



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
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**Chair Amy Bublak**, City Member  
**Vice Chair Terry Withrow**, County Member  
Jim DeMartini, County Member  
Bill Berryhill, Public Member  
Tom Dunlop, City Member  
Michael Van Winkle, Alternate City Member  
Brad Hawn, Alternate Public Member  
Kristin Olsen, Alternate County Member

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**AGENDA  
Wednesday, January 24, 2018  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. 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 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto, during normal business hours.

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

**3. APPROVAL OF MINUTES**

- A. Minutes of the December 6, 2017 Meeting.

**4. CORRESPONDENCE**

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

- 1. 2018 CALAFCO Events Calendar.

- C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. PUBLIC HEARING**

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **POLICIES AND PROCEDURES UPDATE.** The Commission will consider adopting an update to its Policies and Procedures document. The update affects Sections 4 and 7 of the document and includes several non-substantive changes, removal of outdated language, and minor clarifications to reflect new State laws. The update also includes the addition of Policy 15(a), outlining a recent change to State law that requires the Commission's review of certain fire protection contracts or agreements. The update is not considered a project for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 15387(b)(2). (Staff Recommendation: Approve the update and adopt Resolution No. 2018-02.)

**7. OTHER BUSINESS**

- A. **MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2017-2018.** (Staff Recommendation: Receive and File Report.)

- B. **ANNUAL ELECTION OF OFFICERS.** (Staff Recommendation: Appoint a chairperson and vice-chairperson and adopt Resolution No. 2018-01.)

**8. COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

**9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

**10. EXECUTIVE OFFICER'S REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

- A. On the Horizon.

**11. ADJOURNMENT**

- A. Set the next meeting date of the Commission for March 28, 2018.  
B. Adjourn.

#### **LAFCO Disclosure Requirements**

**Disclosure of Campaign Contributions:** If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

**Lobbying Disclosure:** Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

**LAFCO Action in Court:** All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

**Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

**Alternative Formats:** If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

**Notice Regarding Non-English Speakers:** Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

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## STANISLAUS LOCAL AGENCY FORMATION COMMISSION

### MINUTES

December 6, 2017

#### 1. CALL TO ORDER

Chair Bublak called the meeting to order at 6:01 p.m.

- A. Pledge of Allegiance to Flag. Chair Bublak led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Bublak led in the introduction of the Commissioners and Staff.

Commissioners Present: Amy Bublak, Chair, City Member  
Terry Withrow, Vice Chair, County Member  
Tom Dunlop, City Member  
Jim DeMartini, County Member  
Bill Berryhill, Public Member  
Brad Hawn, Alternate Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Goss, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Kristin Olsen, Alternate County Member  
Michael Van Winkle, Alternate City Member

#### 2. PUBLIC COMMENT

None.

#### 3. APPROVAL OF MINUTES

- A. Minutes of the September 27, 2017 Meeting.

Motion by Commissioner DeMartini, seconded by Commissioner Dunlop and carried with a 5-0 vote to approve the Minutes of the September 27, 2017 meeting by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Dunlop, and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Van Winkle  
Absent: Commissioners: Hawn and Olsen  
Abstention: Commissioners: None

**4. CORRESPONDENCE**

- A. Specific Correspondence.
- B. Informational Correspondence.
  - 1. 2017 CALAFCO Annual Conference Report.
- C. "In the News"

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

**6. CONSENT ITEMS**

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – 111 S. BERKELEY AVE (TURLOCK)**. The Commission will consider a request to extend water and sewer service outside the City of Turlock's existing city limits to serve a property at 111 S. Berkeley Avenue. The extension is considered exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15301, 15303, and 15304 of the CEQA Guidelines. APN: 043-027-009. (Staff Recommendation: Approve Resolution No. 2017-14.)

Motion by Commissioner Dunlop, seconded by Commissioner Berryhill, and carried with a 5-0 vote to approve Resolution No. 2017-14, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Dunlop and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Olsen and Van Winkle  
Abstention: Commissioners: None

- B. **2018 WORK PROGRAM - MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES**. (Staff Recommendation: Adopt the 2018 Work Program.)

Motion by Commissioner Dunlop, seconded by Commissioner Berryhill, and carried with a 5-0 vote to adopt the 2018 Work Program, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, DeMartini, Dunlop and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Olsen and Van Winkle  
Abstention: Commissioners: None

**7. PUBLIC HEARINGS**

- A. **LAFCO APPLICATION NO. 2017-04 T STREET REORGANIZATION TO THE CITY OF NEWMAN**. The Commission will consider a request to annex approximately 3 acres to the City of Newman and simultaneously detach the area from the West Stanislaus Fire Protection District and the Central California Irrigation District. The

proposal is located at the southwest corner of Orestimba Road and T Street, just west of the existing city limits and includes a portion of APN 026-026-027. LAFCO, as a Responsible Agency, will consider the Negative Declaration prepared by the City pursuant to the California Environmental Quality Act (CEQA). (Staff Recommendation: Approve Resolution No. 2017-15.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Bublak opened the Public Hearing at 6:08 p.m.

Stephanie Ocasio, Planner for the City of Newman, stated she was available to answer any questions of the Commission.

Chair Bublak closed the Public Hearing at 6:09 p.m.

Motion by Commissioner DeMartini, seconded by Commissioner Dunlop, and carried with a 5-0 vote approving Resolution No. 2017-15, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, DeMartini, Dunlop and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn
Absent:	Commissioners: Olsen and Van Winkle
Abstention:	Commissioners: None

## **8. COMMISSIONER COMMENTS**

Commissioners DeMartini and Bublak gave an update on their experiences at the 2017 Annual CALFCO Conference.

## **9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

## **10. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- An annexation application was received from the Oakdale Rural Fire Protection District for the north area of the county and will be coming before the Commission in the next few months.
  - January's meeting will include the Mid-Year Budget, Policies and Procedures update, and the annual election of officers.

## **11. ADJOURNMENT**

- A. The meeting was adjourned at 6:14 p.m.

**SIGNED COPY ON FILE**

Sara Lytle-Pinhey, Executive Officer

# 2018 Events Calendar

## JANUARY

- 17-19 League New Mayor & Council Academy (Sacramento)
- 19 **CALAFCO Legislative Committee** (San Diego)
- 22 **CALAFCO U (Sacramento) Legislation Implementation & Transparency**
- 24-26 CA Assn. of Sanitation Agencies Conference (Palm Springs)

## FEBRUARY

- 16 **CALAFCO Legislative Committee** (Sacramento)
- 23 **CALAFCO Board of Directors Meeting** (San Diego)

## MARCH

- 14 Assn. of CA Water Agencies Legislative Symposium (Sacramento)
- 15-18 Local Government Commission Ahwahnee Conference (Yosemite)
- 16 **CALAFCO Legislative Committee** (Irvine)

## APRIL

- 11-13 **CALAFCO Staff Workshop (San Rafael)**
- 11-13 Fire District Assn. Annual Meeting (Monterey)
- 18 League of Cities Legislative Day (Sacramento)

## MAY

- 4 **CALAFCO Board of Directors Meeting** (Sacramento)
- 11 **CALAFCO Legislative Committee** (Sacramento)
- 8-11 Assn. of CA Water Agencies Conference (Sacramento)
- 16-17 CA State Assn. of Counties Legislative Days (Sacramento)
- 22-23 CA Special Districts Assn. Legislative Days (Sacramento)

## JUNE

- 8 **CALAFCO Legislative Committee** (Conference call)
- 27-28 League Mayor & Council Executive Forum (Monterey)

## JULY

- 20 **CALAFCO Board of Directors Meeting** (Ontario)
- 27 **CALAFCO Legislative Committee** (Conference call)

## AUGUST

- 8-10 CA Assn. of Sanitation Agencies Annual Conference (Monterey)
- 17 **CALAFCO Legislative Committee** (Conference call)

## SEPTEMBER

- 12-14 League Annual Conference (Long Beach)
- 19-21 Regional Council of Rural Counties Annual Conference (Napa)
- 24-27 CA Special Districts Assn. Annual Conference (Indian Wells)

## OCTOBER

- 3-5 **CALAFCO Annual Conference** (Yosemite)
- 4 **CALAFCO Annual Business Meeting** (Yosemite)
- 5 **CALAFCO Board of Directors Meeting** (Yosemite)
- 26 **CALAFCO Legislative Committee (2019)** (Conference call)

## NOVEMBER

- 9 **CALAFCO Legislative Committee (2019)** (Sacramento)
- 27-30 CA State Assn. of Counties Annual Conference (San Diego)
- 27-30 Assn. of CA Water Agencies Conference (San Diego)

## DECEMBER

- 7 **CALAFCO Board of Directors Meeting** (Sacramento)

### Sharing Information and Resources

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

1215 K Street, Suite 1650  
Sacramento, CA 95814  
916-442-6536

CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- West Side Index, December 21, 2017, “NW Newman gets green light from City Council.”
- West Side Index, January 4, 2018, “Newman 2018: Infrastructure at forefront.”
- West Side Index, January 11, 2018, “Recycled water flowing to Del Puerto district ag customers”

## NW Newman gets green light from City Council

NEWMAN - The City Council last week endorsed the ambitious Northwest Newman project, voting to approve the master plan and certify the Environmental Impact Report (EIR) for the 361-acre development.

The project, which extends west from Highway 33 and north to Stuhr Road, will include about 1,350 dwelling units in a variety of housing types, as well as a business park and commercial properties expected to generate up to 2,000 new jobs.

"We believe this master plan will result in high quality neighborhoods with ample amenities, as well as commercial and employment opportunities," stated City Manager Michael Holland.

While acknowledging concerns - including the need for a solution which keeps irrigation water flowing to the farmers in the project area after annexation - local leaders also applauded the project as a step forward in the necessary growth of the city.

"We all like that small-town feel, but the small town feel doesn't always work," Mayor Bob Martina stated in his remarks at the conclusion of the meeting.

Growth does bring impacts such as noise and traffic, he conceded.

"I think that is just progress. If you don't grow, you actually die," Martina reflected. Not everybody had endorsed the project.

Property owner Sherri Marsigli reiterated her concern that annexation would diminish her Central California Irrigation District water rights.

Marsigli asked that the council delay its decision until the water issue has been resolved.

"I would like to see something in writing noting what you are able to do to keep us viable," she stated. "Once you annex that property, I am done."

Marsigli also asked for clarification about whether her family would be required to hook up to city services when the property is annexed and lines extended.

"These are huge impacts on my family," she stated.

Local resident Deborah Allan voiced her concerns as well, saying the scope of the project may well change Newman's small-town charm.

"If we have 1,300 houses that is over 5,000 people. That is going to change this town a lot," Allan stated. "I just think that maybe we could wait a little while. That is a huge annexation. I feel like the quality of life is going to be an issue when we have 5,000 (additional) people here."

The city, Allan noted, has remaining lots elsewhere to accommodate new home construction.

Holland, however, said the city's supply of available lots is rapidly dwindling, and that opportunities for business park-type uses and new commercial projects are limited as well.

"We're not too early," he said of the timing. "We're a little late. We are going to be running out of lots before the residential (component) is ready."

While the city hopes to break ground on a well/storage tank project in 2018, Holland told Mattos Newspapers, roadways and infrastructure improvements will start in 2019 at the earliest. He had previously stated that fully building out the Northwest Newman project could very well take 15-20 years.

City Council member Casey Graham echoed Holland's assessment of the housing inventory.

## IN THE NEWS – West Side Index, December 21, 2017 (Continued Page 2)

Graham said he has family and friends who would like to come to Newman but cannot find a place to live, and that he knows families who have had to leave the community due to the scarce rental inventory. "This isn't going to be built out overnight," he pointed out.

The master plan, Holland said, lays the groundwork for development and spells out general standards, but offers flexibility in letting market forces determine how and when the Northwest Newman area builds out.

"This is a document that allows you to plan for your future. It doesn't force anybody to develop; it doesn't force anybody to sell their property," the city manager emphasized. "It is a plan that says, if development occurs in Newman this is how it is going to look."

Northwest Newman offers multiple components.

The residential land uses will accommodate a broad mix of housing types, from an estimated 180 high-density units to about 50 low-density lots suitable for more of a custom home product. Each residential neighborhood will be within walking distance of one of the project's four parks, Holland said, and a centrally-located school site is included.

The residential uses are to the west of Fig Road and its planned extension to Stuhr Road.

Property adjacent to Highway 33 immediately to the north of the current city limits is earmarked for commercial development, with a smaller acreage nearby designated for professional offices.

The business park component is located to the north along Highway 33, stretching to Stuhr Road. Holland said the city envisions attracting smaller tenants - perhaps those which provide support services to the large logistical centers near Patterson.

In many ways, Holland said, the council decision to move forward is a starting point.

In addition to resolving the water concerns, Holland told Mattos Newspapers, the city must also complete the annexation process through the Local Agency Formation Commission (LAFCO), develop a financial plan and reach development agreements with property owners.

"This is really the start of it all," Holland stated. "There is a lot more work that has to be done before we can push any dirt or do any improvements."

## Newman 2018: Infrastructure at forefront

NEWMAN - Two infrastructure projects and advancement of the Northwest Newman project are top priorities for Newman city staff heading into the new year.

City Manager Michael Holland said that the city plans to complete a significant street project by mid-year - and hopes to break ground on a multi-million dollar water system upgrade by year's end.

Coupled with the Northwest Newman project, those endeavors provide a trio of high-profile projects which will be a focus of attention at City Hall in the year to come.

### Well/storage tank

Holland said the city hopes to break ground in 2018 on a new well and million-gallon storage tank, which will be located north of Jensen Road about midway between Fig Lane and the CCID Main Canal.

The project has been on the books for several years, Holland said. The new well will help ensure an adequate water supply to the existing community even during peak demand periods and provide capacity to serve future development as well, he explained.

Storage is another important consideration, the city manager added, as the existing water tower has only a 75,000 gallon capacity.

The city has completed an income survey and hopes to qualify for low-interest, or interest-free, financing for the project, which is estimated to cost \$5 million to \$7 million.

"The preliminary survey results indicate that we are probably going to get favorable financing terms," Holland stated.

A water rate study will be conducted as part of the project, he said.

That study will assume that the Northwest Newman project will pay its fair share of the well and tank project.

The completed improvements will leave the city with a water system that should meet the community's needs well into the future, Holland said.

"It is a long-term improvement," he commented. "The only other thing we may contemplate adding would be additional storage."

### Street projects

Funds from a countywide road tax (Measure L) and from the state's Senate Bill 1 (which created new fees and taxes earmarked for transportation improvements) will enable the city to tackle an estimated \$1.6 million street project, with work likely to start early this summer.

Holland said the initial project phase will focus on some of the community's most heavily traveled streets, including the Hills Ferry/Merced Street corridor through town, portions of Inyo Avenue, and R, Stephens and Hardin.

"We think we will get a better price by packaging all of those together as opposed to doing them separately," Holland explained. "We want to put together a sizable project, get it bid and then schedule it so it does not conflict with graduation, school schedules and some of those things."

### Northwest Newman

The city's largest single planning endeavor to date, Northwest Newman passed muster with the City Council in December.

**IN THE NEWS – West Side Index, January 4, 2018 (Continued Page 2)**

That approval cleared the way for the city to move forward with preparing an annexation application to the Local Agency Formation Commission (LAFCO) for the 362-acre project.

Northwest Newman offers a mix of residential, Business Park, commercial land uses, as well as ample parkland and a school site.

In addition to completing the annexation process, the city must complete a phasing and financing plan to set the stage for development to proceed.

The project area is west of Highway 33 and south of Stuhr Road, extending westward to the CCID Main Canal.

While raising concerns among some members of the public, the project was praised by City Council members for creating a blueprint for well-planned growth that will help meet housing needs while promoting economic development and job creation.

## Recycled water flowing to Del Puerto district ag customers

A new source of irrigation water is finding its way to the West Side.

Treated wastewater from the city of Modesto is flowing through a new pipeline and ultimately to the Del Puerto Water District, where it will be recycled for use by farmers who saw their supply of irrigation water evaporate during the depths of California's drought years.

The water is being delivered through the North Valley Regional Recycled Water Program, which will deliver water to the Del Puerto district for irrigation use in fields and orchards.

The first phase of the project, which links the district with the Modesto wastewater treatment facility, is complete and has started delivering water, announced Anthea Hansen, Del Puerto's general manager.

Hansen previously said the importance of the project to Del Puerto, which is subject to an uncertain supply of surface irrigation water through the federal water project from one year to the next, cannot be overstated.

"This changes the future for the district and its landowners," she told Mattos Newspapers as the project was nearing completion.

"It is reliable," Hansen said of the recycled water supply. "It is something you can count on when you talk to the bank and make management decisions for your operation. To me that is the greatest value of this project."

She said the recycled water flowing into the district this year will be the equivalent of just over three inches per acre.

That represents about 8 percent of a full allocation, Hansen explained - and becomes particularly critical in years when the district's federal supply is sharply curtailed.

While the district did receive a 100 percent allocation last year, reduced supplies had become the norm. In the three years prior, for example, Del Puerto twice received no surface water allocation through the deferral project and once got only 5 percent.

"It is very meaningful, and it is reliable," Hansen said of the recycled water.

A second segment of the project will link the pipeline with the Turlock wastewater treatment facility (which also handles wastewater from Ceres), increasing the flow of recycled water to the West Side.

The innovative recycling project involved a joint partnership of the cities of Modesto, Turlock and Ceres, the Del Puerto Water District and Stanislaus County.

**EXECUTIVE OFFICER'S AGENDA REPORT  
JANUARY 24, 2018**

TO: LAFCO Commissioners  
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*  
**SUBJECT: POLICIES AND PROCEDURES UPDATE**

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**RECOMMENDATION**

It is recommended that the Commission approve the Policies and Procedures update, as included in Exhibit A.

**DISCUSSION**

Government Code section 56300(a) requires each LAFCO to establish written policies and procedures that encourage and provide for well-ordered and efficient urban development patterns as well as the preservation of open space and agricultural land. Staff regularly proposes updates to the Policies and Procedures document to reflect changes to State law. The last update to Stanislaus LAFCO's Policies and Procedures occurred in 2012. Since 2012, there have been a number of amendments to sections of the Government Code affecting LAFCOs. An update to the Commission's Policies and Procedures is recommended to remain consistent with State law.

**SUMMARY OF PROPOSED UPDATES**

The proposed updates to the Commission's Policies and Procedures are attached as Exhibit A. Deletions are represented with stricken text and additions are represented by bold and double underlined text. The following is summary of the proposed updates, along with the section and page number where each appears.

**Section 4 – General Powers and Policy Guidelines**

- **Plan for Service Requirement (Page 3)**  
Updates have been made to this section as a result of Assembly Bill 464, which clarifies that for areas *already* receiving services from an affected agency, the requirement for a Plan for Services can be fulfilled by identifying and discussing those services as currently provided. The need for this change came as a result of a recent court decision that had been a concern of LAFCOs as it implied no annexation could be processed unless "new" services were being proposed.
- **Spheres of Influence (Page 3)**  
An update is proposed to this section that would delete an incorrect statement regarding the establishment of Spheres of Influence for unincorporated communities, open space uses, and agricultural preserves. Consistent with Government Code section 56425, LAFCOs are only authorized to adopt spheres of influence for cities and special districts. While some of these special districts may encompass unincorporated communities (e.g. a community service district), LAFCOs do not adopt stand-alone spheres of influence for unincorporated communities, open space areas, or agricultural preserves.
- **Removal of Policy 11 – Review of Environmental Appeals (Page 7)**  
Policy 11 describes a stand-alone environmental appeal process that is inconsistent with the Commission's existing policies and State law, which already contain a process for reconsideration of a proposal. It is also inconsistent with processes regarding

environmental determinations as set forth in the California Environmental Quality Act (CEQA). Removal of Policy 11 would eliminate any confusion between these processes.

- **Addition of Policy 15a – Fire Protection Contracts or Agreements** (Page 12)  
Policy 15a was added in response to a new requirement for LAFCO review of certain fire protection contracts (Government Code section 56134). Policy 15a states that the Commission will follow the requirements as set forth in Government Code Section 56134 and also clarifies that existing fire protection contracts and their renewal will not be subject to Commission review unless they trigger a 25% impact threshold as set forth in State Law. Policy 15a also reinforces that mutual or automatic aid agreements are not subject to Government Code section 56134 (attached in full as Exhibit B).
- Minor corrections were also made throughout Section 4 to match Government Code sections.

### **Section 7 – Glossary of Terms**

- A minor update was made to the definition of “contiguous,” consistent with AB-1725.

### **ENVIRONMENTAL ANALYSIS & REVIEW**

The adoption of this Policies and Procedures update is considered to be continuing administrative or maintenance activity with no potential for a direct or indirect physical change to the environment. It is therefore not a “project” for the purposes of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(2).

Although not subject to CEQA, the proposed Policy and Procedures update was referred to each of the nine cities, the County, and the fire districts. No comments have been received as of the drafting of this report.

### **COMMISSION ACTION**

Staff recommends that the Commission, following the public hearing and consideration of all relevant information presented, approve the proposed update and adopt Resolution 2018-02 (attached as Exhibit C), which:

1. Finds that the proposed Policy and Procedures update is consistent with State Law as well as the overall goals of LAFCO;
2. Finds that the proposed Policy and Procedures update is not a project for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(2); and,
3. Adopts the proposed Policy and Procedures update to be effective immediately.

Attachments: Exhibit A: Proposed Policy & Procedures Update  
Exhibit B: Government Code Section 56134  
Exhibit C: Draft Resolution 2018-02

# **EXHIBIT A**

## **Proposed Policy & Procedures Update**

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## SECTION 4—GENERAL POWERS AND POLICY GUIDELINES

The Local Agency Formation Commission is a state-mandated entity, established for each county in the State and is independent of local county, city, or district governmental jurisdiction. (Government Code Section 56001 and 56300)

The Cortese-Knox-Hertzberg (CKH) Act requires that each LAFCO establish policies and procedures. The CKH Act also states that LAFCOs are to exercise their powers consistent with those policies and procedures.

The policies and procedures in this document are intended to reflect the legislative intent of the CKH Act and provide for the consistent implementation based upon local conditions and circumstances and are intended to supplement state law. To the extent that any portion of this document conflicts with any provisions of state law, the applicable state law ~~always~~ takes precedence. (*Amended August 27, 2003*)

### **POLICY 1 - PURPOSE**

The purposes of the Local Agency Formation Commission are provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and include the following:

- Discourage urban sprawl.
- Encourage orderly formation and development of local governmental agencies, based on local conditions and circumstances.
- Initiate and make studies of governmental agencies.
- Adopt spheres of influence for each local governmental agency.

The following Goals will guide the Commission in implementing the purposes of LAFCO (*Amended April 23, 2003*):

1. To encourage planned, well-ordered, efficient development patterns.
2. To encourage efficient and effective delivery of governmental services by the agencies who provide those services.
3. To encourage urban land use patterns which balance urban growth with the conservation of open space and prime agricultural lands.
4. To encourage the cities and the County to plan urban land use patterns, which include a harmony between housing for residents and jobs provided by commercial and industrial development.

## **POLICY 2 - POWERS**

The powers of LAFCO include the following:

A. Review and approve proposals with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission- (Government Code Section 56375). **Types of proposals include, but are not limited to:**

- Annexation of territory to cities or special districts.
- Exclusion of land from cities or special districts.
- The consolidation of two or more cities, or two or more special districts.
- The formation of new special districts and the incorporation of new cities.
- The dissolution of special districts and disincorporation of cities.
- The merger of cities and special districts.
- Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
- Review of city or special district contracts for service outside of their boundaries.
- Review and approve proposals that would extend services into previously unserved territory within unincorporated areas.
- The Commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer. However, an application to annex a contiguous disadvantaged community shall not be required if either of the following apply: (i) A prior application for annexation of the same disadvantaged community has been made in the proceeding five years; or (ii) The commission finds, based upon written evidence, that a majority of the residents within the affected territory are opposed to annexation. (Government Code Section 56375 (8)(A)(B))
- The annexation of territory served by a mutual water company that operated a public water system to a city or special district. (Government Code Section 56375 (r))

B. The Commission shall also have the power to:

- Conduct service reviews of the municipal services provided in the county on a regional or sub-regional basis, and provide written statements with respect to

infrastructure needs, growth and population projections, financing constraints, cost avoidance opportunities, opportunities for shared facilities, and other factors in Government Code Section 56430.

- Initiate and make studies of existing governmental agencies, which may include inventorying such agencies. (Government Code Section 56378)
- Initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization, when consistent with a recommendation or conclusion of study prepared pursuant to Government Code Section 56378, 56425, or 56430, and the commission makes the required determinations, pursuant to Government Code Section 56881 (b).
- Adopt Evaluation Standards and procedures for the evaluation of proposals which shall include, but are not limited to, the factors identified in Government Code Section 56668. (See also: Section 2—Statutes Governing LAFCO.)

C. **Plan for Service Requirement.** A plan for service shall be prepared and submitted ~~by~~for each local agency affected by a proposed change of organization, regardless of whether that proposal is initiated by resolution or petition. In the case of a proposed annexation, the plan for service must include information that the range and level of services currently available within the study area will, at least, be maintained by the annexing agency. Services include all ~~the municipal~~ those services currently provided or to be extended by the agency. For those proposals involving a reorganization consisting of annexations to multiple agencies, the plan for service shall ~~also be required to~~ include information for each affected agency. (Government Code Section 56653)

**Comment [SL1]:** Clarification added, consistent with AB-464 (effective Jan. 1, 2018).

LAFCO will consider the ability of an agency to deliver adequate, reliable and sustainable services and will not approve a proposal that has potential to significantly diminish the level of service in the agency's current jurisdiction. The agency will be required to provide satisfactory documentation of capacity to provide the service within a reasonable period of time. (*Amended April 23, 2003*)

D. **Spheres of Influence.** Government Code Section 56425 requires that LAFCO establish ~~a~~ spheres of influence for each city and special district in the county, ~~and may establish spheres for unincorporated communities, open space use, or agricultural preserves.~~

**Comment [SL2]:** Correcting outdated language: LAFCO is only authorized to adopt spheres of influence (SOI) for cities and special districts. While many special districts encompass unincorporated communities, LAFCO does not adopt stand-alone SOIs for each, nor does it establish stand-alone SOIs for open space or ag preserves.

E. **Two or More Proposals For The Same Area.** If two or more proposals pending before the Commission ~~shall~~ conflict or be are in any way inconsistent with each other, the Commission may determine the relative priority for conducting further proceedings on these proposals. In the absence of any such determination, priority shall be given to that action which was first filed with the Executive Officer. (Government Code Sections 56655, 56657 and 57003)

F. **Reorganization Committee.** The Commission may require the establishment of a reorganization committee for reorganization proposals and to adopt standards and procedures for the evaluation of any plan of reorganization or alternate plan reported on by such committee. (Government Code Section 56827)

- G. **Conduct Special Studies.** The Commission may initiate and make studies of existing governmental agencies including, but not limited to, inventorying such agencies and determining their maximum service area and service capacities.
- H. **Open Space.** It is the intent of the Legislature that Commissions establish policies and exercise their powers so as to encourage and provide planned, well ordered, efficient urban development patterns with appropriate consideration of preserving open space lands within such patterns. (Government Code Section 56001)
- I. **Conducting Authority.** The Cortese-Knox-Hertzberg Local Government Reorganization Act, taking effect on January 1, 2001, assigned the responsibility of conducting protest proceedings to the Commission itself. The Commission has determined to delegate this authority to the Executive Officer. (Government Code Section 56029)
- J. **Noncontiguous Territory Annexation.** The Commission has the authority to approve the annexation of unincorporated noncontiguous territory, **in accordance with Government Code Section 56742, for proposals** not exceeding 300 acres in area, located in the same County, and which is owned by the annexing city and used for municipal purposes, ~~and to authorize this annexation without notice of hearing.~~ (Government Code Section 56742)
- K. **Inhabited Annexation.** In an inhabited annexation to a city, where the area to be annexed equals 50% or more of the assessed value of the city, or the number of registered voters in the area to be annexed is 50% or more than the number of registered voters in the city, **the Commission may determine as a condition of the proposal that** the annexation shall be subject to the confirmation of the voters in the area to be annexed and the voters of the city. (Government Code Section 56737)
- L. **Distribution of Assets And Liabilities.** The Commission may determine the distribution of all assets and liabilities, including recommendations for retaining employees, for all consolidations, mergers, dissolutions, and creations of subsidiary districts, or any other proposal, and shall note such distribution in its resolutions. (Government Code Section 56886)
- M. **Consolidation of Cities.** After approval for the consolidation of two or more cities, the Commission will determine which shall be the consolidated successor city.
- N. **Financial Assistance.** The Commission, or the Board of Supervisors on behalf of the Commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state and federal governments or from a local government. (Government Code Section 56378)

**Comment [SL3]:** Clarification added, consistent with Government Code Section (GCS) 56737.

### **POLICY 3 - ENVIRONMENTAL ASSESSMENT**

The Commission will insure that all proposals are reviewed in compliance with the California Environmental Quality Act (CEQA) and Commission adopted CEQA procedures.

#### **POLICY 4 - PRIORITIES FOR ANNEXATION AND FORMATION**

The Commission will consider the following priorities or guidelines for annexation and formation with the provision that overriding circumstances must be stated in exceptions (Government Code Section 56001):

- A. Annexation to an existing city or district instead of formation of a new agency.
- B. Annexation to a city rather than a district if both can provide comparable services.
- C. Annexation to a multi-purpose district in preference to annexation to a single purpose district.
- D. Formation of a new political entity as the last and least desirable alternative.

#### **POLICY 5 – PRE-ZONING FOR CITY ANNEXATION**

Effective January 1, 2001, prezoning is mandated by Government Code Section 56375. No city annexation application will be deemed complete unless the prezoning process has been completed. The decision of the Commission with regard to a proposal to annex territory to a city shall be based upon the general plan and prezoning of the city.

In addition, pursuant to Government Code Section 56375(e), all prezoning designations shall remain in effect for at least two years unless the City Council makes specified findings relating to changed conditions and circumstances.

The adopted procedure for prezoning is as follows:

- A. ~~Such p~~rezoning shall ~~also~~ require that the city become the lead agency for environmental review for the proposed change and shall prepare and submit to LAFCO the environmental assessment forms in sufficient time for LAFCO's Executive Officer to comment before a determination of environmental effects is made.

#### **POLICY 6 - CONCURRENT CITY- DISTRICT ANNEXATION**

For any annexation within a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community (concurrent city/district annexations).

#### **POLICY 7 - SPECIAL DISTRICT REPRESENTATION**

The Commission has adopted "Rules and Regulations" pursuant to Government Code Section 56332 which permits Special District Representation on the Commission. The Rules and Regulations are included in Section Six of this manual.

**POLICY 8 - SUFFICIENCY OF SIGNATURES ON PETITIONS AND NUMBER OF REGISTERED VOTERS**

The Commission recognizes that the review and approval process for many proposals may be changed, and the number of registered voters affected (Government Code Section 56706):

- A. For proposals which require petitions to be circulated, after LAFCO approval, the number of registered voters residing in an area on the date of LAFCO approval is the number of registered voters on which the sufficiency of any petition is based. If the proposal was initiated by Resolution of Application, the number of registered voters shall be based on the date the Notice of Filing is issued.
- B. For proposals in which petitions are circulated prior to LAFCO approval and for the determination of inhabited or uninhabited actions, the date of the Notice of Filing issued by LAFCO shall be the determining date for the number of registered voters residing within the affected area.

**POLICY 9 - EFFECTIVE DATE OF THE CERTIFICATE OF COMPLETION**

Unless otherwise specified by the Commission, the effective date for all actions shall be the date of issuance of the Certificate of Completion. (Government Code Section 57202)

**POLICY 10 - REQUESTS FOR RECONSIDERATION**

Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence which shall show what new or different facts exist that could not have been previously presented or the existence of an applicable new law which shows that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within 30 days of the Commission's decision. (Government Code Section 56895)

No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

The adopted procedure for reconsideration requests is as follows:

- A. Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:
  - 1. The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
  - 2. The Commission may deny the request; or,

3. The Commission may continue the hearing to a time not to exceed 35 days from the date specified in the notice.

~~**POLICY 11 (Removed as of [effective date])– REVIEW OF ENVIRONMENTAL APPEALS**~~

~~Where the published notice of the LAFCO agenda items includes notice of a hearing on any possible appeal from an environmental review determination, the LAFCO may hear the appeal on the same date it hears the agenda item, if:~~

- ~~A. The appeal was timely filed;~~
- ~~B. The time for filing an appeal has run;~~
- ~~C. The appellant and/or applicant have received personal notice of the hearing;~~
- ~~D. Any party who has requested in writing to be notified has received personal notice of the hearing; and,~~
- ~~E. The appeal is heard in advance of the agenda item.~~

**POLICY 12 - WAIVER OF FILING FEES**

Pursuant to Government Code Section 56383, the Commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge or deposit is limited to the costs incurred by the Commission in the proceedings of an application.

A request for waiver or reduction of LAFCO filing fees must be submitted in writing to the Executive Officer and contain specific reasons for the request along with the submission of the application.

~~**Upon receipt of such a request,**~~ The Executive Officer shall present the waiver/reduction request at the next regular hearing for Commission consideration. Processing of an application for a jurisdictional change shall be held in abeyance until a decision is rendered by the Commission regarding the appeal of fees.

Circumstances that may support the granting of a deposit fee waiver or reduction in processing fees and/or service charges are as follows:

- A. Correction of a technical boundary alignment problem (split parcel, boundary overlap, etc.).
- B. Proposals seeking to accomplish a defined Commission goal or policy. This includes petition-initiated proposals to annex unincorporated territory that is totally or substantially surrounded by city boundaries.
- C. Proposals initiated by the Stanislaus County Board of Supervisors, City Council, or Special District for public facilities owned by that agency.

**Comment [SL4]:** This section is outdated and recommended for removal. It may also be confused with the reconsideration process in Policy 10. (LAFCO reviews environmental determinations concurrently with its review of proposals, in accordance with the California Environmental Quality Act.)

- D. Proposals initiated by Resolution of Application of a city seeking to annex unincorporated territory that is totally or substantially surrounded by city boundaries.
- E. Proposals initiated by individuals which were modified by the Commission and subsequently terminated through no fault of the proponents by majority protest or an election.

#### **POLICY 13 - LEGAL DEFENSE FEE RESPONSIBILITY**

It is the policy of this Commission that the costs for legal defense of an issue, which has been approved by the Commission, should be the primary responsibility of the agency or person seeking that approval.

Therefore, as a condition of approval of any action taken by the Local Agency Formation Commission, the Commission may impose a condition within its resolution of approval that requires the applicant to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with that approval. The adopted procedure for the Legal Defense Policy is as follows (*Amended April 23, 2003*):

- A. The Commission will impose a condition of approval which requires the applicant to defend, indemnify, and hold harmless the Commission, its agents, and its employees from any claim, action or proceedings against them to attack, set aside, void, or annul such approval.
- B. The Executive Officer shall promptly notify the applicant of any legal action brought challenging the Commission's action, and the Commission, its agents, and employees shall cooperate fully in the defense of that action.

#### **POLICY 14 - INCORPORATION POLICIES**

The following are the policy statements that the Commission has adopted to assist in the guidance of unincorporated communities in their review of governmental options:

- A. Incorporation proposals involving land within an existing city sphere of influence will not be accepted for filing. If a cityhood proposal would conflict with an established city's sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.
- B. The Commission defines "financial feasibility" to mean the ability of a new city to maintain pre-incorporation service levels, with sufficient resources to provide a municipal-level law enforcement service consistent with the recommendations of the County Sheriff.
- C. In determining feasibility, the Commission will consider only those revenues that are currently available to all general law cities. It will not consider revenues derived through special taxes or assessments, nor will it consider hypothetical revenues available through possible actions of a future city council (e.g., utility user's taxes) in the determination of financial feasibility.

- D. In determining feasibility, the Commission requires that proposed staff salary costs shall be based on an average of similar-sized cities or those cities which have the most comparable population within Stanislaus and San Joaquin Counties.
- E. In determining compliance with Government Code Section 56720, the Commission finds that a "reasonable reserve" is a contingency fund equal to 10% of the projected general and special funds of the new city.
- F. The Commission requires that a new city shall assume jurisdiction over all community-based special districts serving the incorporation area. A clear and compelling rationale must be provided if the continued overlay of a community-based district is proposed.
- G. In order to qualify for incorporation, the community in question must contain a minimum of 10,000 people as determined by available census data or other reliable means (e.g. utility connections), and the sales tax revenues attributable to the study area must at least cover the expected administrative and legislative costs of the new city.

**POLICY 15 - OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS**

*(Amended January 23, 2013)*

Government Code Section 56133 (Cortese-Knox-Hertzberg Act) specifies that a city or special district must apply for and obtain LAFCO approval before providing new or extended services outside its jurisdictional boundaries. The Commission will consider this policy in addition to the provisions of Government Code Section 56133 when reviewing out-of-boundary service extension requests.

- A. Pursuant to Government Code Section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries, but within its sphere of influence, in anticipation of a later change of organization. The Commission may authorize a city or district to provide new or extended services outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in accordance with Government Code Section 56133(c).
- B. The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern for existing development.

In cases where the Executive Officer recommends denial of such a proposed service extension or where the proposal will facilitate new development, that proposal shall be placed on the next agenda for which notice can be provided so that it may be considered by the Commission. After the public hearing, the Commission may approve, conditionally approve, or deny the proposal.

- C. Considerations for Approving Agreements: Annexations to cities and special districts are generally preferred for providing public services; however, out-of-boundary service extensions can be an appropriate alternative. While each proposal must be

decided on its own merits, the Commission may favorably consider such service extensions in the following situations:

1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
  2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
  3. Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.
  4. Emergency or health related conditions mitigate against waiting for annexation.
  5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.
- D. Health or Safety Concerns: The requirements contained in Section 56133(c) of the Government Code will be followed in the review of proposals to serve territory with municipal services outside the local agency's sphere of influence. Service extensions outside a local agency's sphere of influence will not be approved unless there is a documented existing or impending threat to public health and safety, and the request meets one or more of the following criteria as outlined below:
1. The lack of the service being requested constitutes an existing or impending health and safety concern.
  2. The property is currently developed.
  3. No future expansion of service will be permitted without approval from the LAFCO.
- E. Agreements Consenting to Annex: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-boundary service extension is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.
1. The Commission may waive this requirement on a case-by-case basis upon concurrence of the agency proposing to provide out-of-boundary services.
  2. The Commission has determined, pursuant to Government Code Section 56133(b) that the Beard Industrial Area shall not be subject to the requirement for consent-to-annex agreements, based on the historical land use of the area and its location within the Sphere of Influence of the City of Modesto.

- F. Area-wide Approvals: The Commission has recognized and approved extensions of sewer and/or water services to specific unincorporated areas, including the Bret Harte Neighborhood, Robertson Road Neighborhood, and the Beard Industrial Area. New development in these delineated unincorporated areas is considered infill and does not require further Commission review for the provision of extended sewer and/or water services. The Commission may consider similar approvals for area-wide service extensions on a case-by-case basis when it determines each of the following exists:
1. There is substantial existing development in the area, consistent with adopted land use plans or entitlements.
  2. The area is currently located within the agency's sphere of influence.
  3. The agency is capable of providing extended services to the area without negatively impacting existing users.
  4. The proposal meets one of the situations outlined in Section C of this Policy where extension of services is an appropriate alternative to annexation.
- G. In the case where a city or district has acquired the system of a private or mutual water company prior to January 1, 2001, those agencies shall be authorized to continue such service and provide additional connections within the certificated service area of the private or mutual water company, as defined by the Public Utilities Commission or other appropriate agency at the time of acquisition, without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency at that time. Proposals to extend service outside this previously defined certificated area would come under the provisions of Government Code Section 56133 for the review and approval by the Commission prior to the signing of a contract/agreement for the provision of the service.
- H. Exemptions: Consistent with Government Code Section 56133, this policy does not apply to:
1. ~~Contracts or agreements solely involving t~~Two 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.
  2. ~~Contracts for t~~The transfer of non-potable or non-treated water;
  3. ~~contracts or agreements solely involving t~~The provision of surplus water to agricultural lands and facilities, including but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

**Comment [SL5]:** Minor clarifications to this section are proposed, consistent with the current language of GCS 56133.

34. An extended service that a city or district was providing on or before January 1, 2001.

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

6. A fire protection contract, as defined in Section 56134 and Policy 15a.

#### POLICY 15a – FIRE PROTECTION CONTRACTS OR AGREEMENTS

Effective January 1, 2016, Government Code Section 56134 requires the Commission to review a fire protection contract or agreement that provides new or extended fire protection services outside an agency's jurisdictional boundaries and meets either of the following thresholds: (1) transfers service responsibility of more than 25 percent of an affected public agency's jurisdictional boundaries; or (2) changes the employment status of more than 25 percent of the employees of any affected public agency.

A. A request by a public agency for Commission approval of new or extended services provided pursuant to a fire protection contract shall be made by resolution of application and include all information regarding proposed services and financial information as required by Government Code Section 56134.

B. The Commission will review proposals for consistency with the required findings of 56134(h)(2)(i) and (j), as well as the overall purposes of LAFCO that encourage the efficient provision of government services.

C. Existing fire protection contracts, and their renewal, will not be subject to the requirements of Government Code Section 56134 unless a subsequent change to the contract either transfers service responsibility of more than 25 percent of an affected agency's jurisdictional boundary or changes employment status of more than 25 percent of the affected agency's employees. Additionally, mutual or automatic aid agreements are not subject to Government Code Section 56134.

#### POLICY 16 - INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS

In implementing the provisions of Government Code Section 56157, the Commission determines that LAFCO staff shall provide individual notice of Commission hearings to all landowners and registered voters within a proposal's boundaries. In addition, the distance requirements for providing notice to landowners and registered voters surrounding the exterior boundaries of the area proposed for change, as required by Section 56157, will be 300 feet.

For ~~an incorporation, formation, consolidation or dissolution~~ proposals ~~which~~ that requires the mailing of at least 1,000 notices, the individual notice requirement may be waived and a

**Comment [SL6]:** Policy 15(a) is being added as a result of the requirements of SB-239.

1/8th page legal ad will be placed in a newspaper of general circulation and a courtesy notice shall be placed in the local newspaper for the area, if applicable.

The proponent(s) of the action shall reimburse the Commission's costs associated with providing the notice described by this policy. (Government Code Section 56150 et. seq.)

### **POLICY 17 - ISLAND ANNEXATIONS**

The Commission will consider this policy as it relates to provisions intended to streamline island annexations as set forth in in Government Code Section 56375.3.

- A. The Commission will not permit a city to reduce the size of an existing island through normal change of organization or reorganization proceedings for the purpose of allowing the remaining island to be processed pursuant to Government Code Section 56375.3.
- B. For change of organization or reorganization proposals initiated on or after January 1, 2000, and before January 1, 2014, the Commission shall approve, after notice and hearing, the annexation to a city and waive protest proceedings entirely, if all of the following are true:
  - 1. The change of organization or reorganization is proposed by resolution adopted by the affected city; and
  - 2. The Commission finds that the territory contained in the change of organization or reorganization proposal meets all the requirements set forth in Government Code Section 56375.3(b).
- C. For change of organization or reorganization proposals initiated after January 1, 2014, the Commission shall approve, after notice and hearing, the change of organization or reorganization to a city, subject to subdivision (a) of Section 57080, if all of the following are true:
  - 1. The change of organization or reorganization is proposed by resolution adopted by the affected city; and
  - 2. The Commission finds that the territory contained in the change of organization or reorganization proposal meets all of the requirements set forth in Government Code Section 56375.3(b).
- D. The requirements set forth in Government Code Section 56375.3 (b) are summarized as follows:
  - 1. The territory does not exceed 150 acres in area, and that area constitutes the entire island; and
  - 2. The territory constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands; and

## SECTION 7—GLOSSARY OF TERMS

### Glossary of Common LAFCO and Planning Terms

#### LAFCO TERMS:

- **Annexation:** The inclusion of territory in a city or special district.
- **Area of Concern:** A geographic area beyond the Sphere of Influence in which land decisions or other governmental actions of one local agency impact directly or indirectly upon another local agency.
- **Change of Organization:** An alteration of government structure, including: city incorporation; district formation; annexation to, or detachment from a city or district; city disincorporation; district dissolution; city or district consolidation; or merger or establishment of a subsidiary district.
- **Conducting Authority:** The commission of the principal county, or the commission's Executive Officer when authorized by the commission, when exercising its responsibility to conduct protest proceedings following approval by the commission of a change of organization or reorganization.
- **Consolidation:** The uniting or joining of two or more cities located in the same county into a single new successor city or two or more districts into a single new successor district.
- **Contiguous:** Territory ~~adjacent to~~ that abuts or shares a common boundary with territory within the local agency. Territory is not contiguous if the only contiguity is based upon a strip of land more than 300 feet long and less than 200 feet wide at its narrowest width, that width to be exclusive of highways.
- **Dependent Special District:** A special district whose board of directors is another legislative body, such as a city council or board of supervisors. Also see special district.
- **Detachment:** The removal of territory from a city or district.
- **Disadvantaged Unincorporated Community:** An inhabited territory (12 or more registered voters) or as determined by commission policy, with an annual median household income that is less than 80% of the statewide annual median household income.
- **Disincorporation:** The termination of the existence of a city.
- **Dissolution:** The termination of the existence of a district.
- **Formation:** The creation of a district.
- **Incorporation:** The creation of a city.

**Comment [SL1]:** New language of GCS 56031, consistent with AB 1725, effective Jan. 1, 2018.

**EXHIBIT B**

**Government Code Section 56134**

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## **Government Code Section 56134**

- (a) (1) For the purposes of this section, “fire protection contract” means a contract or agreement for the exercise of new or extended fire protection services outside a public agency’s jurisdictional boundaries, as authorized by Chapter 4 (commencing with Section 55600) of Part 2 of Division 2 of Title 5 of this code or by Article 4 (commencing with Section 4141) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except those contracts entered into pursuant to Sections 4143 and 4144 of the Public Resources Code, that does either of the following:
- (A) Transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement.
  - (B) Changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.
- (2) A contract or agreement for the exercise of new or extended fire protection services outside a public agency’s jurisdictional boundaries, as authorized by Chapter 4 (commencing with Section 55600) of Part 2 of Division 2 of Title 5 of this code or Article 4 (commencing with Section 4141) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except those contracts entered into pursuant to Sections 4143 and 4144 of the Public Resources Code, that, in combination with other contracts or agreements, would produce the results described in subparagraph (A) or (B) of paragraph (1) shall be deemed a fire protection contract for the purposes of this section.
- (3) For the purposes of this section, “jurisdictional boundaries” shall include the territory or lands protected pursuant to a fire protection contract entered into on or before December 31, 2015. An extension of a fire protection contract entered into on or before December 31, 2015, that would produce the results described in subparagraph (A) or (B) of paragraph (1) shall be deemed a fire protection contract for the purposes of this section.
- (b) Notwithstanding Section 56133, a public agency may provide new or extended services pursuant to a fire protection contract only if it first requests and receives written approval from the commission in the affected county pursuant to the requirements of this section.
- (c) A request by a public agency for commission approval of new or extended services provided pursuant to a fire protection contract shall be made by the adoption of a resolution of application as follows:
- (1) In the case of a public agency that is not a state agency, the application shall be initiated by the adoption of a resolution of application by the legislative body of the public agency proposing to provide new or extended services outside the public agency’s current jurisdictional boundaries.
  - (2) In the case of a public agency that is a state agency, the application shall be initiated by the director of the state agency proposing to provide new or extended services outside the agency’s current jurisdictional boundaries and be approved by the Director of Finance.

- (3) In the case of a public agency that is a local agency currently under contract with a state agency for the provision of fire protection services and proposing to provide new or extended services by the expansion of the existing contract or agreement, the application shall be initiated by the public agency that is a local agency and be approved by the Director of Finance.
- (d) The legislative body of a public agency or the director of a state agency shall not submit a resolution of application pursuant to this section unless both of the following occur:
  - (1) The public agency does either of the following:
    - (A) Obtains and submits with the resolution a written agreement validated and executed by each affected public agency and recognized employee organization that represents firefighters of the existing and proposed service providers consenting to the proposed fire protection contract.
    - (B) Provides, at least 30 days prior to the hearing held pursuant to paragraph (2), written notice to each affected public agency and recognized employee organization that represents firefighters of the existing and proposed service providers of the proposed fire protection contract and submits a copy of each written notice with the resolution of application. The notice shall, at minimum, include a full copy of the proposed contract.
  - (2) The public agency conducts an open and public hearing on the resolution, conducted pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5) or the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2), as applicable.
- (e) A resolution of application submitted pursuant to this section shall be submitted with a plan which shall include all of the following information:
  - (1) The total estimated cost to provide the new or extended fire protection services in the affected territory.
  - (2) The estimated cost of the new or extended fire protection services to customers in the affected territory.
  - (3) An identification of existing service providers, if any, of the new or extended services proposed to be provided and the potential fiscal impact to the customers of those existing providers.
  - (4) A plan for financing the exercise of the new or extended fire protection services in the affected territory.
  - (5) Alternatives for the exercise of the new or extended fire protection services in the affected territory.
  - (6) An enumeration and description of the new or extended fire protection services proposed to be extended to the affected territory.

- (7) The level and range of new or extended fire protection services.
  - (8) An indication of when the new or extended fire protection services can feasibly be extended to the affected territory.
  - (9) An indication of any improvements or upgrades to structures, roads, sewer or water facilities, or other conditions the public agency would impose or require within the affected territory if the fire protection contract is completed.
  - (10) A determination, supported by documentation, that the proposed fire protection contract meets the criteria established pursuant to subparagraph (A) or (B) of paragraph (1) or paragraph (2), as applicable, of subdivision (a).
- (f) The applicant shall cause to be prepared by contract an independent fiscal analysis to be submitted with the application pursuant to this section. The analysis shall review and document all of the following:
- (1) A thorough review of the plan for services submitted by the public agency pursuant to subdivision (e).
  - (2) How the costs of the existing service provider compare to the costs of services provided in service areas with similar populations and of similar geographic size that provide a similar level and range of services and make a reasonable determination of the costs expected to be borne by the public agency providing new or extended fire protection services.
  - (3) Any other information and analysis needed to support the findings required by subdivision (j).
- (g) The clerk of the legislative body of a public agency or the director of a state agency adopting a resolution of application pursuant to this section shall file a certified copy of the resolution with the executive officer.
- (h) (1) The executive officer, within 30 days of receipt of a public agency's request for approval of a fire protection contract, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request does not comply with the requirements of subdivision (d), the executive officer shall determine that the request is incomplete. If a request is determined incomplete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete.
- (2) The commission shall approve, disapprove, or approve with conditions the contract for new or extended services following the hearing at the commission meeting, as provided in paragraph (1). If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.
- (i) (1) The commission shall not approve an application for approval of a fire protection contract unless the commission determines that the public agency will have sufficient

revenues to carry out the exercise of the new or extended fire protection services outside its jurisdictional boundaries, except as specified in paragraph (2).

- (2) The commission may approve an application for approval of a fire protection contract where the commission has determined that the public agency will not have sufficient revenue to provide the proposed new or different functions or class of services, if the commission conditions its approval on the concurrent approval of sufficient revenue sources pursuant to Section 56886. In approving a proposal, the commission shall provide that, if the revenue sources pursuant to Section 56886 are not approved, the authority of the public agency to provide new or extended fire protection services shall not be exercised.
- (j) The commission shall not approve an application for approval of a fire protection contract unless the commission determines, based on the entire record, all of the following:
- (1) The proposed exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries is consistent with the intent of this division, including, but not limited to, the policies of Sections 56001 and 56300.
  - (2) The commission has reviewed the fiscal analysis prepared pursuant to subdivision (f).
  - (3) The commission has reviewed any testimony presented at the public hearing.
  - (4) The proposed affected territory is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the three fiscal years following the effective date of the contract or agreement between the public agencies to provide the new or extended fire protection services.
- (k) At least 21 days prior to the date of the hearing, the executive officer shall give mailed notice of that hearing to each affected local agency or affected county, and to any interested party who has filed a written request for notice with the executive officer. In addition, at least 21 days prior to the date of that hearing, the executive officer shall cause notice of the hearing to be published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the territory affected by the proposal proposed to be adopted and shall post the notice of the hearing on the commission's Internet Web site.
- (l) The commission may continue from time to time any hearing called pursuant to this section. The commission shall hear and consider oral or written testimony presented by any affected local agency, affected county, or any interested person who appears at any hearing called and held pursuant to this section.
- (m) This section shall not be construed to abrogate a public agency's obligations under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1).

## **EXHIBIT C**

**Draft Resolution 2018-02**

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**STANISLAUS LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** January 24, 2018

**NO.** 2018-02

**SUBJECT:** Adoption of a Policies and Procedures Update

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following:

Ayes: Commissioners:  
Noes: Commissioners:  
Absent: Commissioners:  
Ineligible: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and more specifically, Government Code section 56300(a) requires each LAFCO to establish written policies and procedures;

**WHEREAS**, the Commission desires to update its Policies and Procedures in response to recent legislative changes in order to remain consistent with State law and the overall goals of LAFCO;

**WHEREAS**, the Commission has conducted a noticed public hearing on January 24, 2018 to consider the Policy and Procedures update;

**WHEREAS**, the Commission has considered the written staff report and testimony and evidence presented at the public hearing held on January 24, 2018 regarding the update; and,

**WHEREAS**, adoption of the Policy and Procedures update amendment is considered a continuing administrative or maintenance activity with no potential for direct or indirect physical change to the environment and is therefore not a "project" for the purposes of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(2).

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Finds that the proposed Policy and Procedures update is consistent with State Law and the overall goals of LAFCO;
2. Finds that the proposed Policy and Procedures update is not a project for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(2); and,
3. Adopts the proposed Policy and Procedures update to be effective immediately.

**ATTEST:** \_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT  
JANUARY 24, 2018**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2017-2018**

**RECOMMENDATION**

It is recommended that the Commission accept this financial update. No budget adjustments are necessary at this time.

**DISCUSSION**

The Mid-Year Budget Report provides an overview of LAFCO's expenses and revenues through the second quarter for the Commission's information. The Commission's adopted budget for the current fiscal year is \$453,375. At mid-year, expenditures totaled \$210,428, which represents approximately 46% of the adopted budget. Below is an overview of LAFCO's expenses and revenues:

*LAFCO FY 2017-2018 Mid-Year Comparison: Adopted Budget vs. Actual*

	<b>Adopted Budget (2017-2018)</b>	<b>Actual (Mid-Year)</b>	<b>% of Budget</b>
<b>EXPENSES</b>			
Salaries & Benefits	\$376,530	\$178,201	47%
Services & Supplies	74,345	31,914	43%
Other Charges	2,500	313	13%
<b>Total Expenses</b>	<b>\$453,375</b>	<b>\$210,428</b>	<b>46%</b>
<b>REVENUES</b>			
City/County Contributions	\$394,375	\$394,375	100%
Applications / LAFCO Services	9,000	16,555	184%
Interest Earnings & Rebates	--	1,626	--
<b>Total Revenues</b>	<b>\$403,375</b>	<b>\$412,556</b>	<b>102%</b>
<i>Prior Years' Carry-Over</i>	<i>50,000</i>		
<i>Total Budget</i>	<i>\$453,375</i>		

A detailed listing of individual accounts is attached for the Commission's information. The following highlights the expense and revenue categories through mid-year:

➤ Salaries and Benefits:

Through the end of the second quarter, \$178,201 has been expended on Salaries and Benefits. Expenditures in this budget category represent approximately 47% of the total amount budgeted for the fiscal year. Staff estimates that at year-end, the overall Salaries and Benefits category will be within the Commission's budgeted amount.

➤ Services and Supplies:

At the end of the second quarter, expenditures under the Services and Supplies category totaled \$31,914. This represents 43% of the total amount budgeted. Of note is the following:

- Expenditures for the Commission's general liability insurance, office lease, and membership dues are billed as one-time costs early in the fiscal year.
- Costs for a Geographical Information Systems (GIS) license and video streaming are also typically billed as one-time expenses, anticipated to be fully expended by year end (Account #63990).
- Charges for legal services are typically billed on a quarterly basis. Legal service expenses can fluctuate throughout the year based on the complexity of applications or need for additional review by counsel. It is anticipated that legal service expenditures will be well within the budgeted amount by the year's end.

➤ Other Charges:

This budget category contains expenses associated with a shared copier lease and copy costs. At Mid-Year, expenditures under this budget category were \$313 or just 13% of the amount budgeted. This lower amount is as a result of Staff's efforts to decrease the number of paper copies associated with agendas and projects.

➤ Revenues:

The County and nine cities have paid their apportionment shares totaling \$394,375. Additionally, revenue received from LAFCO application fees and services to date totals \$16,555, exceeding the conservative estimate of \$9,000. Staff anticipates that this may continue to increase by year-end as additional applications are submitted.

**CONCLUSION**

The Commission's Fiscal Year 2017-2018 Budget continues to be financially sound. Each category is projected to be within their budgeted amounts by year-end. Any funds anticipated to be remaining at the end of the fiscal year will be used to offset agency contributions in the following year's budget. No budget adjustments are recommended at this time. If future modifications are needed, Staff will immediately bring forth those requests to the Commission for consideration.

**EXPENSE AND REVENUE SUMMARY**  
**JULY 1, 2017 - DECEMBER 31, 2017**

Account	Final Budget FY 17-18	Actuals 12-31-2017	% of Budget
<b>Salaries and Benefits</b>			
50000+ Salaries and wages	231,200	109,285	47%
52000 Retirement	61,360	29,126	47%
52010 FICA	18,310	8,195	45%
53000 Group health insurance	53,195	26,830	50%
53009 OPEB health insurance liability	2,735	-	0%
53020 Unemployment insurance	300	150	50%
53051 Benefits admin fee	190	72	38%
53081 Long term disability	360	164	46%
54000 Workers compensation insurance	1,045	521	50%
55000 Auto allowance	2,400	1,200	50%
55080 Professional development	2,200	1,094	50%
55130 Deferred comp mgmt/conf	3,235	1,563	48%
<b>Total Salaries and Benefits</b>	<b>376,530</b>	<b>178,201</b>	<b>47%</b>
<b>Services and Supplies</b>			
60400 Communications (SBT - Telecom)	1,120	553	49%
61000 Insurance (SDRMA)	3,240	3,275	101%
61030 Fiduciary liability insurance	40	18	45%
62200 Memberships (CSDA, CALAFCO)	5,670	5,675	100%
62400 Miscellaneous expense	3,000	2,710	90%
62450 Indirect costs (A87 roll forward)	2,195	1,128	51%
62600 Office supplies	1,500	200	13%
62730 Postage	1,200	196	16%
62750 Other mail room expense	400	52	13%
63000 Professional & special serv	13,065	7,434	57%
Building maint & supplies	3,420	1,154	34%
Office lease	3,950	3,774	96%
Utilities	1,400	562	40%
Janitorial	575	258	45%
Purchasing	275	63	23%
CEO/Risk Mgt overhead	3,445	1,623	47%
63090 Auditing & accounting	2,765	1,075	39%
63400 Engineering services	2,000	-	0%
63640 Legal services	16,000	1,338	8%
63990 Outside data proc services (IT, Video)	8,900	3,094	35%
IT Services (SBT)	5,500	2,644	48%
New Video Streaming (SBT)	1,000	-	0%
New Mtg Recording (Final Cut Media)	1,200	450	38%
GIS License (SBT)	1,200	-	0%
65000 Publications & legal notices	800	152	19%
65780 Education & training	5,500	2,740	50%
65810 Other supportive services (messenger)	230	110	48%
65890 Commission expense (stipends, training)	6,100	1,979	32%
67040 Other travel expenses (mileage)	500	130	26%
67201 Salvage disposal	120	53	44%
<b>Total Services and Supplies</b>	<b>74,345</b>	<b>31,914</b>	<b>43%</b>
<b>Other Charges</b>			
73024 Planning dept services (copier)	2,500	313	13%
<b>Total Other Charges</b>	<b>2,500</b>	<b>313</b>	<b>13%</b>
<b>TOTAL EXPENSES</b>	<b>453,375</b>	<b>210,428</b>	<b>46%</b>
<b>TOTAL REVENUES</b>			
40680+ Agency Contributions	394,375	394,375	100%
36414 Application & Other Revenues	9,000	16,555	184%
17000+ Interest Earnings & Rebates	-	1,626	nb

**EXECUTIVE OFFICER'S AGENDA REPORT  
JANUARY 24, 2018**

TO: LAFCO Commissioners

FROM: Jennifer Goss, Commission Clerk

**SUBJECT: Annual Election of Officers (Chairperson and Vice-Chairperson)**

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**BACKGROUND**

The Commission's adopted Policies and Procedures includes Rules of Order, which establishes the terms and rotation schedule for the annual election of the Chairperson and Vice-Chairperson. The established annual term of office for these officers is from February 1<sup>st</sup> through January 31<sup>st</sup>.

Based on the current rotation of officers, as established in the adopted Rules of Order (Rule 4), the Office of Chairperson and Vice-Chairperson shall be rotated among the members according to the following sequence: Chairperson – County Member and Vice-Chairperson – City Member. Alternate members are not eligible to be officers.

Thus, Commissioner Terry Withrow, as the current Vice-Chair is eligible for Chairperson, as well as Commissioner Jim DeMartini, and the Vice-Chairperson would be selected from the two Regular City Members, Commissioner Amy Bublak and Commissioner Tom Dunlop. (See attached Rotation Schedule.)

**RECOMMENDATION**

If your Commission agrees with the terms of office and the rotation of officers as per Rule 4, it is recommended that the Commission adopt the attached Resolution selecting a new Chairperson (City Member) and a Vice-Chairperson (County Member) for the annual term of February 1, 2018 to January 31, 2019.

Attachments: LAFCO Resolution No. 2018-01  
Rotation Schedule

## COMMISSIONER ROTATION SCHEDULE

### Rotation

2/2009 - 1/2010	Chairperson Vice-Chairperson	Lane DeMartini	City County	A
2/2010 - 1/2011	Chairperson Vice-Chairperson	DeMartini Saletta	County Public	B
2/2011 - 1/2012	Chairperson Vice-Chairperson	Saletta Goeken	Public City	C
2/2012 - 1/2013	Chairperson Vice-Chairperson	Goeken O'Brien	City County	D
2/2013 - 1/2014	Chairperson Vice-Chairperson	O'Brien Bublak	County City	E
2/2014 - 1/2015	Chairperson Vice-Chairperson	Bublak DeMartini	City County	A
2/2015 - 1/2016	Chairperson Vice-Chairperson	DeMartini Hawn	County Public	B
2/2016 - 1/2017	Chairperson Vice-Chairperson	Hawn Bublak	Public City	C
2/2017 - 1/2018	Chairperson Vice-Chairperson	Bublak Withrow	City County	D
2/2018 - 1/2019	Chairperson Vice-Chairperson		County City	E

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** January 24, 2018

**NO.** 2018-01

**SUBJECT: Annual Election of Officers (Chairperson and Vice-Chairperson)**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following:

Ayes: Commissioners:  
Noes: Commissioners:  
Ineligible: Commissioners:  
Absent: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, in accordance with Government Code Section 56334 and Commission Rules of Order, the members of the Commission shall elect a chairperson and vice-chairperson at the first meeting in January of each year;

**WHEREAS**, the Commission's Rules of Order, under Rule 4, provides for the systematic rotation of the Chairperson and Vice-Chairperson among its members;

**WHEREAS**, the terms of the present officers expire on January 31, 2018; and,

**WHEREAS**, based on adopted Commission Policies and Procedures, the rotation of its members for the Chairperson and Vice-Chairperson, a County Member and a City Member are in line for these office seats, respectively.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Elects Commissioner \_\_\_\_\_ as Chairperson and Commissioner \_\_\_\_\_ as Vice-Chairperson for a term of office commencing February 1, 2018 through January 31, 2019.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer