

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE : **AUGUST 12, 2010**

FROM: **KATHLEEN ROLLINGS-McDONALD, Executive Officer**

TO: **LOCAL AGENCY FORMATION COMMISSION**

SUBJECT: AGENDA ITEM #3 – COMMISSION POLICY AND PROCEDURE MANUAL

The last time that a comprehensive discussion of the Commission's policies and procedures was undertaken was in 1977 through 1978 when the Policy and Procedure Manual was adopted. Over time, the manual has been amended based upon changes in state law, Commission direction, and implementation of new requirements. After 33 years, staff believes that it is time for the Commission to look at this document in its entirety with fresh eyes based upon circumstances as they currently exist. In order to facilitate that type of discussion, staff provided each of the Commissioners with a current copy of the Policy and Procedure Manual at the July 21st hearing. **It is requested that Commission members bring this document to the workshop.**

At this workshop, staff anticipates that the Commission will provide its input on potential changes, updates, and new policies to be reviewed and analyzed by staff. It is staff's intent to bring the necessary information on Policy and Procedure Manual Updates back to the Commission at the November 17th hearing for a full review and action. At this workshop, staff proposes to go through the six sections of the Policy and Procedure Manual, providing its view on potential changes and get feedback and direction from the Commission.

SECTION 1 – GENERAL INFORMATION

Updates to this section are necessary to provide for clarifications on such items as meeting schedules – we do not currently have a monthly meeting – and staffing updates.

SECTION 2 – STATUTORY REQUIREMENTS

Updates to this section are necessary to reflect changes in the Cortese-Knox-Hertzberg Local Government Reorganization Act, such as the declaration of purpose (56301) has

been changed, the correction to the listing of the types of proposals the Commission reviews, the addition of new factors of consideration such as environmental justice and regional transportation plan adopted by the Municipal Planning Organization (in our region SCAG).

SECTION 3 – COMMISSION RULES OF ORDER

As the preamble of this section indicates, these Rules were originally adopted in 1978 with amendment dates listed under the affected rule. While the intent of this workshop is to discuss Commission rules to be changed, staff is proposing that the Commission consider amending Rule 2 related to the order of business to clearly identify a “public hearing” versus a discussion or information item. In this case, staff is proposing for discussion that the order of business be changed to read as follows:

- a. Call to Order
- b. Salute to the Flag
- c. Consent Items; which shall include Approval of
Minutes of Previous Meeting and Approval of
Resolution for Previous Actions, as necessary
- d. Public Hearings
- e. Discussion Items
- e. Information Items
- g. Adjournment

SECTION 4 – COMMISSION POLICIES

Staff is proposing a full discussion of the policy section of the Manual since it has not been reviewed, in its entirety, since 1978. Some of the areas staff believes should be discussed by the Commission for review are:

1. Policy #1 and #2 -- much of the language in these policies are matters of law, not the identification of a policy direction on their implementation. Does the Commission wish to revisit and amend this to exclude the statutory language (which is outlined in Section 2 of the Manual)?
2. Does the Commission wish to revisit Policy #25 – Incorporation Policies or Policy #26 – Out-of-Agency Service Contracts?
3. The Commission indicated that it wished to revisit Policy #29 – Island Annexation pursuant to Government Code Section 56375.3 during the San Bernardino Island discussion. Staff has identified the November 17, 2010 hearing as the time for a full review of the policy. However, at this time, staff would request direction from the Commission on those items it wishes reviewed, data which it wishes presented regarding the islands, and any other items for the staff to provide information. Staff

believes that at a minimum the policy needs to include the Commission's policy statement regarding the definition of the term "entire" island as used in the statute.

4. Does the Commission wish to revisit Policies #32 and #33 related to the mandated Service Reviews.
5. The procedure for the Plan for Service (Exhibit A of the policy section), in the staff view, should be modified to define that the estimated of cost for providing the service and the sufficiency of revenues for sustaining the service should be for a five (5) year period at a minimum.
6. The sphere of influence policies, as outlined in Exhibit B of Section 2, should be modified to reflect that the law now requires that the sphere of influence for a newly formed district must occur within one year of its formation.

These items are listed for discussion purposes and are not intended to limit the dialogue on policies. The Commission should provide direction to staff on other policies for review and possible amendment.

SECTION 5 – SPECIAL DISTRICTS

This section needs to be updated to reflect the change in the law related to the activation or removal of a function or service which is now considered a "change of organization". This change carries with it the requirement for a property tax exchange process, protest hearing, and the issuance of a certificate for concluding the process.

SECTION 6 – FORMS

The law requires that the Commission adopt its forms and this section of the manual fulfills that requirement. The Commission should provide its direction on updates it feels are necessary. For the Commission's information staff is providing copies of two forms utilized by the San Diego LAFCO to assist an applicant in complying with the FPPC rules regarding campaign contributions disclosure and the disclosure of political expenditures. In our review, the adoption of the same type of form for San Bernardino LAFCO would assist our applicants in understanding their responsibilities under the law. Commission direction on this will be requested.

KRM

[Attachments](#) (2)