writing providing notice to Consultant that such Services shall be extended for an additional year. Consultant shall perform its services hereunder in a prompt and timely manner, in accordance with the Activity Schedule shown in Exhibit "C" and shall commence performance upon the execution of this Agreement.

6. Delays in Performance.

Neither LAFCO nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns and other labor disturbances; sabotage or judicial restraint.

Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government.

b. Consultant shall assist LAFCO in obtaining and maintaining all permits required of Consultant by Federal, State and local regulatory agencies.

c. Consultant certifies by executing this Agreement that, on the Effective Date and for the duration of this Agreement, neither Consultant nor its employees assigned to perform services hereunder shall have any prohibited conflict of interest as defined under the California Political Reform Act or conflicting financial interest in this Agreement as defined under California Government Code Section 1090.

d. Consultant agrees that in the event an administrative agency or court of competent jurisdiction finds this Agreement to have been executed or administered in violation of Government Code Section 1090 or any other applicable law, that disgorgement of profits or anything received by Consultant may be required as a consequence of both civil and criminal liability. In such a case, payments made by LAFCO to the Consultant must be returned to LAFCO by the Consultant and no claim for future payments under this Agreement may be made, and LAFCO shall be entitled to retain any benefits which it receives under this Agreement.

8. Standard of Care.

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant.

Consultant shall not assign, sublet or transfer this Agreement or any rights under or interest in this Agreement without the written consent of LAFCO, which may be withheld for any reason. Nothing contained herein shall prevent Consultant from employing independent associates and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor.

Consultant is retained as an independent contractor and is not an employee of LAFCO. No employee or agent of Consultant shall become an employee of LAFCO. The work to be performed shall be in accordance with the work described in Exhibit "A," subject to such directions and amendments from LAFCO as herein provided.

11. Integration.

This Agreement represents the entire understanding of LAFCO and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

12. Insurance.

a. Commercial General Liability

(1) Consultant shall maintain occurrence version Commercial General Liability Insurance or equivalent form with a combined single limit of not less than \$1,000,000 per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or be no less than twice the occurrence limit.

(2) All such policies shall name LAFCO, the Commission and each member of the Commission, its officers, employees, agents and LAFCO designated volunteers as Additional Insureds under the policy.

(3) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by LAFCO.

b. Automobile Liability

(1) At all times during the performance of the work under this Agreement the Consultant shall maintain Automobile Liability Insurance for bodily injury and

property damage including coverage for non-owned and hired vehicles, in a form and with insurance companies acceptable to LAFCO.

(2) Coverage for Automobile Liability Insurance shall be at least as broad as Insurance Services Office Form Number CA 0001 (ed. 6/92) covering automobile liability, Code 1.

(3) The automobile liability program may utilize deductibles, but not a self-insured retention, subject to written approval by LAFCO.

(4) All such policies shall name LAFCO, the Commission and each member of the Commission, its officers, employees, agents and designated volunteers as Additional Insureds under the policies.

c. Workers' Compensation/Employer's Liability

(1) At all times during the performance of the work under this Agreement and for 24 months following the date of Project completion and acceptance by LAFCO, the Consultant shall maintain workers' compensation in compliance with applicable statutory requirements and Employer's Liability Coverage in amounts indicated herein.

(2) Such insurance shall include an insurer's Waiver of Subrogation in favor of LAFCO and will be in a form and with insurance companies acceptable to LAFCO

(3) If insurance is maintained, the workers' compensation and employer's liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by LAFCO.

(4) Before beginning work, the Consultant shall furnish to LAFCO satisfactory proof that Consultant has taken out, for the period covered by the work under this Agreement, full compensation insurance for all persons employed directly by Consultant to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof. Consultant shall require all subconsultants to obtain and maintain, for the period covered by the work under this Agreement, workers' compensation of the same type and limits as specified in this Section.

d. Professional Liability (Errors and Omissions).

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability insurance, in a form and with insurance companies acceptable to LAFCO and in an amount indicated herein.

e. Minimum Policy Limits Required

(1) The following insurance limits are required for the Contract:

	<u>Combined Single Limit</u>
Commercial General Liability	\$1,000,000 per occurrence/aggregate for bodily injury, personal injury and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury and property damage
Employer's Liability	\$1,000,000 per occurrence
Professional Liability (errors and omissions)	\$1,000,000 per claim and aggregate

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with LAFCO evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (ACORD Form 25-S or equivalent). All evidence of insurance shall be signed by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional primary insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies and the expiration date of such insurance.

g. Policy Provisions Required

(1) All policies shall contain a provision for 30 days advance written notice by the insurer(s) to LAFCO of any cancellation. Statements that the carrier "will endeavor" and "that failure to mail such notice shall impose no obligation and liability upon the company, its agents or representatives," will not be acceptable on certificates.

(2) All policies shall contain a provision stating that the Consultant's policies are primary insurance and that the insurance of LAFCO or any Additional Insured shall not be called upon to contribute to any loss.

h. Additional Insurance Provisions

(1) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by LAFCO, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise



assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(2) If at any time during the life of the Agreement the Consultant fails to maintain in full force any insurance required by the Agreement documents, LAFCO may terminate the Agreement.

(3) The Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

(4) LAFCO may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(5) Neither LAFCO nor the Commission, nor any member of the Commission, nor any of the directors, officers, employees, agents or volunteers of LAFCO or the Commission shall be personally responsible for any liability arising under or by virtue of this Agreement.

13. Indemnification.

Consultant agrees to protect, save, defend and hold harmless LAFCO and its Commission and each member of the Commission, officers, agents and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of or in any way connected with the alleged acts, errors or omissions or willful misconduct by Consultant, Consultant's agents, officers, employees, subconsultants or independent consultants hired by Consultant under this Agreement. This hold harmless Agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification, etc. to be provided by Consultant.

14. Laws, Venue and Attorneys' Fees.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Bernardino, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorneys' fees, as determined by the court.

15. Termination or Abandonment.

a. LAFCO has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event,

LAFCO shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. LAFCO shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by LAFCO and Consultant of the portion of such task completed but not paid prior to said termination. LAFCO shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to LAFCO only in the event of substantial failure by LAFCO to perform in accordance with the terms of this Agreement through no fault of Consultant.

16. Organization.

Consultant shall assign Jeff Ball as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of LAFCO.

17. Notice.

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

LAFCO:  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490  
Attn: Executive Officer

Consultant:  
Davis Farr, LLP  
18201 Von Karman, Suite 1100  
Irvine, CA 92612  
Attn: Jonathan Foster, Partner

and shall be effective upon receipt thereof.

18. Third Party Rights.

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than LAFCO and the Consultant.


19. Severability.

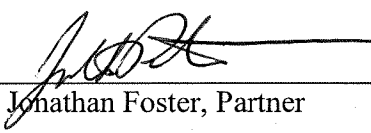
The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

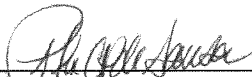
**LOCAL AGENCY FORMATION  
COMMISSION FOR SAN BERNARDINO  
COUNTY**

**DAVIS FARR, LLP**

By:   
Samuel Martinez, Executive Officer

By:   
Jonathan Foster, Partner

Approved as to Form:

  
Legal Counsel  
Local Agency Formation Commission for  
San Bernardino County

## **EXHIBIT A**

### **Scope of Services**

#### **Consultant shall provide the following services:**

##### **1) Audit**

- a) Consultant will perform an independent audit of all funds of LAFCO. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller of the United States.
- b) The Commission's Basic Financial Statements will be prepared and word-processed by the Consultant in full compliance with generally accepted accounting principles.
- c) The Consultant will render their auditors' report on the Basic Financial Statements that will include both Government-Wide Financial Statements and Fund Financial Statements.
- d) The Consultant will also apply limited audit procedures to Management's Discussion and Analysis ("MD&A"), consisting of the control environment, accounting systems and control procedures, and required supplementary information pertaining to the General Fund and each major fund of the Commission.

##### **2) Management Letter**

- a) The Consultant will issue a separate "management letter" that includes recommendations to the governing board for improvements in internal control that are considered to be nonreportable conditions.

#### **LAFCO will provide the following services:**

The LAFCO staff will provide normal cooperation and assistance during the audit including typing of confirmation requests, referral to the appropriate person and/or department for supporting documents and reconciliations of major asset and liability balances. LAFCO staff will prepare the MD&A and transmittal letters based on a template supplied by the Consultant. All other information and financial statements are the responsibility of the Consultant. All working papers and reports are to be retained at the Consultant's sole expense for a minimum of seven (7) years. Consultant will be responsible for making working papers available to LAFCO or any other appropriate government agency.

## **EXHIBIT B**

### **Schedule of Additional Charges/Payments**

Fee Schedule  
for  
DAVIS FARR, LLP

The following fee schedule shall apply for additional consulting services of the fiscal year ending on June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024 and June 30, 2025, if LAFCO exercises its option to renew the Agreement, in its sole discretion:

<b>Professional Services Classification</b>	<b>Hourly Rates</b>
Partners	\$165
Managers	\$130
Senior (in-Charge) Auditors	\$105
Staff Auditor	\$95

Consultant shall bill LAFCO only for the actual hours incurred in performing the services required under this Agreement, in accordance with the fee schedule set forth above, and subject to the provisions of Section 2 of this Agreement.

## EXHIBIT C

### Activity Schedule

**Timetable of Audit Work and Deliverable Reports to be performed for the Fiscal Year ending on June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024 and June 30, 2025, if LAFCO exercises its option to renew the Agreement, in its sole discretion:**

Consultant shall be responsible for performing the audit for the fiscal year ending on June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, and June 30, 2025, if LAFCO exercises its option to renew the Agreement, in its sole discretion, in accordance with Exhibit "A" and preparation and word processing of the following financial statements:

<u>Report Description</u>	<u>Number of Copies</u>	<u>Due Date of Each Audit Year</u>
Basic Financial Statements	1 photo ready 3 hard copies (Final audit)	No later than November 30 <sup>th</sup> of every year

A draft copy of the Basic Financial Statements should be delivered to the LAFCO Executive Officer for review approximately 10 days prior to the deadline noted above.

The audit shall begin no earlier than September 1 of each year and be completed no later than November 30, following the fiscal year audited (e.g. begin no earlier than September 1st and completed in time to meet the deadline established by LAFCO for the audit of each fiscal year).

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #7: LAFCO SC#536 – Request for Exemption from Provisions of Government Code Section 56133 for Memorandum of Understanding Between San Bernardino County and the City of Colton for Water Service

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## **RECOMMENDATION:**

Staff recommends that the Commission:

Determine that LAFCO SC#536 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval to proceed.

## **BACKGROUND:**

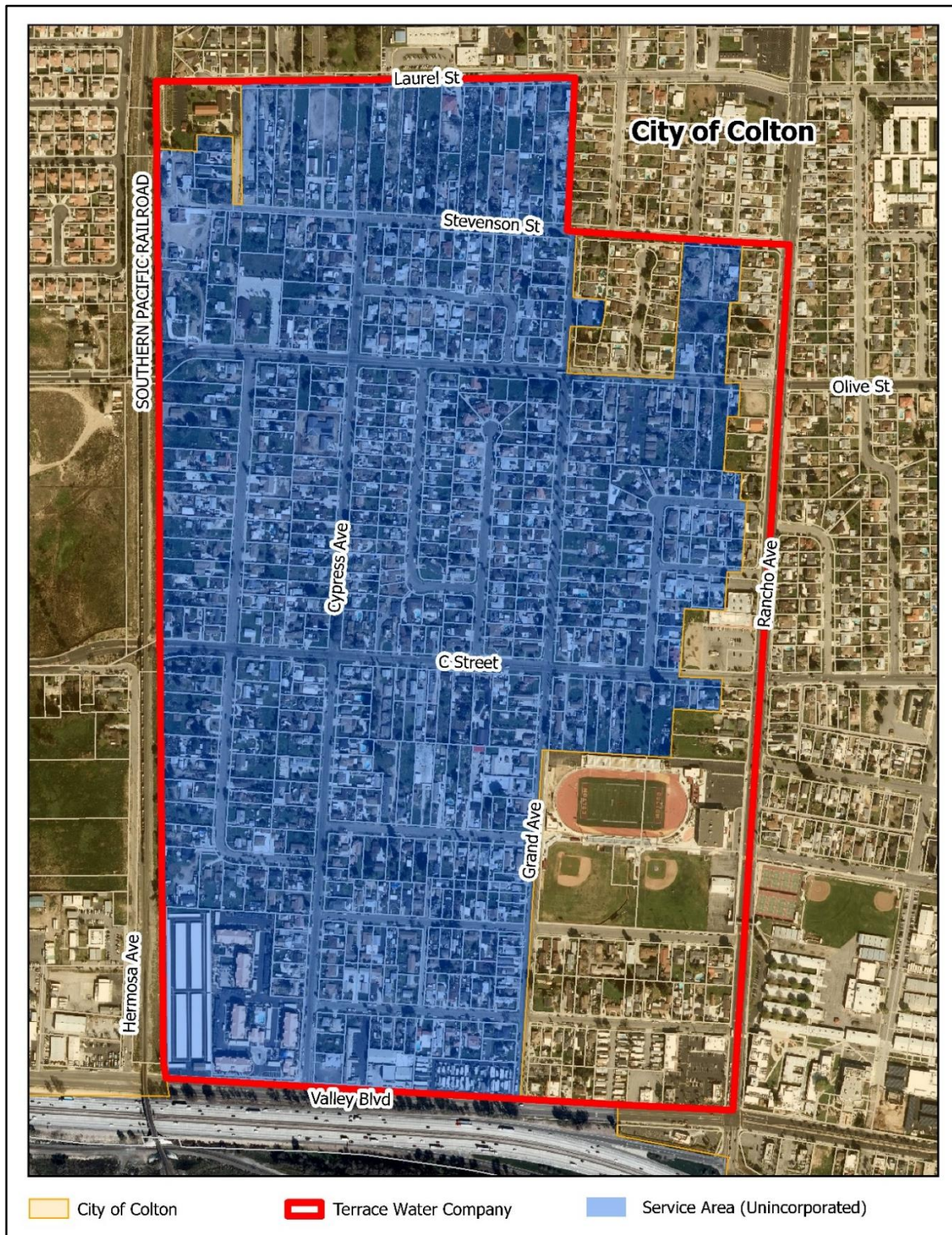
On January 28, 2025, San Bernardino County ("County") submitted a request that the Commission determine that the agreement between the County and the City of Colton ("City") is exempt from the provisions of Government Code Section 56133 as outlined in Subsection (e). The premise for this request is to allow the City, who anticipates consolidating/integrating Terrace Water Company ("Terrace") water system into its water system at some point in the future, to have the responsibility to provide water service within Terrace's service area.

## **TERRACE WATER COMPANY**

Terrace is a mutual water company that serves a small community with a population of approximately 2,000 that consists of primarily residential development and a few commercial properties that includes mainly unincorporated County area and some properties that are already within the City's boundary.



Below is a map of the area, which is generally located north of Valley Boulevard, east of the Southern Pacific Railroad, south of a combination of Laurel Street, Grand Avenue, and Stevenson Street, and west of Rancho Avenue, within the City of Colton's sphere of influence.





Terrace's system consisted of two groundwater wells/storage facilities, which have been disconnected in response to a compliance order issued by the State Water Resources Control Board ("Water Board") due to its inability to supply the system's maximum daily demand (MDD) as a result of decreasing groundwater levels.

Since 2013, Terrace has been purchasing water from the City through an emergency water agreement. Such agreement was amended in 2019 to allow the purchase of non-emergency water from the City following the loss of production of one of its wells.

In 2020, The Water Board issued Compliance Order No. 05\_13\_20R\_002 related to its inability to comply with MDD regulatory requirements. The Water Board determined that the existing agreement with the City was not enough to count toward Terrace's MDD because it could easily be terminated. The Water Board also imposed a service connection moratorium on Terrace and ordered it to complete a feasibility study on how to meet its MDD. Based on that feasibility study, it was determined that the most cost-effective means for it to come back into compliance was to consolidate its water system with the City's system.

Terrace's wells were disconnected in 2021 and since then, the City has been its only water source. The City intends to enter into a consolidation agreement with Terrace, which would allow the City to own, operate, and maintain Terrace's water system and deliver water directly to its customers. The Water Board is currently paying for the planning phase of the consolidation project. After the planning phase is completed, the City will then enter into negotiations with the Water Board regarding a Funding Agreement to cover the costs of construction/upgrade to allow for the integration of Terrace's distribution system into the City's system.

### **Discussion:**

As noted earlier, Terrace's water system includes areas that are already within the City; however, the majority of its water system is within the unincorporated County area. The Memorandum of Understanding (MOU) between the County and the City is for the City to continue providing water to the unincorporated portion of the service area ("LAFCO SC#536 Service Area") to the same extent that such services are currently being provided, as an alternative to (or substitute to) the County providing potable water services to the Service Area, which is outside of the City's boundaries but within the City's sphere of influence.

A copy of the exemption request letter (Attachment #1) and signed MOU (Attachment #2) are included as a part of this report. A map of the Service Area, including a listing of all the parcels within said Service Area, is included as Attachment #3 to this report.

The request has cited the relevant exemption language within Government Code Section 56133 (e) for its request. The section reads as follows:

*“(e) This section does not apply to... ..[t]wo or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.”*

Staff believes that the exemption outlined above is based on the following facts:

1. The agreement is between the County and the City, both of which are public agencies.
2. The public service to be provided is water service, which both agencies actively provide (*Note: The County provides water service throughout the County through its Public Works Department--Special Districts Division*). Therefore, this is a substitute for public services currently being provided in compliance with requirements of 56133(e).
3. The level of service to be provided through this contractual relationship is consistent with the level of service contemplated by each agency.

### **CONCLUSION:**

In conclusion, this exemption request only applies for the provision of water service within the Service Area. Therefore, the extension of sewer service by the City to any of the parcels within the Service Area in the future will require a contract with the City for sewer service outside the City's boundaries. Such a contract is required to be reviewed and approved by the Commission pursuant to the provisions of Government Code Section 56133.

However, on the basis of the determinations outlined above and throughout the staff report, it is staff's recommendation that the Commission determine that the provision of water service within the entire Service Area, is exempt from the provisions of Government Code Section 56133.

SM/MT

Attachments:

1. [LAFCO SC#536 Request for Exemption Dated January 28, 2025](#)
2. [Copy of Memorandum of Understanding for the Provision of Potable Water Service between the County and the City of Colton](#)
3. [Map of Service Area and Listing of Assessor Parcel Numbers Within the Entire Service Area](#)



## County Administrative Office

**Luther Snoke**  
Chief Executive Officer

January 28, 2025

Samuel Martinez, Executive Officer  
Local Agency Formation Commission  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490

Mr. Martinez,

San Bernardino County (County) and the City of Colton (City) agree, per the attached Memorandum of Understanding (MOU), that the City of Colton will continue to provide potable water service to an unincorporated area of the County. The County and the City request that the Local Agency Formation Commission determine that the MOU between the County and the City is exempt from provisions of Government Code Section 56133 as allowed under subsection (e), for the following reasons:

1. The MOU for provision of potable water services is between San Bernardino County and the City of Colton, both public agencies;
2. The public service to be provided is an alternate to, or substitute for, public services already being provided by an existing public service provider; and
3. The level of service to be provided is consistent with the level of service contemplated by the existing service provider.

Enclosed with this request for exemption is a copy of the executed MOU. The \$2,750.00 filing fee will be transferred to the appropriate LAFCO cost center.

Thank you for your assistance with this matter.

Sincerely,

Luther Snoke  
Chief Executive Officer

### BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)  
First District

JESSE ARMENDAREZ  
Second District

DAWN ROWE  
Chairman, Third District

CURT HAGMAN  
Fourth District

JOE BACA, JR.  
Vice Chair, Fifth District

**Luther Snoke**  
Chief Executive Officer



Contract Number

25-49

SAP Number

## County Administrative Office

Department Contract Representative  
Telephone Number

Luther Snoke  
909-387-4811

Contractor  
Contractor Representative  
Telephone Number  
Contract Term

City of Colton  
Frank J. Navarro  
909-370-6131  
March 19, 2025 – until the Parties  
agree in writing to an amendment

Original Contract Amount  
Amendment Amount  
Total Contract Amount  
Cost Center  
Grant Number (if applicable)

None

**Briefly describe the general nature of the contract:** A Memorandum of Understanding with the City of Colton to continue to provide potable water service to an unincorporated area of San Bernardino County, defined as the Service Area herein, to the same extent that such services were being provided by the Terrace Water Company and currently provided by the City of Colton.

### FOR COUNTY USE ONLY

Approved as to Legal Form

► *Maria Insixiangmay*  
Maria Insixiangmay, Deputy County Counsel

Date 1/15/2025

Reviewed for Contract Compliance

►  
Date

Reviewed/Approved by Department

►  
Date

## MEMORANDUM OF UNDERSTANDING FOR PROVISION OF POTABLE WATER SERVICES

This Memorandum of Understanding ("MOU") to provide potable water service to an unincorporated area of San Bernardino County by and between San Bernardino County, a political subdivision of the State of California ("County") and the City of Colton, a California general law city and municipal corporation ("City"). The County and City may collectively be referred to as the "Parties" or individually as a "Party."

### RECITALS

- A. San Bernardino County is a legal subdivision and body corporate and politic of the State of California, duly organized and existing under and by virtue of the Constitution and laws of the State of California.
- B. The City of Colton is a California general law city and municipal corporation that operates a Water and Wastewater Department for the purpose of providing potable water within portions of the County.
- C. Terrace Water Company ("Terrace") is a mutual water company that currently serves approximately 2,000 people. Its certificated Service Area is partially within unincorporated San Bernardino County and partially within the City, identified in Exhibit A ("Service Area") and entirely within the City's sphere of influence.
- D. In 2013, Terrace and the City entered into an emergency water agreement for Terrace to obtain potable water from the City through an intertie with the City's water system. The City and Terrace amended the emergency water agreement in 2019, which allows Terrace to (1) purchase non-emergency water from the City as available, and (2) continue to maintain its distribution system, provide customer service, and bill its customers within the Service Area.
- E. In April 2020, the State Water Resources Control Board ("Water Board") issued a compliance order to Terrace, finding that Terrace was unable to comply with maximum daily demand ("MDD") regulatory requirements of the Safe Drinking Water Act. The Water Board imposed a service connection moratorium on Terrace and directed Terrace to complete a feasibility study to recommend options for meeting the MDD requirements. The feasibility study recommended that Terrace consolidate its water system with the City's water system.
- F. Terrace has disconnected its wells and storage tanks. Since October 2021, Terrace has relied on the intertie with the City for its entire water supply to the Service Area.
- G. The County has the jurisdictional authority to provide potable water to the unincorporated portion of the Service Area. However, the County does not have potable water facilities, and it would not be economical for the County to provide potable water service to the Service Area.



- H. The City intends to file an exemption request pursuant to California Government Code Section 56133(e)(1) with the Local Agency Formation Commission for San Bernardino County ("LAFCO"), stating that it will continue to provide potable water services to the unincorporated portion of the Service Area. The City will provide this public service as an alternative to or substitute for potable water services by the County to the unincorporated portion of the Service Area. The level of service provided by the City is consistent with the level of service contemplated by the County.
- I. The County wishes for the City to continue to provide potable water services to the unincorporated portion of the Service Area. The City has agreed to provide such services for compensation pursuant to the terms set forth herein.

NOW THEREFORE, for and in consideration of the mutual promises and agreements contained herein, the County and the City agree as follows:

#### AGREEMENT

1. Purpose. The sole purpose of this MOU is for the City to continue providing potable water to the Service Area to the same extent that such services are currently being provided for the Terrace customers under the 2013 and amended 2019 emergency agreements. The City intends to enter into a consolidation agreement with Terrace. After consolidation, the City will own, operate, and maintain Terrace's water distribution system, and will deliver water directly to customers located within the Service Area. The City will provide potable water services to the Service Area including the unincorporated portion of the Service Area as an alternative to or substitute for the County providing potable water services to the said portion of the Service Area.
2. Compensation. The City will be compensated for the potable water services by Terrace in compliance with the City's rate schedule and any applicable connection fees. Once the City consolidates with Terrace, the City will be responsible to maintain the distribution system including maintenance and infrastructure, provide customer service, and bill the customers within the Service Area, and will be the lead agency for all rate changes in the Service Area. The City will comply with all legal requirements regarding imposing and changing rates including but not limited to Proposition 218.
3. Payment. The County has no obligation to the City for payment of water service in connection with this MOU.
4. Term. The term of this MOU shall commence upon the effective date of LAFCo's approval of City's exemption request under Government Code Section 56133(e)(1) and shall remain in effect as long as water services are required to the Service Area, unless the Parties agree in writing to an amendment, which is contingent on approval by the San Bernardino County Board of Supervisors and the City Council. Any change in service provider would require full disclosure to affected customers and property owners.

5. Water Quality. The City shall be responsible for ensuring that for the term of the MOU, the quality of the water is the same quality of water that it delivers to its current customers and complies with all regulations including the California Safe Drinking Water Act codified in the California Health & Safety Code section 116270 et seq. and the implementing regulations in Cal. Code Regs. Title 22. The City shall ensure that it has all necessary licenses, permits and/or certifications required by Federal, State, County, and municipal laws, ordinances, rules and regulations. The City shall maintain these licenses, permits and/or certifications in effect for the duration of this MOU. The City will notify County immediately of loss or suspension of any such licenses, permits and/or certifications.
6. Good Faith Performance. The Parties diligently proceed in good faith to perform their respective obligations under this MOU. If at any time during the duration of this MOU, the City fails to provide potable water service to the unincorporated portion of the Service Area as required herein, the City shall ensure that potable water is made available to the said portion of the Service Area, which may include supplemental water delivery, to continue until agreement can be made for long term water service delivery to the said portion of the Service Area.
7. Disputes. If a dispute arises regarding the interpretation, application, claim, question, disagreement or enforcement arising from or relating to this MOU or breach thereof, the Parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both Parties.
8. Attorney's Fees and Costs. If any legal action is instituted to enforce any Party's rights hereunder, each Party shall bear its own costs and attorney's fees, regardless of who is the prevailing party. This paragraph shall not apply to those costs and attorney's fees directly arising from a third-party legal action against a party hereto and payable under the Liability section of this agreement.
9. Choice of Law. This MOU shall be governed by and construed according to the laws of the State of California.
10. Venue. The Parties acknowledge and agree that this MOU was entered into and intended to be performed in San Bernardino County, California. The Parties agree that the venue of any action or claim brought by any party to this MOU will be the Superior Court of California, San Bernardino County, San Bernardino District. Each Party hereby waives any law or rule of the court, which would allow them to request or demand a change of venue. If any action or claim concerning this MOU is brought by any third party and filed in another venue, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County, San Bernardino District.
11. Duration of Terms. This MOU, and all of its terms and conditions, shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the respective Parties, provided no such assignment is in violation of the provisions of this Contract.

12. Assignment. Without the prior written consent of the other Party, the MOU is not assignable by either Party.
13. Legality and Severability. The Parties' actions under this MOU shall comply with all applicable laws, rules, regulations, court orders and governmental agency orders. The provisions of this MOU are specifically made severable. If a provision of the MOU is terminated or held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall remain in full effect.
14. Release of Information. No news releases, advertisements, public announcements or photographs arising out of the MOU may be made or used without prior written approval of the County and the City, with the exception for communications made in the regular course of business and operations necessary for the City to provide potable water to the unincorporated portion of the Service Area.
15. Liability. The County agrees to indemnify, defend (with counsel reasonably approved by City), and hold harmless the City and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this MOU from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by City on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The County indemnification obligation applies to City's "active" as well as "passive" negligence but does not apply to City's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

The City agrees to indemnify, defend (with counsel reasonably approved by County), and hold harmless County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this MOU from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by County on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees, City's indemnification obligation applies to County's "active" as well as "passive" negligence but does not apply to County's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

In the event both parties are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under the MOU, the parties shall indemnify the other to the extent of its comparative fault.

16. Insurance. County and City are authorized self-insured public entities for purposes of Professional Liability, General Liability, Automobile Liability and Workers' Compensation and warrant that through their respective programs of self-insurance, they have adequate coverage or resources to protect against liabilities arising out of the performance of the terms, conditions, or obligations of this MOU.



17. Subpoena. In the event that a subpoena or other legal process commenced by a third party in any way concerning the services provided under this MOU is served upon the City or County, such Party agrees to notify the other Party in the most expeditious fashion possible following receipt of such subpoena or other legal process. The City and County further agree to cooperate with the other Party in any lawful effort by such other Party to contest the legal validity of such subpoena or other legal process commenced by a third party as may be reasonably required and at the expense of the party to whom the legal process is directed, except as otherwise provided herein in connection with defense obligations herein.

18. Notices. All written notices provided for in this MOU or which either party desires to give to the other shall be deemed fully given, when made in writing and either served personally or deposited in the United States mail, postage prepaid, and addressed to the other party as follows:

San Bernardino County  
County Administrative Office  
385 N. Arrowhead Ave., 5<sup>th</sup> Floor  
San Bernardino, CA 92415

City of Colton  
Water Utilities Department  
160 S. 10<sup>th</sup> Street  
Colton, CA 92324

Notice shall be deemed communicated three (3) County working days from the time of mailing if mailed as provided in this paragraph.

19. Amendments. This MOU may only be amended by mutual consent of the Parties in writing and approved by the San Bernardino County Board of Supervisors and the City Council.

20. Entire Agreement. This MOU, including all Exhibits and other attachments, which are attached hereto and incorporated by reference, and other documents incorporated herein, represents the final, complete and exclusive agreement between the parties hereto. Any prior agreement, promises, negotiations or representations relating to the subject matter of this MOU not expressly set forth herein are of no force or effect. This MOU is executed without reliance upon any promise, warranty or representation by any party or any representative of any party other than those expressly contained herein. Each party has carefully read this MOU and signs the same of its own free will.

21. Electronic Signatures. This MOU may be executed in any number of counterparts, each of which so executed MOU shall be deemed to be an original, and such counterparts shall together constitute one and the same MOU. The parties shall be entitled to sign and transmit an electronic signature of this MOU (whether by facsimile, PDF or other mail transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed MOU upon request.

**IN WITNESS WHEREOF**, the San Bernardino County and the City of Colton have each caused this MOU to be subscribed by its respective duly authorized officers, on its behalf

SAN BERNARDINO COUNTY

City of Colton

(Print or type name of corporation, company, contractor, etc.)

By

  
(Authorized signature - sign in blue ink)

Name Frank J. Navarro

(Print or type name of person signing contract)

Title Mayor

(Print or Type)

Dated: 12/17/2024

Address 650 N. La Cadena Dr.  
Colton Ca 92324

►



Dawn Rowe, Chair, Board of Supervisors

Dated: JAN 28 2025

SIGNED AND CERTIFIED THAT A COPY OF THIS

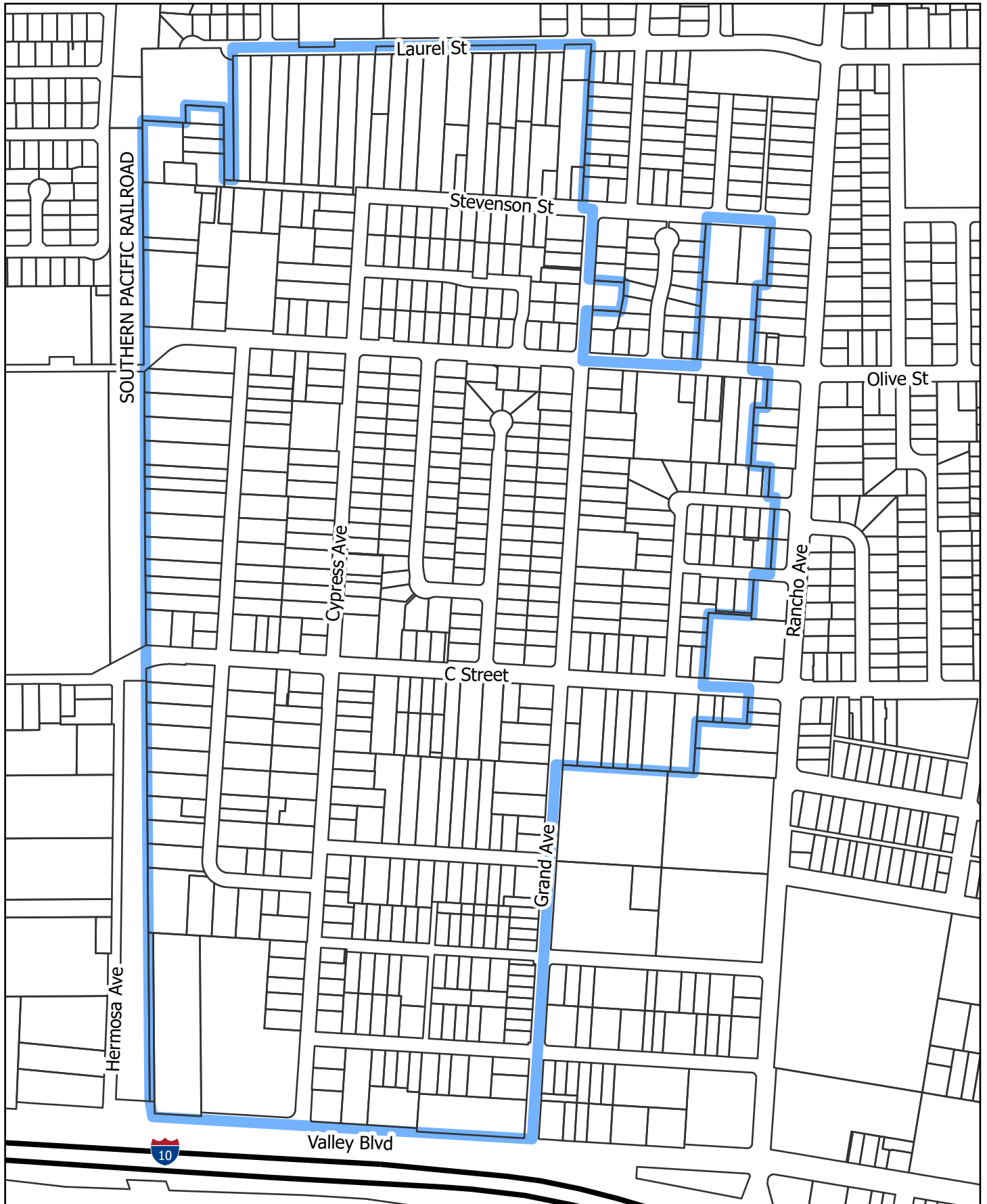
DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD


Lynna Monell  
Clerk of the Board of Supervisors  
of the San Bernardino County

By

  
Deputy

# LAFCO SC#536



 Service Area  
(Unincorporated)

 Parcels

0 0.05 0.1 0.2 0.3  
 Miles



## LAFCO SC#536 APN LISTING

027409302	027409341	027410132
027409304	027409342	027410145
027409305	027409343	027410146
027409306	027409344	027410147
027409307	027409345	027410148
027409308	027409346	027410149
027409309	027409347	027410150
027409310	027409350	027410201
027409311	027409351	027410202
027409312	027409352	027410203
027409313	027409353	027410204
027409314	027409354	027410205
027409315	027409355	027410206
027409316	027409356	027410207
027409317	027409357	027410208
027409318	027409358	027410209
027409319	027409359	027410210
027409320	027409360	027410211
027409321	027409361	027410212
027409322	027409362	027410213
027409323	027409363	027410214
027409324	027409364	027410218
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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #8: Update of the Barstow Cemetery District

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## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions:

1. Receive and file the update of the Barstow Cemetery District.

## **BACKGROUND:**

Historically, the Barstow Cemetery District ("District") has had challenges providing sustainable cemetery services to the Barstow community and surrounding areas. During 2022 and 2023 the challenges reached a critical level, resulting in the inability to provide effective and efficient cemetery services.

In January 2024, the Commission received the special study, with the following objectives:

- 1) Identify the strengths, weaknesses, opportunities, and threats of the District and its cemetery services.
- 2) Review options available for sustainable service delivery.
- 3) Review options available should the District not be able to provide sustainable service delivery.

The Commission's direction to its staff, with a request to the County, was to provide the District with the mechanisms to promote sustainability and adherence to the new standard due to the woven statutory measures that place the board of supervisors and county treasurer as the governing body and treasurer, respectively, of a public cemetery district should the county desire to do so. The hope was that these actions would support sustainability and the hopeful result would be to recruit and retain competent board members, retain a competent general manager, recruit and retain competent grounds crew,

obtain the correct equipment for the task, implementation of a policy and procedure manual with internal controls, as well as continual professional training in governance, finance, and cemetery operations.

Subsequently, the Commission directed staff to return with updates as needed. At the last update in September 2024, the Commission requested the District general manager to provide LAFCO with its business plan and to return with an update at the Commission's March 2025 meeting.

**MARCH 2025 UPDATE:**

As requested by the Commission, the District has provided its Business Plan (attached to this staff report).

LAFCO staff's analysis is that the District has made great strides since July 2023, when it replaced the general manager with a consultant with subsequent hiring of the position in October. The County and California Special Districts Association have been helpful with providing training and assistance. It appears that the mechanisms are in place for sustainability. Staff does not recommend subsequent updates for the District. However, should staff become aware of any issues or significant challenges, the Executive Officer can return with an update.

Attachment

SM/MT



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# BARSTOW CEMETERY DISTRICT BUSINESS PLAN

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2025



BARSTOW CEMETERY DISTRICT  
37067 IRWIN RD  
BARSTOW CA

ASHLEY TARPLEY  
GENERAL MANAGER

## **I. Executive Summary**

### **Company Overview**

At Barstow Cemetery District, we offer grave side services and pre-planning services to ensure that the wishes of loved ones are fulfilled and the burden on families during difficult times is alleviated. Our commitment to excellence and the care for our customers will rebuild trust in the community and flourish the Cemetery.

### **Success Factors**

Our success depends on our ability to provide a beautiful, easily accessible location paired with a wide range of memorial services. The cemetery needs to be able to engage with the community in a positive way. Re instilling trust with the community will be vital for growth. Providing them a place they can respect and feel properly honors their loved ones.

### **Industry Analysis**

The death care industry is an essential service sector, remaining stable despite economic fluctuations. We exist within a market that is experiencing a gradual shift towards personalized and non-traditional memorial services. As the baby boomer generation ages, the industry forecasts an increase in demand for cremation services, making this an opportune time for our cemetery to expand and innovate.

### **Competitive Analysis**

#### **Direct Competitors:**

- Desert View Memorial Park: A traditional cemetery offering standard burial options.
- Victor Valley Memorial Park: A traditional cemetery offering standard burial options.
- Riverside National Cemetery: Provides funeral services and burial plots for Veterans only.

Our competitive advantage lies in us being the only Cemetery in the City of Barstow. Our dedication to compassionate support and active participation in community events establishes Barstow Cemetery District as a peaceful and respectful memorial experience.

### **Management Team**

The management team at Barstow Cemetery is a small team who are dedicated to focusing on the needs of our families. As a team, we are committed to upholding the highest standards of care and respect for the families we serve, while ensuring the sustainable growth and success of our Cemetery. We take pride in our collective expertise and our shared vision of providing a peaceful and dignified resting place for the community.

## **I. Marketing Plan**

Our marketing plan, included below, details our products/services, pricing and promotions plan.

### **Products, Services & Pricing**

#### **Traditional Ground Burial Sites**

Barstow Cemetery offers traditional ground burial sites that provide a serene final resting place. Clients can choose from single plots, companion plots, or double depths. The average cost for a single ground burial plot starts at approximately \$5,000, which includes the services such as opening and closing of the grave but does not cover other expenses such as a headstone or grave marker that must be purchased from an outside source.

#### **Standing Columbaria**

For those who prefer cremation, Barstow Cemetery provides standing columbaria. This is a structure where clients can house the urns containing their loved ones' ashes. The niches in the columbaria are available in various sizes to accommodate different urn dimensions. Prices for a niche in a columbarium start at approximately \$4300. Building an additional Columbaria will help expand the Barstow Cemetery and allow for further sales of niches. It would provide a beautification element and use land where the ground is too hard to dig sites and would otherwise be unusable.

#### **Traditional Ground Cremation Sites**

For families who are looking for a cost-effective option Barstow Cemetery offers in ground cremation sites. The site allows for a cremated loved one to be in the ground near other family members. The approximate cost of an in ground cremation burial is \$3000 this includes the services such as open and closing of the grave but does not cover other expenses such as a headstone or grave marker that must be purchased from an outside source. Families are also given the choice if they own a full site, they can use the site for up to 3 cremations or one full and 2 cremations. The site is only sold once so this helps to cut costs in the fact that the family would only have to pay for the services, which is approximately \$1700.

#### **Scattering Garden**

As the passing of a loved one can become an expensive burden on families the Barstow Cemetery also offers a scattering garden. This option allows the family to scatter their loved one into a contained area where they can still easily come back to visit. The service runs \$150 for a scattering, helping individuals who may not have the means to pay for a full burial, to still feel like they are placing their loved one to rest properly.



## **Online Marketing**

In the digital age, Barstow Cemetery understands that an online presence is crucial. The cemetery maintains a user-friendly website that provides detailed information about its services, pricing, and the upgrades of the grounds. Social media platforms are also integral to the park's online marketing strategy. Regular posts on Facebook and Instagram keep the community engaged and informed about Barstow Cemetery services and events.

## **Customer Service Excellence**

Above all, Barstow Cemetery prioritizes customer service excellence. Each interaction is handled with care and sensitivity, ensuring that families receive the support they need. Positive customer experience often leads to organic promotion through testimonial and personal recommendations.

## **VII. Operations Plan**

### **Operations Plan**

Our operations plan focuses on delivering exceptional service through key operational processes that include ground maintenance, customer service, and event coordination.

### **Key Operational Processes**

To ensure the success of Barstow Cemetery, there are several key day-to-day operational processes that we will perform:

- **Customer Service Operations:**
  - Respond promptly to inquiries from potential clients and bereaved families.
  - Take the time to speak with customers about the intentions for the grounds and ways that the Cemetery plans on improving them.
  - Provide compassionate and professional guidance to customers purchasing plots.
  - Attend graveside services to assist the families if they have any questions or concerns at the time of the burial. Shows a presence and builds a bond with the family.
  - Ensure customer service staff are well-trained in grief management and knowledgeable about the services offered.
- **Sales and Marketing:**
  - Conduct tours of the cemetery grounds for prospective clients to find the best suited site.

- Update the Barstow Cemetery website and social media platforms with relevant information, including services, pricing, and events.
- Provide hospice centers and private nurses with information packets to support families who need to prepare for future arrangements.
- Conduct seminars and events the community can attend to get information and set up arrangements for preneed services.
- Research upcoming trends in the funeral industry (such as live memorials) to offer modern services to the community
- **Grounds Maintenance:**
  - Focus on repairing the areas that the community feel are most neglected. This includes recementing headstones, straightening rows, and removing weeds.
  - Regularly inspect and clean the grounds, including monuments, and communal facilities.
  - Manage landscaping to keep the cemetery aesthetically pleasing throughout the seasons as a new drought tolerant landscape is installed.
- **Interment Operations:**
  - Coordinate burial schedules with mortuaries and ensure all necessary preparations are made in advance.
  - Handle grave digging and preparation with care and respect for the deceased and the grieving families.
  - Oversee the proper installation of headstones, markers, and vaults in accordance with the cemetery's regulations.
- **Administrative Tasks:**
  - Keep accurate records of all burials, plots sold, and maintenance activities
  - Enter prior customer information into Cemsites program to ensure all customer information is digitized.
  - Manage financial transactions, including invoicing and payment processing for cemetery services.
  - Ensure compliance with local, state, and federal regulations regarding cemetery operations.

- **Security and Safety:**

- Implement security measures to protect the property and ensure a safe environment for visitors and staff.
- Implement safety procedures to reduce risk of Workers Comp claims.
- Conduct periodic training sessions for staff on safety and emergency procedures.

- **Community Engagement:**

- Organize and host community events to foster relationships and maintain the cemetery's presence in the local community.
- Use social media to keep the community apprised of events and ways management is improving the grounds.
- Participate in local outreach programs to educate the public about pre-planning and memorialization options.
- Collaborate with local funeral homes, religious organizations, and community groups to provide comprehensive services.

- **Continual Improvement:**

- Gather feedback from customers to improve services and customer experiences.
- Stay informed about industry trends and adopt best practices in cemetery management.
- Invest in the professional development of staff to ensure high-quality service delivery.

## **Milestones**

Barstow Cemetery District expects to complete the following milestones in the coming years to ensure its success:

- Reach a milestone of conducting a certain number of burials or cremations per month to correspond with a revenue goal of \$50,000/month. An increase in revenue is crucial to the Cemetery sustainability. The cemetery being able to provide proper services and an area people want to invest in is necessary to reach this goal. At this goal the cemetery would be able to run on majority of sales and would be able to

invest the tax apportionments provided into new builds and expansion to the grounds. Goal is to reach milestone by end of 2026

- Complete landscaping project to finish converting the grounds to desert landscaping. Providing a Cemetery the community can mourn their loved ones respectfully. Customers first impressions are set by the aesthetic of the grounds. If they feel the grounds do not convey the respect their loved ones deserve they will be less inclined to buy a site for their loved ones or themselves. Ensuring the grounds relay the commitment and care the cemetery plans to provide for their loved ones is key to the growth and sustainability of the Barstow Cemetery. Goal is to reach milestone by end of 2027
- Add beautification to the Veterans area with updated monuments to show respect to our veterans and their families. The families of Veterans and the Barstow Cemetery feel that the utmost respect and pride should be shown to the Veterans of our community. Adding additional elements of beautification portray those feelings. Providing the community with a Veterans area that they can be proud of will reduce the likelihood of Veterans choosing to be buried at the Riverside National Cemetery. Barstow is a military town and sales from the Veterans area are important to the success of the cemetery. Goal is to reach milestone by end of 2027
- Build a new modern columbarium to provide more niches for families interested in cremation. The columbarium itself will create more sites for cremations. As the industry sees the most growth in the cremation department it is important that the Barstow Cemetery is able to utilize the change in demand. A large area of the Barstow Cemetery is unusable due to the ground hardness making it difficult to dig in ground burial sites. The building of a new columbarium would help to utilize that unused land and create an element of beautification for the grounds. This development would keep the Barstow Cemetery alignment with modernizing the cemetery and adding options for the community. Goal is to reach milestone by 2035
- Develop a pergola that can cater to services, memorials, and events. At the moment the cemetery does not have a facility in which the family can choose to use the area for services and memorials other than grave side. With the build of a pergola families could pay to use the area for services helping to increase revenue for the Cemetery. It would also provide an area where families feel comfortable to rest and take their time to mourn their families in the hotter months. Goal is to reach milestone by 2040

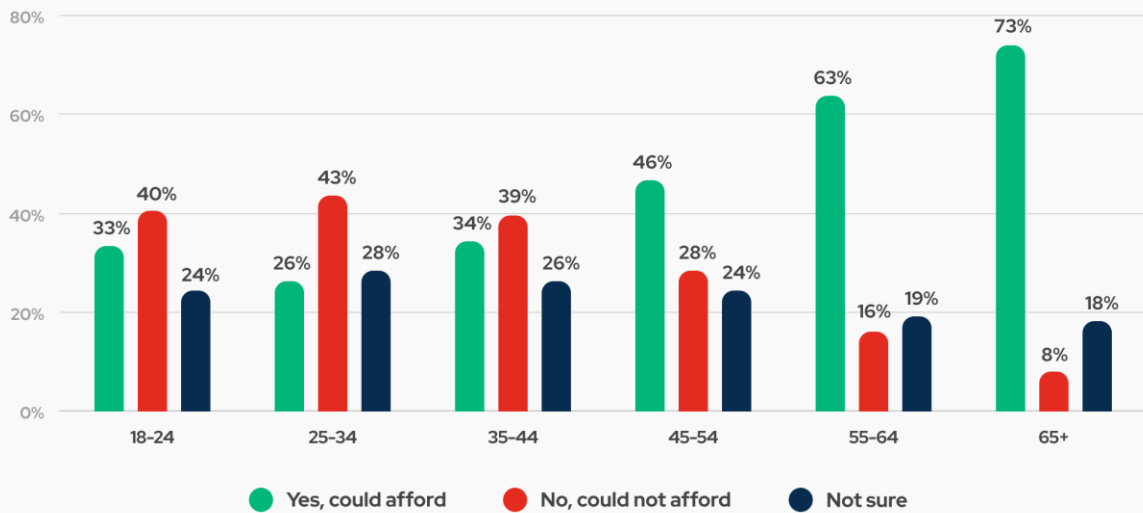
### **III. Industry Analysis**

- The Cemetery industry in the United States is a significant and thriving sector. According to market research, the current size of the cemetery market in the country is substantial, with an estimated value of over \$20 billion. This indicates a strong demand for cemetery services and facilities across the nation. The industry has been experiencing steady growth over the past decade, and this trend is expected to continue in the coming years.
- Market projections suggest that the cemetery industry in the United States will witness growth in the foreseeable future. Factors such as an aging population and increasing awareness about pre-planning burial arrangements contribute to the expected market growth. As individuals become more conscious of end-of-life planning, the demand for cemetery services is anticipated to rise
- Trends in the cemetery industry align favorably with the goals and offerings of the Barstow Cemetery. One notable trend is the shift towards cremation services. With an increase in cremation services Barstow Cemetery is able to capitalize on growth in sales and expansion of structures that can add beauty and dignity to the grounds. By staying attuned to industry trends and adapting to evolving customer preferences, Barstow Cemetery can position itself as a leading provider in the San Bernardino County area.

### **Target Customers**

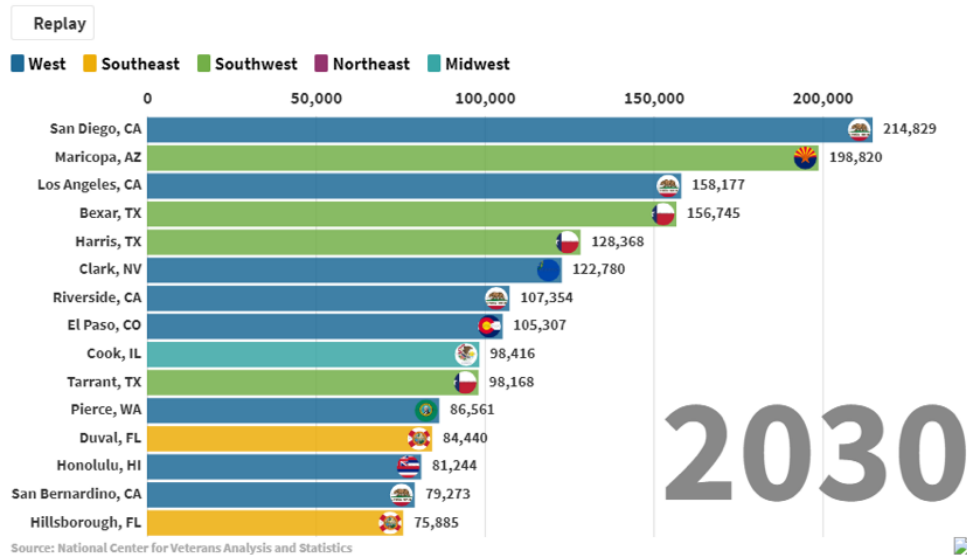
- Our customer base has a population of 30,563.
- The median age in Barstow is 32 years old
- The population is made of 42% Hispanic 36% Caucasian being the majorities
- Barstow has around 1750 Veterans
- The religions most practiced are 22% Catholic 10% Christian
- Barstow Cemetery will target residents who are seeking a final resting place for themselves or their loved ones. The primary customer base for preneed planning is the age range from 18-44. These individuals are statistically more inclined to need preneed services due to the lack of financial stability and ability to afford an at-need service.

### Would be able to afford the cost of a funeral if you were to suffer a family bereavement now?



- Additionally, Barstow Cemetery will cater to the needs of the veterans' community in Barstow. Barstow has over 1700 resident veterans. Special sections and memorial features dedicated to those who have served in the armed forces will be a part of the park's layout. This focus will not only honor the service of veterans but will also fulfill the specific commemorative desires of this customer segment.

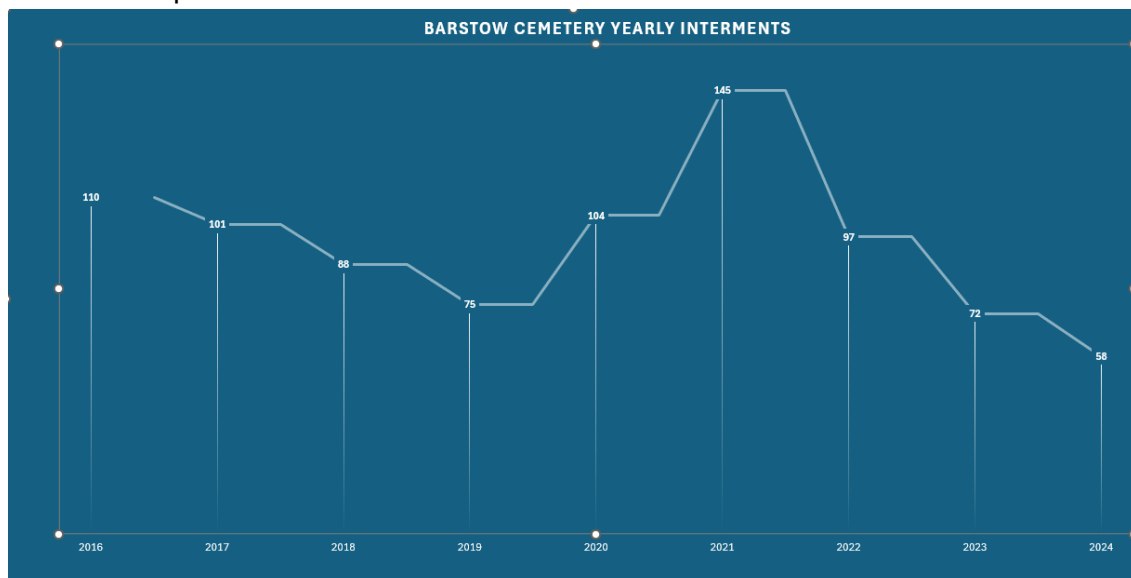
### Veteran Population Projections by County Top 15 Counties by Veteran Population



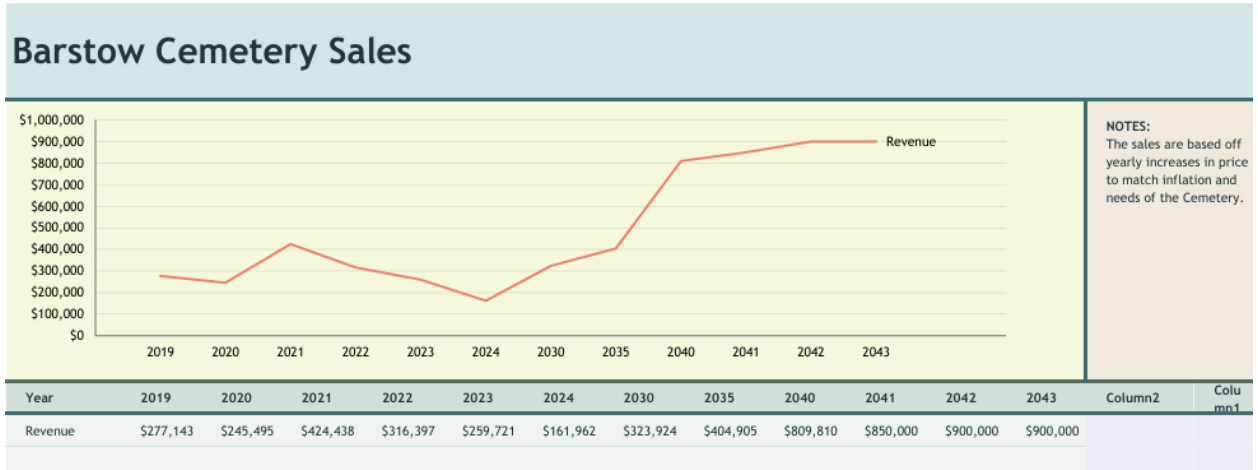


## Financial Plan

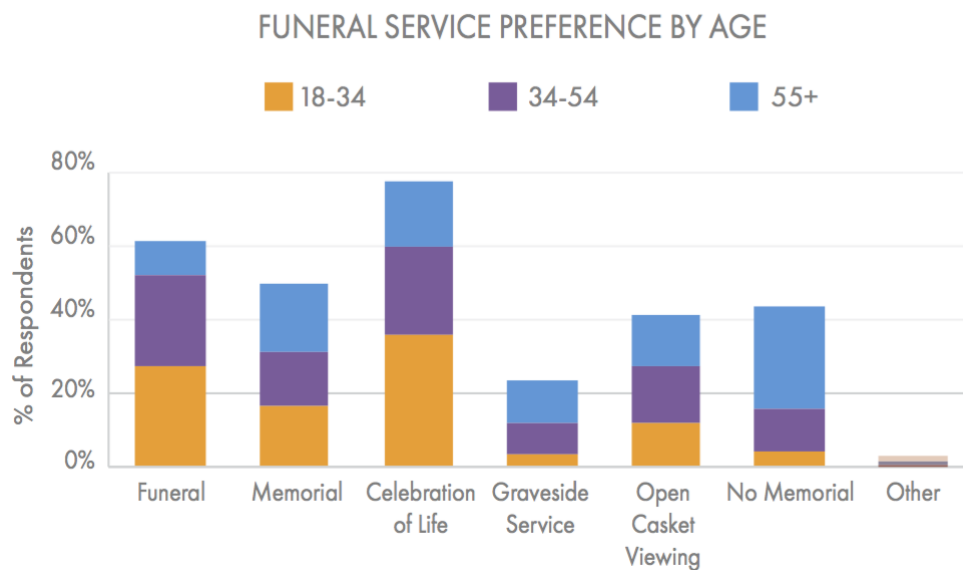
- To achieve our growth goals and enhance our service offerings, Barstow Cemetery requires additional funding. This capital will be allocated towards expanding our memorial options, improving and maintaining our grounds, and improving our facilities. Investment in these areas will allow us to meet the evolving needs of our customers, maintain our competitive edge, and continue to provide exceptional service in the death care industry. With the right financial support, we are poised to regain the respect of the community we serve.
- Currently the average cost of a full burial at the Barstow Cemetery is \$5000. The average monthly cost of operations is \$30,000. This would require an average of 7 full burial services a month 2023-2024 had an average of 4 interments a month. This includes full and cremation burial services  
To break even monthly the prices of a full-size burial would need to be increased to \$7500.00 per burial. This is a 50% increase.  
Between 2021 and 2022, the median household income in Barstow increased by 8.26%  
Between 2021 and 2022, the population of Barstow increased by 0.446%  
Since the landscaping project began in 2022 there has been a decrease in monthly interments at the Barstow Cemetery. 2024 saw the lowest number of interments in the last 10 years. At the current prices that the Barstow Cemetery District is charging for services, if the Cemetery was able to average 10 services a month like they have in the previous years the Cemetery would be sustainable. Due to this decrease in interments and an increase in refunded sites the Cemetery must increase its prices to meet the interment rates.



- As the grounds continue to improve for the duration of the project, the cemetery management believes that the interment rate will increase as well. If the Barstow Cemetery can restore its grounds to a cemetery the community can be proud and at peace with the increase in interments should restore as well. With the increased prices at a higher number of burials the Barstow Cemetery would be completely sustainable from sales alone.



- Studies show that grave side burials are becoming less of a preferred funeral type. As this diminishes staying with the times and the call for what people want the development of a pergola to have services would be ideal for families who want something not as traditional. It would be an area where services at the Cemetery could be held and allow for an additional cost for the use of the area.



- As industry turns more towards cremations the development of a new modern cremation Columbarium would be pivotal to the growth of the Barstow Cemetery.

In 2022, 58.97% of deaths in the U.S. resulted in cremation. The [Cremation Association of North America projects](#) that by 2028, 67% of Americans will choose cremation.

The global funeral and cremation services market is expected to reach USD 87.00 billion by 2030.

The death care services market is expected to reach USD 217.7 billion by 2034.

The cremation services segment is projected to witness the highest growth over the forecast period.

Other factors the aging demographic, changing cultural attitudes towards death and mourning, and rising costs associated with traditional burials

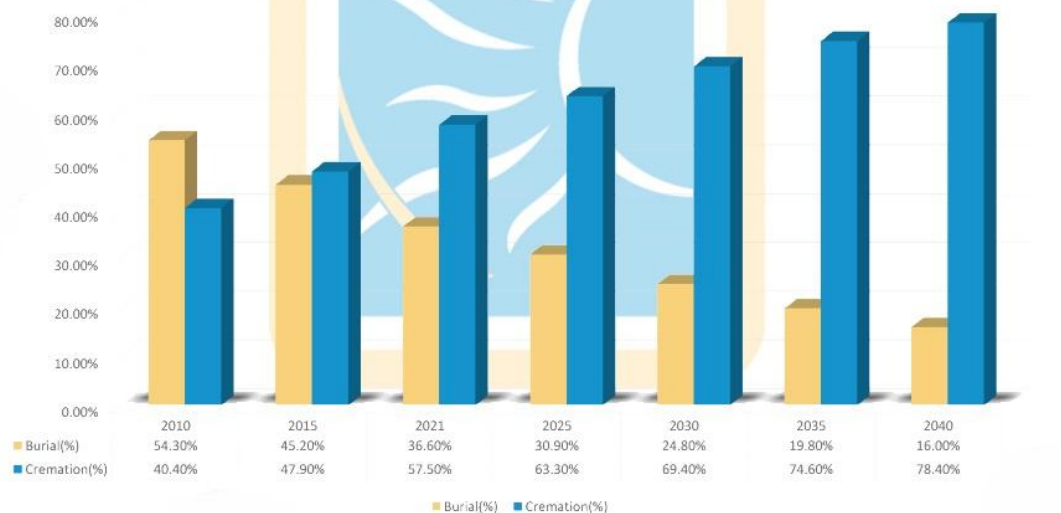
Predominate religions in Barstow Ca are 22% Catholic 10% Christian

In 1963 the Vatican began allowing for cremations in the Catholic church.

The generation born before 1963 is now at the age of 62. On average this puts them towards the end of their life expectancy rate. This is the nears the end of a generation who believe that cremation in the Catholic church is frowned upon.

## National Funeral Director's Association

Historic Rates and Future Projections of Cremation and Burial in the US



- Opening an investment fund was a positive way for the Cemetery to make additional income accrued from the interest of the endowment care. The Endowment Care principal cannot be used but its interest can. This is something the Cemetery did before and was profitable from. The reopening of the fund would allow for additional money to be made without any effort from the cemetery. The money could be continually reinvested building a proper emergency fund for the cemetery.
- Offering in home preneed counseling and preneed seminars at local facilities such as hospice or Veterans homes. Preparing for the future can be a difficult discussion, offering the service in home can help a family feel more at ease and comfortable. For those who are less mobile and unable to travel it gives them a chance to get the information they may need. This allows the Cemetery to be more involved in the community and feel like an approachable subject to discuss. This could increase preneed sales and interments that could possibly be held at the Cemetery in the future.
- Live QR's are living memorials that the Cemetery can buy wholesale and sell to families. These QR codes allow the family to set up a website as a living memorial for their loved ones and the QR is placed on the actual headstone for family and friends to scan and see the website.

The Cemetery would start with the purchase of 20 units at \$1000

The Units sell for 250 dollars. If all 20 units sell in a month that could be up to \$4000 a month in profitable sales for the Cemetery.

The unit includes the metal QR code and the website they will create for their loved one. The Cemetery has no part in setting up the website or care for the website. The Cemetery will only sell the product.

## **Conclusion**

Continuation of the landscape project is vital to the success of the Barstow Cemetery. A thorough review of the financial status of the Cemetery indicates that at the current rate the Cemetery will not be able to sustain for the next 20 years. Since the landscape renovation project started there has been a decrease in burials conducted at the Barstow Cemetery. There has also been an increase in the number of customers selling back their plots to the Cemetery. Although this gives the Cemetery a chance to resell the site at the prices set for today, this only contributes to the Cemetery if these can be sold as quickly as possible. With a decrease in sales the Cemetery is holding on to more properties than it is selling. The increase in pricing will offset the money that is being lost in revenue due to a lack of interments.

As the landscaping project continues the cemetery expects there to be a continual rise in sales. People of the community seeing that the project is being followed through as promised will restore faith in the management team. People will see the vision for the cemetery, giving them back a place that has beauty, tranquility, and respect to their loved ones.

The Barstow Cemetery has the opportunity to be not only sustainable but successful. Taking immediate action has given the cemetery this opportunity. Proper record-keeping mechanisms enable the office to operate efficiently daily. The engagement with the community is giving them information so they feel that actions are being taken. Safety and maintenance are being addressed regularly. As industry changes the Barstow Cemetery in the next 10 years has the potential to expand and develop to fit the needs of the industry demands. Staying up to date with modern trends can only help improve the cemetery. There is a lot to still be done but the cemetery is now able to see where the changes need to be made and what the potential for the future could be.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #9 – REVIEW AND CONSIDERATION OF AMENDMENTS  
TO POLICY AND PROCEDURE MANUAL:  
SECTION I (MISSION STATEMENT AND COMMISSION OPERATIONS) AND  
SECTION II (INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL)

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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.
3. Adopt Resolution No. 3413 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **BACKGROUND:**

In 2023 staff and the Commission comprehensively updated each section of the Policy and Procedure Manual. This included the addition of a new Information Technology section; and amendments to rules of order, of the service contract policies and reserve policies, and non-substantive updates to clarify language.

Following the 2023 comprehensive review, legal counsel recommended that the Commission conduct a legal review of each Section to identify areas of improvement to comply with current laws and regulations. Sections I (Mission Statement and Commission Operations) and II (Internal Operations, Accounting, and Financial) are presented today for Commission review and consideration. All the amendments in Section I and most in Section II are deemed non-substantial.

There are two substantial items from Section II that warrant discussion. First, Policy 7 of Chapter 1 (Records Retention) is heavily revised by adding several additional categories to the retention schedule for records that staff and legal counsel felt should be addressed.

Second, this review adds an electronic signature policy. Language is included which prohibits proxy signatures (ex. Executive Officer authorizes the Clerk to add his/her e-signature on their behalf), as that is commonly prohibited in these policies and possibly not allowed under governing law.

The remaining sections of the Policy Manual will be provided to the Commission in the subsequent months.

### **CONCLUSION:**

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

Attachment:

1. [Exhibit A to Draft Resolution No. 3413](#)
2. [Draft LAFCO Resolution No. 3413](#)

**SECTION I**  
**MISSION STATEMENT AND COMMISSION OPERATIONS**

**CHAPTER 1: MISSION AND AUTHORITY**

1. **TITLE:**

This Commission shall be known as the Local Agency Formation Commission for San Bernardino County or San Bernardino LAFCO.

2. **MISSION:**

San Bernardino LAFCO is the guardian of the public interest in ensuring our local public agencies are providing efficient and cost-effective public services in order to maintain or improve our citizens' quality of life.

**AUTHORITY:**

The statutes governing the activities of a Local Agency Formation Commission are found under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, [Government Code Title 5, Division 3 (Section 56000 et seq.)].



**CHAPTER 2: ORGANIZATION****1. COMPOSITION:**

The Commission shall consist of seven regular and four alternate members (§56325 and §56332). By action taken in 1976, the Commission seated representatives from Independent Special Districts on the Commission (see Section V of this Manual for Special District Policies). All Commissioners must be residents of San Bernardino County.

**2. SELECTION/APPOINTMENT OF MEMBERS:**

- A. County: The County Board of Supervisors shall appoint two regular commissioners and one alternate commissioner from the Board's membership to serve on the Commission.
- B. City: The City Selection Committee shall elect two regular commissioners and one alternate commissioner to serve on the Commission, each of whom shall be a mayor or city council member from one of the County's incorporated communities (§56325). Such selection shall be made in accordance with the procedures established by the City Selection Committee as described in its rules and regulations.
- C. Independent Special Districts: The Independent Special Districts Selection Committee shall select two regular commissioners and one alternate commissioner from the independent special districts within the County (§56332). Such appointment shall be made in accordance with the procedures established by the Special Districts Selection Committee as outlined in Section VI of this Manual.
- D. Public Member: The public member and one alternate public member are appointed by the other six commissioners (§56325(d)).

**POLICY (adopted June 14, 1978, amended April 16, 1997, January 1, 2001, August 2010, August 19, 2015):**

Upon announcement of a vacancy for the public member or alternate public member, the Executive Officer shall:

- (1) Publish and post a vacancy notice inviting all interested citizens of San Bernardino County to apply within 30 days. The notice shall be published, mailed, or posted as follows:

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- a. Posted at the LAFCO staff office, on the LAFCO website, at the regular LAFCO meeting chamber;
  - b. Mailed to Public Libraries; and
  - c. Publish a Notice of Vacancy in newspapers of general circulation in the County and provide mailed Notice of Vacancy to all clerks or secretaries of each local agency within the County.
- (2) The Executive Officer shall accept no application after the expiration of the 30 days, and shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. A review period of not less than 10 days shall follow the 30-day application period.
- (3) The Commission may select a personnel committee from among its membership for the purpose of reviewing applications and bringing its recommendations to the full Commission.
- (4) Pursuant to Government Code Section 56325 the Public and Alternate Public member candidate must receive an affirmative vote from at least one County member, one City member, and one Special District member for appointment to the position. Having met this threshold, the nominee receiving a majority of the votes cast will be appointed to the vacant position for either the unexpired or full term.

**3. TERMS OF OFFICE:**

- A. The term of office of each Commission member shall be four years, expiring on the first Monday of May in the year in which the term of the member expires (§56334).
- B. Any member of the Commission may be removed at any time and without cause by the body appointing that member. If a member who is a City, County, or Special District officer ceases to hold that position during his or her term, that member's seat on the Commission shall become vacant.
- C. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body that originally appointed the member whose office has become vacant. The alternate member in that category shall serve in his/her place until such time as a new regular member has been appointed.

## **CHAPTER 3: COMMISSION RULES OF ORDER**

### **1. FINANCIAL DISCLOSURE:**

LAFCO members are subject to the requirements of the Levine Act and California Fair Political Practices Commission (FPPC), including annual filing of the Statement of Economic Interests (Form 700) with the San Bernardino LAFCO by the date determined by the FPPC. Any member of the Commission not in compliance with this requirement is subject to the fines and penalties established by the FPPC. Please review the San Bernardino LAFCO Conflict of Interest Code for further details (available on the LAFCO website).

### **2. ELECTION OF CHAIR AND VICE CHAIR (Amended August 19, 2015; April 15, 2020)**

The Chair and Vice Chair shall be elected each year, during the first meeting in the month of May, by a majority of the Commission. The term of the Chair and Vice-Chair shall be effective upon adjournment of the meeting of their election. The Chair and Vice Chair positions shall be limited to two consecutive one-year terms. Should a member serve two consecutive one-year terms as Chair or Vice Chair, the member is not eligible for election to their former Chair or Vice Chair position for at least two years.

### **3. CHAIRMAN'S ROLE**

The Chair of the Commission shall preserve order and decorum and shall decide questions of order subject to appeal by the Commission. In the Chair's absence, the Vice Chair shall act as Chair. In the absence of the Chair and Vice Chair, the present voting members shall select a present voting member to act as Chair.

### **4. CHAIR'S VOTING PRIVILEGES**

The Chair of the Commission shall, in voting procedures, have all the rights and obligations of other members.

### **5. APPOINTMENT OF STANDING AND SPECIAL COMMITTEES (Amended August 21, 2013)**

The Chair shall appoint such standing, ad hoc, and special committees as may be deemed necessary. Each Fiscal Year the Chair shall determine the need for an ad hoc committee to review Audit and Budgetary matters and identify the membership. The Chair shall also appoint two San Bernardino LAFCO representatives to ~~the Southern Region of CALAFCO~~any organization of regional LAFCOs that San Bernardino LAFCO is a

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member of and whose terms shall be limited to a four-year term unless that ~~member-representative~~ is a current ~~Southern Region of CALAFCO~~-officer of the organization of regional LAFCOs or current CALAFCO ~~b~~Board member. A current ~~Southern Region of CALAFCO~~-officer of the organization of regional LAFCOs or current CALAFCO ~~b~~Board member shall automatically be one of the representatives to the ~~Southern Region of CALAFCOs~~organization of regional LAFCOs.

**6. REGULAR MEETING DATE** *(Amended November 14, 1984.)*

Regular meetings of the Local Agency Formation Commission shall be held on the third Wednesday of each month. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings of the Local Agency Formation Commission shall be called to order at 9:00 a.m., unless advertised differently.

**7. AGENDAS**

An agenda shall be prepared by the Commission staff for each meeting of the Commission and shall be distributed in accordance with the Government Code.

**8. ORDER OF BUSINESS** *(Amended June 17, 2009, September 28, 2011.)*

The regular order of business of the Local Agency Formation Commission shall be:

- A. Call to Order by the Chair
- B. Salute to the Flag
- C. Closed Session
- D. Public Comment
- E. Presentation of Consent Items; which shall include Approval of Minutes of Previous Meeting and Approval of Resolution for Previous Actions, as necessary
- F. Public Hearing Items
- G. Discussion Items
- H. Information Items
- I. Adjournment

**9. SPEAKER'S COMMENTS** *(Amended August 27, 1986 and April 16, 1997.)*

All members of the public are encouraged to speak before the Commission.

Members of the public are generally limited to three minutes of speaking time relating to either (1) agenda items or (2) non-agenda items within the Commission's subject matter jurisdiction. During public hearings, the applicant's or lead proponent's comment period is generally limited to five minutes.

However, the Commission Chair has the discretion to shorten or lengthen these allotted speaking times.

**10. REFERRAL TO COMMITTEES**

Any matter coming before the Commission may, if deemed necessary, be referred to staff or a committee of the Commission for additional information.

**11. ADJOURNMENT OF COMMISSION HEARINGS**

The Commission may adjourn to a time and place specified in the order of adjournment. An insufficient number of Commissioners present to constitute a quorum shall be cause for adjournment. A majority of the members of the Commission (four) constitutes a quorum.

If all members are absent from any regular or adjourned regular meeting, the Clerk to the Commission may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided by law for special meetings. [A copy of the order or notice of adjournment shall be posted in the manner required by Government Code section 54955.](#)

**12. CLOSED SESSIONS OF COMMISSION** *(Amended August 27, 1986, August 19, 2015)*

The Commission may hold Closed Sessions during a regular or special meeting to consider matters permitted by law for a closed session. The Commission may exclude from any such meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Commission. All members of the Commission, both regular and alternate, are encouraged to participate in ~~the~~ closed sessions. Alternates may vote only when sitting in the place of a regular member who is absent or is disqualified for a particular action.

**13. PARTICIPATION OF ALTERNATE MEMBERS IN DISCUSSION OF PROPOSALS**

All members of the Commission, both regular and alternate, are encouraged to participate in the discussions of a proposal before the Commission; however, only regular members may vote on the ~~action~~item. Alternates may vote only when sitting in the place of a regular member who is absent or is disqualified for a particular ~~action~~item.

**14. ABSTENTION OF VOTING**

The determination by a Commissioner to abstain from voting on any ~~action~~item before the Commission does not indicate, and shall not be counted as, either an "aye" or "no" vote on that count.

**15. TIE VOTES OF COMMISSION**

Four votes are necessary to approve a proposal or ~~a motion~~other action. A proposal ~~which~~or action that receives a tie vote shall automatically be continued to the next Commission hearing. A subsequent tie vote at the next hearing of the proposal ~~indicates automatic~~or other action shall constitute a denial without prejudice.

**16. CALLING OF EMERGENCY OR SPECIAL ~~HEARINGS~~MEETING**

An emergency or special meeting may be called at any time by the Chair of the Commission, or by a majority of the members of the Commission. Notice of ~~such~~emergency or special meetings must be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the emergency or special meeting and the business to be transacted. No other business shall be considered at such ~~special~~-meeting. The call and notice of an emergency or special meeting shall comply with all other requirements of the Government Code.

**17. LEGISLATIVE POSITIONS**

Letters in support of or opposition to legislation shall only be signed by the Chair or Vice Chair following Commission discussion. Should the need arise to support or oppose legislation before Commission discussion, then the Executive Officer shall notify each commissioner of the legislation and the position to be taken and indicate that an item will be placed on the next agenda for Commission ratification, unless objection to the position is received from a commissioner. If an objection is received from a commissioner, no letter in support of or opposition to legislation will be forwarded or sent prior to Commission discussion.

## **EXHIBIT "A"**

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The Commission's intent is not to consider requests for San Bernardino LAFCO to support or oppose legislation on matters not related to LAFCOs or CALAFCO unless any commissioner requests that the item be formally considered by the Commission. If such a request is received the item will be placed on the next agenda for Commission discussion and consideration.



## **SECTION II**

### **INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL**

#### **CHAPTER 1: INTERNAL OPERATIONS**

##### **POLICIES:**

1. **RESOLUTIONS OF APPRECIATION** (*Adopted September 12, 1979*)

The Commission authorizes expenditure for mounting and framing of resolutions of appreciation for separating LAFCO Commissioners and LAFCO ~~staff~~ ~~personnel~~ employees leaving LAFCO, who have rendered outstanding service.

~~In~~ With respect to ~~separating~~ Commissioners leaving LAFCO, the public purpose being served by such expenditure is that through publicly adopted resolutions of appreciation, other members of the public will also be encouraged to render public service by becoming members of various public agencies and commissions.

The public purpose of the framed resolutions of appreciation for ~~the~~ LAFCO staff is to give recognition for outstanding services rendered, with the purpose of maintaining high morale while at the same time providing further incentive for efficiency and productivity.

2. **DISCLOSURE OF LAFCO COMPENSATION AND BUDGET** (*Adopted June 15, 2011*)

To provide the residents, landowners and government agencies within San Bernardino County the ability to easily determine the costs for operating San Bernardino LAFCO and other financial disclosure information, the Commission hereby requires its staff to post the following information and/or documents on the Commission's website, accessible directly from its homepage:

- A. Budget - Current and preceding four fiscal years .
- B. Audit - Most recent and preceding four fiscal years.
- C. Annual compensation paid to each Commissioner from San Bernardino LAFCO for the preceding calendar year.
- D. Annual compensation paid by San Bernardino LAFCO for each filled employee position which shall include salary and total benefit costs for the preceding calendar year.

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- E. Fair Political Practices Commission Form 700 – Statement of Economic Interests for those positions designated to file a Form 700 for the preceding five calendar years.

**3. EXPENSE REIMBURSEMENT** *(Added to the Human Resources Policies and Procedures June 16, 2011; transferred and revised June 20, 2012 to general accounting policies; Amended August 19, 2015; April 15, 2020 )*

A. GENERAL PROVISIONS

The purpose of this section is to define the policies and procedures by which employees and Commissioners shall report and be reimbursed for the actual amount of their reasonable and necessary expenses incurred in attending meetings on behalf of San Bernardino LAFCO and in performing the duties of their office ("Business Expense"), except as may be otherwise provided in this Manual.

B. RESPONSIBILITIES

It shall be the responsibility of the Executive Officer and/or Appointing Authority (as outlined in Section III – Human Resources, Chapter 1 – Working Environment, Policy 2 – At-Will-Employment) or designee to investigate and approve each request for expense reimbursement. It shall be the responsibility of each Commissioner to receive prior approval from the Commission prior to incurring a ~~b~~Business ~~related~~eExpense. It shall be the responsibility of ~~the~~each employee to obtain prior approval from the appropriate Appointing Authority or designee to incur a ~~b~~Business ~~eExpense. Prior approval may be in the form of standing orders issued by the Appointing Authority or the Commission. Failure to obtain prior approval for a Business Expense may result in denial of any reimbursement request for such expense ~~claim (or excess amount) not pre-approved~~.~~

C. TRAVEL AUTHORIZATION

- (1) Travel outside the State of California must be approved by the Commission ~~or designee~~prior to the function, except when the ~~trip~~travel destination outside California is within twenty (20) miles of the California border or the travel occurs through a location anywhere in the adjacent state as a means of arriving at a location within California.
- (2) Travel requests will follow the rules and controls of San Bernardino County via its financial accounting system.

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- (3) The Executive Officer or Appointing Authority or designee is authorized to approve necessary travel within the State of California and use of transportation mode consistent with this section.

D. AUTHORIZATION FOR ATTENDANCE AT MEETINGS

- (1) The Commission or Appointing Authority ~~iesy~~ may authorize Commissioner and employee attendance at meetings of other organizations at San Bernardino LAFCO expense when the program material is directly related to an important phase of San Bernardino LAFCO service and ~~holds promise of~~ could benefit ~~to the~~ San Bernardino LAFCO as a result of such attendance.
- (2) ~~Authorization for~~ The Commission or Appointing Authority may authorize employee attendance at meetings ~~without expense reimbursement, but~~ of other organizations on San Bernardino LAFCO time, ~~may be granted~~ without expense reimbursement when the employee ~~is engaged~~ will attend on ~~the~~ San Bernardino LAFCO's behalf, but ~~from which the gain~~ benefits of attending will inure principally to the ~~benefit of the~~ employee and only incidentally to San Bernardino LAFCO.

E. RECORDS AND REIMBURSEMENTS

- (1) Requests for expense reimbursement for Commissioners shall be submitted to the Executive Officer at the monthly Commission hearing or as soon as possible following the date the expense was incurred, but no later than 30 days after the completion of travel.
- (2) Requests for expense reimbursements for employees should be submitted once each month and within one year of the date that the expense was incurred.
- (3) Receipts or vouchers which verify the claimed expenditures will be required for all items of expense, except:
  - a. Subsistence, except as otherwise provided in this section.
  - b. Private mileage (paid at the standard IRS rate).
  - c. Telephone, fax or other communication-related charges including Wi-Fi and internet access fees if needed to conduct San Bernardino LAFCO business.
  - d. Other authorized expenses of less than one dollar (\$1.00).

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- (4) Claims for expense reimbursement totaling less than one dollar (\$1.00) in any fiscal year shall not be paid.
- (5) Reimbursement shall not be made for any personal expenses such as, but not limited to: entertainment, barbering, personal grooming, alcoholic beverages, the personal portion of any trip, travel expenses for any individual who is not a Commissioner or employee, etc.
- (6) Except as otherwise provided in this section, expense reimbursements shall be made on an actual cost basis.
- (7) If the receipt is unavailable, the Commissioner or employee may submit a signed statement with an explanation of expenses (i.e., itemized list of expenses with location, date, dollar amount, and reason for expenses) and an explanation as to why the receipt is unavailable.
- (8) Expense reimbursements may be made via electronic fund transfer into the financial institution of the employee's choice or by pay card. Employees who fail to make arrangements for direct deposit shall receive reimbursements via pay card.

**F. TRANSPORTATION MODES**

The general rule for selection of a mode of transportation is that mode which represents the lowest expense to San Bernardino LAFCO. Where an employee or Commissioner is given the choice between several means of travel (e.g., own personal vehicle, flying vs. driving, etc.) and the employee or Commissioner chooses the option that is more costly, the employee or Commissioner shall only be reimbursed for the lesser cost option. For example, if the cost of flying on an airplane is less than the cost of driving, the employee or Commissioner shall only be reimbursed for the amount the County would have paid for the flight.

**(1) Travel via private automobile**

Reimbursement for the use of privately owned automobiles to conduct San Bernardino LAFCO business shall be at the current IRS allowable rate. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private automobile, insurance, maintenance and all other transportation-related costs. San Bernardino LAFCO does not provide any insurance for private automobiles used on San Bernardino LAFCO business. The owner

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of an automobile is responsible for the personal liability and property damage insurance when the vehicle is used on San Bernardino LAFCO business.

- a. When employees, traveling on official San Bernardino LAFCO business, leave directly from their principal place of residence rather than from their assigned work location, mileage allowed to the first work contact point shall be the difference between the distance from the residence to the assigned work location and the distance from the residence to the first work contact point. If the first work contact point is closer than the assigned work location, no mileage shall be allowed. If the employee departs from the last work contact point directly to the residence, the same principle governs.

Employees may have multiple assigned work locations. Mileage allowed is based on the assigned work location for that day. When employees have more than one assigned work location in a standard tour of duty, mileage shall be allowed between assigned work locations. In no case will mileage be allowed between the employee's residence and the assigned work location.

- b. Travel via Rental Vehicles. Reimbursement will be provided for the cost of a rental vehicle used for business purposes if such use is approved by the ~~Commission~~, Executive Officer or Appointing Authority. Reimbursement will not be provided for the additional costs incurred if any employee/Commissioner purchased any additional insurance or signs a Collision Damage Waiver (CDW) when renting a vehicle for San Bernardino LAFCO business. Requests for reimbursement for gasoline for rental vehicles must be accompanied by a copy of the rental agreement or rental receipt and gasoline receipt.
- c. Travel via Ride-Share Service, Taxi, or Public/Mass Transit. Reimbursement will be provided for the cost of using a ride-share service, (e.g., Uber or Lyft), taxi, or public/mass transit (e.g., bus, streetcar, and ferry) if such expenses are incurred for ~~County~~San Bernardino LAFCO business and approved by the Executive Officer or aAppointing ~~a~~Authority.
- d. Incidental Travel Expenses. Reimbursement will be provided for the cost of incidental travel expenses such as bridge tolls, road tolls and parking fees if such expenses are

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incurred as part of ~~County~~San Bernardino LAFCO business and approved by the Executive Officer or aAppointing ~~a~~Authority. Valet parking will not be reimbursed unless self-parking is not available or security is a concern.

(2) Travel via air

- a. Commercial Aircraft. When commercial aircraft transportation is approved, reimbursement shall be limited to the cost of public carrier. ~~†~~The “cost of public carrier” shall mean the cost of air coach or economy class rate including tax and security surcharges. Airline government and group rates must be used when available. Travel via charter aircraft shall be limited to emergencies, or when other types of transportation are impractical or more expensive. Specific prior approval for travel via aircraft must be obtained from the Commission or Executive Officer.
- b. Private Aircraft. When private aircraft transportation is approved by the Executive Officer or Appointing Authority, reimbursement will be as follows:
  - i. Reimbursement for use of aircraft owned or rented and flown by San Bernardino LAFCO ~~personnel~~employee/Commissioner will be for equivalent road miles at the first mile rate of the current private automobile use reimbursement schedule. Landing or tie-down fees will be reimbursed similar to auto parking charges.
  - ii. Reimbursement for trips to and from the following destinations will be limited to the cost of public carrier except when justified by unusual circumstances as determined by the ~~San Bernardino LAFCO~~ Executive Officer or designee: Oakland, Sacramento, San Francisco and San Jose.
  - iii. Authorized charter flights with a licensed charter service providing the aircraft and pilot will be reimbursed at actual cost. Charter flights must be individually approved by the Commission prior to departure.
  - iv. The employee/Commissioner or owner of the aircraft must maintain on file, with the San Bernardino LAFCO Office, a current policy for aviation

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comprehensive general liability insurance, which includes San Bernardino LAFCO as an additional insured and covers all operations performed by or on behalf of the employee or owner of the aircraft for bodily injury and property damage with a combined single limit of not less than one million dollars (\$1,000,000), per occurrence and two million dollars (\$2,000,000), general aggregate.

**G. SUBSISTENCE**

- (1) Subsistence allowances for lodging and meals shall not be allowed without prior approval of the Executive Officer or aAppointing aAuthority or designee as necessary for the purpose of conducting San Bernardino LAFCO business. Meal and lodging selections should represent a reasonable cost to San Bernardino LAFCO and be generally consistent with the rates established by the General Services Administration (GSA). Excess charges greater than the allowances listed below in paragraph (2) and (3) may be authorized under special conditions, such as a convention or conference requirement (e.g., lodging at the hotel where the conference is held) or if San Bernardino LAFCO business requires lodging and meals in an area of unusually high cost (i.e., Non-Standard Areas as established by the GSA). Employees/Commissioners may be reimbursed for expenses in high cost areas for the actual cost incurred, but generally not to exceed the per diem amounts established by the GSA for that area and month. Receipts are mandatory to obtain reimbursement for all lodging expenses, and except as provided below, for all meal expenses claimed.
- (2) An employee/Commissioner may be reimbursed for lodging expenses at actual cost, generally not to exceed the standard lodging per diem rate as established by the GSA, except as otherwise provided in paragraph (1) above.
- (3) Except as otherwise provided in paragraph (1) above, reimbursement for meal expenses for up to three separate meals per day may be provided as follows:
  - a. With receipts: actual cost not to exceed eleven dollars (\$11.00) for breakfast; fifteen dollars (\$15.00) for lunch; and twenty-four dollars (\$24.00) for dinner, all plus tax and up to 15 percent gratuity.
  - b. Without receipts: at per diem rates not to exceed six dollars (\$6.00) for breakfast; nine dollars (\$9.00) for lunch; and



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nineteen dollars (\$19.00) for dinner, all plus tax and up to 15 percent gratuity.

- (4) Where the cost of a meal is included as part of a registration charge for an event (e.g., continental breakfast at a conference or training seminar) or in the cost of lodging, an employee may not claim reimbursement for that meal.
- (5) Expense Advances. Advancement of funds for ~~b~~Business ~~e~~Expenses can be obtained from the County through submission of the appropriate form. Advancements shall not exceed the per diem allowance set forth herein. The minimum amount to be advanced is fifty dollars (\$50.00).

#### H. COUNTY CREDIT CARDS

- (1) The County may issue a County credit to the San Bernardino LAFCO Executive Officer and require ~~b~~Business ~~e~~Expenses be paid for with said card.
- (2) If unauthorized charges are placed on the card, the San Bernardino LAFCO Executive Officer shall be required to reimburse the County. If the ~~employee~~Executive Officer fails to reimburse the County within fifteen (15) calendar days or prior to separation from San Bernardino LAFCO service, the County may recover any unauthorized charges from the ~~employee's~~Executive Officer's pay.

#### 4. **COMMISSION STIPEND/PER DIEM PAYMENT** (*Adopted February 20, 2002; Amended May 19, 2004, and May 16, 2007*)

- A. Commission members shall receive a stipend/per diem payment of \$200 ~~per posted and attended~~for each day they are in attendance at meetings of the Commission ~~hearing~~. In addition, Commission members appointed to standing committees and/or ~~the Southern Region of GALAFCO~~representatives to any organization of regional LAFCOs will receive a stipend/per diem payment ~~of a stipend~~ for attendance. No stipend/per diem payment shall be paid for attendance at a conference, seminar or other meetings that are not publicly noticed meetings of the Commission.
- B. All travel which is twenty (20) miles or less round trip from a member's home shall not be reimbursed. If the round trip exceeds twenty (20) miles, then all mileage is reimbursable as provided herein. All other mileage payment procedures are outlined in the Expense Reimbursement Policy,

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Item 3 above.

**5. ANNUAL AUDIT** *(Adopted September 28, 2011)*

**A. ROLE OF THE INDEPENDENT AUDITOR**

It is the policy of San Bernardino LAFCO to arrange for an annual audit of its financial statements to be conducted by an independent accounting firm. The independent accounting firm selected by the Commission will be required to communicate the results of the audit directly ~~with~~to the Commission upon the completion of their audit.

**B. SELECTION OF THE AUDITOR**

~~LAFCO~~The Commission shall review the selection of ~~its~~LAFCO's independent auditor in the following circumstances:

- (1) Anytime there is dissatisfaction from the Commission or LAFCO staff with the services of the current ~~firm~~auditor; or,
- (2) The ~~A~~auditor shall be changed at least every five years to ensure competitive pricing and a high quality of service. San Bernardino LAFCO may participate with other LAFCOs for a joint Request for Proposal (RFP) for auditing services.

**6. RESERVE POLICY** *(Adopted April 21, 2011, Amended October 22, 2014, Amended May 20, 2020; Amended May 15, 2024)*

The Commission ~~will require the maintenance of three~~shall maintain four separate reserves which shall be funded as a part of the annual budget adoption process as follows:

- A. The balance of San Bernardino LAFCO employee compensated absences ~~at~~as of February 1 of each fiscal year shall be funded and placed in a committed reserve account in the following fiscal year budget;
- B. Annually the Commission shall set aside a minimum of \$200,000 in an assigned reserve account for payment of potential litigation or other special needs; and,
- C. A committed reserve shall set aside funds for future payment of the extra pay period that occurs every tenth year.
- D. Annually, the Commission shall set funds generally equal to the amount of application revenues received the prior fiscal year.

**7. RECORDS RETENTION POLICY** (Adopted October 21, 2009, Amended March 21, 2018)

**A. Purpose**

It is the policy of this Commission to retain San Bernardino LAFCO's records of proceedings, electronic communications and financial documents and records in accordance with the Records Retention Schedule outlined below. The schedule follows the minimum retention periods mandated by the California Government Code, the California Code of Civil Procedure, the Code of Federal Regulations, the Secretary of State Local Government Records Management Guidelines, and other legal authorities cited.

**B. Procedure**

This policy shall be reviewed, and when necessary updated, at least every five years pursuant to the Secretary of State Local Government Records Management Guidelines and to ensure compliance with applicable law. To implement the retention and destruction of the records pursuant to the Schedule, the Commission designates the Executive Officer as the Records Management Coordinator to administer this policy and present a Commission agenda item once a year related to records and documents to be destroyed, and cause such records and documents to be destroyed; to interpret and implement this policy; to review any documents before authorizing their destruction; and to consult with legal counsel as needed for the administration and implementation of this policy.

**C. General Guidelines**

This Policy is to be administered as authorized by Government Code section 56382 consistent with the following guidelines and requirements:

- (1) Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code section 56382.
- (2) Duplicate records, papers, or other documents may be destroyed if the original or photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission consistent with this Policy.
- (3) Original records more than two years old may be destroyed if a photographic or electronic copy of the original record is

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made and preserved provided the following conditions are met:

- a. The record is reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.
- b. The device used to reproduce the record is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.
- c. The reproductions are made as accessible for public reference as the original records were.
- d. A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.

(4) Documents that are not herein defined as “records” are not “records” pursuant to Government Code section 56382 and will be retained and disposed of according to the Records Retention Schedule.

(5) The Commission has adopted the financial portion of the “Local Government Records Management Guidelines”, issued by the California Secretary of State pursuant to Government Code Section 12236, as may be amended from time to time by the Secretary of State, as the Commission’s official retention schedule for financial documents.

(6) Documents that are drafts, notes, working papers and other papers used for controlling work or transitory files may be destroyed in the normal course of work by staff.

(7) For purposes of compliance with Government Code section 56382 and implementation of the Commission’s Records Retention Schedule as set forth below, “records” include the following:

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- a. LAFCO Meeting Records, including agendas, minutes, and staff reports
- b. LAFCO Resolutions
- c. Documents related to LAFCO proposals ("Records of Proceedings"), such as:
  - i. Applications, petitions, or other initiating documents
  - ii. Assessor's Statement of Property Valuation
  - iii. Agreement to Pay/Indemnification
  - iv. Certificate of Completion
  - v. Certificate of Filing
  - vi. Environmental Review/CEQA documents such as the Initial Study, Exemptions, Notices of Completion and Determination, Comments and Responses to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
  - vii. Map(s) and Legal Description(s)
  - viii. Public Notices
  - ix. Order for Change of Organization
  - x. Staff Reports and Recommendations
  - xi. Statement of Boundary Change
  - xii. Statement of Tax Rate Area
  - xiii. Property tax exchange documentation
  - xiv. Resolutions and Orders
- d. Policies and rules approved by the Commission

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e. Request for out-of-agency service contract authorizations, Service Reviews and Sphere of Influence amendments and updates and related correspondence.

f. Any documentation identified by the Executive Officer or the Commission to be retained as a record subject to Government Code section 56382.

(8) Destruction of any record shall be postponed if that record is responsive to a subpoena, litigation hold or other request for preservation, a Public Records Act (Government Code §7920-7931 et seq.) request, an audit, or a claim filed against San Bernardino LAFCO. In addition, records that relate to any active litigation or potential litigation involving San Bernardino LAFCO shall be preserved until the litigation is resolved. San Bernardino LAFCO personnel who become aware of a subpoena, claim, Public Records Act request, etc., that affects records under their control shall use their best efforts, by any reasonable means available to them, to preserve those records. In such situations, San Bernardino LAFCO personnel shall contact the Clerk regarding the affected records.

## RECORDS RETENTION SCHEDULE

<u>TYPE OF RECORD</u>	<u>LEGAL AUTHORITY</u>	<u>RETENTION PERIOD</u>
<u>Records Relating to LAFCO Meetings or Applications</u>		
<b>Records of Proceedings</b>	<u>Government Code § 56382</u>	<del>Government Code § 56382</del> Permanent*
<b>Electronic Communications</b> <u>(related to LAFCO proposals)</u>		Six months following issuance of the Certificate of Completion, Certificate of Termination, or withdrawal notification by the applicant.
<u>Miscellaneous</u>		
<u>Records relating to any pending or potential claim, litigation, or any settlement or other disposition of litigation</u>		<u>Until settled or adjudicated + 5 years and the time for appeal has expired</u>
<u>Purchasing, requisitions, purchase orders</u>	<u>CCP § 337</u>	<u>Until audited + 4 years</u>
<u>Contracts and Leases (including amendments)</u>	<u>CCP § 337</u> <u>CCP § 337.2</u>	<u>For the term of the contract/lease + 4 years from the termination/completion date</u>

# EXHIBIT "A"

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<u>Economic Interest Statements – Form 700 (copies)</u>	<u>GC § 81009(f), (g)</u>	<u>4 years (can image after 2 years)</u>
<u>Economic Interest Statements – Form 700 (originals)</u>	<u>GC § 81009(c), (g)</u>	<u>7 years (can image after 2 years)</u>
<u>Agency Report of Consultants – Form 805</u>	<u>2 CCR 18734</u> <u>GC § 81009(e)</u>	<u>7 years</u>
<u>Agency Report of Events and Ticket/Pass Distributions – Form 802</u>	<u>GC § 81009(e)</u>	<u>7 years</u>
<u>Agency Report of Behested Payments – Form 803</u>	<u>GC § 81009(e)</u>	<u>7 years</u>
<u>Gift to Agency Report – Form 801</u>	<u>FPPC Reg. 18944(c)(3)(F)(G): FPPC Fact Sheet: “Gifts to an Agency – Part 2”</u> <u>GC 81009(e)</u>	<u>Must be posted on LAFCO website for 4 years (per FPPC Fact Sheet). Originals must be retained 7 years</u>
<u>Ethics Training Compliance</u>	<u>GC § 53235.2</u>	<u>5 years after receipt of training</u>
<u>Property records (original)</u>		<u>Permanently or until property is transferred or no longer owned by LAFCO</u>
<u>Correspondence (general correspondence, including letters and e-mails, not otherwise covered by this schedule)</u>		<u>2 years</u>
<u>Video/Audio recordings of public meetings (made at direction of the Commission)</u>	<u>GC § 54953.5</u>	<u>Minimum 30 days</u>
<b><u>Personnel</u></b>		
<u>Personnel files and medical records</u>	<u>LC § 1198.5</u> <u>GC § 12946</u> <u>29 CFR 1627.3</u> <u>29 CFR 825.500</u>	<u>Length of employment + 4 years</u>
<u>Payroll records</u>	<u>29 C.F.R. 516.5, 516.6</u> <u>Labor Code § 1174, 1197.5</u>	<u>3 years from the date of payment</u>
<u>Records relating to hiring, promotion, selection for training (Personnel files of applicants, applications, promotions, recruitment materials, etc.)</u>	<u>GC § 12946</u> <u>29 CFR 1627.3</u>	<u>4 years</u>
<u>Oaths of Office (elected and public officials)</u>	<u>29 USC 1113</u> <u>Sec. of State Guidelines</u>	<u>Current + 6 years</u>
<b><u>Financial:</u></b>		
<u>Expense Reports</u>		<u>7 years</u>
<u>Budgets</u>		<u>7 years</u>

# EXHIBIT "A"



# EXHIBIT "A"

## San Bernardino LAFCO Policy and Procedure Manual Section II – Internal Operations, Accounting, and Financial Policies

Billings/Accounting Reports		7 years
Budget Change Proposals		7 years
Budget Change Concepts		7 years
Audits		7 years
Invoices		7 years
Fees/Receipts		7 years
Checks/Ledgers/Registers		7 years
Cal Stars Reports		7 years
Cost Recovery – Federal		<u>Until claim paid then 7 years or until audited, whichever is first</u>
Cost Recovery – State		<u>Until claim paid then 74 years or until audited, whichever is first</u>
Grants <u>(federal, state, or other, and all support documents)</u>	<u>24 CFR 570.502</u> <u>24 CFR 85.42</u>	<u>Until completed then 7 years</u>
<u>Grants (unsuccessful – applications not entitled)</u>		<u>Active + 2 years</u>
Resource: California Secretary of State. "Local Government Records Management Guidelines", Feb 2006. Under the authority established by Senate Bill 742 (1999), adding Section 12236 to the Government Code.		

\*After 2 years, records may be imaged for permanent preservation and original destroyed.

~~The Commission has adopted the financial portion of the "Local Government Records Management Guidelines", issued by the California Secretary of State pursuant to Government Code Section 12236, as may be amended from time to time by the Secretary of State, as the Commission's official retention schedule for financial documents and records. This policy shall be reviewed, and when necessary updated, at least every five years pursuant to the Secretary of State Guidelines. To implement the retention and destruction of the financial records pursuant to the Schedule, the Commission designates the Executive Officer as the Records Management Coordinator who shall present a Commission agenda item once a year related to records to be destroyed.~~

### 8. **APPORTIONMENT** (Adopted August 17, 2016)

In apportioning the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381, the apportionment distribution provided by the Auditor-Controller based upon State Controller data available at the time of the proposed LAFCO budget shall be used for billing purposes - regardless if new State Controller data are issued prior to July 1 of each year.

### 9. **PURCHASING FOR NON-BUDGETED ITEMS**

For urgent purchases that are not included in the budget, the following identifies the purchasing limits and authority:

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Limit	Authority
\$ 5,000	Executive Officer approval
\$20,000	Chair or Vice-Chair approval with ratification for authorization at the next <u>Commission</u> hearing
Over \$20,000	Commission authorization

**10. AUTHORITY OF THE ASSISTANT EXECUTIVE OFFICER**

Under direction of the Executive Officer, or under direction of the Chair or Vice Chair in the absence of the Executive Officer, the Assistant Executive Officer is authorized to exercise the Executive Officer's payment, purchasing, and signature authority.

**11. ELECTRONIC SIGNATURE USE POLICY**

**A. Purpose**

The Commission seeks to implement guidelines for the use and acceptance of electronic signatures, including digital signatures, used to conduct official LAFCO business. Use of electronic signatures will move LAFCO another step closer to instantaneous communication with the public by further improving the manner and speed with which LAFCO communicates and conducts business. While the use of electronic information will continue to evolve, LAFCO has identified acceptable forms of secure electronic signatures and electronically signed records and has developed this Electronic Signature Use Policy (this "Policy") to encourage their use and acceptance.

**B. Policy**

This Policy authorizes the use of electronic signatures on LAFCO documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law, while allowing LAFCO to strike a balance between the flexibility desired in transactions and the need for signature security and integrity. Specifically, this Policy establishes that electronic signatures shall be valid and effective on LAFCO records and documents so long as certain guidelines regarding the security and integrity of electronic signatures are met; authorizes the Executive Officer to determine the particular technologies or vendors that presumptively satisfy the guidelines; and authorizes the Executive Officer to determine the level of security required for various types of electronic records or

documents. This Policy is designed to supplement LAFCO's current records management and retention policies.

This Electronic Signature Use Policy governs all uses of electronic signatures and electronically signed records or documents related to the conduct of LAFCO's official business. LAFCO staff will only accept electronic signatures and electronic records that comply with the requirements of this Policy and the Uniform Electronic Transaction Act (UETA) (Cal. Civil Code § Section 1633.1 et seq.).

### C. Definitions

- (1) Electronic signature means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. (Civ. Code, § 1633.2(h).)
- (2) Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. (Civ. Code, § 16.5(d).) For purposes of this policy, a digital signature, as defined in subdivision (d) of Section 16.5 of the Government Code, is a type of electronic signature. Typing a signature in a script font or inserting a graphic image or stamp of a signature is not an acceptable form of digital signature.
- (3) Electronic record means a record created, generated, sent, communicated, received, or stored by electronic means. (Civ. Code, § 1633.2(g).) An electronic record generally contains information or a data file that was created and stored in digitized form through the use of computers, machines, and software applications. The format of an electronic record does not change the fact that it is a record subject to applicable public records laws, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.
- (4) Electronically signed record means a record, file, or document that has been electronically signed by means of an electronic signature and that is related to the conduct of LAFCO's official business.
- (5) Proxy signature means when Person A authorizes Person B to sign Person A's signature on their behalf. Proxy signatures are prohibited under this policy.

**D. Definitions**

- (1) UETA authorizes use of an electronic signature for transactions and contracts among parties in California, including government agencies, when both parties consent to its use. (Civ. Code, § 1633.1-1633.17.)**
- (2) A digital signature may be used to execute the documents authorized for use with an electronic signature if it satisfies the requirements found in Government Code section 16.5 et seq. and Title 2, division 7 Chapter 10 of the California Code of Regulations (2 CCR § 22000-22005). The digital signature must be:**
  - a. Unique to the person using it.**
  - b. Capable of verification.**
  - c. Under the sole control of the person using it.**
    - i. Email notifications requesting electronic signatures shall not be forwarded.**
    - ii. The use of proxy signatures is prohibited.**
  - d. Linked to data in the electronically signed record in such a manner that if the data are changed, the digital signature is invalidated, and**
  - e. It conforms to regulations adopted by the Secretary of State (2 CCR § 22000-22005), including but not limited to the acceptable technology requirement set forth under California Code of regulations, title 2, section 22003.**

**E. Electronic Signature Use**

- (1) Authorized Uses. The use of an electronic signature is authorized on:**
  - a. All resolutions, orders, ordinances, letters, contracts, minutes and records of the Commission, for which the Chair, Clerk, or Executive Officer have been authorized, empowered, or instructed to sign by order or resolution of the Board, or by ordinance or statute.**

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- b. All orders, contracts, amendments and other agreements when authorization to execute such document has been delegated by the Board or provided by statute, including the delegation to the Executive Officer.
  - c. Internal San Bernardino LAFCO forms or documents.
  - d. Contracts with outside parties where the parties agree in advance to conduct the transaction electronically. Consent may be implied from the circumstances, except where information is required by law to be in paper or hardcopy form.
- (2) Digital Signature Validity. Prior to accepting a digital signature, LAFCO staff shall ensure that the level of security used to identify the signer of a document is sufficient for the transaction being conducted, that the level of security used to transmit the signature is sufficient for the transaction being conducted, and that the certificate format used by the signer is sufficient for the security and interoperability needs of LAFCO.
- (3) Acceptable Technologies. The Executive Officer shall determine acceptable electronic signature technologies and vendors under this Policy, and consistent with industry best practices, to ensure that security and integrity of electronic records, electronic data, and electronic signatures. In the event that is determined that an approved electronic signature method or technology is no longer trustworthy or secure, the Executive Officer shall revoke the approval of such electronic signature method. If there is continued significance for electronic signatures that employed the revoked method, the Executive Officer will take steps to ensure that any valid records signed with the revoked method are signed again either with a handwritten, wet signature or with an approved electronic signature method.
- (4) Signature Required by LAFCO, State or Federal Law
  - a. Where a LAFCO policy requires that any electronic document, photo, record, or other related item have the signature of a responsible person, that requirement is met when the item has associated with it an electronic signature meeting the requirements of this Policy.

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- b. Where California or federal law requires that any electronic document, photo, record, or other related item have the signature of a responsible person, that requirement is met when the item has associated with it an electronic signature meeting the requirements of this Policy and using a signature method which complies with California law or federal law.
- (5) Documents for Which Electronic Signatures are Prohibited. This Policy does not supersede any laws that require a physical record or handwritten signature. An electronic signature may not be used on those documents identified in Civil Code section 1633.3. Unless otherwise allowed, documents that are recorded with the County of San Bernardino must contain a manual signature.
- (6) Notaries. This Policy shall comport with California Civil Code section 1633.11(a) which states, "If a law requires that a signature be notarized, the requirement is satisfied with respect to an electronic signature if an electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information required to be included in a notarization by other applicable law."
- (7) Penalty of Perjury. This Policy shall comport with California Civil Code section 1633.11(b) which states, "In a transaction, if a law requires that a statement be signed under penalty of perjury, the requirement is satisfied with respect to an electronic signature, if an electronic record includes, in addition to the electronic signature, all of the information as to which the declaration pertains together with a declaration under penalty of perjury by the person who submits the electronic signature that the information is true and correct."
- (8) Minimum Standards. These are minimum standards. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction has been executed. Depending upon the circumstances, LAFCO may require a higher level of signature verification (i.e. out-of-state signatory). Nothing in this Policy prohibits a LAFCO official or employee, with the of consent the Executive Officer or designee, from requiring a wet signature or higher form of secure electronic signature if he/she believes it is prudent or necessary.

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- (9) Use Optional. Pursuant to California law, the use of electronic signatures by individuals or entities that wish to conduct business with LAFCO remains optional. This Policy neither limits the right or option to conduct the transaction on paper or in non-electronic form, nor the right to have documents provided or made available on paper.



**CHAPTER 2: APPLICATION PROCESSING**

1. **LAFCO FEE WAIVER/REDUCTION PROVISIONS** (Adopted June 10, 1981 (effective July 1, 1981); Amended March 20, 1996, July 18, 2001, May 17, 2006, May 16, 2007, and November 20, 2013)

A. AUTOMATIC WAIVERS

For proposals that correct a boundary alignment problem (i.e., a divided assessor's parcel or inadvertent exclusion), the Annexation, Detachment, or Reorganization filing fee will be automatically waived. All required deposits (anticipated direct costs for legal counsel, environmental review, and registered voter/landowner notification) including any completion fees/deposits applicable will be charged at full cost.

For reorganization proposals that require a concurrent sphere of influence amendment (expansion and/or reduction) and reorganization (annexation and/or detachment) for the same area, the Sphere of Influence Update/Service Review filing fee will be automatically waived. The Annexation, Detachment, or Reorganization filing fee including all required deposits and any completion fees/deposits applicable will be charged at full cost.

Compliance with any of these automatic waiver conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

B. AUTOMATIC REDUCTIONS

City annexations of island areas that comply with Government Code Section 56375.3 will be assessed one-half of the LAFCO filing fee for each area of consideration. All required deposits and any completion fees/deposits applicable will be charged at full cost.

The readjustment of agency boundaries as a result of the realignment of a roadway will be reduced to a single Annexation, Detachment, or Reorganization filing fee per entity involved no matter how many changes or separate areas are included in the proposal. All required deposits and any completion fees/deposits applicable will be charged.

Compliance ~~to~~with any of the automatic reduction conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

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C. REQUEST FOR WAIVER OR REDUCTION OF FEES (to be reviewed and approved by the Commission):

Any applicant may **submit a** request for a waiver or reduction of the LAFCO filing fee to be charged. The request must be submitted in writing and accompany the submission of the application to the LAFCO Executive Officer. The request shall include a justification for the request and the fee(s) ~~it is requesting~~**requested** to be waived or the dollar amount of fees being reduced. The Executive Officer shall present the waiver/reduction request for Commission review on the consent calendar at the next regular hearing. The Commission may waive/reduce the filing fee if it determines that payment would be detrimental to the public interest pursuant to Government Code Section 56383(d). A waiver/reduction of fees is limited to those costs incurred by the Commission in processing the proposal. The Commission may authorize a waiver or reduction of the LAFCO filing fee based upon the special circumstances of the proposal, if any. Processing of the application shall be held in abeyance until a decision is rendered by the Commission regarding the request for fee waiver/reduction.

2. **LAFCO FILING FEE REFUND** (*Originally Adopted May 21, 1991 as part of the Fee Schedule; Added to Policy Manual on May 17, 2006; Amended August 21, 2013; August 17, 2016; April 15, 2020*)

If withdrawal of an application is requested, the LAFCO Filing Fee paid for processing will be refunded in the following manner:

- A. Following issuance of the Notice of Filing: 50% refund.
- B. Following issuance of the Certificate of Filing (change of organization/reorganization) or staff's Technical Application Review process (sphere of influence amendment): no refund.

**PROCEDURES:**

Deposits are subject to individual refund procedures outlined ~~on~~**in** the Schedule of Fees, Deposits, and Charges.

3. **INDEMNIFICATION** (*Adopted May 19, 1993; effective June 1, 1993; Amended May 17, 2006, Amended August 19, 2015; August 17, 2016*)

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real

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party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them arising from or related to such application. A real party in interest includes the landowner and/or a registered voter of an application subject property.

**PROCEDURES:**

**A. Acknowledgement of LAFCO Indemnification Requirement:**

1. When a public agency adopts a resolution of application to initiate an application for a change of organization or reorganization, a sphere of influence amendment, or ~~a fire protection~~ an out-of-agency service contract/agreement, the resolution shall include a provision acknowledging the Commission's requirement for indemnification as outlined in this Manual.
  2. When a state agency or a real party ~~of~~ in interest initiates an application for a change of organization or reorganization, a sphere of influence amendment, or ~~a fire protection~~ an out-of-agency service contract/agreement, the written request shall include a statement acknowledging the Commission's requirement for indemnification as outlined in this Manual.
- B. In signing the certification on the Application form, on any of the supplement forms or on the Application for Extension of Service by Contract form, the person signing, and the entity on whose behalf the person is signing, if applicable, acknowledges the Commission's requirement for indemnification as outlined in this Manual.
- C. The Commission shall impose a condition within its resolution of approval that requires the applicant and/or the real party ~~of~~ in interest to defend, indemnify, and hold harmless the Commission, its agents, officers, attorneys, and its employees from any claims, actions or proceedings against them to attack, set aside, void, or annul such approval.
- D. The Executive Officer shall promptly notify the applicant or real party ~~of~~ in interest of any legal action brought challenging the Commission's action, and the Commission, its agents, officers, attorneys, and employees shall cooperate fully in the defense of that action.
- E. The applicant may provide their own counsel in the defense of the action taken, or the applicant may elect to use the services of San Bernardino LAFCO Counsel in that defense. In the latter case, the Executive Officer may require a deposit of funds sufficient to cover the anticipated expense of the litigation.

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**4. RESPONSIBILITY FOR PAYMENT OF SPECIAL LEGAL COUNSEL COSTS**  
(Adopted May 17, 2006, Amended August 19, 2015)

It is the policy of this Commission that the costs for Special Counsel shall be the responsibility of the applicant subject to the following determinations:

- A. If Special Counsel is required due to a representation conflict with the applicant of the proposal, the applicant shall be responsible for all Special Counsel charges.
- B. If Special Counsel is required due to a representation conflict outside the control of the applicant, the applicant shall be responsible for paying the regular San Bernardino LAFCO Legal Counsel hourly rate. The balance of Special Counsel costs will be the responsibility of the Commission.

**PROCEDURES:**

The adopted procedure for the Responsibility for Payment of Special Legal Counsel Costs Policy is as follows:

Once a determination has been made pursuant to Commission Policy for Waiver of LAFCO Legal Counsel Conflicts of Interest that Special Counsel is required, the following procedure shall be followed:

- A. The Executive Officer shall promptly notify the proponents of the proposal that Special Counsel is required.
- B. An item shall be placed on the next available Commission Agenda to approve the contract for Special Counsel and to determine the method for apportioning the cost to the applicant. This procedure may be waived if San Bernardino LAFCO has entered into a retainer agreement with a legal counsel to act as special counsel and said legal counsel is chosen and available as special counsel for the matter.
- C. Once a determination is made regarding the apportionment of the cost, the Executive Officer may require a deposit of the estimated costs for Special Counsel.
- D. All Special Counsel costs that are the responsibility of the applicant shall be paid prior to issuance of the Certificate of Completion.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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HEARING DATE: MARCH 19, 2025

## RESOLUTION NO. 3413

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING ITS POLICY AND PROCEDURE MANUAL

On motion of Commissioner \_\_\_\_\_, 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 its Policy and Procedure Manual.

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

1. The following sections of the Policy and Procedure Manual are amended:

Section I – Mission Statement and Commission Operations

Section II – Internal Operations, Accounting, and Financial

2. The amended sections of the Policy and Procedure Manual are 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. 3413

.....

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 March 19, 2025.

DATED:

---

SAMUEL MARTINEZ  
Executive Officer



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

DATE: MARCH 12, 2025   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #10: Update on CALAFCO

---

## **RECOMMENDATION:**

Staff recommends that the Commission receive and file the report.

## **BACKGROUND**

At the November 2024 meeting, the Commission considered an item on whether it would continue its membership with CALAFCO as a result of recent decisions made by the CALAFCO Board and issues related to its Executive Director. After some discussion, the Commission unanimously decided not to renew its membership to CALAFCO starting FY 2025-26.

On November 22, 2024, LAFCO staff sent a letter to CALAFCO notifying of the Commission's non-renewal of its membership starting FY 2025-26, but that it intends to fully participate in upcoming CALAFCO activities including Board meetings and the upcoming Staff Workshop in April (see Attachment #1 to this report).

In turn, CALAFCO provided a response dated February 24, 2025. The letter, included as Attachment #2 to this report, outlined some of the changes CALAFCO is undergoing to demonstrate its commitment to a better and more effective Association. CALAFCO also outlined and recognized the significant contributions this Commission and its staff has made to CALAFCO and looks forward to continuing to address the issues and concerns that have marred CALAFCO. The letter ends with the hope that this Commission reconsiders its membership to CALAFCO starting FY 2026-27.

Since this Commission took its action to not renew its membership, a number of LAFCOs have also taken the same direction of not renewing their membership to



CALAFCO starting FY 2025-26. Attachment #3 to this report are the notifications sent by San Diego, Los Angeles, and Orange LAFCOs to CALAFCO.

Meanwhile, the CALAFCO Board has had two board meetings—one in January and another one in February—to hear from its membership and began taking steps towards making changes to its policies and procedures in order to address some of the concerns that have been brought up. It should also be noted that the Executive Director has since resigned, and the Board has appointed the current Executive Officer for Sacramento LAFCO as interim Executive Director.

The CALAFCO Board will be having a Strategic Planning retreat later this month and another Board meeting in April. The CALAFCO Staff Workshop is also currently being finalized and is taking place from April 30 to May 2 in Temecula.

## **CONCLUSION**

The Commission—through its staff and Commissioner Cox, who is still a Board member on CALAFCO—will continue to be engaged with CALAFCO until its membership comes to an end on June 30, 2025.

### Attachments:

1. [San Bernardino LAFCO Letter to CALAFCO Dated November 22, 2024](#)
2. [CALAFCO Response Letter Dated February 24, 2025](#)
3. [Notifications of Non-Renewal from Other LAFCOs](#)



# LAFCO

**Local Agency  
Formation Commission**  
*for San Bernardino County*

1601 East 3<sup>rd</sup> Street, Suite 102  
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**COMMISSIONERS**

**JOE BACA, Jr.**  
Board of Supervisors

**JIM BAGLEY**  
Public Member

**DR. KIMBERLY COX**  
Special Districts

**PHIL DUPPER**  
City Member

**STEVEN FARRELL**, Vice Chair  
Special Districts

**CURT HAGMAN**  
Board of Supervisors

**ACQUANETTA WARREN**, Chair  
City Member

**ALTERNATES**

**JESSE ARMENDAREZ**  
Board of Supervisors

**RICK DENISON**  
City Member

**JIM HARVEY**  
Public Member

**KEVIN KENLEY**  
Special Districts

**EXECUTIVE OFFICER**

**SAMUEL MARTINEZ**

**LEGAL COUNSEL**

**PAULA DE SOUSA**

November 22, 2024

René LaRoche, Executive Director  
CALAFCO  
1451 River Park Drive, Suite 185  
Sacramento, CA 95815-4520

Dear Ms. LaRoche:

This letter is to inform you that the Local Agency Formation Commission for San Bernardino County (San Bernardino LAFCO) is giving notice to CALAFCO that it will not be renewing its membership starting July 1, 2025.

On November 20, 2024, San Bernardino LAFCO—by unanimous vote—decided not to renew its membership to CALAFCO starting Fiscal Year 2025-26. This notice is being provided now in order to inform CALAFCO of San Bernardino LAFCO's future non-payment of its required dues.

Prior to July 1, 2025, as a current CALAFCO member in good standing, San Bernardino LAFCO intends to fully participate in CALAFCO Board of Directors meetings, its Legislative Committee meetings (if said Committee meetings will convene this fiscal year), and its upcoming 2025 Staff Workshop in Temecula.

If you have any questions concerning the information outlined above, please do not hesitate to contact me at (909) 388-0480.

Sincerely,

  
**SAMUEL MARTINEZ**  
Executive Officer

cc: Gay Jones, Chair, CALAFCO Board  
Southern Region LAFCOs



February 24, 2025

San Bernardino LAFCO  
1601 E 3<sup>rd</sup> Street, Suite 102  
San Bernardino, CA 92415

Chair Warren, Commissioners, and Executive Officer Martinez:

On behalf of the CALAFCO Board of Directors, we acknowledge receipt of your letter dated November 22, 2024 regarding the non-renewal of your CALAFCO membership for FY 2025-26. We sincerely apologize for not appropriately acknowledging and responding to your letter and concerns sooner, which was a failure on our part. While we are disappointed in San Bernardino LAFCO's decision to leave the Association, we fully respect your determination to make choices that align with the needs of your commission.

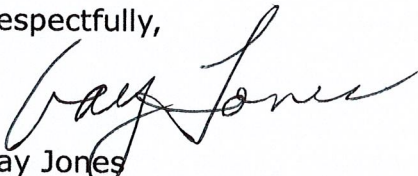
As CALAFCO undergoes significant internal reorganization, we are focused on strengthening our viability and resiliency, rebuilding trust among members, refining our mission and purpose, and implementing Association best practices at the state level. The Board and specialized transition team are driving these changes, and we hope the recent reforms that reflect your input as well as other member LAFCOs, and ongoing reforms, demonstrate our commitment to a stronger, more effective Association.

We recognize and deeply appreciate the significant contributions San Bernardino LAFCO's staff and commissioners have made to CALAFCO over the years. Through staffing the various committees including legislative, workshop and conference, hosting events, successfully shepherding legislation through the Legislature, Commissioners serving on the Board, staff serving as southern regional officer, and as CALAFCO's volunteer Executive Director years ago, your dedication, volunteerism, and leadership have helped shape our Association. We are grateful for your engagement in advancing the mission of LAFCOs statewide. And we are proud of the numerous CALAFCO Achievement Awards earned by San Bernardino LAFCO over the years (including but not limited to Lifetime Achievement, Government Leadership, Distinguished Service, Outstanding LAFCO Professional, Outstanding LAFCO Clerk, Outstanding Commission, and Project of the Year).

We look forward to a continued open dialogue and the opportunity to continue addressing the concerns raised by your Commission. We invite you to participate and fully engage in the upcoming organizational cultural review and focus groups aimed at constructive feedback and visioning.

San Bernardino LAFCO has always been a leader in local government issues, and we desire to remain partners with you in addressing local government and LAFCO issues going forward, both now and in the future. It is our fervent hope that you will reconsider your CALAFCO membership for FY 2026-27.

Respectfully,



Gay Jones  
CALAFCO Board President



José C. Henríquez  
CALAFCO Interim Executive Director

CC: CALAFCO Board of Directors

## Martinez, Samuel

---

**From:** Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>  
**Sent:** Monday, February 3, 2025 7:12 PM  
**To:** Jose Henriquez  
**Cc:** 'eo@calafco.org'  
**Subject:** San Diego's Non-Renewal Notice to CALAFCO

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.**

Hi José,

This e-mail is being delivered via your interim roles at CALAFCO and serves as formal notice San Diego will not renew its annual membership starting in FY2026. The decision to non-renew ties to San Diego's ongoing and previously shared concerns with the Board and its decision-making. Recent and amplifying examples involve disagreeable Board actions to eliminate the Legislative Committee, subvert the merited appointment of Director Derek McGregor to Vice Chair, and deprioritize membership feedback as demonstrated at the January 10<sup>th</sup> meeting in Sacramento.

San Diego remains open to revisiting its membership status should CALAFCO make meaningful changes and recommit to a bottom-up approach in prioritizing membership needs.

With appreciation,

Keene

---

Keene Simonds  
Executive Officer

**San Diego County**  
**Local Agency Formation Commission (LAFCO)**  
Subdivision of the State of California | Regional Service Planning  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103-6624

T 619-321-3380  
E [keene.simonds@sdcounty.ca.gov](mailto:keene.simonds@sdcounty.ca.gov)





# LAFCO

Local Agency Formation Commission  
for the County of Los Angeles

## Voting Members

Donald Dear  
Chair

Gerard McCallum  
1st Vice-Chair

Margaret Finlay  
2nd Vice-Chair

John Lee  
John Mirisch  
Kathryn Barger  
Lindsey Horvath  
Robert Lewis  
Vacant  
(San Fernando Valley)

## Alternate Members

Angie Reyes English  
Anthony Bell  
Hilda Solis  
Imelda Padilla  
Micah Ali  
Wendy Celaya

## Staff

Paul Novak  
Executive Officer

Adriana Romo  
Deputy Executive Officer

Adriana Flores  
Alisha O'Brien  
Amber De La Torre  
Doug Dorado  
Taylor Morris

80 South Lake Avenue  
Suite 870  
Pasadena, CA 91101  
Phone: 626.204.6500  
Fax: 626.204.6507

[www.lalafco.org](http://www.lalafco.org)

February 12, 2025

Ms. Gay Jones  
Chair  
CALAFCO Board of Directors  
c/o Sacramento LAFCO  
1112 I Street  
Suite 100  
Sacramento, CA 95814

*via email (h2ogay@pacbell.net) and U.S. Mail*

Dear Gay:

At its meeting this morning, the Local Agency Formation Commission for the County of Los Angeles—by unanimous vote—decided not to renew its CALAFCO membership for Fiscal Year 2025-2026. This letter serves as formal notice that LA LAFCO will not renew its membership, effective on July 1, 2025. This notice is being provided now to inform CALAFCO of LA LAFCO's future non-payment of member dues.

This decision reflects continued concerns about CALAFCO's lack of transparency and notice, failure to provide its core services, and a disregard for the views of member LAFCOs.

From now until June 30, 2025, as a current member in good standing, LA LAFCO intends to fully participate in CALAFCO matters, including the upcoming Staff Workshop in Temecula.

Should you have any questions concerning this matter, please do not hesitate to contact me at (626) 204-6500.

Sincerely,



Paul A. Novak, AICP  
Executive Officer

Copy to: José Henriquez, Interim Executive Director, CALAFCO (via email  
(henriquezj@saccounty.gov) and U.S. Mail)

### REGULAR MEMBERS

#### CHAIR

**Donald P. Wagner**  
County Member

#### VICE CHAIR

**Wendy Bucknum**  
City Member

#### IMMEDIATE PAST CHAIR

**Douglass Davert**  
Special District Member

#### James Fisler

Special District Member

#### Peggy Huang

City Member

#### Derek J. McGregor

Public Member

#### VACANT

County Member

### ALTERNATES

#### Kathryn Freshley

Special District Member

#### Carol Moore

City Member

#### Lou Penrose

Public Member

#### VACANT

County Member

### STAFF

#### Carolyn Emery

Executive Officer

#### Scott Smith

General Counsel

February 19, 2025

Gay Jones, Chair  
CALAFCO Board of Directors  
1451 River Park Drive, Suite 185  
Sacramento, CA 95815

**SUBJECT: Non-renewal of CALAFCO Membership for FY 2025-26**

Dear Ms. Jones,

This letter is to inform you that the Local Agency Formation Commission of Orange County (OC LAFCO) is giving notice to CALAFCO that it will not be renewing its membership starting Fiscal Year 2025-26. On February 19, 2025, OC LAFCO took action not to renew its CALAFCO membership. This notice is being provided to inform CALAFCO of OC LAFCO's upcoming non-payment of its FY 2025-26 membership dues.

Prior to July 1, 2025, as a current CALAFCO member in good standing, OC LAFCO will continue to participate in CALAFCO activities as feasibly possible.

If you have any questions concerning the information outlined above, please do not hesitate to contact me at (714) 640-5100.

Sincerely,



Luis Tapia  
Assistant Executive Officer


cc: CALAFCO Board of Directors  
CALAFCO Southern Region Board Members



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #11: LEGISLATIVE UPDATE REPORT

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file the Legislative Report; and,
2. Provide direction to staff on legislation of interest or future actions, if any.

## **BACKGROUND:**

The CALAFCO Legislative Committee has not been tracking bills because it had been in a state of flux the last few months due to issues affecting CALAFCO and just recently started meeting the last couple of months.

### CALAFCO Omnibus Bill

Last month, the Legislative Committee did review a few proposals for the annual Omnibus bill, which provides for non-substantive, technical changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (CKH). However, the Committee decided it will not be submitting any proposals for this year's Omnibus bill; instead, the items being considered are going into next year's bill. Therefore, staff will not be providing the Commission with Omnibus proposals at this time.

### Assembly and Senate Bills

This year's legislative cycle is in progress and February 21, 2025 was the last day for bills to be introduced. Staff is providing the Commission with its review of bills that may be of interest to this LAFCO:

- **AB 259 (Rubio) -- Open meetings: local agencies: teleconferences.**

The bill eliminates the sunset provisions added to the Brown Act by AB 2449 (2022) that provided additional flexibility with alternative Brown Act provisions. The Brown Act

authorizes agencies to use teleconferenced meetings but are required to post agendas at all teleconference locations, identify all teleconference locations on the notice/agenda, and each teleconference locations have to be accessible to the public.

This bill authorizes local agencies to use teleconferenced meetings with some flexibility including when a member participates remotely using the alternative teleconferencing provisions, no more than twice a year, due to emergency circumstances.

This bill is being sponsored by CSDA and has now been referred to the Assembly Local Government Committee.

Conclusion: While this Commission does not utilize any teleconferencing provisions, this provides local agencies options to conduct meetings using the teleconferencing provisions, if they elect to do so, as well as having some additional flexibility in utilizing such meetings since the sunset clause is being removed.

- **SB 598 (Durazo) -- Local government.**

The Legislative Counsel's Digest refers to the existing provisions of CKH. This bill states that it would make a non-substantive change to the provision naming the act from "This division shall be known and may be cited as the Cortese...of 2000." to now read "This division shall be known, and may be cited, as the Cortese...of 2000." It begs the question "is this it?"

The bill has been referred to the Senate Rules Committee.

Conclusion: Staff has a feeling this bill might end up a gut-and-amend bill. Staff is recommending keeping a watch on this bill.

- **SB 634 (Pérez) -- Local government.**

This bill would simply state that the intent of the Legislature is to enact legislation relating to local government. The Legislative Counsel's Digest also refers to the provisions of CKH but does not provide context on how it relates to the bill's intent.

The bill has also been referred to the Senate Rules Committee.

Conclusion: Staff also thinks this bill might end up a gut-and-amend bill. Staff is also recommending keeping a watch on this bill.

- **SB 707 (Durazo) -- Open meetings: meeting and teleconference requirements.**

This bill amends the Brown Act requiring city councils and county board of supervisors additional meeting requirements related to interpretation services. This bill also requires that agenda be provided in English and all other languages spoken by at least 20% of the population in the county in which the local agency is located. By imposing these additional meeting requirements, this bill would impose a state-mandated local program.

This bill also revises and changes some of the teleconferencing provisions (i.e. teleconferencing instructions including any instructions for registration for public comment must be made available in English as well as the other languages that fall under the 20% category noted earlier, the provisions related to a state of emergency now include local emergency, broadening of the definition of 'just cause' to include a physical or family medical emergency, etc.)

This bill aims to modernize meeting procedures and ensure meaningful public engagement while maintaining transparency and inclusivity in local government proceedings. This bill has a sunset date of January 1, 2030. This bill also extends the original sunset provisions related to the teleconferencing provisions from January 1, 2026 to January 1, 2030.

The bill is with the Senate Rules Committee and is awaiting assignment.

Conclusion: As noted earlier, this Commission does not utilize any teleconferencing provisions. However, since this requires additional mandates for cities and counties, staff is keeping a watch on this bill.

- **SB 740 (Rubio) -- Municipal wastewater agency: new agreement or amendment.**

Existing law requires municipal wastewater agencies, who enter into agreements or amends agreements with entities responsible for stormwater management, to file a copy of the agreement or amendment with LAFCO within 30 days after the effective date of the agreement/amendment. This bill would simply extend that filing requirement to 40 days instead of 30 days.

The bill is also with the Senate Rules Committee and is awaiting assignment.

Conclusion: Staff is also keeping a watch on this bill.

- **ACR 36 (Carrillo) – Special Districts Week.**

Assembly Concurrent Resolution (ACR) 36 is a legislative resolution that was introduced by Assemblymember Carrillo that proclaims the week of May 18, 2025 to May 24, 2025 to be Special Districts Week.

**CONCLUSION:**

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

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

Attachments:

1. [AB 259](#)

2. [SB 598](#)
3. [SB 634](#)
4. [SB 707](#)
5. [SB 740](#)
6. [ACR 36](#)

**ASSEMBLY BILL**

**No. 259**

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**Introduced by Assembly Member Blanca Rubio**

January 16, 2025

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An act to amend and repeal Sections 54953 and 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 259, as introduced, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act authorizes the legislative body of a local agency to use teleconferencing, as specified, and requires a legislative body of a local agency that elects to use teleconferencing to comply with specified requirements, including that the local agency post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these

alternative teleconferencing provisions, including that specified circumstances apply. Existing law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less.

This bill would remove the January 1, 2026, date from those provisions, thereby extending the alternative teleconferencing procedures indefinitely.

Existing law authorizes a member to participate remotely pursuant to the alternative teleconferencing provisions described above under specified circumstances, including participating due to emergency circumstances. Under existing law, the emergency circumstances basis for remote participation is contingent on a request to, and action by, the legislative body, as prescribed.

Existing law generally requires the legislative body of the local agency or its designee, at least 72 hours before a regular meeting, to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, as specified. Existing law, until January 1, 2026, authorizes a legislative body, notwithstanding that provision, to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made, as specified.

This bill would remove the January 1, 2026, date from that provision, thereby extending the authorization for a legislative body of a local agency to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances as described above indefinitely.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open

meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 1 of Chapter 389 of the Statutes of 2024, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for  
10 the benefit of the public and the legislative body of a local agency  
11 in connection with any meeting or proceeding authorized by law.  
12 The teleconferenced meeting or proceeding shall comply with all  
13 otherwise applicable requirements of this chapter and all otherwise  
14 applicable provisions of law relating to a specific type of meeting  
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body  
19 of a local agency elects to use teleconferencing, the legislative  
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be  
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a  
24 manner that protects the statutory and constitutional rights of the  
25 parties or the public appearing before the legislative body of a  
26 local agency.

27 (C) The legislative body shall give notice of the meeting and  
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to  
30 access the meeting and the agenda shall provide an opportunity  
31 for members of the public to address the legislative body directly  
32 pursuant to Section 54954.3.



1 (3) If the legislative body of a local agency elects to use  
2 teleconferencing, it shall post agendas at all teleconference  
3 locations. Each teleconference location shall be identified in the  
4 notice and agenda of the meeting or proceeding, and each  
5 teleconference location shall be accessible to the public. During  
6 the teleconference, at least a quorum of the members of the  
7 legislative body shall participate from locations within the  
8 boundaries of the territory over which the local agency exercises  
9 jurisdiction, except as provided in subdivisions (d) and (e).

10 (c) (1) No legislative body shall take action by secret ballot,  
11 whether preliminary or final.

12 (2) The legislative body of a local agency shall publicly report  
13 any action taken and the vote or abstention on that action of each  
14 member present for the action.

15 (3) Prior to taking final action, the legislative body shall orally  
16 report a summary of a recommendation for a final action on the  
17 salaries, salary schedules, or compensation paid in the form of  
18 fringe benefits of a local agency executive, as defined in  
19 subdivision (d) of Section 3511.1, during the open meeting in  
20 which the final action is to be taken. This paragraph shall not affect  
21 the public's right under the California Public Records Act (Division  
22 10 (commencing with Section 7920.000) of Title 1) to inspect or  
23 copy records created or received in the process of developing the  
24 recommendation.

25 (d) (1) Notwithstanding the provisions relating to a quorum in  
26 paragraph (3) of subdivision (b), if a health authority conducts a  
27 teleconference meeting, members who are outside the jurisdiction  
28 of the authority may be counted toward the establishment of a  
29 quorum when participating in the teleconference if at least 50  
30 percent of the number of members that would establish a quorum  
31 are present within the boundaries of the territory over which the  
32 authority exercises jurisdiction, and the health authority provides  
33 a teleconference number, and associated access codes, if any, that  
34 allows any person to call in to participate in the meeting and the  
35 number and access codes are identified in the notice and agenda  
36 of the meeting.

37 (2) Nothing in this subdivision shall be construed as  
38 discouraging health authority members from regularly meeting at  
39 a common physical site within the jurisdiction of the authority or  
40 from using teleconference locations within or near the jurisdiction

1 of the authority. A teleconference meeting for which a quorum is  
2 established pursuant to this subdivision shall be subject to all other  
3 requirements of this section.

4 (3) For purposes of this subdivision, a health authority means  
5 any entity created pursuant to Sections 14018.7, 14087.31,  
6 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
7 and Institutions Code, any joint powers authority created pursuant  
8 to Article 1 (commencing with Section 6500) of Chapter 5 of  
9 Division 7 for the purpose of contracting pursuant to Section  
10 14087.3 of the Welfare and Institutions Code, and any advisory  
11 committee to a county-sponsored health plan licensed pursuant to  
12 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
13 Health and Safety Code if the advisory committee has 12 or more  
14 members.

15 (e) (1) The legislative body of a local agency may use  
16 teleconferencing without complying with the requirements of  
17 paragraph (3) of subdivision (b) if the legislative body complies  
18 with the requirements of paragraph (2) of this subdivision in either  
19 of the following circumstances:

20 (A) The legislative body holds a meeting during a proclaimed  
21 state of emergency for the purpose of determining, by majority  
22 vote, whether as a result of the emergency, meeting in person  
23 would present imminent risks to the health or safety of attendees.

24 (B) The legislative body holds a meeting during a proclaimed  
25 state of emergency and has determined, by majority vote, pursuant  
26 to subparagraph (A), that, as a result of the emergency, meeting  
27 in person would present imminent risks to the health or safety of  
28 attendees.

29 (2) A legislative body that holds a meeting pursuant to this  
30 subdivision shall do all of the following:

31 (A) In each instance in which notice of the time of the  
32 teleconferenced meeting is otherwise given or the agenda for the  
33 meeting is otherwise posted, the legislative body shall also give  
34 notice of the means by which members of the public may access  
35 the meeting and offer public comment. The agenda shall identify  
36 and include an opportunity for all persons to attend via a call-in  
37 option or an internet-based service option.

38 (B) In the event of a disruption that prevents the legislative body  
39 from broadcasting the meeting to members of the public using the  
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents  
2 members of the public from offering public comments using the  
3 call-in option or internet-based service option, the legislative body  
4 shall take no further action on items appearing on the meeting  
5 agenda until public access to the meeting via the call-in option or  
6 internet-based service option is restored. Actions taken on agenda  
7 items during a disruption that prevents the legislative body from  
8 broadcasting the meeting may be challenged pursuant to Section  
9 54960.1.

10 (C) The legislative body shall not require public comments to  
11 be submitted in advance of the meeting and must provide an  
12 opportunity for the public to address the legislative body and offer  
13 comment in real time.

14 (D) Notwithstanding Section 54953.3, an individual desiring to  
15 provide public comment through the use of an internet website, or  
16 other online platform, not under the control of the local legislative  
17 body, that requires registration to log in to a teleconference may  
18 be required to register as required by the third-party internet  
19 website or online platform to participate.

20 (E) (i) A legislative body that provides a timed public comment  
21 period for each agenda item shall not close the public comment  
22 period for the agenda item, or the opportunity to register, pursuant  
23 to subparagraph (D), to provide public comment until that timed  
24 public comment period has elapsed.

25 (ii) A legislative body that does not provide a timed public  
26 comment period, but takes public comment separately on each  
27 agenda item, shall allow a reasonable amount of time per agenda  
28 item to allow public members the opportunity to provide public  
29 comment, including time for members of the public to register  
30 pursuant to subparagraph (D), or otherwise be recognized for the  
31 purpose of providing public comment.

32 (iii) A legislative body that provides a timed general public  
33 comment period that does not correspond to a specific agenda item  
34 shall not close the public comment period or the opportunity to  
35 register, pursuant to subparagraph (D), until the timed general  
36 public comment period has elapsed.

37 (3) If a state of emergency remains active, in order to continue  
38 to teleconference without compliance with paragraph (3) of  
39 subdivision (b), the legislative body shall, not later than 45 days  
40 after teleconferencing for the first time pursuant to subparagraph

1 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
2 the following findings by majority vote:

3 (A) The legislative body has reconsidered the circumstances of  
4 the state of emergency.

5 (B) The state of emergency continues to directly impact the  
6 ability of the members to meet safely in person.

7 (4) This subdivision shall not be construed to require the  
8 legislative body to provide a physical location from which the  
9 public may attend or comment.

10 (f) (1) The legislative body of a local agency may use  
11 teleconferencing without complying with paragraph (3) of  
12 subdivision (b) if, during the teleconference meeting, at least a  
13 quorum of the members of the legislative body participates in  
14 person from a singular physical location clearly identified on the  
15 agenda, which location shall be open to the public and situated  
16 within the boundaries of the territory over which the local agency  
17 exercises jurisdiction and the legislative body complies with all  
18 of the following:

19 (A) The legislative body shall provide at least one of the  
20 following as a means by which the public may remotely hear and  
21 visually observe the meeting, and remotely address the legislative  
22 body:

23 (i) A two-way audiovisual platform.

24 (ii) A two-way telephonic service and a live webcasting of the  
25 meeting.

26 (B) In each instance in which notice of the time of the  
27 teleconferenced meeting is otherwise given or the agenda for the  
28 meeting is otherwise posted, the legislative body shall also give  
29 notice of the means by which members of the public may access  
30 the meeting and offer public comment.

31 (C) The agenda shall identify and include an opportunity for all  
32 persons to attend and address the legislative body directly pursuant  
33 to Section 54954.3 via a call-in option, via an internet-based service  
34 option, and at the in-person location of the meeting.

35 (D) In the event of a disruption that prevents the legislative body  
36 from broadcasting the meeting to members of the public using the  
37 call-in option or internet-based service option, or in the event of  
38 a disruption within the local agency's control that prevents  
39 members of the public from offering public comments using the  
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting  
2 agenda until public access to the meeting via the call-in option or  
3 internet-based service option is restored. Actions taken on agenda  
4 items during a disruption that prevents the legislative body from  
5 broadcasting the meeting may be challenged pursuant to Section  
6 54960.1.

7 (E) The legislative body shall not require public comments to  
8 be submitted in advance of the meeting and must provide an  
9 opportunity for the public to address the legislative body and offer  
10 comment in real time.

11 (F) Notwithstanding Section 54953.3, an individual desiring to  
12 provide public comment through the use of an internet website, or  
13 other online platform, not under the control of the local legislative  
14 body, that requires registration to log in to a teleconference may  
15 be required to register as required by the third-party internet  
16 website or online platform to participate.

17 (2) A member of the legislative body shall only participate in  
18 the meeting remotely pursuant to this subdivision, if all of the  
19 following requirements are met:

20 (A) One of the following circumstances applies:

21 (i) The member notifies the legislative body at the earliest  
22 opportunity possible, including at the start of a regular meeting,  
23 of their need to participate remotely for just cause, including a  
24 general description of the circumstances relating to their need to  
25 appear remotely at the given meeting. The provisions of this clause  
26 shall not be used by any member of the legislative body for more  
27 than two meetings per calendar year.

28 (ii) The member requests the legislative body to allow them to  
29 participate in the meeting remotely due to emergency circumstances  
30 and the legislative body takes action to approve the request. The  
31 legislative body shall request a general description of the  
32 circumstances relating to their need to appear remotely at the given  
33 meeting. A general description of an item generally need not exceed  
34 20 words and shall not require the member to disclose any medical  
35 diagnosis or disability, or any personal medical information that  
36 is already exempt under existing law, such as the Confidentiality  
37 of Medical Information Act (Chapter 1 (commencing with Section  
38 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
39 of this clause, the following requirements apply:

1 (I) A member shall make a request to participate remotely at a  
2 meeting pursuant to this clause as soon as possible. The member  
3 shall make a separate request for each meeting in which they seek  
4 to participate remotely.

5 (II) The legislative body may take action on a request to  
6 participate remotely at the earliest opportunity. If the request does  
7 not allow sufficient time to place proposed action on such a request  
8 on the posted agenda for the meeting for which the request is made,  
9 the legislative body may take action at the beginning of the meeting  
10 in accordance with paragraph (4) of subdivision (b) of Section  
11 54954.2.

12 (B) The member shall publicly disclose at the meeting before  
13 any action is taken, whether any other individuals 18 years of age  
14 or older are present in the room at the remote location with the  
15 member, and the general nature of the member's relationship with  
16 any such individuals.

17 (C) The member shall participate through both audio and visual  
18 technology.

19 (3) (A) The provisions of this subdivision shall not serve as a  
20 means for any member of a legislative body to participate in  
21 meetings of the legislative body solely by teleconference from a  
22 remote location for more than the following number of meetings,  
23 as applicable:

24 (i) Two meetings per year, if the legislative body regularly meets  
25 once per month or less.

26 (ii) Five meetings per year, if the legislative body regularly  
27 meets twice per month.

28 (iii) Seven meetings per year, if the legislative body regularly  
29 meets three or more times per month.

30 (B) For the purpose of counting meetings attended by  
31 teleconference under this paragraph, a "meeting" shall be defined  
32 as any number of meetings of the legislative body of a local agency  
33 that begin on the same calendar day.

34 (g) The legislative body shall have and implement a procedure  
35 for receiving and swiftly resolving requests for reasonable  
36 accommodation for individuals with disabilities, consistent with  
37 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
38 Sec. 12132), and resolving any doubt in favor of accessibility. In  
39 each instance in which notice of the time of the meeting is  
40 otherwise given or the agenda for the meeting is otherwise posted,

1 the legislative body shall also give notice of the procedure for  
2 receiving and resolving requests for accommodation.

3 (h) The legislative body shall conduct meetings subject to this  
4 chapter consistent with applicable civil rights and  
5 nondiscrimination laws.

6 (i) (1) Nothing in this section shall prohibit a legislative body  
7 from providing the public with additional teleconference locations.

8 (2) Nothing in this section shall prohibit a legislative body from  
9 providing the public with additional physical locations in which  
10 the public may observe and address the legislative body by  
11 electronic means.

12 (j) For the purposes of this section, the following definitions  
13 shall apply:

14 (1) “Emergency circumstances” means a physical or family  
15 medical emergency that prevents a member from attending in  
16 person.

17 (2) “Just cause” means any of the following:

18 (A) A childcare or caregiving need of a child, parent,  
19 grandparent, grandchild, sibling, spouse, or domestic partner that  
20 requires them to participate remotely. “Child,” “parent,”  
21 “grandparent,” “grandchild,” and “sibling” have the same meaning  
22 as those terms do in Section 12945.2.

23 (B) A contagious illness that prevents a member from attending  
24 in person.

25 (C) A need related to a physical or mental disability as defined  
26 in Sections 12926 and 12926.1 not otherwise accommodated by  
27 subdivision (g).

28 (D) Travel while on official business of the legislative body or  
29 another state or local agency.

30 (3) “Remote location” means a location from which a member  
31 of a legislative body participates in a meeting pursuant to  
32 subdivision (f), other than any physical meeting location designated  
33 in the notice of the meeting. Remote locations need not be  
34 accessible to the public.

35 (4) “Remote participation” means participation in a meeting by  
36 teleconference at a location other than any physical meeting  
37 location designated in the notice of the meeting. Watching or  
38 listening to a meeting via webcasting or another similar electronic  
39 medium that does not permit members to interactively hear,



1 discuss, or deliberate on matters, does not constitute remote  
2 participation.

3 (5) “State of emergency” means a state of emergency proclaimed  
4 pursuant to Section 8625 of the California Emergency Services  
5 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
6 Division 1 of Title 2).

7 (6) “Teleconference” means a meeting of a legislative body,  
8 the members of which are in different locations, connected by  
9 electronic means, through either audio or video, or both.

10 (7) “Two-way audiovisual platform” means an online platform  
11 that provides participants with the ability to participate in a meeting  
12 via both an interactive video conference and a two-way telephonic  
13 function.

14 (8) “Two-way telephonic service” means a telephone service  
15 that does not require internet access, is not provided as part of a  
16 two-way audiovisual platform, and allows participants to dial a  
17 telephone number to listen and verbally participate.

18 (9) “Webcasting” means a streaming video broadcast online or  
19 on television, using streaming media technology to distribute a  
20 single content source to many simultaneous listeners and viewers.

21 ~~(k) This section shall remain in effect only until January 1, 2026,~~  
22 ~~and as of that date is repealed.~~

23 SEC. 2. Section 54953 of the Government Code, as amended  
24 by Section 2 of Chapter 534 of the Statutes of 2023, is repealed.

25 ~~54953. (a) All meetings of the legislative body of a local~~  
26 ~~agency shall be open and public, and all persons shall be permitted~~  
27 ~~to attend any meeting of the legislative body of a local agency,~~  
28 ~~except as otherwise provided in this chapter.~~

29 ~~(b) (1) Notwithstanding any other provision of law, the~~  
30 ~~legislative body of a local agency may use teleconferencing for~~  
31 ~~the benefit of the public and the legislative body of a local agency~~  
32 ~~in connection with any meeting or proceeding authorized by law.~~  
33 ~~The teleconferenced meeting or proceeding shall comply with all~~  
34 ~~otherwise applicable requirements of this chapter and all otherwise~~  
35 ~~applicable provisions of law relating to a specific type of meeting~~  
36 ~~or proceeding.~~

37 ~~(2) Teleconferencing, as authorized by this section, may be used~~  
38 ~~for all purposes in connection with any meeting within the subject~~  
39 ~~matter jurisdiction of the legislative body. If the legislative body~~

1 of a local agency elects to use teleconferencing, the legislative  
2 body of a local agency shall comply with all of the following:

3 (A) All votes taken during a teleconferenced meeting shall be  
4 by rollcall.

5 (B) The teleconferenced meetings shall be conducted in a  
6 manner that protects the statutory and constitutional rights of the  
7 parties or the public appearing before the legislative body of a  
8 local agency.

9 (C) The legislative body shall give notice of the meeting and  
10 post agendas as otherwise required by this chapter.

11 (D) The legislative body shall allow members of the public to  
12 access the meeting and the agenda shall provide an opportunity  
13 for members of the public to address the legislative body directly  
14 pursuant to Section 54954.3.

15 (3) If the legislative body of a local agency elects to use  
16 teleconferencing, it shall post agendas at all teleconference  
17 locations. Each teleconference location shall be identified in the  
18 notice and agenda of the meeting or proceeding, and each  
19 teleconference location shall be accessible to the public. During  
20 the teleconference, at least a quorum of the members of the  
21 legislative body shall participate from locations within the  
22 boundaries of the territory over which the local agency exercises  
23 jurisdiction, except as provided in subdivisions (d) and (e).

24 (e) (1) No legislative body shall take action by secret ballot,  
25 whether preliminary or final.

26 (2) The legislative body of a local agency shall publicly report  
27 any action taken and the vote or abstention on that action of each  
28 member present for the action.

29 (3) Prior to taking final action, the legislative body shall orally  
30 report a summary of a recommendation for a final action on the  
31 salaries, salary schedules, or compensation paid in the form of  
32 fringe benefits of a local agency executive, as defined in  
33 subdivision (d) of Section 3511.1, during the open meeting in  
34 which the final action is to be taken. This paragraph shall not affect  
35 the public's right under the California Public Records Act (Division  
36 10 (commencing with Section 7920.000) of Title 1) to inspect or  
37 copy records created or received in the process of developing the  
38 recommendation.

39 (d) (1) Notwithstanding the provisions relating to a quorum in  
40 paragraph (3) of subdivision (b), if a health authority conducts a

1 teleconference meeting, members who are outside the jurisdiction  
2 of the authority may be counted toward the establishment of a  
3 quorum when participating in the teleconference if at least 50  
4 percent of the number of members that would establish a quorum  
5 are present within the boundaries of the territory over which the  
6 authority exercises jurisdiction, and the health authority provides  
7 a teleconference number, and associated access codes, if any, that  
8 allows any person to call in to participate in the meeting and the  
9 number and access codes are identified in the notice and agenda  
10 of the meeting.

11 (2) Nothing in this subdivision shall be construed as  
12 discouraging health authority members from regularly meeting at  
13 a common physical site within the jurisdiction of the authority or  
14 from using teleconference locations within or near the jurisdiction  
15 of the authority. A teleconference meeting for which a quorum is  
16 established pursuant to this subdivision shall be subject to all other  
17 requirements of this section.

18 (3) For purposes of this subdivision, a health authority means  
19 any entity created pursuant to Sections 14018.7, 14087.31,  
20 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
21 and Institutions Code, any joint powers authority created pursuant  
22 to Article 1 (commencing with Section 6500) of Chapter 5 of  
23 Division 7 for the purpose of contracting pursuant to Section  
24 14087.3 of the Welfare and Institutions Code, and any advisory  
25 committee to a county-sponsored health plan licensed pursuant to  
26 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
27 Health and Safety Code if the advisory committee has 12 or more  
28 members.

29 (e) (1) The legislative body of a local agency may use  
30 teleconferencing without complying with the requirements of  
31 paragraph (3) of subdivision (b) if the legislative body complies  
32 with the requirements of paragraph (2) of this subdivision in either  
33 of the following circumstances:

34 (A) The legislative body holds a meeting during a proclaimed  
35 state of emergency for the purpose of determining, by majority  
36 vote, whether as a result of the emergency, meeting in person  
37 would present imminent risks to the health or safety of attendees.

38 (B) The legislative body holds a meeting during a proclaimed  
39 state of emergency and has determined, by majority vote, pursuant  
40 to subparagraph (A), that, as a result of the emergency, meeting

1 in-person would present imminent risks to the health or safety of  
2 attendees:

3 ~~(2) A legislative body that holds a meeting pursuant to this~~  
4 ~~subdivision shall do all of the following:~~

5 ~~(A) In each instance in which notice of the time of the~~  
6 ~~teleconferenced meeting is otherwise given or the agenda for the~~  
7 ~~meeting is otherwise posted, the legislative body shall also give~~  
8 ~~notice of the means by which members of the public may access~~  
9 ~~the meeting and offer public comment. The agenda shall identify~~  
10 ~~and include an opportunity for all persons to attend via a call-in~~  
11 ~~option or an internet-based service option.~~

12 ~~(B) In the event of a disruption that prevents the legislative body~~  
13 ~~from broadcasting the meeting to members of the public using the~~  
14 ~~call-in option or internet-based service option, or in the event of~~  
15 ~~a disruption within the local agency's control that prevents~~  
16 ~~members of the public from offering public comments using the~~  
17 ~~call-in option or internet-based service option, the legislative body~~  
18 ~~shall take no further action on items appearing on the meeting~~  
19 ~~agenda until public access to the meeting via the call-in option or~~  
20 ~~internet-based service option is restored. Actions taken on agenda~~  
21 ~~items during a disruption that prevents the legislative body from~~  
22 ~~broadcasting the meeting may be challenged pursuant to Section~~  
23 ~~54960.1.~~

24 ~~(C) The legislative body shall not require public comments to~~  
25 ~~be submitted in advance of the meeting and must provide an~~  
26 ~~opportunity for the public to address the legislative body and offer~~  
27 ~~comment in real time.~~

28 ~~(D) Notwithstanding Section 54953.3, an individual desiring to~~  
29 ~~provide public comment through the use of an internet website, or~~  
30 ~~other online platform, not under the control of the local legislative~~  
31 ~~body, that requires registration to log in to a teleconference may~~  
32 ~~be required to register as required by the third-party internet~~  
33 ~~website or online platform to participate.~~

34 ~~(E) (i) A legislative body that provides a timed public comment~~  
35 ~~period for each agenda item shall not close the public comment~~  
36 ~~period for the agenda item, or the opportunity to register, pursuant~~  
37 ~~to subparagraph (D), to provide public comment until that timed~~  
38 ~~public comment period has elapsed.~~

39 ~~(ii) A legislative body that does not provide a timed public~~  
40 ~~comment period, but takes public comment separately on each~~

1 agenda item, shall allow a reasonable amount of time per agenda  
2 item to allow public members the opportunity to provide public  
3 comment, including time for members of the public to register  
4 pursuant to subparagraph (D), or otherwise be recognized for the  
5 purpose of providing public comment.

6 (iii) A legislative body that provides a timed general public  
7 comment period that does not correspond to a specific agenda item  
8 shall not close the public comment period or the opportunity to  
9 register, pursuant to subparagraph (D), until the timed general  
10 public comment period has elapsed.

11 (3) If a state of emergency remains active, in order to continue  
12 to teleconference without compliance with paragraph (3) of  
13 subdivision (b), the legislative body shall, not later than 45 days  
14 after teleconferencing for the first time pursuant to subparagraph  
15 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
16 the following findings by majority vote:

17 (A) The legislative body has reconsidered the circumstances of  
18 the state of emergency.

19 (B) The state of emergency continues to directly impact the  
20 ability of the members to meet safely in person.

21 (4) This subdivision shall not be construed to require the  
22 legislative body to provide a physical location from which the  
23 public may attend or comment.

24 (f) The legislative body shall have and implement a procedure  
25 for receiving and swiftly resolving requests for reasonable  
26 accommodation for individuals with disabilities, consistent with  
27 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
28 Sec. 12132), and resolving any doubt in favor of accessibility. In  
29 each instance in which notice of the time of the meeting is  
30 otherwise given or the agenda for the meeting is otherwise posted,  
31 the legislative body shall also give notice of the procedure for  
32 receiving and resolving requests for accommodation.

33 (g) The legislative body shall conduct meetings subject to this  
34 chapter consistent with applicable civil rights and  
35 nondiscrimination laws.

36 (h) (1) Nothing in this section shall prohibit a legislative body  
37 from providing the public with additional teleconference locations.

38 (2) Nothing in this section shall prohibit a legislative body from  
39 providing the public with additional physical locations in which

~~the public may observe and address the legislative body by electronic means.~~

~~(i) For the purposes of this section, the following definitions shall apply:~~

~~(1) “State of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).~~

~~(2) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.~~

~~(j) This section shall become operative January 1, 2026.~~

SEC. 3. Section 54954.2 of the Government Code, as amended by Section 91 of Chapter 131 of the Statutes of 2023, is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency’s internet website, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an internet website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website home page of a city, county, city and

1 county, special district, school district, or political subdivision  
2 established by the state that is accessible through a prominent,  
3 direct link to the current agenda. The direct link to the agenda shall  
4 not be in a contextual menu; however, a link in addition to the  
5 direct link to the agenda may be accessible through a contextual  
6 menu.

7 (B) An online posting of an agenda, including, but not limited  
8 to, an agenda posted in an integrated agenda management platform,  
9 shall be posted in an open format that meets all of the following  
10 requirements:

11 (i) Retrievable, downloadable, indexable, and electronically  
12 searchable by commonly used internet search applications.

13 (ii) Platform independent and machine readable.

14 (iii) Available to the public free of charge and without any  
15 restriction that would impede the reuse or redistribution of the  
16 agenda.

17 (C) A legislative body of a city, county, city and county, special  
18 district, school district, or political subdivision established by the  
19 state that has an internet website and an integrated agenda  
20 management platform shall not be required to comply with  
21 subparagraph (A) if all of the following are met:

22 (i) A direct link to the integrated agenda management platform  
23 shall be posted on the primary internet website home page of a  
24 city, county, city and county, special district, school district, or  
25 political subdivision established by the state. The direct link to the  
26 integrated agenda management platform shall not be in a contextual  
27 menu. When a person clicks on the direct link to the integrated  
28 agenda management platform, the direct link shall take the person  
29 directly to an internet website with the agendas of the legislative  
30 body of a city, county, city and county, special district, school  
31 district, or political subdivision established by the state.

32 (ii) The integrated agenda management platform may contain  
33 the prior agendas of a legislative body of a city, county, city and  
34 county, special district, school district, or political subdivision  
35 established by the state for all meetings occurring on or after  
36 January 1, 2019.

37 (iii) The current agenda of the legislative body of a city, county,  
38 city and county, special district, school district, or political  
39 subdivision established by the state shall be the first agenda  
40 available at the top of the integrated agenda management platform.



(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an internet website of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

~~(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

SEC. 4. Section 54954.2 of the Government Code, as amended by Section 92 of Chapter 131 of the Statutes of 2023, is repealed.

~~54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including~~

1 items to be discussed in closed session. A brief general description  
2 of an item generally need not exceed 20 words. The agenda shall  
3 specify the time and location of the regular meeting and shall be  
4 posted in a location that is freely accessible to members of the  
5 public and on the local agency's internet website, if the local  
6 agency has one. If requested, the agenda shall be made available  
7 in appropriate alternative formats to persons with a disability, as  
8 required by Section 202 of the Americans with Disabilities Act of  
9 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
10 adopted in implementation thereof. The agenda shall include  
11 information regarding how, to whom, and when a request for  
12 disability-related modification or accommodation, including  
13 auxiliary aids or services, may be made by a person with a  
14 disability who requires a modification or accommodation in order  
15 to participate in the public meeting.

16 (2) For a meeting occurring on and after January 1, 2019, of a  
17 legislative body of a city, county, city and county, special district,  
18 school district, or political subdivision established by the state that  
19 has an internet website, the following provisions shall apply:

20 (A) An online posting of an agenda shall be posted on the  
21 primary internet website home page of a city, county, city and  
22 county, special district, school district, or political subdivision  
23 established by the state that is accessible through a prominent,  
24 direct link to the current agenda. The direct link to the agenda shall  
25 not be in a contextual menu; however, a link in addition to the  
26 direct link to the agenda may be accessible through a contextual  
27 menu.

28 (B) An online posting of an agenda, including, but not limited  
29 to, an agenda posted in an integrated agenda management platform,  
30 shall be posted in an open format that meets all of the following  
31 requirements:

32 (i) Retrievable, downloadable, indexable, and electronically  
33 searchable by commonly used internet search applications.

34 (ii) Platform independent and machine readable.

35 (iii) Available to the public free of charge and without any  
36 restriction that would impede the reuse or redistribution of the  
37 agenda.

38 (C) A legislative body of a city, county, city and county, special  
39 district, school district, or political subdivision established by the  
40 state that has an internet website and an integrated agenda

1 management platform shall not be required to comply with  
2 subparagraph (A) if all of the following are met:

3 (i) ~~A direct link to the integrated agenda management platform~~  
4 ~~shall be posted on the primary internet website home page of a~~  
5 ~~city, county, city and county, special district, school district, or~~  
6 ~~political subdivision established by the state. The direct link to the~~  
7 ~~integrated agenda management platform shall not be in a contextual~~  
8 ~~menu. When a person clicks on the direct link to the integrated~~  
9 ~~agenda management platform, the direct link shall take the person~~  
10 ~~directly to an internet website with the agendas of the legislative~~  
11 ~~body of a city, county, city and county, special district, school~~  
12 ~~district, or political subdivision established by the state.~~

13 (ii) ~~The integrated agenda management platform may contain~~  
14 ~~the prior agendas of a legislative body of a city, county, city and~~  
15 ~~county, special district, school district, or political subdivision~~  
16 ~~established by the state for all meetings occurring on or after~~  
17 ~~January 1, 2019.~~

18 (iii) ~~The current agenda of the legislative body of a city, county,~~  
19 ~~city and county, special district, school district, or political~~  
20 ~~subdivision established by the state shall be the first agenda~~  
21 ~~available at the top of the integrated agenda management platform.~~

22 (iv) ~~All agendas posted in the integrated agenda management~~  
23 ~~platform shall comply with the requirements in clauses (i), (ii),~~  
24 ~~and (iii) of subparagraph (B).~~

25 (D) ~~For the purposes of this paragraph, both of the following~~  
26 ~~definitions shall apply:~~

27 (i) ~~“Integrated agenda management platform” means an internet~~  
28 ~~website of a city, county, city and county, special district, school~~  
29 ~~district, or political subdivision established by the state dedicated~~  
30 ~~to providing the entirety of the agenda information for the~~  
31 ~~legislative body of the city, county, city and county, special district,~~  
32 ~~school district, or political subdivision established by the state to~~  
33 ~~the public.~~

34 (ii) ~~“Legislative body” has the same meaning as that term is~~  
35 ~~used in subdivision (a) of Section 54952.~~

36 (E) ~~The provisions of this paragraph shall not apply to a political~~  
37 ~~subdivision of a local agency that was established by the legislative~~  
38 ~~body of the city, county, city and county, special district, school~~  
39 ~~district, or political subdivision established by the state.~~

~~(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.~~

~~(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.~~

~~(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5:~~

~~(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a):~~

~~(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.~~

~~(e) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.~~

~~(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the~~

1 ~~local agency has one, shall only apply to a legislative body that~~  
2 ~~meets either of the following standards:~~

3 ~~(1) A legislative body as that term is defined by subdivision (a)~~  
4 ~~of Section 54952.~~

5 ~~(2) A legislative body as that term is defined by subdivision (b)~~  
6 ~~of Section 54952, if the members of the legislative body are~~  
7 ~~compensated for their appearance, and if one or more of the~~  
8 ~~members of the legislative body are also members of a legislative~~  
9 ~~body as that term is defined by subdivision (a) of Section 54952.~~

10 ~~(e) This section shall become operative January 1, 2026.~~

11 SEC. 5. The Legislature finds and declares that Sections 1 and  
12 2 of this act, which amend and repeal Section 54953 of the  
13 Government Code, and Sections 3 and 4 of this act, which amend  
14 and repeal Section 54954.2 of the Government Code, impose a  
15 limitation on the public's right of access to the meetings of public  
16 bodies or the writings of public officials and agencies within the  
17 meaning of Section 3 of Article I of the California Constitution.  
18 Pursuant to that constitutional provision, the Legislature makes  
19 the following findings to demonstrate the interest protected by this  
20 limitation and the need for protecting that interest:

21 By extending the alternative teleconferencing procedure  
22 provisions and provisions relating to requests from members to  
23 participate in those meetings remotely due to emergency  
24 circumstances indefinitely, this act allows for greater accessibility  
25 to, and public participation in, teleconference meetings while  
26 preserving the public's right to access information concerning the  
27 conduct of the people's business.

28 SEC. 6. The Legislature finds and declares that Sections 1 and  
29 2 of this act, which amend and repeal Section 54953 of the  
30 Government Code, and Sections 3 and 4 of this act, which amend  
31 and repeal Section 54954.2 of the Government Code, further,  
32 within the meaning of paragraph (7) of subdivision (b) of Section  
33 3 of Article I of the California Constitution, the purposes of that  
34 constitutional section as it relates to the right of public access to  
35 the meetings of local public bodies or the writings of local public  
36 officials and local agencies. Pursuant to paragraph (7) of  
37 subdivision (b) of Section 3 of Article I of the California  
38 Constitution, the Legislature makes the following findings:

- 1     This act is necessary to ensure greater accessibility to, and public
- 2     participation in, teleconference meetings.

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**Introduced by Senator Durazo**

February 20, 2025

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An act to amend Section 56000 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as introduced, Durazo. Local government.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified.

This bill would make a nonsubstantive change to the provision naming the act.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 56000 of the Government Code is
- 2 amended to read:
- 3 56000. This division shall be ~~known and may be cited~~ *known,*
- 4 *and may be cited*, as the Cortese-Knox-Hertzberg Local
- 5 Government Reorganization Act of 2000.

O



**Introduced by Senator Pérez**

February 20, 2025

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An act relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 634, as introduced, Pérez. Local government.

Existing law provides for the formation and powers of various local governments, including counties and cities. Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts.

This bill would state the intent of the Legislature to enact legislation relating to local government.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation relating to local government.

O

**Introduced by Senator Durazo**

February 21, 2025

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An act to amend Sections 54953, 54954.2, and 54954.3 of, to add Sections 54953.8, 54953.8.1, and 54953.8.2 to, and to add and repeal Sections 54953.8.3, 54953.8.4, 54953.8.5, 54953.8.6, 54953.8.7, and 54953.9 of, the Government Code, relating to local government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 707, as introduced, Durazo. Open meetings: meeting and teleconference requirements.

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate.

This bill would, until January 1, 2030, require a city council or a county board of supervisors to comply with additional meeting requirements, including that all open and public meetings include an opportunity for members of the public to attend via a two-way telephonic option or a two-way audiovisual platform, as defined, that a system is in place for requesting and receiving interpretation services for public meetings, as specified, and that good faith efforts are made to encourage residents to participate in public meetings, as specified. By imposing additional meeting requirements on city councils and county boards of supervisors, this bill would impose a state-mandated local program.

(2) Existing law requires a legislative body of a local agency or its designee, at least 72 hours before a regular meeting, to post an agenda that meets specified requirements, including that the agenda contain a brief general description of each item of business to be transacted or discussed at the meeting, as specified.

This bill would also require the agenda to be provided in English and in all other languages spoken jointly by 20% or more of the population in the county in which the local agency is located that, among other things, speaks English less than “very well,” as specified. By imposing additional agenda requirements on legislative bodies of local agencies, this bill would impose a state-mandated local program.

Existing law requires every agenda for regular meetings to provide an opportunity for members of the public to directly address the legislative body on any item of interest of the public, as specified. Existing law specifies that the agenda is not required to provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, as specified.

This bill would remove the provision related to an item that has already been considered by a committee.

(3) Existing law authorizes the legislative body of a local agency to use teleconferencing, as specified, and requires a legislative body of a local agency that elects to use teleconferencing to comply with specified general requirements, including that the local agency post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as specified.

Existing law authorizes members who are outside the jurisdiction of a health authority, as defined, that conducts a teleconferencing meeting to, notwithstanding the above-described general teleconference provisions, count towards the establishment of a quorum when participating in the teleconference if, among other things, at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction.

Existing law, authorizes, in certain circumstances, the legislative body of a local agency to use specified alternative teleconferencing which include provisions related to, among others, notice of the means by which members of the public may access the meeting and offer public comment and identifying and including an opportunity for all persons to attend via a call-in option or an internet-based service option. Those

circumstances in which the legislative body of a local agency is authorized to use the alternative teleconferencing provisions include specified circumstances relating to a state of emergency, as defined, and, until January 1, 2026, subject to specified limitations, a member's need to participate remotely due to just cause or emergency circumstances, as defined.

Existing law also authorizes certain eligible legislative bodies, including neighborhood councils and student body associations and student-run community college organizations to, until January 1, 2026, use alternate teleconferencing if, among other requirements, the city council or board of trustees, as applicable, has adopted an authorizing resolution and  $\frac{2}{3}$  of the neighborhood city council or specified student organization, as applicable, votes to use alternate teleconference provisions, as specified.

This bill would revise and recast the above-specified alternative teleconferencing provisions to uniformly apply certain noticing, accessibility, and public commenting provisions. The bill would require a legislative body of a local agency that elects to use teleconferencing pursuant to these alternative teleconferencing provisions to comply with specified requirements, including that the legislative body provides at least either two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting as a means by which the public may, among other things, remotely hear and visually observe the meeting, and that a member of the legislative body who participates in a teleconference meeting from a remote location is listed in the minutes of the meeting. The bill would require the local agency to identify and make available to legislative bodies a list of meeting locations that the legislative bodies may use to conduct their meetings.

The bill would instead authorize a health authority, as defined, to conduct a teleconference meeting pursuant to the above-described alternative teleconferencing provisions.

The bill would revise and recast the alternative teleconferencing provisions applicable in a state of emergency, as defined. The bill would also include a local emergency, as defined, as a circumstance in which a legislative body of a local agency is authorized to use the alternative teleconferencing provisions.

The bill would revise and recast the alternative teleconferencing provisions applicable in cases of a member's need to participate remotely due to just cause or emergency circumstances, as defined, to remove the provision applicable to emergency circumstances and to broaden

the definition of just cause to include a physical or family medical emergency that prevents a member from attending in person. The bill would extend the authorization to use the alternative teleconferencing provision until January 1, 2030.

The bill would revise and recast the alternative teleconferencing provisions applicable to neighborhood councils and student body associations and student-run community college organizations and would extend the authorization to use the alternative teleconferencing provision until January 1, 2030.

The bill would, until January 1, 2030, also authorize specified subsidiary bodies of local agencies to conduct a teleconference meeting pursuant to the above-described alternative teleconferencing provisions, provided that it complies with the requirements for alternative teleconferencing described above and additional requirements, including that the subsidiary body designates a primary physical meeting location where members of the public may physically attend, observe, hear, and participate in the meeting, as specified.

The bill would, until January 1, 2030, also authorize specified multijurisdictional bodies of local agencies to conduct a teleconference meeting pursuant to the above-described alternative teleconferencing provisions, provided that it complies with the requirements for alternative teleconferencing described above and additional requirements, including that the eligible multijurisdictional body has adopted a resolution that authorizes the multijurisdictional body to use teleconferencing at a regular meeting in open session.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(5) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(6) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 2 of Chapter 534 of the Statutes of 2023, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for  
10 the benefit of the public and the legislative body of a local agency  
11 in connection with any meeting or proceeding authorized by law.  
12 The teleconferenced meeting or proceeding shall comply with all  
13 otherwise applicable requirements of this chapter and all otherwise  
14 applicable provisions of law relating to a specific type of meeting  
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body  
19 of a local agency elects to use teleconferencing, the legislative  
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be  
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a  
24 manner that protects the statutory and constitutional rights of the  
25 parties or the public appearing before the legislative body of a  
26 local agency.

1 (C) The legislative body shall give notice of the meeting and  
2 post agendas as otherwise required by this chapter.

3 (D) The legislative body shall allow members of the public to  
4 access the meeting and the agenda shall provide an opportunity  
5 for members of the public to address the legislative body directly  
6 pursuant to Section 54954.3.

7 (3) If the legislative body of a local agency elects to use  
8 teleconferencing, it shall post agendas at all teleconference  
9 locations. Each teleconference location shall be identified in the  
10 notice and agenda of the meeting or proceeding, and each  
11 teleconference location shall be accessible to the public. During  
12 the teleconference, at least a quorum of the members of the  
13 legislative body shall participate from locations within the  
14 boundaries of the territory over which the local agency exercises  
15 jurisdiction, except as provided in subdivisions (d) and (e).

16 (c) (1) No legislative body shall take action by secret ballot,  
17 whether preliminary or final.

18 (2) The legislative body of a local agency shall publicly report  
19 any action taken and the vote or abstention on that action of each  
20 member present for the action.

21 (3) Prior to taking final action, the legislative body shall orally  
22 report a summary of a recommendation for a final action on the  
23 salaries, salary schedules, or compensation paid in the form of  
24 fringe benefits of a local agency executive, as defined in  
25 subdivision (d) of Section 3511.1, during the open meeting in  
26 which the final action is to be taken. This paragraph shall not affect  
27 the public's right under the California Public Records Act (Division  
28 10 (commencing with Section 7920.000) of Title 1) to inspect or  
29 copy records created or received in the process of developing the  
30 recommendation.

31 ~~(d) (1) Notwithstanding the provisions relating to a quorum in~~  
32 ~~paragraph (3) of subdivision (b), if a health authority conducts a~~  
33 ~~teleconference meeting, members who are outside the jurisdiction~~  
34 ~~of the authority may be counted toward the establishment of a~~  
35 ~~quorum when participating in the teleconference if at least 50~~  
36 ~~percent of the number of members that would establish a quorum~~  
37 ~~are present within the boundaries of the territory over which the~~  
38 ~~authority exercises jurisdiction, and the health authority provides~~  
39 ~~a teleconference number, and associated access codes, if any, that~~  
40 ~~allows any person to call in to participate in the meeting and the~~

1 number and access codes are identified in the notice and agenda  
2 of the meeting.

3 (2) Nothing in this subdivision shall be construed as  
4 discouraging health authority members from regularly meeting at  
5 a common physical site within the jurisdiction of the authority or  
6 from using teleconference locations within or near the jurisdiction  
7 of the authority. A teleconference meeting for which a quorum is  
8 established pursuant to this subdivision shall be subject to all other  
9 requirements of this section.

10 (3) For purposes of this subdivision, a health authority means  
11 any entity created pursuant to Sections 14018.7, 14087.31,  
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
13 and Institutions Code, any joint powers authority created pursuant  
14 to Article 1 (commencing with Section 6500) of Chapter 5 of  
15 Division 7 for the purpose of contracting pursuant to Section  
16 14087.3 of the Welfare and Institutions Code, and any advisory  
17 committee to a county-sponsored health plan licensed pursuant to  
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
19 Health and Safety Code if the advisory committee has 12 or more  
20 members.

21 (e) (1) The legislative body of a local agency may use  
22 teleconferencing without complying with the requirements of  
23 paragraph (3) of subdivision (b) if the legislative body complies  
24 with the requirements of paragraph (2) of this subdivision in either  
25 of the following circumstances:

26 (A) The legislative body holds a meeting during a proclaimed  
27 state of emergency for the purpose of determining, by majority  
28 vote, whether as a result of the emergency, meeting in person  
29 would present imminent risks to the health or safety of attendees.

30 (B) The legislative body holds a meeting during a proclaimed  
31 state of emergency and has determined, by majority vote, pursuant  
32 to subparagraph (A), that, as a result of the emergency, meeting  
33 in person would present imminent risks to the health or safety of  
34 attendees.

35 (2) A legislative body that holds a meeting pursuant to this  
36 subdivision shall do all of the following:

37 (A) In each instance in which notice of the time of the  
38 teleconferenced meeting is otherwise given or the agenda for the  
39 meeting is otherwise posted, the legislative body shall also give  
40 notice of the means by which members of the public may access



1 the meeting and offer public comment. The agenda shall identify  
2 and include an opportunity for all persons to attend via a call-in  
3 option or an internet-based service option.

4 (B) In the event of a disruption that prevents the legislative body  
5 from broadcasting the meeting to members of the public using the  
6 call-in option or internet-based service option, or in the event of  
7 a disruption within the local agency's control that prevents  
8 members of the public from offering public comments using the  
9 call-in option or internet-based service option, the legislative body  
10 shall take no further action on items appearing on the meeting  
11 agenda until public access to the meeting via the call-in option or  
12 internet-based service option is restored. Actions taken on agenda  
13 items during a disruption that prevents the legislative body from  
14 broadcasting the meeting may be challenged pursuant to Section  
15 54960.1.

16 (C) The legislative body shall not require public comments to  
17 be submitted in advance of the meeting and must provide an  
18 opportunity for the public to address the legislative body and offer  
19 comment in real time.

20 (D) Notwithstanding Section 54953.3, an individual desiring to  
21 provide public comment through the use of an internet website, or  
22 other online platform, not under the control of the local legislative  
23 body, that requires registration to log in to a teleconference may  
24 be required to register as required by the third-party internet  
25 website or online platform to participate.

26 (E) (i) A legislative body that provides a timed public comment  
27 period for each agenda item shall not close the public comment  
28 period for the agenda item, or the opportunity to register, pursuant  
29 to subparagraph (D), to provide public comment until that timed  
30 public comment period has elapsed.

31 (ii) A legislative body that does not provide a timed public  
32 comment period, but takes public comment separately on each  
33 agenda item, shall allow a reasonable amount of time per agenda  
34 item to allow public members the opportunity to provide public  
35 comment, including time for members of the public to register  
36 pursuant to subparagraph (D), or otherwise be recognized for the  
37 purpose of providing public comment.

38 (iii) A legislative body that provides a timed general public  
39 comment period that does not correspond to a specific agenda item  
40 shall not close the public comment period or the opportunity to

1 register, pursuant to subparagraph (D), until the timed general  
2 public comment period has elapsed.

3 (3) If a state of emergency remains active, in order to continue  
4 to teleconference without compliance with paragraph (3) of  
5 subdivision (b), the legislative body shall, not later than 45 days  
6 after teleconferencing for the first time pursuant to subparagraph  
7 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
8 the following findings by majority vote:

9 (A) The legislative body has reconsidered the circumstances of  
10 the state of emergency.

11 (B) The state of emergency continues to directly impact the  
12 ability of the members to meet safely in person.

13 (4) This subdivision shall not be construed to require the  
14 legislative body to provide a physical location from which the  
15 public may attend or comment.

16 (f) The legislative body shall have and implement a procedure  
17 for receiving and swiftly resolving requests for reasonable  
18 accommodation for individuals with disabilities, consistent with  
19 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
20 Sec. 12132), and resolving any doubt in favor of accessibility. In  
21 each instance in which notice of the time of the meeting is  
22 otherwise given or the agenda for the meeting is otherwise posted,  
23 the legislative body shall also give notice of the procedure for  
24 receiving and resolving requests for accommodation.

25 (g) The legislative body shall conduct meetings subject to this  
26 chapter consistent with applicable civil rights and  
27 nondiscrimination laws.

28 (h) (1) Nothing in this section shall prohibit a legislative body  
29 from providing the public with additional teleconference locations.

30 (2) Nothing in this section shall prohibit a legislative body from  
31 providing the public with additional physical locations in which  
32 the public may observe and address the legislative body by  
33 electronic means.

34 (i) For the purposes of this section, the following definitions  
35 shall apply:

36 (1) “State of emergency” means a state of emergency proclaimed  
37 pursuant to Section 8625 of the California Emergency Services  
38 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
39 Division 1 of Title 2).

40 (2)

1 (d) “Teleconference” means a meeting of a legislative body,  
2 the members of which are in different locations, connected by  
3 electronic means, through either audio or video, or both.

4 ~~(j) This section shall become operative January 1, 2026.~~

5 SEC. 2. Section 54953.8 is added to the Government Code, to  
6 read:

7 54953.8. (a) The legislative body of a local agency may use  
8 teleconferencing as authorized by subdivision (b) of Section 54953  
9 without complying with the requirements of paragraph (3) of  
10 subdivision (b) of Section 54953 in any of the circumstances  
11 described in Sections 54953.8.1 to 54953.8.7, inclusive.

12 (b) A legislative body that holds a meeting pursuant to this  
13 section shall comply with all of the following:

14 (1) The legislative body shall provide at least one of the  
15 following as a means by which the public may remotely hear and  
16 visually observe the meeting, and remotely address the legislative  
17 body:

18 (A) A two-way audiovisual platform.

19 (B) A two-way telephonic service and a live webcasting of the  
20 meeting.

21 (2) In each instance in which notice of the time of the  
22 teleconferenced meeting is otherwise given or the agenda for the  
23 meeting is otherwise posted, the legislative body shall also give  
24 notice of the means by which members of the public may access  
25 the meeting and offer public comment. The agenda shall identify  
26 and include an opportunity for all persons to attend via a call-in  
27 option or an internet-based service option.

28 (3) In the event of a disruption that prevents the legislative body  
29 from broadcasting the meeting to members of the public using the  
30 call-in option or internet-based service option, or in the event of  
31 a disruption within the local agency’s control that prevents  
32 members of the public from offering public comments using the  
33 call-in option or internet-based service option, the legislative body  
34 shall take no further action on items appearing on the meeting  
35 agenda until public access to the meeting via the call-in option or  
36 internet-based service option is restored. Actions taken on agenda  
37 items during a disruption that prevents the legislative body from  
38 broadcasting the meeting may be challenged pursuant to Section  
39 54960.1.

1 (4) The legislative body shall not require public comments to  
2 be submitted in advance of the meeting and must provide an  
3 opportunity for the public to address the legislative body and offer  
4 comment in real time.

5 (5) Notwithstanding Section 54953.3, an individual desiring to  
6 provide public comment through the use of an internet website, or  
7 other online platform, not under the control of the local legislative  
8 body, that requires registration to log in to a teleconference may  
9 be required to register as required by the third-party internet  
10 website or online platform to participate.

11 (6) (A) A legislative body that provides a timed public comment  
12 period for each agenda item shall not close the public comment  
13 period for the agenda item, or the opportunity to register, pursuant  
14 to paragraph (5), to provide public comment until that timed public  
15 comment period has elapsed.

16 (B) A legislative body that does not provide a timed public  
17 comment period, but takes public comment separately on each  
18 agenda item, shall allow a reasonable amount of time per agenda  
19 item to allow public members the opportunity to provide public  
20 comment, including time for members of the public to register  
21 pursuant to paragraph (5), or otherwise be recognized for the  
22 purpose of providing public comment.

23 (C) A legislative body that provides a timed general public  
24 comment period that does not correspond to a specific agenda item  
25 shall not close the public comment period or the opportunity to  
26 register, pursuant to paragraph (5), until the timed general public  
27 comment period has elapsed.

28 (7) Any member of the legislative body who participates in a  
29 teleconference meeting from a remote location shall be listed in  
30 the minutes of the meeting.

31 (8) The legislative body shall have and implement a procedure  
32 for receiving and swiftly resolving requests for reasonable  
33 accommodation for individuals with disabilities, consistent with  
34 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
35 Sec. 12132), and resolving any doubt in favor of accessibility. In  
36 each instance in which notice of the time of the meeting is  
37 otherwise given or the agenda for the meeting is otherwise posted,  
38 the legislative body shall also give notice of the procedure for  
39 receiving and resolving requests for accommodation.

1 (9) The legislative body shall conduct meetings subject to this  
2 chapter consistent with applicable civil rights and  
3 nondiscrimination laws.

4 (10) Instructions on joining the meeting by the telephonic or  
5 internet-based service option, including any requirements for  
6 registration for public comment, shall be made available in English  
7 and in all other languages spoken jointly by 20 percent or more of  
8 the population in the county in which the local agency is located  
9 that speaks English less than “very well” and jointly speaks a  
10 language other than English according to data from the most recent  
11 American Community Survey or data from an equally reliable  
12 source.

13 (11) If the meeting is outside regular business hours, the  
14 legislative body shall make reasonable efforts to accommodate  
15 any member of the public that requests an accommodation to  
16 participate in the meeting, including, but not limited to, providing  
17 access to a computer.

18 (c) A local agency shall identify and make available to  
19 legislative bodies a list of meeting locations that the legislative  
20 bodies may use to conduct their meetings.

21 (d) (1) Nothing in this section shall prohibit a legislative body  
22 from providing the public with additional teleconference locations.

23 (2) Nothing in this section shall prohibit a legislative body from  
24 providing the public with additional physical locations in which  
25 the public may observe and address the legislative body by  
26 electronic means

27 (e) For purposes of this section, the following definitions apply:

28 (1) “Remote location” means a location from which a member  
29 of a legislative body participates in a meeting pursuant to paragraph  
30 (7) of subdivision (b), other than any physical meeting location  
31 designated in the notice of the meeting. Remote locations need not  
32 be accessible to the public.

33 (2) “Remote participation” means participation in a meeting by  
34 teleconference at a location other than any physical meeting  
35 location designated in the notice of the meeting. Watching or  
36 listening to a meeting via webcasting or another similar electronic  
37 medium that does not permit members to interactively hear,  
38 discuss, or deliberate on matters, does not constitute remote  
39 participation.

1 (3) “Teleconference” means a meeting of a legislative body,  
2 the members of which are in different locations, connected by  
3 electronic means, through either audio or video, or both.

4 (4) “Two-way audiovisual platform” means an online platform  
5 that provides participants with the ability to participate in a meeting  
6 via both an interactive video conference and a two-way telephonic  
7 function.

8 (5) “Two-way telephonic service” means a telephone service  
9 that does not require internet access, is not provided as part of a  
10 two-way audiovisual platform, and allows participants to dial a  
11 telephone number to listen and verbally participate.

12 (6) “Webcasting” means a streaming video broadcast online or  
13 on television, using streaming media technology to distribute a  
14 single content source to many simultaneous listeners and viewers.

15 SEC. 3. Section 54953.8.1 is added to the Government Code,  
16 to read:

17 54953.8.1. (a) A health authority may conduct a teleconference  
18 meeting pursuant to Section 54953.8, provided that it complies  
19 with the requirements of that section.

20 (b) Nothing in this section or Section 54953.8 shall be construed  
21 as discouraging health authority members from regularly meeting  
22 at a common physical site within the jurisdiction of the authority  
23 or from using teleconference locations within or near the  
24 jurisdiction of the authority.

25 (c) For purposes of this section, a health authority means any  
26 entity created pursuant to Sections 14018.7, 14087.31, 14087.35,  
27 14087.36, 14087.38, and 14087.9605 of the Welfare and  
28 Institutions Code, any joint powers authority created pursuant to  
29 Article 1 (commencing with Section 6500) of Chapter 5 of Division  
30 7 for the purpose of contracting pursuant to Section 14087.3 of  
31 the Welfare and Institutions Code, and any advisory committee to  
32 a county-sponsored health plan licensed pursuant to Chapter 2.2  
33 (commencing with Section 1340) of Division 2 of the Health and  
34 Safety Code if the advisory committee has 12 or more members.

35 SEC. 4. Section 54953.8.2 is added to the Government Code,  
36 to read:

37 54953.8.2. (a) A legislative body of a local agency may  
38 conduct a teleconference meeting pursuant to Section 54953.8  
39 during a proclaimed state of emergency or local emergency,  
40 provided that it complies with the requirements of that section and

1 the teleconferencing is used in either of the following  
2 circumstances:

3 (1) For the purpose of determining, by majority vote, whether  
4 as a result of the emergency, meeting in person would present  
5 imminent risks to the health or safety of attendees.

6 (2) After a determination described in paragraph (1) is made  
7 that, as a result of the emergency, meeting in person would present  
8 imminent risks to the health or safety of attendees.

9 (b) If the state of emergency or local emergency remains active,  
10 in order to continue to teleconference pursuant to this section, the  
11 legislative body shall, no later than 45 days after teleconferencing  
12 for the first time pursuant to this section, and every 45 days  
13 thereafter, make the following findings by majority vote:

14 (1) The legislative body has reconsidered the circumstances of  
15 the state of emergency or local emergency.

16 (2) The state of emergency or local emergency continues to  
17 directly impact the ability of the members to meet safely in person.

18 (c) This section shall not be construed to require the legislative  
19 body to provide a physical location from which the public may  
20 attend or comment.

21 (d) For purposes of this section, the following definitions apply:

22 (1) “Local emergency” means a condition of extreme peril to  
23 persons or property proclaimed by the governing body of the local  
24 agency affected, in accordance with Section 8630 of the California  
25 Emergency Services Act (Chapter 7 (commencing with Section  
26 8550) of Division 1 of Title 2), as defined in Section 8680.9, or a  
27 local health emergency declared pursuant to Section 101080 of  
28 the Health and Safety Code. Local emergency, as used in this  
29 section, refers only to local emergencies in the jurisdiction in which  
30 the legislative body is located.

31 (2) “State of emergency” means state of emergency proclaimed  
32 pursuant to Section 8625 of the California Emergency Services  
33 Act (Chapter 7 (commencing with Section 8550) of Division 1 of  
34 Title 2).

35 SEC. 5. Section 54953.8.3 is added to the Government Code,  
36 to read:

37 54953.8.3. (a) (1) A legislative body of a local agency may  
38 conduct a teleconference meeting pursuant to Section 54953.8 if,  
39 during the teleconference meeting, at least a quorum of the  
40 members of the legislative body participates in person from a

1 singular physical location clearly identified on the agenda, which  
2 location shall be open to the public and situated within the  
3 boundaries of the territory over which the local agency exercises  
4 jurisdiction, provided that the legislative body complies with the  
5 requirements of Section 54953.8 and all of the following additional  
6 requirements:

7 (2) A member of the legislative body notifies the legislative  
8 body at the earliest opportunity possible, including at the start of  
9 a regular meeting, of their need to participate remotely for just  
10 cause, including a general description of the circumstances relating  
11 to their need to appear remotely at the given meeting. The  
12 provisions of this clause shall not be used by any member of the  
13 legislative body for more than two meetings per calendar year.

14 (3) The member shall publicly disclose at the meeting before  
15 any action is taken, whether any other individuals 18 years of age  
16 or older are present in the room at the remote location with the  
17 member, and the general nature of the member's relationship with  
18 those individuals.

19 (4) The member shall participate through both audio and visual  
20 technology.

21 (5) (A) The provisions of this subdivision shall not serve as a  
22 means for any member of a legislative body to participate in  
23 meetings of the legislative body solely by teleconference from a  
24 remote location for more than the following number of meetings,  
25 as applicable:

26 (i) Two meetings per year, if the legislative body regularly meets  
27 once per month or less.

28 (ii) Five meetings per year, if the legislative body regularly  
29 meets twice per month.

30 (iii) Seven meetings per year, if the legislative body regularly  
31 meets three or more times per month.

32 (B) For the purpose of counting meetings attended by  
33 teleconference under this paragraph, a "meeting" shall be defined  
34 as any number of meetings of the legislative body of a local agency  
35 that begin on the same calendar day.

36 (b) For purposes of this section, "just cause" means any of the  
37 following:

38 (1) Childcare or caregiving need of a child, parent, grandparent,  
39 grandchild, sibling, spouse, or domestic partner that requires them  
40 to participate remotely. "Child," "parent," "grandparent,"



1 “grandchild,” and “sibling” have the same meaning as those terms  
2 do in Section 12945.2.

3 (2) A contagious illness that prevents a member from attending  
4 in person.

5 (3) A need related to a physical or mental disability, as defined  
6 in Sections 12926 and 12926.1, not otherwise accommodated by  
7 any reasonable accommodations provided.

8 (4) Travel while on official business of the legislative body or  
9 another state or local agency.

10 (5) An immunocompromised child, parent, grandparent,  
11 grandchild, sibling, spouse, or domestic partner of the member  
12 that requires the member to participate remotely.

13 (6) A physical or family medical emergency that prevents a  
14 member from attending in person.

15 (c) This section shall not be construed to limit the ability of a  
16 legislative body to use alternative teleconferencing provisions.

17 (d) This section shall remain in effect only until January 1, 2030,  
18 and as of that date is repealed.

19 SEC. 6. Section 54953.8.4 is added to the Government Code,  
20 to read:

21 54953.8.4. (a) An eligible neighborhood council may conduct  
22 a teleconference meeting pursuant to Section 54953.8, provided  
23 that it complies with the requirements of that section and all of the  
24 following have occurred:

25 (1) (A) The city council for a city described in paragraph (2)  
26 of subdivision (b) considers whether to adopt a resolution to  
27 authorize eligible neighborhood councils to use teleconferencing  
28 as described in this section at an open and regular meeting.

29 (B) If the city council adopts a resolution described in  
30 subparagraph (A), an eligible neighborhood council may elect to  
31 use teleconferencing pursuant to this section if a majority of the  
32 eligible neighborhood council votes to do so. The eligible  
33 neighborhood council shall notify the city council if it elects to  
34 use teleconferencing pursuant to this section and its justification  
35 for doing so.

36 (C) Upon receiving notification from an eligible neighborhood  
37 council described in subparagraph (B), the city council may adopt  
38 a resolution to prohibit the eligible neighborhood council from  
39 using teleconferencing pursuant to this section.

1 (2) After completing the requirements of subparagraph (A) of  
2 paragraph (1), an eligible neighborhood council that holds a  
3 meeting pursuant to this subdivision shall do all of the following:

4 (A) At least a quorum of the members of the eligible  
5 neighborhood council shall participate from locations within the  
6 boundaries of the city in which the eligible neighborhood council  
7 is established.

8 (B) At least once per year, at least a quorum of the members of  
9 the eligible neighborhood council shall participate in person from  
10 a singular physical location that is open to the public and within  
11 the boundaries of the eligible neighborhood council.

12 (3) If the meeting is during regular business hours of the offices  
13 of the city council member that represents the area that includes  
14 the eligible neighborhood council, the eligible neighborhood  
15 council shall provide a publicly accessible physical location from  
16 which the public may attend or comment, which shall be the offices  
17 of the city council member who represents the area where the  
18 eligible neighborhood council is located, unless the eligible  
19 neighborhood council identifies an alternative location.

20 (b) For purposes of this section, the following definitions apply:

21 (1) “Accommodation” means providing a publicly accessible  
22 physical location for the member of the public to participate from,  
23 providing access to technology necessary to participate in the  
24 meeting, or identifying locations or resources available that could  
25 provide the member of the public with an opportunity to participate  
26 in the meeting.

27 (2) “Eligible neighborhood council” means a neighborhood  
28 council that is an advisory body with the purpose to promote more  
29 citizen participation in government and make government more  
30 responsive to local needs that is established pursuant to the charter  
31 of a city with a population of more than 3,000,000 people that is  
32 subject to this chapter.

33 (c) This section shall remain in effect only until January 1, 2030,  
34 and as of that date is repealed.

35 SEC. 7. Section 54953.8.5 is added to the Government Code,  
36 to read:

37 54953.8.5. (a) An eligible community college student  
38 organization may conduct a teleconference meeting pursuant to  
39 the Section 54953.8, provided that it complies with the

1 requirements of that section and all of the following additional  
2 requirements:

3 (1) An eligible community college student organization may  
4 only use teleconferencing as described in Section 54953.8 after  
5 all the following have occurred:

6 (A) The board of trustees for a community college district  
7 considers whether to adopt a resolution to authorize eligible  
8 community college student organizations to use teleconferencing  
9 as described in this section at an open and regular meeting.

10 (B) If the board of trustees for a community college district  
11 adopts a resolution described in subparagraph (A), an eligible  
12 community college student organization may elect to use  
13 teleconferencing pursuant to this section if a majority of the eligible  
14 community college student organization votes to do so. The eligible  
15 community college student organization shall notify the board of  
16 trustees if it elects to use teleconferencing pursuant to this section  
17 and its justification for doing so.

18 (C) Upon receiving notification from an eligible community  
19 college student organization as described in subparagraph (B), the  
20 board of trustees may adopt a resolution to prohibit the eligible  
21 community college student organization from using  
22 teleconferencing pursuant to this section.

23 (D) (i) At least a quorum of the members of the eligible  
24 community college student organization shall participate from a  
25 singular physical location that is accessible to the public and is  
26 within the community college district in which the eligible  
27 community college student organization is established.

28 (ii) Notwithstanding the requirements of clause (i), a person  
29 may count toward the establishment of a quorum pursuant to clause  
30 (i) regardless of whether the person is participating at the in-person  
31 location of the meeting or remotely if the person meets any of the  
32 following criteria:

33 (I) The person has a disability that requires accommodation  
34 pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C.  
35 Sec. 12132).

36 (II) The person is under 18 years of age.

37 (III) The person is incarcerated.

38 (IV) The person is unable to disclose the location that they are  
39 participating from because of either of the following circumstances:

1 (ia) The person has been issued a protective court order,  
2 including, but not limited to, a domestic violence restraining order.

3 (ib) The person is participating in a program that has to remain  
4 confidential, including, but not limited to, an independent living  
5 program.

6 (V) The person provides childcare or caregiving to a child,  
7 parent, grandparent, grandchild, sibling, spouse, or domestic partner  
8 that requires them to participate remotely. For purposes of this  
9 subclause, “child,” “parent,” “grandparent,” “grandchild,” and  
10 “sibling” have the same meaning as those terms are defined in  
11 Section 12945.2.

12 (2) An eligible community college student organization that  
13 holds a meeting by teleconference as described in Section 54953.8  
14 shall do the following, as applicable:

15 (A) If the meeting is during regular business hours of the offices  
16 of the board of trustees of the community college district, the  
17 eligible community college student organization shall provide a  
18 publicly accessible physical location from which the public may  
19 attend or comment, which shall be the offices of the board of  
20 trustees of the community college district, unless the eligible  
21 community college student organization identifies an alternative  
22 location.

23 (B) If the meeting is outside regular business hours, the eligible  
24 community college student organization shall make reasonable  
25 efforts to accommodate any member of the public that requests an  
26 accommodation to participate in the meeting. For the purposes of  
27 this subparagraph, “accommodation” means providing a publicly  
28 accessible physical location for the member of the public to  
29 participate from, providing access to technology necessary to  
30 participate in the meeting, or identifying locations or resources  
31 available that could provide the member of the public with an  
32 opportunity to participate in the meeting.

33 (b) For purposes of this section, “eligible community college  
34 student organization” means a student body association organized  
35 pursuant to Section 76060 of the Education Code, or any other  
36 student-run community college organization that is required to  
37 comply with the meeting requirements of this chapter.

38 (c) This section shall remain in effect only until January 1, 2030,  
39 and as of that date is repealed.

1 SEC. 8. Section 54953.8.6 is added to the Government Code,  
2 to read:

3 54953.8.6. (a) An eligible subsidiary body may conduct a  
4 teleconference meeting pursuant to Section 54953.8, provided that  
5 it complies with the requirements of that section and all of the  
6 following additional requirements:

7 (1) The eligible subsidiary body shall designate a primary  
8 physical meeting location where members of the public may  
9 physically attend, observe, hear, and participate in the meeting.  
10 At least one staff member of the local agency of the subsidiary  
11 body shall be present at the primary physical meeting location  
12 during the meeting. The local agency of the subsidiary body shall  
13 post the agenda at the primary physical meeting location, but need  
14 not post the agenda at a remote location.

15 (2) (A) The members of the eligible subsidiary body shall  
16 visibly appear on camera during the open portion of a meeting that  
17 is publicly accessible via the internet or other online platform.

18 (B) The visual appearance of a member of the eligible subsidiary  
19 body on camera may cease only when the appearance would be  
20 technologically impracticable, including, but not limited to, when  
21 the member experiences a lack of reliable broadband or internet  
22 connectivity that would be remedied by joining without video, or  
23 when the visual display of meeting materials, information, or  
24 speakers on the internet or other online platform requires the visual  
25 appearance of a member of a subsidiary body on camera to cease.

26 (C) If a member of the eligible subsidiary body does not appear  
27 on camera due to challenges with internet connectivity, the member  
28 shall announce the reason for their nonappearance when they turn  
29 off their camera.

30 (3) Any member who receives compensation for their service  
31 on the subsidiary body shall not participate in a teleconference  
32 meeting from a remote location pursuant to this section. For  
33 purposes of this paragraph, “compensation” does not include  
34 reimbursement for actual and necessary expenses.

35 (4) A quorum of the eligible subsidiary body cannot be  
36 established solely by members of the legislative body that created  
37 it or its staff.

38 (5) (A) At least a quorum of the members of the eligible  
39 subsidiary body shall participate from a singular physical location

1 that is accessible to the public and is within the jurisdiction in  
2 which the eligible subsidiary body is established.

3 (B) Notwithstanding the requirements of subparagraph (A), a  
4 person may count toward the establishment of a quorum pursuant  
5 to subparagraph (A) regardless of whether the person is  
6 participating at the in-person location of the meeting or remotely  
7 if the person meets any of the following criteria:

8 (i) The person has a disability that requires accommodation  
9 pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C.  
10 Sec. 12132).

11 (ii) The person is under 18 years of age.

12 (iii) The person is incarcerated.

13 (iv) The person is unable to disclose the location that they are  
14 participating from because of either of the following circumstances:

15 (I) The person has been issued a protective court order,  
16 including, but not limited to, a domestic violence restraining order.

17 (II) The person is participating in a program that has to remain  
18 confidential, including, but not limited to, an independent living  
19 program.

20 (v) The person provides childcare or caregiving to a child,  
21 parent, grandparent, grandchild, sibling, spouse, or domestic partner  
22 that requires them to participate remotely. For purposes of this  
23 clause, “child,” “parent,” “grandparent,” “grandchild,” and  
24 “sibling” have the same meaning as those terms are defined in  
25 Section 12945.2.

26 (6) The eligible subsidiary body shall submit its  
27 recommendations in writing to the legislative body that created it.

28 (A) The eligible subsidiary body shall present its  
29 recommendations to the legislative body that created it at a regular  
30 meeting in open session of that legislative body.

31 (B) The legislative body shall hold the discussion of the  
32 recommendations at its next regular meeting, unless it determines  
33 it is infeasible, and then shall hold it at the following regular  
34 meeting.

35 (C) The legislative body shall not place discussions of the  
36 recommendations on a consent calendar.

37 (7) (A) In order to use teleconferencing pursuant to this section,  
38 the legislative body that established the eligible subsidiary body  
39 by charter, ordinance, resolution, or other formal action shall make  
40 the following findings by majority vote before the eligible

1 subsidiary body uses teleconferencing pursuant to this section for  
2 the first time, and every 12 months thereafter:

3 (i) The legislative body has considered the circumstances of the  
4 eligible subsidiary body.

5 (ii) Teleconference meetings of the eligible subsidiary body  
6 would enhance public access to meetings of the eligible subsidiary  
7 body.

8 (iii) Teleconference meetings of the eligible subsidiary body  
9 would promote the attraction, retention, and diversity of eligible  
10 subsidiary body members.

11 (B) After the legislative body makes the findings described in  
12 subparagraph (A), the eligible subsidiary body shall approve the  
13 use of teleconferencing by majority vote before using  
14 teleconference pursuant to this section.

15 (C) The legislative body that created the eligible subsidiary  
16 body may elect to prohibit the eligible subsidiary body from using  
17 teleconferencing pursuant this section at any time.

18 (b) For purposes of this section, “eligible subsidiary body”  
19 means a legislative body that meets all of the following:

20 (1) Is described in subdivision (b) of Section 54952.

21 (2) Serves exclusively in an advisory capacity.

22 (3) Is not authorized to take final action on legislation,  
23 regulations, contracts, licenses, permits, or any other entitlements,  
24 grants, or allocations of funds.

25 (4) One-half of the members or more of the eligible subsidiary  
26 body are not members of the legislative body that created it or its  
27 staff.

28 (5) Does not have subject matter jurisdiction over elections,  
29 budgets, police oversight, or removing materials from, or restricting  
30 access to, facilities of the legislative body that created it.

31 (c) This section shall remain in effect only until January 1, 2030,  
32 and as of that date is repealed.

33 SEC. 9. Section 54953.8.7 is added to the Government Code,  
34 to read:

35 54953.8.7. (a) An eligible multijurisdictional body may  
36 conduct a teleconference meeting pursuant to Section 54953.8,  
37 provided that it complies with the requirements of that section and  
38 all of the following additional requirements:

39 (1) The eligible multijurisdictional body has adopted a resolution  
40 that authorizes the eligible multijurisdictional body to use

1 teleconferencing pursuant to this section at a regular meeting in  
2 open session.

3 (2) At least a quorum of the members of the eligible  
4 multijurisdictional body shall participate from one or more physical  
5 locations that are open to the public and within the boundaries of  
6 the territory over which the local agency exercises jurisdiction.

7 (3) A member of the eligible multijurisdictional body who  
8 receives compensation for their service on the eligible  
9 multijurisdictional body shall participate from a physical location  
10 that is open to the public. For purposes of this paragraph,  
11 “compensation” does not include reimbursement for actual and  
12 necessary expenses.

13 (4) The eligible multijurisdictional body shall identify each  
14 member of the eligible multijurisdictional body who plans to  
15 participate remotely in the agenda.

16 (5) A member of the eligible multijurisdictional body shall not  
17 participate in a meeting remotely pursuant to this section, unless  
18 the location from which the member participates is more than 20  
19 miles round trip from the in-person location of the meeting.

20 (b) For the purposes of this section, both of the following  
21 definitions apply:

22 (1) “Eligible multijurisdictional body” means a board,  
23 commission, or advisory body of a multijurisdictional, cross-county  
24 agency, the membership of which board, commission, or advisory  
25 body is appointed, and the board, commission, or advisory body  
26 is otherwise subject to this chapter.

27 (2) “Multijurisdictional” means a legislative body that includes  
28 representatives from more than one county, city, city and county,  
29 special district, or a joint powers entity formed pursuant to an  
30 agreement entered into in accordance with Article 1 (commencing  
31 with Section 6500) of Chapter 5 of Division 7 of Title 1.

32 (c) This section shall remain in effect only until January 1, 2030,  
33 and as of that date is repealed.

34 SEC. 10. Section 54953.9 is added to the Government Code,  
35 to read:

36 54953.9. (a) In addition to any other applicable requirements  
37 of this chapter, a city council or a county board of supervisors shall  
38 comply with the following requirements:



1 (1) (A) All open and public meetings shall include an  
2 opportunity for members of the public to attend via a two-way  
3 telephonic option or a two-way audiovisual platform.

4 (B) If a city council or a county board of supervisors elects to  
5 provide a two-way audiovisual platform, the city council or a  
6 county board of supervisors shall publicly post and provide a call-in  
7 option, and activate any automatic captioning function during the  
8 meeting if an automatic captioning function is included with the  
9 system.

10 (2) If a city council or county board of supervisors has provided  
11 video streaming for at least one open and public meeting on or  
12 before January 1, 2026, the city council or county board of  
13 supervisors shall continue to provide video streaming consistent  
14 with the previously provided video streaming.

15 (3) All open and public meetings shall provide the public with  
16 an opportunity to comment on proposed legislation via a two-way  
17 telephonic or two-way audiovisual platform, and ensure the  
18 opportunity for the members of the public participating via a  
19 two-way telephonic or two-way audiovisual platform to comment  
20 on agenda items with the same time allotment as a person attending  
21 a meeting in person.

22 (b) (1) A city council or a county board of supervisors described  
23 in subdivision (a) shall have in place a system for requesting and  
24 receiving interpretation services for public meetings, including the  
25 public comment period. The city council or a county board of  
26 supervisors shall publicize the online system described in this  
27 paragraph and any instructions on how to request certified  
28 interpretation services for public meetings online.

29 (2) If interpretation services are requested for a public meeting  
30 and public comment period, the city council or a county board of  
31 supervisors shall make reasonable efforts to accommodate any  
32 member of the public that requests the interpretation services.

33 (c) A city council or a county board of supervisors described in  
34 subdivision (a) shall make a good faith effort to encourage  
35 residents, including those in underrepresented communities and  
36 non-English-speaking communities, to participate in public  
37 meetings, which shall include, at a minimum, all of the following:

38 (1) Making a good faith effort to provide public meeting  
39 information to all of the following:

1 (A) Media organizations that provide news coverage in the  
2 jurisdiction of the city council or a county board of supervisors,  
3 including media organizations that serve non-English-speaking  
4 communities.

5 (B) Good government, civil rights, civic engagement,  
6 neighborhood, and community group organizations, or other  
7 organizations that are active in the jurisdiction of the city council  
8 or a county board of supervisors, including organizations active  
9 in non-English-speaking communities.

10 (C) Any person that has requested to be notified concerning the  
11 city council's or a county board of supervisors' public meetings.  
12 The city council or a county board of supervisors shall maintain  
13 a contact list for all people requesting notification and provide  
14 them with regular updates regarding public meetings, including,  
15 at minimum, notices of upcoming public meetings.

16 (2) Creating and maintaining an accessible internet webpage  
17 dedicated to public meetings, in which a prominent link on the  
18 webpage is included on the homepage of the city council's or a  
19 county board of supervisors' internet website, and that includes,  
20 or provides a link to, all of the following information:

21 (A) A general explanation of the public meeting process for the  
22 city council or a county board of supervisors that is provided in  
23 English and any other applicable languages.

24 (B) An explanation of the procedures for a member of the public  
25 to provide in-person or remote oral public comment during a public  
26 meeting or to submit written public comment that is provided in  
27 English and any other applicable languages.

28 (C) A calendar of all public meeting dates with calendar listings  
29 that include the date, time, and location of each public meeting.

30 (D) A notice of the applicable languages in which the city  
31 council or a county board of supervisors will provide live  
32 translation of a public meeting upon request and instructions for  
33 making the request that is provided in English and any other  
34 applicable languages.

35 (E) Instructions and a method for a person to sign up to receive  
36 regular notices regarding public meetings, including notices of  
37 public meetings that are provided in English and any other  
38 applicable languages.

39 (F) A notice and agenda for each public meeting.

1 (G) Any available recordings of each public meeting, to the  
2 extent applicable.

3 (d) For purposes of this section, the following definitions apply:

4 (1) “Applicable language” means languages spoken jointly by  
5 20 percent or more of the population in the county in which the  
6 city council or a county board of supervisors is located that speaks  
7 English less than “very well” and jointly speaks a language other  
8 than English according to data from the most recent American  
9 Community Survey or data from an equally reliable source.

10 (2) “Two-way audiovisual platform” means an online platform  
11 that provides participants with the ability to participate in a meeting  
12 via both an interactive video conference and a two-way telephonic  
13 function.

14 (3) “Two-way telephonic service” means a telephone service  
15 that does not require internet access, is not provided as part of a  
16 two-way audiovisual platform, and allows participants to dial a  
17 telephone number to listen and verbally participate.

18 (4) “Video streaming” means media in which the data from a  
19 live filming or a video file is continuously delivered via the internet  
20 to a remote user, allowing a video to be viewed online by the public  
21 without being downloaded on a host computer or device.

22 (e) This section shall remain in effect only until January 1, 2030,  
23 and as of that date is repealed.

24 SEC. 11. Section 54954.2 of the Government Code, as amended  
25 by Section 92 of Chapter 131 of the Statutes of 2023, is amended  
26 to read:

27 54954.2. (a) (1) At least 72 hours before a regular meeting,  
28 the legislative body of the local agency, or its designee, shall post  
29 an agenda ~~containing~~ *that meets all of the following requirements:*

30 (A) *The agenda shall contain* a brief general description of each  
31 item of business to be transacted or discussed at the meeting,  
32 including items to be discussed in closed session. A brief general  
33 description of an item generally need not exceed 20 words. ~~The~~

34 (B) *The agenda shall specify* the time and location of the regular  
35 meeting and shall be posted in a location that is freely accessible  
36 to members of the public and on the local agency’s internet website,  
37 if the local agency has one. ~~If~~

38 (C) (i) *If* requested, the agenda shall be made available in  
39 appropriate alternative formats to persons with a disability, as  
40 required by Section 202 of the Americans with Disabilities Act of

1 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
2 adopted in implementation thereof. ~~The~~

3 (ii) *The agenda shall include information regarding how, to*  
4 *whom, and when a request for disability-related modification or*  
5 *accommodation, including auxiliary aids or services, may be made*  
6 *by a person with a disability who requires a modification or*  
7 *accommodation in order to participate in the public meeting.*

8 (D) *The agenda shall be provided in English and in all other*  
9 *languages spoken jointly by 20 percent or more of the population*  
10 *in the county in which the local agency is located that speaks*  
11 *English less than “very well” and jointly speaks a language other*  
12 *than English according to data from the most recent American*  
13 *Community Survey or data from an equally reliable source.*

14 (2) For a meeting occurring on and after January 1, 2019, of a  
15 legislative body of a city, county, city and county, special district,  
16 school district, or political subdivision established by the state that  
17 has an internet website, the following provisions shall apply:

18 (A) An online posting of an agenda shall be posted on the  
19 primary internet website home page of a city, county, city and  
20 county, special district, school district, or political subdivision  
21 established by the state that is accessible through a prominent,  
22 direct link to the current agenda. The direct link to the agenda shall  
23 not be in a contextual menu; however, a link in addition to the  
24 direct link to the agenda may be accessible through a contextual  
25 menu.

26 (B) An online posting of an agenda, including, but not limited  
27 to, an agenda posted in an integrated agenda management platform,  
28 shall be posted in an open format that meets all of the following  
29 requirements:

30 (i) Retrievable, downloadable, indexable, and electronically  
31 searchable by commonly used internet search applications.

32 (ii) Platform independent and machine readable.

33 (iii) Available to the public free of charge and without any  
34 restriction that would impede the reuse or redistribution of the  
35 agenda.

36 (C) A legislative body of a city, county, city and county, special  
37 district, school district, or political subdivision established by the  
38 state that has an internet website and an integrated agenda  
39 management platform shall not be required to comply with  
40 subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary internet website home page of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an internet website with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an internet website of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made

1 or questions posed by persons exercising their public testimony  
2 rights under Section 54954.3. In addition, on their own initiative  
3 or in response to questions posed by the public, a member of a  
4 legislative body or its staff may ask a question for clarification,  
5 make a brief announcement, or make a brief report on their own  
6 activities. Furthermore, a member of a legislative body, or the  
7 body itself, subject to rules or procedures of the legislative body,  
8 may provide a reference to staff or other resources for factual  
9 information, request staff to report back to the body at a subsequent  
10 meeting concerning any matter, or take action to direct staff to  
11 place a matter of business on a future agenda.

12 (b) Notwithstanding subdivision (a), the legislative body may  
13 take action on items of business not appearing on the posted agenda  
14 under any of the conditions stated below. Prior to discussing any  
15 item pursuant to this subdivision, the legislative body shall publicly  
16 identify the item.

17 (1) Upon a determination by a majority vote of the legislative  
18 body that an emergency situation exists, as defined in Section  
19 54956.5.

20 (2) Upon a determination by a two-thirds vote of the members  
21 of the legislative body present at the meeting, or, if less than  
22 two-thirds of the members are present, a unanimous vote of those  
23 members present, that there is a need to take immediate action and  
24 that the need for action came to the attention of the local agency  
25 subsequent to the agenda being posted as specified in subdivision  
26 (a).

27 (3) The item was posted pursuant to subdivision (a) for a prior  
28 meeting of the legislative body occurring not more than five  
29 calendar days prior to the date action is taken on the item, and at  
30 the prior meeting the item was continued to the meeting at which  
31 action is being taken.

32 (c) This section is necessary to implement and reasonably within  
33 the scope of paragraph (1) of subdivision (b) of Section 3 of Article  
34 I of the California Constitution.

35 (d) For purposes of subdivision (a), the requirement that the  
36 agenda be posted on the local agency's internet website, if the  
37 local agency has one, shall only apply to a legislative body that  
38 meets either of the following standards:

39 (1) A legislative body as that term is defined by subdivision (a)  
40 of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

~~(e) This section shall become operative January 1, 2026.~~

SEC. 12. Section 54954.3 of the Government Code is amended to read:

54954.3. (a) *(1)* Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. ~~However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body.~~ Every

(2) Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that

1 non-English speakers receive the same opportunity to directly  
2 address the legislative body of a local agency.

3 (3) Paragraph (2) shall not apply if the legislative body of a  
4 local agency utilizes simultaneous translation equipment in a  
5 manner that allows the legislative body of a local agency to hear  
6 the translated public testimony simultaneously.

7 (c) The legislative body of a local agency shall not prohibit  
8 public criticism of the policies, procedures, programs, or services  
9 of the agency, or of the acts or omissions of the legislative body.  
10 Nothing in this subdivision shall confer any privilege or protection  
11 for expression beyond that otherwise provided by law.

12 SEC. 13. The Legislature finds and declares that Section 1 of  
13 this act, which amends Section 54953 of the Government Code,  
14 and Sections 2 to 9, inclusive, of this act, which add Sections  
15 54953.8 to 54953.8.7, respectively, to the Government Code,  
16 impose a limitation on the public's right of access to the meetings  
17 of public bodies or the writings of public officials and agencies  
18 within the meaning of Section 3 of Article I of the California  
19 Constitution. Pursuant to that constitutional provision, the  
20 Legislature makes the following findings to demonstrate the interest  
21 protected by this limitation and the need for protecting that interest:

22 (a) This act is necessary to provide opportunities for public  
23 participation in meetings of specified public agencies and to  
24 promote the recruitment and retention of members of those  
25 agencies.

26 (b) This act is necessary to ensure minimum standards for public  
27 participation and notice requirements allowing for greater public  
28 participation in meetings.

29 (c) This act is necessary to modernize the Ralph M. Brown Act  
30 to reflect recent technological changes that can promote greater  
31 public access to local officials.

32 SEC. 14. The Legislature finds and declares that Section 1 of  
33 this act, which amends Section 54953 of the Government Code,  
34 Sections 2 to 9, inclusive, of this act, which add Sections 54953.8  
35 to 54953.8.7, respectively, to the Government Code, Section 10  
36 of this act, which adds Section 54953.9 to the Government Code,  
37 and Sections 11 to 12, inclusive, of this act, which amend Sections  
38 54954.2 and 54954.3, respectively, of the Government Code,  
39 further, within the meaning of paragraph (7) of subdivision (b) of  
40 Section 3 of Article I of the California Constitution, the purposes



1 of that constitutional section as it relates to the right of public  
2 access to the meetings of local public bodies or the writings of  
3 local public officials and local agencies. Pursuant to paragraph (7)  
4 of subdivision (b) of Section 3 of Article I of the California  
5 Constitution, the Legislature makes the following findings:

6 (a) This act is necessary to provide opportunities for public  
7 participation in meetings of specified public agencies and to  
8 promote the recruitment and retention of members of those  
9 agencies.

10 (b) This act is necessary to ensure minimum standards for public  
11 participation and notice requirements allowing for greater public  
12 participation in meetings.

13 (c) This act is necessary to modernize the Ralph M. Brown Act  
14 to reflect recent technological changes that can promote greater  
15 public access to local officials.

16 SEC. 15. The Legislature finds and declares that adequate  
17 public access to meetings is a matter of statewide concern and is  
18 not a municipal affair as that term is used in Section 5 of Article  
19 XI of the California Constitution. Therefore, Section 10 of this act  
20 adding Section 54953.9 to, and Section 11 of this act amending  
21 Section 54954.2 of, the Government Code apply to all cities,  
22 including charter cities.

23 SEC. 16. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district under this act would result from a legislative mandate that  
27 is within the scope of paragraph (7) of subdivision (b) of Section  
28 3 of Article I of the California Constitution.

**Introduced by Senator Rubio**

February 21, 2025

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An act to amend Section 13912 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 740, as introduced, Rubio. Municipal wastewater agency: new agreement or amendment.

Existing law authorizes a municipal wastewater agency to enter into agreements with entities responsible for stormwater management, including, but not limited to, municipal, industrial, and commercial stormwater dischargers, for the purpose of managing stormwater and dry weather runoff. Existing law requires a municipal wastewater agency, if the agency enters into a new agreement or amends an agreement pursuant to those provisions, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located within 30 days after the effective date of the new agreement or amendment.

This bill would extend that filing requirement timeline to 40 days.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 13912 of the Water Code is amended to
- 2 read:
- 3 13912. (a) A municipal wastewater agency may do any of the
- 4 following:

1 (1) To the extent permitted by federal law, authorize the  
2 discharge of stormwater or dry weather runoff captured at industrial  
3 and commercial sites to the wastewater collection or treatment  
4 system subject to any requirements that may be imposed by the  
5 municipal wastewater agency or public agency that owns and  
6 operates the tributary collection system.

7 (2) In order to carry out the powers granted, and the purposes  
8 established, under this chapter, exercise any of the powers  
9 otherwise granted to it by law, including, but not limited to,  
10 enforcing compliance with local, state, and federal water quality  
11 requirements through the implementation of the municipal  
12 wastewater agency's industrial pretreatment programs and ensuring  
13 that the project or program is consistent with local watershed  
14 priorities, obligations, and circumstances.

15 (3) Levy taxes, fees, and charges consistent with the municipal  
16 wastewater agency's existing authority in order to fund projects  
17 undertaken pursuant to this chapter.

18 (b) The exercise of any new authority granted under this chapter  
19 is subject to and shall comply with the Cortese-Knox-Hertzberg  
20 Local Government Reorganization Act of 2000 (Division 3  
21 (commencing with Section 56000) of Title 5 of the Government  
22 Code).

23 (c) (1) ~~If, after January 1, 2022, If~~ a municipal wastewater  
24 agency enters into a new agreement or amends an agreement  
25 pursuant to this chapter, the agency shall, within ~~30~~ 40 days after  
26 the effective date of the new agreement or amendment, file a copy  
27 of the agreement or amendment with the local agency formation  
28 commission in each county where any part of the municipal  
29 wastewater agency's territory is located.

30 (2) The local agency formation commission's approval of an  
31 agreement or an amendment to an agreement as described in  
32 paragraph (1) shall not be required, except as required by  
33 subdivision (b).

**Assembly Concurrent Resolution**

**No. 36**

**Introduced by Assembly Member Carrillo**

February 20, 2025

Assembly Concurrent Resolution No. 36—Relative to Special Districts Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 36, as introduced, Carrillo. Special Districts Week.

This measure proclaims the week of May 18, 2025, to May 24, 2025, to be Special Districts Week.

Fiscal committee: no.

- 1 WHEREAS, Special districts are local governmental entities  
2 created by a community’s residents, funded by those residents,  
3 and overseen by those residents, to provide specialized services  
4 and infrastructure; and  
5 WHEREAS, Today, just over 2,000 independent special districts  
6 provide millions of Californians with essential services, including  
7 services related to water, sanitation, and water recycling, fire  
8 protection, electricity, parks and recreation, health care, open space,  
9 ports and harbors, flood protection, mosquito abatement,  
10 cemeteries, resource conservation, airports, transit, road  
11 maintenance, veterans’ facilities, and more; and  
12 WHEREAS, Special districts first arose when San Joaquin  
13 Valley farmers needed a way to access their local water supply;  
14 and  
15 WHEREAS, Under the Wright Act of 1887, the Turlock  
16 Irrigation District became California’s first special district and

1 made it possible for local farmers to intensify and diversify  
2 agriculture in California's central valley; and

3 WHEREAS, In the 20th century, special districts increased  
4 dramatically in both number and scope, and during the periods of  
5 prosperity and population growth that followed both world wars  
6 when the demand for all types of public services increased, and  
7 special districts met that need; and

8 WHEREAS, The statutory authorization for mosquito abatement  
9 districts was enacted in 1915 to combat the salt marsh mosquitoes  
10 around the San Francisco Bay and higher than average malaria  
11 cases in rural counties; and

12 WHEREAS, Fire protection districts can trace their origins to  
13 a 1923 state law, and, in 1931, the Legislature authorized recreation  
14 districts, the forerunners of today's recreation and park districts;  
15 and

16 WHEREAS, Hospital districts arose in 1945 because of a  
17 statewide shortage of hospital beds. In 1994, the Legislature then  
18 expanded their breadth and renamed them health care districts in  
19 recognition of the diverse, modern needs of California's  
20 communities and the importance of proactive, affordable health  
21 care beyond the walls of a hospital building; and

22 WHEREAS, Although originally created to provide individual  
23 services, in 1961, the Legislature authorized special districts to  
24 address multiple needs when it provided for multipurpose,  
25 community services districts; and

26 WHEREAS, Special districts vary in size and scope and serve  
27 diverse communities throughout California, from small rural  
28 neighborhoods, such as the Pine Cove Water District in the San  
29 Jacinto Mountains in the County of Riverside, to large urban  
30 regions, such as the East Bay Municipal Utility District spanning  
31 much of the Counties of Alameda and Contra Costa; and

32 WHEREAS, Local residents own special districts and govern  
33 them through locally elected or appointed boards. A series of  
34 sunshine laws ensure special districts remain transparent and  
35 accountable to the communities they serve, as these laws require  
36 open and public meetings, public access to records, regular audits,  
37 online posting of finances and compensation, and more; and

38 WHEREAS, To prevent overlapping services and ensure that  
39 local agencies are operating effectively and efficiently to meet  
40 community needs, special districts are formed, reviewed,

1 consolidated, or dissolved through a methodical local process that  
2 includes the oversight of a local agency formation commission  
3 and the consent of local voters; and

4 WHEREAS, In 1969, several independent special districts  
5 formed a statewide association called the California Special  
6 Districts Association, commonly referred to as the CSDA, to  
7 promote good governance and improved essential local services  
8 through professional development, advocacy, and other services  
9 for all types of independent special districts; and

10 WHEREAS, The Legislature seeks to promote democratic  
11 institutions, community-based services, local control, and  
12 self-determination; and

13 WHEREAS, The Legislature seeks to promote and educate the  
14 public about their local public service providers, including  
15 awareness and understanding of special districts; now, therefore,  
16 be it

17 *Resolved by the Assembly of the State of California, the Senate*  
18 *thereof concurring*, That the Legislature hereby proclaims the  
19 week of May 18, 2025, to May 24, 2025, inclusive, to be Special  
20 Districts Week and encourages all Californians to be involved in  
21 their communities and be civically engaged with their local  
22 government; and be it further

23 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
24 of this resolution to the author for appropriate distribution.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MARCH 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #12: EXECUTIVE OFFICER'S REPORT

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## REMINDER:

The Commission's next meeting will be on April 16, 2025. The Commission will be considering its Preliminary Budget for FY 2025-26.

## UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES

- LAFCO 3270 – Annexation to the Cucamonga Valley Water District (Southeastern Sphere of Influence)

*LAFCO staff conducted the Protest Hearing for LAFCO 3270 on January 29, 2025; LAFCO staff subsequently issued the Certificate of Completion for LAFCO 3270 on February 4, 2025.*

- LAFCO 3271 – Annexation to the Barstow Fire Protection District (Wastewater Treatment Facility Area)

*LAFCO Issued the Certificate of Filing on March 7, 2025. LAFCO 3271 is tentatively scheduled for consideration at the May 21, 2025 LAFCO meeting.*

- LAFCO 3273 – Annexation to the Twentynine Palms Water District (Assessor Parcel Numbers 0634-121-15)

*LAFCO staff issued the Notice of Filing for LAFCO 3273 on January 14, 2025.*

- LAFCOs 3276 & 3277:
  - LAFCO 3276 – Sphere of Influence Amendment (Expansion) for the Hi-Desert Water District
  - LAFCO 3277 – Annexation to the Hi-Desert Water District (Assessor Parcel Number 0585-273-04)

*LAFCO staff issued the Notice of Filing for both LAFCO 3276 and LAFCO 3277 on March 7, 2025.*

#### **UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:**

- LAFCO SC #534 - City of San Bernardino Irrevocable Agreement to Annex No. 2024-380 for Sewer Service (APN 0268-031-07)

*The City of San Bernardino, through its Municipal Water Department submitted a request for authorization to provide sewer service to an existing single-family residence that also includes an accessory dwelling unit on said parcel.*

- LAFCO SC #535 - City of San Bernardino Irrevocable Agreement to Annex No. 2024-379 for Sewer Service (APN 0267-091-17)

*The City of San Bernardino, through its Municipal Water Department, submitted another request for authorization to provide sewer service to an existing single-family residence that also includes an accessory dwelling unit on said parcel.*

#### **LAFCO NEWS:**

##### **Governance Training Program**

The Commission will be having its first Governance Training session for FY 24-25 on April 29, 2025. The title of the session is “Special District Finances, Part 2.” This training session will again be held at the Mojave Water Agency in Apple Valley.