
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM No. 8

DATE: June 8, 2022

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

SUBJECT: Consideration of an update of the Fresno LAFCo Policy Manual

Recommendation: Approve the update of the Fresno LAFCo Policy Manual

Background

Commissioners will recall that staff has set up three levels of policy review:

- *Full Commission policy discussion* of the *Introduction and Commission Policies* to permit a narrow focus of strategically important policies (policy sections were presented to the Commission in March, continued to April); and

Attachment "A" consisted of recommended amendments in "tracked changes" and Attachment "B" consisted of the same changes in "accepted" form for clarity. These attachments were previously presented to the Commission and have been available for public review on the LAFCo website under the March and April hearing tabs, www.fresnolafco.org.

- *Subcommittee review* was used for proposed amendments to procedures and administrative activities that implement policy, to be reviewed by the subcommittee (Commissioners Magsig and Santoyo) and LAFCo Counsel Price prior to the subcommittee's recommendation to the full Commission: *Commission Standards For Changes Of Organization, Procedures For Evaluation Of Proposals, Commission Fee Schedule, Procedures For Evaluation Of Service Plans, and Regulations Affecting Special Districts*; these policies were presented at the Commission's May meeting; and

Attachment "C" consisted of recommended amendments in "tracked changes" and Attachment "D" consisted of the same changes in "accepted" form for clarity. These attachments were presented to the Commission and are available for public review on the LAFCo website under the May hearing tab, www.fresnolafco.org.

- *Omnibus updates* of requirements mandated by statute reviewed by LAFCo Counsel; *Regulations for Conduct of Hearing, Commission Business, Conflict of Interest Code, Procedures to Implement the Political Reform Act, and Conducting Authority Proceedings*; **these are presented in this report as Attachment "E" consists of recommended amendments in "tracked changes" and Attachment "F" consists of**

the same changes in “accepted” form for clarity. These attachments are available for public review on the LAFCo website under the June hearing tab, www.fresnolafco.org.

As of this hearing, all proposed amendments will have been presented to the Commission.

The proposed amendments are generally made for clarity whether to reduce redundancy, to update policies affected by changes to statute, or to clarify the Commission's intent. An exception is the proposed section, “Standards for evaluation of proposals in the unincorporated portion of cities’ spheres of influence.” The subject of County development approvals in cities’ spheres of influence has been considered by the Commission, the most recent example was the City of Sanger’s North Academy Annexation in April and May. The recommended policies are intended to authorize staff to comment on such proposals in a manner consistent with the Legislature’s intent for LAFCo to promote orderly development in cities’ spheres of influence.

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SECTION 500 COMMISSION ORGANIZATION
CONDUCT OF HEARING AND
COMMISSION BUSINESS

The following regulations have been adopted by the Commission to comply with GCstate-1 sec. aw Section 56375 ~~(i)-(k)~~ and establish organizational procedures for Commission hearings, selection of officers and public member, and other Commission business.

~~01~~ Meetings

~~501.01~~ Regular Meetings-

The Commission shall adopt a schedule of regular meetings for the forthcoming calendar year at such time as sufficient information is available to do so. The schedule shall indicate the time, date, and location for the meetings. However, whenever the Commission, at a regular meeting sets a different time and place for its meeting, such meeting shall constitute a regular meeting for all purposes.

~~501.02~~ 02 Special Meetings-

Special meetings may be called at any time by the Chairman of the Commission or by a majority of the members of the Commission ~~by serving notice of the time, place, and purpose of the meeting upon each member of the Commission. Such notice shall be served at least 24 hours before the time set for the hearing, and such service shall be deemed to be completed with respect to a member upon any of the following:~~

- ~~1. Personal service upon the member.~~
- ~~2. Delivery to the last known residence or business address of the member.~~
- ~~3. The expiration of 24 hours after the deposit of said notice in the United States mail, postage prepaid, addressed to the last known residence or business address of the member.~~

~~No other business shall be considered at a special meeting other than that set forth in the notice of the meeting. (Note, more than one item may be considered at a special meeting, and other items may be added, provided the above requirements are met for each item.) pursuant to GC sec. 54956 et seq. (the "Ralph M. Brown Act").~~

~~501.03~~ Adjourned Meeting-

Any regular or special meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may make an order for adjournment.

Adopted: April 3, 1986
Amended: October 20, 1999

~~50204~~ Commission Chair

~~502.01~~ 01 Election

The Chair of the Commission shall be elected by the members thereof by a majority vote of all the members.

~~502.02.~~ _____ -Term

The term of office of the Chair shall be one calendar year beginning each May and shall be succeeded annually by the chair pro tempore.

~~502.03.~~ _____ -Eligibility

All members of the ~~C~~ommission are eligible to serve as chair.

~~502.04.~~ _____ -Duties

The Chair shall be the presiding officer of the Commission. The Chair shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce the Commission's decision on all subjects, and decide all questions of order subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. The Chair shall vote on all questions, and on roll call his name shall be called last. The Chair shall sign all directives and contracts approved by the Commission, and may sign Commission resolutions in the absence of the executive officer.

~~0503~~ Commission Chair pro tempore

~~503.01.~~ _____ -Term and Duties

There shall be a Chair Pro Tempore, whose term of office shall coincide with that of the Chair and who shall, in the absence of the Chair, perform ~~all of all~~ the functions and duties of the Chair.

~~503.02.~~ _____ -Election

The Chair Pro Tempore of the Commission shall be elected by the members thereof by a majority vote of all the members.

~~503.03.~~ _____ -Eligibility

All regular members not representing the appointing authority of the chair may be nominated and serve as chair pro tempore.

Amended: February 14, 2015, March 14, 2018

~~06~~

~~504~~ _____ -Call to order

The Chair~~man~~ shall take the chair at the time and place appointed for the meeting and shall call the Commission to order. In the absence of the Chair~~man~~ and the Chair~~man~~ Pro Tempore, the Executive Officer of the Commission shall call the Commission to order, whereupon a temporary chairman shall be elected by the members present. Upon the arrival of the Chair~~man~~ or the Chair~~man~~ Pro Tempore, the temporary chair~~man~~ shall relinquish the chair at the conclusion of the business then before the Commission.

~~07505~~ _____ -Roll call

Before proceeding with the business of the Commission, the Executive Officer or ~~Secretary of~~ Clerk to the Commission shall call the roll of the members, and the names of those present shall be entered in the minutes.

~~08506~~ _____ -Quorum

A majority of the Commission shall constitute a quorum for the transaction of business; however, unless specifically otherwise provided, the Commission shall take no action except upon the affirmative vote of at least three members. ~~Less than a quorum may adjourn from time to time.~~

~~If at any public meeting of the Commission there shall be less than a quorum so present, the commissioners present may adjourn the meeting from time to time until a quorum shall be present.~~

~~09507-~~ Minutes

~~507.01-~~ Preparation

The minutes of the Commission shall be kept by the Executive Officer or such other person as he may designate and ~~shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads; however, the Executive Officer shall be required to make a record only of such business as was actually passed upon by a vote of the Commission and shall not be required to record any remarks of members or any other person, except at the special request of a member.~~

~~507.02-~~ Distribution

As soon as possible after each meeting, the Executive Officer shall cause ~~a copy of the draft minutes thereof to be forwarded to each member to be placed on the consent calendar of the next available hearing agenda where it will be presented to the Commission for its review and approval.~~

~~507.03-~~ Reading

Unless the reading of the minutes of a meeting is requested by a member, such minutes may be approved without reading if each member has previously been furnished a copy thereof.

~~10508~~ Resolutions

A resolution shall be prepared for each ~~proposal indicating~~ action and determination of the Commission as required by law. The resolution shall be signed and certified by the Executive Officer.

~~11509~~ Order of procedure

The order of procedure in conducting a hearing shall be as follows:

~~509.01-~~ The Chair shall request the Executive Officer to inform the Commission of the nature of the matter pending, the notice provided, a summary of the report and recommendation, any new information or correspondence not in the staff report, and other pertinent matters.

~~2.~~

~~509.02-~~ All proponents shall be heard.

~~3.~~

~~509.03-~~ All opponents shall be heard.

~~509.04-~~ Proponents shall be afforded an opportunity to a rebuttal. New matter may not be introduced except by specific permission of the chairman, in which event opponents shall, again, be given an opportunity to rebut.

~~509-05.~~_____The Chairman shall ask for any additional information of the Executive Officer.

~~509-06.~~_____The hearing shall be closed and the matter referred to the Commission for discussion and debate.

7. The Commission may make a determination at the hearing or may continue consideration of the matter for additional information or testimony.

Commented [FD1]: move all to conduct of commission hearing

12510 Rules of debate

510.01

1. ~~The Chairman~~ may debate and vote.

2. ~~The Chairman~~ may move, second, and debate from the chair; subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a member by reason of ~~his~~ acting as Chairman.

3. ~~510.02 - Getting the Floor~~

~~Improper References.~~ Every member desiring to speak shall address the chair and, upon recognition by the Chairman, shall confine ~~themselves~~ himself to the question under debate, ~~avoiding all personalities and indecorous language~~ and shall adhere to accepted standards of good conduct.

4. ~~510.03 - Interruptions~~

A member once recognized shall not be interrupted when speaking unless it shall be to call ~~them~~ him to order or as otherwise specifically provided. If a member, while speaking, shall be called to order, ~~that member~~ he shall cease speaking until the question of order has been determined and, if in order, ~~they~~ shall be permitted to proceed.

510.045. _____ - Motion to Reconsider

A motion to reconsider any action taken by the Commission at a meeting may be made only on the day such action was taken and must be made while the interested parties, if any, are present. Such motion shall be made by a commissioner ~~one of the prevailing sides~~, but may be seconded by any member and may be made at any time and have precedent over all other motions.

This is separate and distinct from reconsideration as defined in GC sec. 56895.

§13 Rules of order

Except as otherwise specifically provided in this resolution, Robert's Rules of Order as last revised shall govern the proceedings of the Commission in the conduct of meetings thereof.

§14 Voting

514.01._____ While serving on the Commission, all Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of CKH. (GC sec. 56325.1)

~~514.02-2.~~ Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person. (~~Code~~-sec. 56325.1).

~~514.033.-Roll Call Vote-~~

A roll call vote shall be taken and recorded. Whenever a roll call vote is in order, the Secretary or Executive Officer shall call the names of the members in the following order: the mover, the second, other members, providing that the name of the ~~Chairman~~ shall be called last except where the ~~Chairman~~ has made or seconded the motion.

Revised: December 19, 2001

515 Addressing the commission

1. ~~515.01~~ General

Any person desiring to address the Commission shall first secure the permission of the chairman to do so. ~~The Chair shall direct speakers. He shall~~to step up to the microphone and give ~~their~~his name and address in an ~~a~~audible tone of voice.

2. ~~515.02~~ Time

Unless further time is granted by a majority of the Commission, ~~each~~persons addressing the Commission shall limit ~~their~~his address to a reasonable time as may be limited by the ~~Chairman~~.

~~515.033.-~~ Spokesman for Groups

Whenever any group of persons wishes to address the Commission on the same subject matter, ~~it shall be proper for the Chairman~~ may to request that a spokes~~person~~man be chosen by the group to address the Commission and in the event additional matters are to be presented by other persons in the group, to limit the number of persons so addressing the Commission so as to avoid unnecessary repetitions.

~~515.04.-~~ Discussions

No person, other than a member and the person addressing the Commission shall be permitted to enter into any discussion with the person addressing the Commission without the permission of the ~~Chairman~~.

516 Decorum

1. ~~516.01~~ By Members

When the Commission is in meeting, the members shall preserve order and decorum and no member shall, by conversation otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the ~~Commission or the Chairman~~, except as provided in this resolution.

~~516.02.-~~ By Other Persons

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission shall be forthwith, by the ~~Chairman~~, barred from further audience at such meeting, unless permission to continue shall be granted by majority vote of the Commission.

517 Commission directives

The Commission shall, from time-to-time, by directives issued by it, establish procedures for the processing of the business of the Commission. Such directive shall be binding upon the staff of the Commission and all persons having business before the Commission.

18 ~~518~~ Reimbursement of expenses

1. ~~The members of the Commission shall be reimbursed \$100.00 for their necessary expenses incurred in connection with their attendance at meetings of the Commission exclusive of attendance at CALAFCO events, and in connection with other official Commission business.~~

2. ~~The members of the Commission shall be reimbursed for their reasonable and necessary expenses incurred in connection with their attendance at regular public hearings and meetings called by the Chair or Executive Officer.~~

~~The Commission may authorize payment of a per diem to commission members and alternates for each day while they attend CALAFCO meetings.~~

Revised: June 6, 2012

519 Retirement award

The ~~e~~Executive ~~o~~fficer shall upon the retirement of a member of the Commission, cause to be prepared one of the following, and transmit same to the Chair~~man~~ for presentation at the next meeting.

~~519.01.-~~ Retiring ~~a~~lternates, or ~~r~~egular ~~m~~embers serving less than two years, shall receive a certificate and letter from the Chair~~man~~.

~~519.02.-~~ Retiring ~~r~~egular ~~m~~embers serving two years or more shall receive an engraved 6" x 8" plaque.

~~519.03.-~~ For unusual service an exception to this standard may be made by the Chair~~man~~.

Adopted: August 27, 1997

520 Selection of public member

The term of ~~the~~ public member is set by law to be four years, to expire the first Monday of the month of May. However, ~~the public member~~'his or her term shall continue until the appointment and qualification of his or her~~a~~ successor.

Prior to the expiration date, no later than March 20, the executive officer shall:

1. P

~~520.01~~ Publish a notice in a newspaper of general circulation in the County, stating the coming vacancy of the public member position. The notice shall conform to that notice approved by the Commission.

~~520.02~~ Post a notice outside the Commission hearing room, being the same notice as published.

~~520.03~~ Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.

No application shall be accepted if received after April 20, preceding the term expiration. A roster of all applicants and their application shall be mailed to the Commissioners making the selection at least ten days prior to the date of the selection.

4. A public hearing shall be held on the regularly scheduled hearing date in May, for the purpose of making the selection.

Each applicant shall be invited to an interview at the hearing by the Commissioners making the selection. The interview shall be for an approximate duration of five minutes. Each Commissioner may question the applicant directly.

As an alternative to step 06 above, the Commission may, at its sole discretion, form a subcommittee to review all applications received, select the top candidates to be interviewed by the Commission, and make recommendations to the Commission.

The public member and alternate public member shall be selected by the Commission as follows:

1. Each Commissioner, other than the public member and alternate public member, shall have the right to nominate one candidate from among the applicants.

2. Selection shall be by majority affirmative vote of the Commission (excluding the public member and alternate public member), which shall include an affirmative vote by at least one of the members selected by each of the appointing authorities.

3. If no candidate should receive the required votes, one or more additional sets of nominations and votes may be conducted from among the candidates, with nominations and voting being conducted in the same manner as provided above, if such is supported by a majority of the Commissioners authorized to vote. If no candidate should receive the required votes, then a new recruitment shall be conducted.

4. The new public member and alternate public member shall begin their terms immediately. ~~No public member or alternate public member may serve more than two consecutive terms (eight years).~~

Revised: February 24, 1988; December 20, 2000; July 17, 2013

521 Procedures for public comment

1. Every meeting agenda shall provide an opportunity for members of the public to directly address the Commission on any item of interest to the public, before or during the Commission's consideration of the item, that is within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by state law.

~~521.01 Each person wishing to speak shall file a written request with the Clerk of the Commission in advance of the public comment agenda time. The request shall state the person's name and address, and the subject of the comment. The Commission chairman shall ask the clerk if any requests have been filed. Other public comment may be allowed by the chairman without written request being filed.~~

~~521.02 Subject of any comment shall be limited to the purposes and responsibilities of the Commission as provided by state law, or any previous action taken by the Commission or executive officer.~~

~~521.02.3 Time limit for public comment shall be no more than three minutes per person, or as allowed by the Chairman. Commissioners shall have opportunity to ask questions of each person giving comment.~~

3. Public comment may be allowed by the Chair without written request being filed. At the discretion of the Chair, persons wishing to speak shall file a written request with the Clerk of the Commission in advance of the public comment agenda time. The request shall state the person's name and address, and the subject of the comment. The Chair shall ask the clerk if any requests have been filed.

~~521.04 Action taken by the Commission on any matter considered under Public Comment shall be subject to the noticing requirements of state law and the Regulations and Procedures adopted by the Commission.~~

Adopted: February 19, 1987

22 Fresno LAFCO Practice for Timely Participation in the Legislative Process

1. In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair (or Vice Chair if the Chair is unavailable), and LAFCo Counsel, is authorized to provide written or email comments communicating the Commission's position.

2. The Chair (or Chair Pro Tempore if the Chair is unavailable), and LAFCo Counsel will review the letter or email prior to it being submitted for consideration.

3. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.

4. The item will be discussed as an informational item at the Commission's next regular meeting.

SECTION 525 CONFLICT OF INTEREST CODE

CONFLICT OF INTEREST CODE FOR THE
FRESNO LOCAL AGENCY FORMATION COMMISSION

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices A -designating positions and and B establishing disclosure requirements shall constitute the conflict-of-interest code of the Fresno Local Agency Formation Commission ("LAFCo").

The Form 700s for designated positions, other than LAFCo Commissioners along with any alternates ("Commissioners") and Executive Officer, shall be filed with LAFCo. The Commissioners and Executive Officer are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with LAFCo and, upon receipt of these paper Form 700s with waivers, LAFCo shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

LAFCo shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions not required to file electronically. LAFCo shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by LAFCo are hereby superseded.

Revised: August 26, 1998; August 23, 2000; September 13, 2006; August 8, 2012;
September 5, 2018

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code Section 87200*. These positions are listed for informational purposes only:

- LAFCo Commissioners
- Alternate LAFCo Commissioners
- Executive Officer
- Chief Financial Officer
- Consultants involved in the investment of public funds

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• LAFCo Clerk	2
• LAFCo Staff Analyst	2
• LAFCo Counsel	1

Investment Consultants

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section.

Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

(Gov. Code Sec. 81008.)

Revised: August 23, 2000; September 13, 2006; August 13, 2008; August 11, 2010; August 8, 2012; September 5, 2018

APPENDIX B
DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license;
- utility permit;
- station vendor permit.

Revised: September 13, 2006; August 13, 2006; August 8, 2012; September 5, 2018

SECTION 540 PROCEDURES TO IMPLEMENT THE POLITICAL REFORM ACT

The Commission has directed staff to proceed in the following ways to implement the requirements of the Political Reform Act (GC sec. 84308).

~~540-001~~ Informing the public who may apply for or participate in a proceeding, by inserting a notice of the general requirements of the Political Reform Act on the application, consent form, certificate of filing, mailed notice, newspaper notice, staff report, and agenda. The notice requests consultation with staff as to specific requirements of CKH.

The wording of the public notice shall be as follows:

"If you are an applicant for, or a participant in, any proceeding on the agenda for a land use entitlement and have made campaign contributions totaling more than \$250.00 to any member or alternative member of the Commission within twelve (12) months prior to the Commission considering your application, please immediately inform the Commission of your contribution. State law disqualifies each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months after the Commission's action. If you have any questions regarding these requirements (which are contained in the California Political Reform Act GC sec. 84308 *et seq.*) please feel free to contact LAFCo staff at (559) 600-0604."

~~540-02~~ Informing the Commissioners of the general requirements of CKH as it applies to the Commission, and then informing them of who the applicants or participants may be in advance. This advance notice will be accomplished by:

1. First, sending a copy of the certificate of filing with a list of the landowners or parties of real interest listed on the bottom. This list includes all landowners of uninhabited proposals, and landowners of larger, undeveloped parcels in inhabited proposals. This notice is usually sent out approximately one month prior to actual hearing.
2. Second, a list of the same landowners and real parties of interest on the staff report, received just prior to the hearing.

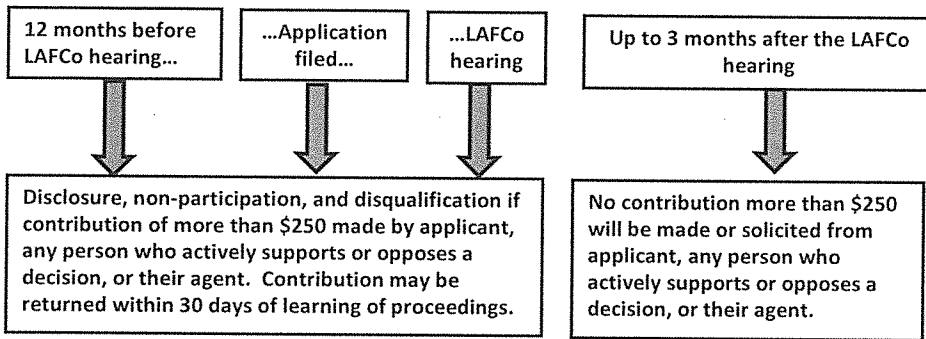
~~540-03~~ For each of the landowner lists received the Commission will be responsible to comply with the law by:

1. Refusing a contribution of more than \$250 from an applicant or participant from the date of filing (certificate) until 3 months after the hearing; and

2. Disclosure, non-participation, and disqualification from the proceeding if a contribution of more than \$250 has been received from an applicant or participant up to 12 months prior to the LAFCO hearing.

A time line showing the requirements for each of the two responses (disclosure, etc./no contribution) follows:

**Timeline showing Political Reform Act
procedure for more than \$250 contribution**



Adopted: October 2, 1986

Revised: March 26, 1996; September 18, 2002

~~SECTION 541 PROCEDURES REQUIRING THE DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES MADE FOR THE PURPOSE OF AFFECTING OR INFLUENCING CHANGES OF ORGANIZATION, REORGANIZATIONS, AND PROTEST HEARINGS~~
DISCLOSURE PROCEDURES

PROCEDURES REQUIRING THE DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES MADE FOR THE PURPOSE OF AFFECTING OR INFLUENCING CHANGES OF ORGANIZATION, REORGANIZATIONS, AND PROTEST HEARINGS

Pursuant to GC secs. 56700.1 and 57009, effective January 1, 2008, expenditures for political purposes related to a proposal for a change of organization or reorganization initiated by petition or resolution by application and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act, GC sec. 81000 *et seq.*, and the regulations of the Fair Political Practices Commission implementing that law.

Fresno LAFCo adopts the following reporting and disclosure requirements to implement GC secs. 56700.1 and 57009.

~~541.0101~~ -Definitions

1. "Contribution" as used herein shall have the same definition as provided in GC sec. 82015, as amended.
2. "Expenditure" as used herein shall have the same definition as provided in GC sec. 82025, as amended.
3. "Independent expenditure" as used herein shall have the same definition as provided in GC sec. 82031, as amended, except that the term "measure" as used in Section 82031 shall be replaced with the term "proposal for organization or reorganization."
4. "Political Purposes" as used herein shall mean for the purpose(s) of: (i) influencing public opinion; (ii) lobbying public officials; and/or, (iii) influencing legislative or administrative action as defined in ~~Government Code §sec.~~ 82032. It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (GC sec. 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code ~~sec.Section~~ 21000 *et seq.*, such as a mitigated negative declaration or environmental impact report.

~~541.02~~ Disclosure Requirements for Petitions or Resolution of Application for Proposals for Organization or Reorganization

1. Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which GC secs. 56654 or 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (~~Government Code §§ sec.~~ 81000 *et seq.*), to the same extent and subject to the same

requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

2. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section 5 below.

3. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

4. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

~~541.03~~ Disclosure Requirements for Conducting Authority Proceedings

1. Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which GC sec. 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (~~Government Code §§sec. 81000 et seq.~~), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

2. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section 5 below.

3. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

4. In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file

continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

| ~~541-04~~ Other Reports and Disclosures

This policy requires that the persons subject to it disclose via reports to the commission's executive officer contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition or resolution by application to the commission for a proposal for an organization or reorganization.

This policy also requires that the persons subject to it comply with the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under GC secs. 84501 *et seq.* and the regulations of the Fair Political Practices Commission implementing those sections.

| ~~541-05~~ Where to File

All reports and disclosures required hereunder shall be filed with the commission's Executive Officer.

| ~~541-06~~ Reporting Requirements are Non-Exclusive

The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.

| ~~541-07~~ 07 -Sunset Provision

This policy is intended to implement GC secs. 56700.1 and 57009 and shall be of no further force and effect upon the effective date of legislation repealing or amending those sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the Fair Political Practices Commission or otherwise terminates the responsibility of this commission to adopt and implement this policy.

Adopted: December 5, 2007
Revised: January 9, 2008

SECTION 550 IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

General

01 Adopted by reference

The California Administrative Code, Title 14, Division 6, Chapter 3, "Guidelines for Implementation of the California Environmental Quality Act," as amended and in effect ~~on August 1, 1983~~, is adopted by reference. The criteria, purpose, and objectives of the State CEQA Guidelines with regard to the evaluation of projects, the preparation of Initial Studies, Environmental Impact Reports (EIRs), and Negative Declarations, and time limits imposed shall apply to activities undertaken within the County of Fresno subject to CEQA, except those standards, criteria, and procedures relating solely to State agencies.

02 Purpose

~~These regulations are intended to adopt the State CEQA Guidelines by reference and to supplement the State CEQA Guidelines by establishing the necessary procedures, fees, and definitions for the implementation of the California Environmental Quality Act of 1970 in Fresno County.~~

~~These regulations are further intended to define the CEQA review process and clarify the roles and responsibilities of the Fresno County Local Agency Formation Commission and the Executive Officer of the Commission.~~

551 Supplemental definitions

~~The list of defined terms in the State CEQA Guidelines is expanded to include definitions unique to Fresno County Local Agency Formation Commission environmental review.~~

~~551.01 Executive Officer means the Executive Officer of the Fresno County Local Agency Formation Commission.~~

~~551.02 LAFCo means the Fresno County Local Agency Formation Commission.~~

552 Fees for environmental review

Commented [FD2]: moved this to fees

~~LAFCo shall collect a fee for the following:~~

~~552.01 The Environmental Assessment of a proposed project;~~

~~552.02 The actual costs incurred in the preparation or processing of an EIR;~~

~~552.03 The actual costs of reproducing an EIR or other environmental document when requested by a member of the public.~~

553 Application of regulations to projects subject to discretionary action by LAFCo

~~553.01 When LAFCO proposes to carry out or approve a project which may have a significant adverse impact on the environment, the Executive Officer shall have responsibility for the preparation of environmental documents, as provided for in these regulations. 1. The Executive Officer is responsible for the preparation of environmental documents, as provided for in these regulations, for matters that are brought before the commission for action.~~

~~553.02 Where a project which may have significant adverse impact on the environment is to be carried out by a public agency or person and is subject to initiation, approval, or some other involvement by LAFCO, the Executive Officer shall have responsibility for the preparation of environmental documents through procedures specified in these regulations. These environmental documents are subject to approval by the LAFCO. 2. The Executive Officer may require the proponent to supply data and information to determine whether at the proposal project may have a significant adverse impact on the environment prior to acceptance of the application for processing.~~

~~553.03. No application will be accepted as complete until environmental information is deemed adequate by the Executive Officer.~~

~~553.04 For an application to be considered complete and acceptable for processing, the following information must be submitted:~~

- ~~1. An application form determined to be complete by the Executive Officer.~~
- ~~2. Any additional maps, plans, drawings, and studies that may be deemed necessary.~~

~~553.05 Within 30 days of the receipt of the application, the Executive Officer will make one of the following findings:~~

- ~~1. The application is complete and may be accepted for processing.~~
- ~~2. The application is not complete and may not be accepted for processing.~~

~~553.06 In the event that an application is not accepted as complete, the applicant shall be notified in writing of the determination. The notice shall specify the additional information necessary to make the application complete.~~

~~553.07 Applications resubmitted with supplementary information required under Section 553.06 above shall be deemed to be new submittals for the purpose of establishing processing time limits under CEQA. The time limit of Section 553.05 above shall apply.~~

~~553.4 Procedure for categorical exemption implementation~~

The Executive Officer shall recommend grant categorical exemption status where it can be demonstrated that the activity is consistent with one or more of the classes of categorical exemptions enumerated in the State CEQA Guidelines. The determination of categorical exemption status for projects filed by the Executive Officer shall be subject to review in the manner provided for in Section 555.02 (e) of these regulations.

~~Environmental documents shall not be required for a project which is categorically exempt except as otherwise required in the State CEQA Guidelines.~~

~~05545~~ Procedures for environmental assessment (initial study)

For the adequate ~~e~~Environmental ~~a~~Assessment and evaluation of projects subject to CEQA (and not otherwise exempt) it is necessary that an Environmental Assessment be prepared at the earliest possible time which will address all phases of project planning, implementation, and operation. The Environmental Assessment shall take into consideration the purpose, objectives, rules, regulations, standards, and criteria set forth in CEQA, the State CEQA Guidelines, and the adopted plans and policies of LAFCO.

~~0555-01~~ Public or Private Projects Subject to Discretionary Action by LAFCO

~~The Initial Study shall be prepared in accordance with the provisions of the State CEQA Guidelines. Where LAFCO is not the lead responsible agency on the project under CEQA, the lead agency is strongly advised to shall consult with the Executive Officer on the project prior to final during the preparation of the Initial Study.~~

~~Where LAFCO is the lead agency for the project under CEQA, an Initial Study shall be prepared in accordance with the provisions of the CEQA Guidelines. The following procedure shall also apply:~~

1. The Executive Officer shall solicit comments from other departments, agencies, and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.

~~2. After acceptance of the application as complete and during preparation of the Initial Study, the applicant shall submit any subsequent clarification, amplification, or correction of information originally submitted with the application that is necessary to prepare an adequate assessment.~~

~~3-2. The Executive Officer shall have 30 days after initiate the CEQA process upon acceptance of a completed application to make an Environmental Assessment.~~

4-3. When the Environmental Assessment is completed, the Executive Officer shall publish a notice of Negative Declaration in a newspaper of general circulation at least ten days prior to the date action has been scheduled for the project. The notice shall:

A. Specify that an Environmental Assessment has been completed and a Negative Declaration has been prepared.

B. Solicit written comments on the Negative Declaration.

C. Where LAFCO is required to hold a public hearing state the date, time, and place to determine whether a Negative Declaration or an Environmental Impact Report (EIR) is appropriate; at such hearing all written comments and oral testimony will be considered.

D. When LAFCO is not required to hold a public hearing state the place where written comments on the Negative Declaration may be delivered and the date when LAFCO shall determine whether a Negative Declaration or an Environmental Impact Report is appropriate.

E. LAFCO shall either approve the Negative Declaration or require an Environmental Impact Report.

F. Once the Commission has taken final action ~~has been taken~~ on a project ~~for~~ on which a Negative Declaration has been approved, the Executive Officer shall file with the County Clerk a Notice of Determination with a copy of the Negative Declaration attached.

~~55.062~~ Projects Initiated by LAFCO Subject to Discretionary Action

The Initial Study shall be prepared in accordance with the provisions of the State CEQA Guidelines. The following procedure shall apply:

1. Project information shall be submitted to the Executive Officer at the time the Initial Study is to be performed.
2. The Executive Officer shall solicit comments from other departments, agencies, and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.
3. After acceptance of the project as complete and during preparation of the Initial Study, the public agency submitting the project shall also submit subsequent clarification, amplification, or correction of information originally submitted with the project that is necessary to prepare an adequate assessment.
4. The Executive Officer shall make one of the following findings after consideration of the Environmental Assessment:
 - A. EIR is required and a Negative Declaration shall be prepared and published once in a newspaper of general circulation at least 10 days prior to initiating or undertaking the project.
 - B. An EIR is required and shall be prepared by the Executive Officer or a consultant selected by the Executive Officer.
5. Any aggrieved person or agency may appeal the decision of the Executive Officer for final determination.

~~0556~~ Procedure for preparation of environmental impact reports (EIR)

All draft EIRs pursuant to these regulations shall contain the information required by the State CEQA Guidelines and shall be prepared consistent with criteria set forth therein. The Executive Officer shall maintain a list of consultants to prepare Environmental Impact Reports required by these regulations. A Notice of Preparation shall be distributed in accordance with the State CEQA Guidelines.

~~556.01~~ Draft EIR Process

~~1~~ Private Projects: The applicant shall be given the proposal requirements and a copy of the Environmental Assessment. The applicant shall select a consultant to prepare a proposal for staff

review. If the proposal is acceptable to staff, the applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all costs related to the processing of the EIR. The applicant shall be required to deposit such funds with LAFCo. The applicant shall be responsible for the contract with the consultant and all consultant costs.

If the proposal is rejected by staff, the applicant may appeal such decision to LAFCo. LAFCo may allow the original consultant to revise the proposal or require the applicant to select another consultant. As an alternative, LAFCo may select a consultant in the manner described in the following paragraph.

If the applicant does not want to or is unable to select a consultant, the Executive Officer shall select and provide a list of all acceptable proposals to the applicant. The applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all LAFCo costs related to the processing of the EIR. The applicant shall be required to deposit such funds with the LAFCo. The applicant shall then select a consultant to prepare the EIR. The applicant shall be responsible for the contract with the consultant and all consultant costs.

2.- LAFCo Projects: Where the project is initiated by LAFCo, the Executive Officer may prepare the EIR in its entirety or in conjunction with consultants selected by the Executive Officer and approved by LAFCo. LAFCo shall incur the cost of preparation of the EIR except where a project is initiated by LAFCo at the request of a person or agency. In such event, the person or agency requesting the initiation shall incur such cost of preparation as determined by LAFCo

~~556.07.2~~ -Notice of Completion

A Notice of Completion shall be filed by the Executive Officer with the Secretary of Resources as soon as the Draft EIR is completed.

~~08 556.03~~ -Public Hearing on Draft EIR

Any request for a public hearing on a Draft EIR shall be subject to approval by the Executive Officer. The Executive Officer may require a public hearing on a Draft EIR without any formal request. The decision or determination that a public hearing on a Draft EIR be conducted shall require findings that:

1. The project subject to the EIR does not require approval at a public hearing, and
2. Such a public hearing is necessary to facilitate the purposes of the CEQA. The reviewing body at such public hearing shall be the LAFCo. All comments made on the Draft EIR at such public hearing shall be summarized and addressed and made part of the Final EIR.

~~556.04~~ Final EIR Process

- ~~1.~~ ~~1~~ -Response to Comments: All comments received during the public review processes shall be
- ~~2.~~ responded to in the Final EIR.

2. Use of Final EIR: The Final EIR shall become a part of the project application and shall be taken into consideration when action is taken.

3. Final Action on Applications: Where LAFCo approves a project which allows the occurrence of significant adverse effects identified in the Final EIR without mitigation, the approval must contain a finding that the benefits of the project outweigh unavoidable environmental damage. These overriding considerations must be fully explained in the record of approval of the project.

When LAFCo approves a project for which the potential adverse impacts have been mitigated, the record of approval shall include the changes or alterations which have been required or incorporated into the project.

557 — Limits for project action

~~Notwithstanding any of the above provisions, a decision shall be made for approval or disapproval of any development project within one year from the date on which an application requesting approval has been received and accepted as complete.~~

Adopted: March 27, 1974
Revised: February 2, 1977
December 21, 1977
September 28, 1983
September 24, 1996

558 List of projects determined to be exempt

For any of the following types of discretionary projects, the executive officer can determine with certainty the project will not have a significant effect on the environment, as provided for under Sec. 15061 of Guidelines for Implementation of CEQA.

1. The project is to annex an area already developed to urban uses and no change in zoning, subdivision, or development is proposed.
2. The project is to annex to the city an area within an unincorporated island, or within an unincorporated corridor over 1/2 miles in length and less than 1/2 mile in width at its narrowest point, and no change in zoning, subdivisions or development is proposed.
3. The project is to detach from a city or district where services are no longer provided, are not needed nor contemplated by the agency for future provision.
4. The project is to dissolve a district for nonuse of corporate powers.
5. The project is similar in nature, scope, and location to other projects for which a negative declaration was issued.
6. The project is for an area considered as urban infilling and the proposal conforms to the subject both city and county plans.
- ~~6-7. A municipal service review.~~

All other discretionary not exempted projects must have an environmental assessment. Any of the above projects which appear to the reviewer to need an assessment, though meeting the criteria, should also be assessed if there is a possibility of a significant effect on the environment.

SECTION 600 CONDUCTING AUTHORITY PROCEEDINGS

~~GC sec. 57000 et seq.~~

600.01 Unless the Commission waives the protest proceedings, as provided in Code section 56663, after adoption of a resolution making determinations by the Commission pursuant to Part 3 of CKH (commencing with Code sec. 56650), the Commission will conduct protest proceedings for a change of organization or reorganization pursuant to Part 4, Chapter 1 of CKH (commencing with Code sec. 57000). (Code sec. 57000(a)).

600.02 On July 11, 2012, pursuant to GC sec. 57000(c), the commission delegated authority to the executive officer to perform the conducting authority proceedings. (LAFCo resolution no. 88)

Added: December 19, 2001

Revised: ~~DATE~~

~~SECTION 700 COMMISSION ADMINISTRATION
GC secs. 56380, 56381~~

~~710 Personnel and facilities~~

~~The Commission shall make its own provision for necessary quarters, equipment, and supplies as well as personnel. The Commission may choose to contract with any public agency or private party for personnel and facilities.~~

~~710.01 The Commission shall appoint an Executive Officer who shall conduct and perform the day-to-day business of the Commission. If the Executive Officer is subject to a conflict of interest on a matter before the Commission, the Commission shall appoint an alternate Executive Officer. The Commission may recover its costs by charging fees pursuant to Code section 56383.~~

~~710.02 The Commission shall appoint legal counsel to advise it. If the Commission's counsel is subject to a conflict of interest on a matter before the Commission, the Commission shall appoint alternate legal counsel to advise it. The Commission may recover its costs by charging fees pursuant to Code sec. 56383.~~

~~710.03 The Commission may appoint staff as it deems appropriate. If staff for the Commission is subject to a conflict of interest on a matter before the Commission, the Commission shall appoint alternate staff to assist it. The Commission may recover its costs by charging fees pursuant to Code section 56383.~~

~~710.04 The term "conflict of interest" shall be defined as it is for the purpose of the Political Reform Act of 1974 and shall also include matters proscribed by Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Code (Code sec. 56384).~~

~~710.05 In order to obtain cost effective services and resources, the Commission currently has an agreement with the County of Fresno to provide personnel and resources to operate the Commission, including the provision of an Executive Officer and staff, and legal counsel.~~

Commented [FD3]: Moved to Financial and Accounting Procedures

~~720 Budgetary matters
(GC sec. 56381)~~

~~720.01 If the County or a city does not remit its required payment to fund the Commission's net operating expenses, as provided in Code section 56381(c), the Executive Officer is authorized to determine an appropriate method of collecting the required payment, including a request to the County Auditor/Controller/Treasurer/Tax Collector to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the County or city under Code section 56381(c).~~

~~720.02 Any action previously taken by the Executive Officer to enforce GC sec. 56381(c) is hereby ratified and approved.~~

~~Added December 19, 2001
Revised February 13, 2004~~

Commented [FD4]: Moved to Financial and Accounting Procedures

~~730 — Destruction of records~~

~~GC sec. 56382~~

~~730.01 — Original records two years old or less shall be maintained in the LAFCo Office. The Commission may authorize the destruction of original records more than two years old if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:~~

~~Following review by LAFCo Counsel, the Executive Officer places on the Commission's agenda an item that describes the types of records to be destroyed and identifies the years in which they originated, and permission to destroy said records is granted by the Commission.~~

~~1. — The records are reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management.~~

~~2. — The device used to reproduce the records is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions or changes to the original document images.~~

~~3. — The reproductions are made as accessible for public reference as the original records were.~~

~~4. — A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.~~

~~730.02 — Original signed resolutions may not be destroyed.~~

~~730.03 — The Executive Officer may destroy any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission.~~

~~730.04 — At least one copy of all electronic reproductions shall be stored on compact disks, or other appropriate medium as technology allows, in a locked "fireproof" box in the LAFCo offices. A second copy shall be maintained on the County's "network" drive and/or on compact disks or other medium at an appropriate offsite location, as determined by the Commission.~~

~~730.05 — In the case of Commission approved changes of organization and reorganizations where recordation is not achieved timely and where extensions of time are granted, the two-year time frame identified in Policy 730-01, shall be tolled from the time the change of organization or reorganization is completed (recorded).~~

~~730.06 — In cases where a change of organization or reorganization is allowed to expire, the two-year time frame shall be tolled from the original date of approval or the date of the most recent time extension, if such extension(s) was granted.~~

~~730.07 — Audio recordings of all Commission meetings shall be maintained on compact disks or other appropriate medium as provided by State law and shall be stored in the manner as described in~~

Subsection 04 above. These records are to be maintained as a permanent record of Commission proceedings.

Added: July 9, 2008

Commented [FD5]: Revised and moved all to Financial and Accounting Procedures

Appendix A: Annexation Program Guidelines

It is Fresno LAFCo policy (102-01) that “within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency.”

LAFCo recommends that each local agency fulfill this policy through the exercise of one or more of the following basic principles and actions. ~~These guidelines are directory and not mandatory.~~

01. The annexation program is consistent with LAFCo’s Sphere of influence (SOI) for the city.

Suggested actions:

~~Prior to a city submitting an application to the commission to update its sphere of influence, cCity and county shall meet and reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. (GC §sec. 56425)~~

~~• City responds to a request to extend service outside of its city limits and SOIs in consultation with GC §56133 and Fresno LAFCo policy.~~

Background:

~~LAFCos are authorized to perform have numerous powers under CKH, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies:~~

~~A “Sphere of influence” means a plan for the probable physical boundaries and service area of a local agency, as determined by the commission. GC §56076~~

~~The SOI is an important component of a city’s general plan implementation:~~

~~Every determination made by a commission regarding the matters provided for by subdivisions (a), (m), and (n) of Section 56375 and by subdivision (a) of Section 56375.3 must shall be consistent with the spheres of influence of the local agencies affected by those determinations. (GC §sec. 56375.5)~~

The annexation program should also anticipate needed updates of the city’s sphere of influence and the appropriate development standards developed in consultation with the County to promote the logical and orderly development of areas within the sphere. GC §sec. 56425

Because cities provide multiple municipal services, they occasionally extend service outside of their city limits and SOIs. The statute allows these extensions—with LAFCo authorization—subject to certain conditions, though not as an alternative to annexation or amendment of the SOI. GC §sec. 56133.

~~1. The annexation program clearly implements the city’s general plan.~~

02. Suggested actions:

~~03. City annexation applications shall describe how the proposal implements the city’s general plan, and support these statements with information from other official sources such as the annual budget, capital improvement plan, and so forth.~~

~~04. A rezoning ordinance shall not be encumbered with conditions that must be satisfied after the date of submission of the annexation application to LAFCo. Once the application for annexation is heard by the LAFCo Commission, all rezoning conditions must be satisfied or the territory is not rezoned.~~

Background:

~~The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned. 56375(a)(7)~~

2-02. The annexation program emphasizes the use of cities' resolution of application versus property owner petitions.

Background:

The LAFCo statute permits property owner petition-initiated reorganizations and SOI amendments. Though Fresno LAFCo must comply with statute, in many cases property-owner petitions complicate the process, increase liabilities, and otherwise thwart the orderly completion of LAFCo's responsibilities. Some cities encourage petitions because they don't have the resources to process annexations. The challenge is that all cities in Fresno County have MOUs with the County to comply with Revenue and Tax Code section 99 regarding property tax revenue transfer upon annexation.

Property-owner petitions may actually add inefficiencies to the MOU process. For example, in order to complete an approved annexation, LAFCo staff require certain documents from the city (right-to-farm, addressing, tentative map acceptance, etc.) and the city staff may not be prepared to respond in a timely manner. This could be remedied by earlier coordination between LAFCo and city staff if the staff were assisting with the application.

While it is possible to independently develop solutions for service delivery to a parcel, this practice does not promote the overall planning, construction and integration of facilities into the municipal service delivery network. Proper long-range land use planning must recognize and balance competing interests and the need to provide for future roadways and coordination with other service providers that would be affected by planned growth. There is a civic obligation on the city's part that it assertively manages the implementation of its general plan beginning with the review and approval of planning applications, then make application to LAFCo for annexation, and finally take responsibility for the construction compliance with building and safety codes.

Suggested action:

~~xx. For the city may to consider discouraging property owner petition-initiated reorganizations as these would not necessarily have proceeded through a the process of city's development review and approval, which is an important step in the management of a city's general plan and instead anticipate probable annexations and prepare to process these in a timely manner through resolution-initiated petitions.~~

Background:

The LAFCo statute permits property owner petition-initiated reorganizations and SOI amendments. While Fresno LAFCo must comply with the statute, in many cases property owner petitions complicate the process, increase liabilities, and otherwise thwart the orderly completion of LAFCo's responsibilities. Some cities encourage petitions because they don't have the resources to process annexations, or for other reasons. The challenge is that all cities in Fresno County have MOUs with the County to comply with Revenue and Tax Code section 99 regarding property tax revenue transfer upon annexation. These MOUs also include "standards of annexations." The LAFCo is not a party to the MOUs, though it often hosts the MOU section 2.2 Notice of Intent to File meetings and otherwise plays a third party role as cities and the County coordinate their MOU activities.

Property owner petitions may actually add inefficiencies to the MOU process. For example, in order to complete an approved annexation, LAFCo staff require certain documents from the city (right to farm, addressing, tentative map acceptance, etc.) and the city staff may not be prepared to respond in a timely manner. This could be remedied by earlier coordination between LAFCo and city staff if the staff were assisting with the application.

While it is possible to independently develop solutions for service delivery to a parcel, this practice does not promote the overall planning, construction and integration of facilities into the municipal service delivery network. Proper long range land use planning must recognize and balance competing interests and the need to provide for future roadways and coordination with other service providers that would be affected by planned growth. There is a civic obligation on the city's part that it assertively manage the implementation of its general plan beginning with the review and approval of planning applications, then make application to LAFCo for annexation, and finally take responsibility for the construction compliance with building and safety codes.

3-03. The annexation program supports orderly growth by identifying areas to be annexed, general time frames for growth, and a plan for extension of services to these areas.

Suggested actions:

- Capital improvement plan and/or facilities plans include all lands within the SOI;
- Development impact fees that fund the extension of services are established and maintained;
- Impacts to service delivery are assessed in the city's EIR or project-specific CEQA documents and appropriately-scaled mitigation is approved and implemented.
- Athe city coordinates its public policy documents in support of the annexation program.

Background:

The annexation program should coordinate the policies, facilities, funding, and construction of city service infrastructure by linking the general plan land use diagram and policies, capital improvement plans, service delivery plans (such as a fire department's Standards of Coverage), and annual budget. The product of this work can serve as the foundation for development policies that direct growth to certain areas whether all or part of the city's sphere, or restrict growth to defined areas until certain actions (funding, studies, etc.) are complete.

LAFCo's interest in cities' growth and development can be summarized by three words: order, logic, and efficiency.

- Order is a state in which all components ~~of~~, elements, and actions are arranged logically, comprehensibly.
- Logic describes the use of valid public policy reasoning in some activity. These elements are ~~already~~ can be found in a city's local agency's plans, policies, budget, etc.
- Efficiency in general describes the extent to which time, effort or cost is well used for the intended task or purpose, it is measured by a comparison of production with cost (as in energy, time, and money) "Efficiency is doing things right, while Effectiveness is doing the right things."

An official document is created to describe how annexations implement the city's General Plan growth and development policies.

By coordinating ~~at~~ the city's plans and policies, the annexation program also supports the efficient delivery of urban services throughout the rest of the city.

04. The annexation program anticipates changes of organization of existing special service districts and service areas in the SOI or adjacent to the city's SOI.

Suggested action:

- The Program should describe the transition of services that will occur when the city annexes/detaches (CID, NCFPD, FCFPD, KRCD, etc.); inversely, the document describes the status of or continuation of services when annexations do not result in detachment (FID, FMFCD, etc.).

5-05. The annexation program anticipates the location of Disadvantaged Unincorporated Communities within a city's sphere of influence.

Suggested action:

- Cities should become proficient in implementing their responsibilities under Senate Bill 244, should review Fresno LAFCo DUC policy and review Senate Bill 244 Technical Advisory (attached).

Background:

The statute requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service reviews (an "MSR"). Generally, LAFCo will not approve annexations of territory greater than ten (10) acres if there is DUC contiguous to the proposal.

GC §sec. 65302.10 defines "Disadvantaged unincorporated community" as a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income and requires that cities identify DUCs in their general plan land use element. GC §sec. 56033.5 further refines this definition for the purposes of annexations and Fresno LAFCo policy 106 establishes procedures to evaluate DUCs in light of nearby annexation proposals.

LAFCo is working with the County, the Fresno Council of Governments to establish and update a County-wide map of DUCs. This will be available to cities.

6-06. The annexation program informs citizens in annexation areas of their rights, benefits, and changes that will occur on annexation.

Suggested actions:

- City to establish and maintain on its website a description of the information above, how citizens can engage the process, how the city engages citizens and stakeholders and other information related to annexation. This information should include a description of the SOI, protest processes, and how LAFCo is involved.
- For those portions of a city's SOI that contain a large number of rural residential parcels that are planned for urban uses, the city is strongly encouraged to develop a long-term plan to annex and serve these areas.

~~7. 8. The annexation program will be coordinated with LAFCo's MSR for the city.~~

Suggested action:

- ~~• City applications should include an assessment of current MSR determinations and recommendations.~~

Background:

~~Municipal Service Reviews are a major feature of LAFCo's responsibilities. The MSR is essential for the Commission to determine a local agency's sphere of influence. MSRs include 'determinations' based on facts and information provided by the local agencies to advise the Commission's decision on SOI updates. In approving an MSR, the Commission may also make recommendations to a local agency on matters related to the order, logic, and efficiency of that agency's operation. LAFCo staff will evaluate whether progress has been made by a local agency on the MSR recommendations when analyzing annexations and SOI updates.~~

~~8. The annexation program is managed by an assigned and responsible city staff member.~~

Suggested action:

- ~~• City identifies a staff member to serve as a genuine point of contact with LAFCo, that is, a staff member responsible and accountable for managing applications, knowledgeable of the project and of LAFCo's process, and empowered to facilitate the city's annexation program.~~

9.07. City entitlement analysis is integrated with LAFCo policies.

Suggested action:

- Local agencies, including Fresno County, are ~~strongly advised~~advised to include Fresno LAFCo in their initial request for comments.
- When initial planning applications that will eventually require annexation are submitted to cities, they are encouraged to submit a pre-application to LAFCo so that LAFCo can track the project at its beginning, and provide comments that would facilitate annexation in time for these to be considered in a timely and efficient manner.

Guidelines adopted December 10, 2014

Appendix B: DUC Database Development Guidelines

Introduction

These guidelines will be used to develop and maintain the database necessary to implement Fresno LAFCo policy 106-01, to conduct reasonable demographic surveys and studies. The database will be augmented by site investigation, and other materials supplied by government agencies and other interested parties (collectively, the "Information Sources").

1. DUCs in Fresno County are initially identified by reviewing US Census information including census tract, block group, or block data to obtain population estimates, economic composition, and demographic information. Census tracts occasionally include both incorporated and unincorporated territories which do not necessarily coincide with city or municipal local agency boundaries. Though a census tract may encompass a large geographic area, the sample data reported therein provides a reasonable assessment of the economic composition among residents within the tract. The smallest geographic units which the US Census collects and tabulates decennial census data are the census block groups and blocks. Census block groups are statistical divisions of a census tract. Census block groups are generally defined between 600-3,000 people. A block group consists of clusters of blocks within the same census tract that have the same first digit of their census block number. Data collected from census block groups and blocks are generally more detailed for areas within a census tract, if available. Most block groups identified by US Census data were delineated by local participants in the Census Bureau's Participant Statistical Areas Program.
2. The definition of a "disadvantaged community" (DAC) per GC §sec. 56033.5, WC §sec. 79505.5, and PRC §sec. 75005(g), is "a community with an annual Median Household Income (MHI) that is less than 80 percent of the statewide annual MHI." For example, the 2010 statewide MHI in California reported by the US Census American Community Survey (ACS) 5-year report is \$60,883; thus, a community with a household income less than 80% of the MHI (\$48,706) would be a "disadvantaged community".
3. The Department of Water Resources (DWR) provides DAC mapping software and downloadable shape file maps are available through the DWR website. DWR's DAC mapping data is created using the ACS five-year period reports between years 2006-2010. The DWR maps identify DACs for different areas using census tracts or block group information. The shape file maps include pre calculated fields for census tracts and block groups that are identified as DAC (per PRC §sec. 75005 (g)) with a "Yes or No."
4. Fresno LAFCo Policy 106 definition is more specific and includes two additional DUC indicators aside from the MHI margin:
 - a. the DUC will be inhabited territory (12 or more registered voters); and
 - b. consist of at least 15 dwelling units at a density not less than one unit per acre.In addition, LAFCo policy 106-05 established that a DUC up to 300 feet distant from a proposed annexation boundary "is sufficient to start the annexation proceedings for a DUC." This policy also identified "Legacy Communities" which are DUCs within one mile of an existing or proposed sphere of influence.

5. The DAC mapping information available in geographic information systems (GIS) shape files will be employed to develop a "first cut" of maps to identify areas in the County that report a MHI less than 80 percent of the statewide annual MHI. The DAC GIS shape files will be layered with maps available on the County of Fresno's GIS database. Fresno County's shape file named "CY_FRESNO.CENSUS_BLKGRP" will be utilized to identify all census block groups in the County that meet the DAC threshold. The "CY_FRESNO_CITY_NAMES" shape file will be used to map incorporated and unincorporated community boundaries. The "CY_FRESNO.PARCEL_VW" GIS shape file will be employed to identify parcelization patterns that could be compared to aerial photography in identification process of a DUC, per Commission Policy 106.

6. The DAC maps present an initial assessment of the areas based on MHI data at the census tract and block group levels. Further review of land parcelization patterns and identification of DUCs will be focused near city limits and within Municipal Local Agencies with SOI boundaries.¹ The data is selected to only identify DUCs near cities and Municipal Local Agencies that provide services related to sewer, municipal or industrial water, or fire protection. As such, each eligible Municipal Local Agency boundary was surveyed to identify and determine DUC locations that meet the 15 dwelling units at a density not less than one unit per acre.

Guidelines adopted February 11, 2015

¹ Fresno LAFCo policy 107-04, "Municipal Local Agencies" include cities and special districts that provide municipal services.

Appendix C: DUC Policy Implementation Guidelines

The Cortese-Knox-Hertzberg Local Government Reorganization Act OF 2000 ("CKH") requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service review ("MSR").

LAFCo policy 106 supports the implementation of CKH and provides additional refinement of DUCs. The following directory guidelines may be used by staff to establish logical and predictable actions to implement the Commission's DUC Policy and CKH.

1. When a potential applicant meets with LAFCo staff to discuss a proposed project the probable annexation boundaries will be estimated.
2. Staff will consult Fresno LAFCo policy 106 and Fresno LAFCo's DUC database to determine whether a potential DUC is identified adjacent to or within 300 feet of the proposed project and will convey this determination to the applicant and the subject city/municipal local agency.
3. The applicant is recommended to submit a pre-application. If the LAFCo DUC database indicates that a DUC is involved with the proposed project, a deposit of estimated time and materials expenses will be calculated and required prior to staff conducting additional work on the DUC analysis.
4. Pre-application process for DUC review and verification
 - a. Staff assembles data to determine if DUC exists:
 - i. Acreage of DUC boundary is determined based on LAFCo's DUC database.
 - ii. Number of dwelling units within the DUC is determined, census data is used to assess preliminary MHI for the DUC, and field visits will be conducted.
 - iii. Number of registered voters within the DUC is determined.
 - iv. Identification of present and probable needs for public facilities and services for the DUC is determined.
 - v. Information Sources, as defined in LAFCo policy 106-01, will be used to determine precise annual median household income of the DUC.
 - vi. Verification of any previous applications filed with the Commission for the same DUC within the preceding five years, if applicable, is determined.
 - vii. A mailing list of both property owners and registered voters within the DUC is generated.
 - viii. The affected city/municipal local agency will be contacted to participate in the evaluation of what services will be extended to the DUC if annexed. (service area)
5. Pursuant to LAFCo policy 106-04, "written evidence" shall be obtained in the following manner:

A DUC annexation notice letter, bilingual or multilingual (sample attached) will be sent to registered voters (RVs) in the DUC with a copy sent to DUC property owners to advise registered voters of potential annexation of the DUC, describe the probable changes to services upon annexation, probable fees, taxes, and other assessments resulting from annexation.
6. The letter will request response from residents and registered voters within 21-days of receiving the notice.

In compliance with CKH and LAFCo policy, the letter shall request written opposition to a potential annexation by the registered voters in a DUC. Based on the record of responses, EO will present a recommended finding for the commission action.

7. If EO determines that based on written evidence, less than the majority of the DUC RVs respond to the annexation letter in opposition, or if majority of the RVs in the DUC respond in support of annexation, the applicant and subject local agency will be advised that this territory may be included in the proposed annexation, or may be subject to a subsequent or concurrent annexation.

If EO determines based on written evidence, that a majority of registered voters in the affected territory are in opposition to annexation, the applicant and subject local agency will be advised that this territory will be not included in any subsequent reorganization application pursuant to CKH and LAFCo DUC policy.

It should be noted that this does not preclude a DUC from being annexed by petition or resolution under other circumstances independent of CKH and LAFCo DUC policy.

An annexation application to annex a contiguous DUC shall not be required if either of the following apply:

- If the EO determines that a previous application has been filed for the same DUC in the preceding five years, an application to annex will not be required.
- If the Commission finds, based on written evidence, that a majority of registered voters in the affected territory are in opposition to annex, an annexation applicant will not be required.
- Filing of a DUC annexation application with the EO.

<City Letterhead>

<Date>

Dear <name of registered voter and/or landowner>

You are receiving this letter because your neighborhood is next to a proposed annexation to the City of <name of City>. The City is proposing to annex <insert description of annexation – size, purpose, etc.>. A map of the proposed annexation area is enclosed. The City would like to know your interest in also being annexed.

You are currently residing or own land in what is called unincorporated Fresno County. This means that the County of Fresno or the <name of special district> is responsible for services to your community. Annexation to the City of <name of City> would mean that the City would become responsible for many of the services to your community which may now be provided by the County or special district. Please see the enclosed information regarding the services that the City provides, how the services are paid for and the timing of when you could expect those services to be provided if your neighborhood is annexed into the City.

Enclosed is an annexation survey and postage paid envelope <or postage paid post card if the survey can fit>. Please return it by <date>. The return of this survey is important because State law requires the City to file an application to annex your neighborhood unless the majority of registered voters are against it. If you have any additional questions or would like more information, please contact <city contact name, phone number, e-mail>. For Spanish translation services for the enclosed City service information, please contact <city contact name, phone number, e-mail>.

<Ending salutation>

Enclosures:

Proposed Annexation Map

City Services and Other Information

City Annexation Survey and Return Envelope <or City Annexation Survey Postcard>

<City Letterhead>

<Date>

Estimado <name of registered voter and/or landowner>

Usted está recibiendo esta carta porque su vecindario está cerca de una anexión propuesta en la Ciudad de <name of City>. La ciudad está proponiendo anexar el territorio localizado <insert description of annexation – size, purpose, etc.>. Un mapa ilustrando el territorio de la anexión propuesta está incluido con esta carta. La ciudad también quiere saber su interés en ser incluido en la anexión.

Actualmente usted está viviendo o es dueño de propiedad en áreas que no son incorporadas en el Condado de Fresno. Por esta razón el Condado de Fresno o el <name of special district> es responsable de proveer servicios municipales a su comunidad. La anexión del territorio a la ciudad de <name of City> resultaría en que la ciudad se haga responsable de muchos de los servicios municipales a su comunidad que actualmente son proveídos por el Condado o el <name of special district>. Por favor mire la información incluida acerca de los servicios que la ciudad pueda proveer y como los servicios son pagados y cuando debe de anticipar los servicios que sean proveídos si su vecindario si el territorio es anexado a la ciudad de <name of City>.

Incluido esta una encuesta de la anexión y un sobre pre pagado <or postage paid post card if the survey can fit>. Por favor devuelva la encuesta antes del <date>. El regreso de esta encuesta es importante porque las leyes del estado de California requieren que la ciudad archive una aplicación para anexar su vecindario al menos que la mayoría de los residentes en su vecindario estén en contra de la anexión propuesta. Si usted tiene preguntas acerca de esta carta o quiere más información, por favor contacte a <city contact name, phone number, e-mail>. Para servicios de traducción en español sobre los servicios de la ciudad, contacte a <city contact name, phone number, e-mail>.

<Ending salutation>

Documentos Incluidos:

Mapa de la Propuesta Anexión

Servicios de la Ciudad y Otra información

Encuesta de Anexión y Sobre de Regreso <or City Annexation Survey Postcard>

City of X Annexation Survey

Please fill out this survey after reading the enclosed information regarding City services and potential annexation into the City of X.

Would you like to be annexed to the City of X?

Yes, I would like my property/residence to be annexed.

No, I do not want my property/residence to be annexed.

_____ **I don't care**, it doesn't matter to me if my property/residence is in the City or County.

_____ **I don't know**, I would like more information regarding annexation.

Would you be interested in attending a public meeting to hear more about what annexation means?

Yes

No

Contact information of the person(s) filling out this survey:

Name: _____

Address: _____

Phone or E-mail: _____

Ciudad de X Encuesta De Anexión

Por favor llene esta encuesta después de leer la información incluida sobre los servicios de la ciudad y la posibilidad de anexión a la Ciudad de X.

Le gustaría ser anexado a la Ciudad de X?

Si, Me gustaría que mi propiedad/residencia sea anexada.

No, No me gustaría que mi propiedad/residencia sea anexada.

_____ **No me importa**, no me importa que mi propiedad/residencia este en la ciudad o el condado.

_____ **No Se**, Me gustaría más información sobre la anexión.

Estará interesado en atender una ausencia publica para aprender mas sobre la anexión?

Si

No

Cuántas personas (18 años o mayor) residen en su vivienda?

Información de contacto de las persona(s) llenando la encuesta:

Nombre: _____

Dirección: _____

Teléfono o E-mail: _____

Guidelines adopted February 11, 2015

Fresno LAFCo
Extension of Services Worksheet
Revised May 16, 2022

This worksheet outlines the statute, policy, and procedure to request extension of service(s). Once you have reviewed this worksheet, you are encouraged to consult with LAFCo staff prior to submitting an application.

1. Authority

Government Code (GC) sec. 56133(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

By Resolution No. 127, the Fresno LAFCo delegated to the executive officer the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries.

2. Applicant

It is strongly recommended that the local agency that will provide the service(s) be the applicant, not the subject property owner. A local agency's agreement to serve the subject property is a necessary part of the application and will carry great weight with the executive officer's analysis of the application. LAFCo staff encourages property owners to work through the affected local agency:

GC 56017.2 (c). "Application" means: A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133. (emphasis added)

3. Information needed from a local agency for authorization to extend service(s)²

- Completed application (only the first page of the LAFCo master application is necessary for extension of service requests);
- Nature of the request;
- Location of proposed recipient(s), address, APN, and total acreage of the affected property(ies);
- Maps depicting:
 - 1) subject property.
 - 2) all public improvements needed to fulfill the proposed extension,
 - 3) city limit/district boundary, and
 - 4) affected local agency's sphere of influence (SOI);
- A draft copy of the proposed agreement or contract between local agency and owners of the affected properties;

² Note: An extension of service may be exempt from GC sec. 56133; see "Important exemption in the statute" later in this worksheet. If the extension is exempt the executive officer will communicate this in writing and fee will be returned.

Fresno LAFCo
Extension of Services Worksheet

- A local agency contact;
- Known alternate providers of the type of service to be extended; and
- Fee per Fresno LAFCo policy 350-10.

4. Process

Extension of service requests are not changes of organization pursuant to GC 56021 and are not publicly noticed pursuant to GC 56658(b)(1); rather, the process is administrative in nature with typical notice of action given only to the subject local agency, the party requesting service, Fresno County Public Works and Planning, County Auditor/Controller, and County Assessor.

Within 30 days of receipt of an application for approval by a city or district of a contract to extend services outside its jurisdictional boundary, the executive officer shall determine whether the request is complete and acceptable for filing or whether the request is incomplete.

If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the applicant, 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, not more than 90 days from the date that the request is deemed complete, approve, disapprove, or approve with conditions the contract for extended services.

The executive officer may forward a copy of the application to the Fresno County Department of Public Works and Planning for review, comment, and recommended conditions of approval including necessity for encroachment permits, utility easements, and so forth.

If the executive officer has denied a request for extension of service, the local agency or an affected party may request that the executive officer's action be reconsidered by the commission within 30 days of executive officer action per GC sec. 56895.

There are essentially two thresholds to consider: is the service to be extended to property(ies) inside or outside of a SOI. If the subject property is inside of the affected agency's SOI:

GC 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.

In comparison, service to property(ies) outside of the affected agency's SOI is a substantially higher threshold:

GC 56133 (c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and 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 if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the

Fresno LAFCo
Extension of Services Worksheet

affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

Regarding (1), above, in the event that the requested extension is outside a SOI, as soon as possible, the local agency should contact Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for a finding of an existing or impending threat to the public health or safety.

Regarding (2) above, Public Utilities Code sec. 241 identifies a "Water corporation" as including every corporation or person owning, controlling, operating, or managing any water system for compensation within this State. Maps and statements on file with the commission are:

- Columbia Canal Company
- Shaver Lake Point One Mutual Water Company
- Shaver Lake Point Two Mutual Water Company
- Bakman Water Company

5. Important exemption in the statute

GC sec. 56133 (e) This section does not apply to contracts or agreements solely involving 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. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving 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. This section does not apply to an extended service that a city or district was providing on or before January 1, 2001. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

6. Typical conditions of approval

LAFCo resolution authorizing extension of service pursuant to GC 56133 typically includes the following condition of approval:

The record owner of title to each property shall record a covenant, in a form acceptable to the (service provider), stating that the record owner, and all subsequent owners of

the subject property, shall not protest the future annexation of the subject property if such annexations are not subject to conditions, excluding the facts pertaining to the annexation itself or the extension of service, which might materially prejudice those holding an interest in the real property.

Other conditions of approval may be added to reflect circumstances unique to the application.

7. Distribution of resolution

Upon expiration of the reconsideration period, the executive officer will distribute the resolution authorizing extension of service to the

- o local agency providing the extended service,
- o owner of the affected property,
- o Fresno County Department of Public Works and Planning, and
- o Fresno County Auditor-Controller/Treasurer-Tax Collector.

The executive officer shall provide a summary report of the resolution to the Commission at the next available meeting.

**SECTION 500 COMMISSION ORGANIZATION
CONDUCT OF HEARING AND
COMMISSION BUSINESS**

The following regulations have been adopted by the Commission to comply with GC sec. 56375 (i)-(k) and establish organizational procedures for Commission hearings, selection of officers and public member, and other Commission business.

01 Regular Meetings

The Commission shall adopt a schedule of regular meetings for the forthcoming calendar year at such time as sufficient information is available to do so. The schedule shall indicate the time, date, and location for the meetings. However, whenever the Commission, at a regular meeting sets a different time and place for its meeting, such meeting shall constitute a regular meeting for all purposes.

02 Special Meetings

Special meetings may be called at any time by the Chair of the Commission or by a majority of the members of the Commission pursuant to GC sec. 54956 *et seq.* (the "Ralph M. Brown Act").

03 Adjourned Meeting

Any regular or special meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may make an order for adjournment.

Adopted: April 3, 1986
Amended: October 20, 1999

04 Commission Chair

1. Election

The Chair of the Commission shall be elected by the members thereof by a majority vote of all the members.

2. Term

The term of office of the Chair shall be one calendar year beginning each May and shall be succeeded annually by the chair pro tempore.

3. Eligibility

All members of the Commission are eligible to serve as chair.

4. Duties

The Chair shall be the presiding officer of the Commission. The Chair shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce the Commission's decision on all subjects, and decide all questions of order subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. The Chair shall vote on all questions, and on roll call his name shall be called last. The Chair shall sign all directives and contracts approved by the Commission, and may sign Commission resolutions in the absence of the executive officer.

05 Commission Chair pro tempore

1. Term and Duties

There shall be a Chair Pro Tempore, whose term of office shall coincide with that of the Chair and who shall, in the absence of the Chair, perform all the functions and duties of the Chair.

2. Election

The Chair Pro Tempore of the Commission shall be elected by the members thereof by a majority vote of all the members.

3. Eligibility

All regular members not representing the appointing authority of the chair may be nominated and serve as chair pro tempore.

Amended: February 14, 2015, March 14, 2018

06 Call to order

The Chair shall take the chair at the time and place appointed for the meeting and shall call the Commission to order. In the absence of the Chair and the Chair Pro Tempore, the Executive Officer of the Commission shall call the Commission to order, whereupon a temporary chairman shall be elected by the members present. Upon the arrival of the Chair or the Chair Pro Tempore, the temporary chair shall relinquish the chair at the conclusion of the business then before the Commission.

07 Roll call

Before proceeding with the business of the Commission, the Executive Officer or Clerk to the Commission shall call the roll of the members and the names of those present shall be entered in the minutes.

08 Quorum

A majority of the Commission shall constitute a quorum for the transaction of business; however, unless specifically otherwise provided, the Commission shall take no action except upon the affirmative vote of at least three members.

If at any public meeting of the Commission there shall be less than a quorum so present, the commissioners present may adjourn the meeting from time to time until a quorum shall be present.

09 Minutes

1. Preparation

The minutes of the Commission shall be kept by the Executive Officer or such other person as he may designate and a record of each particular type of business transacted set off in paragraphs with proper subheads; however, the Executive Officer shall be required to make a record only of such business as was actually passed upon by a vote of the Commission and shall not be required to record any remarks of members or any other person, except at the special request of a member.

2. Distribution

As soon as possible after each meeting, the Executive Officer shall cause the draft minutes to be placed on the consent calendar of the next available hearing agenda where it will be presented to the Commission for its review and approval.

3. Reading

Unless the reading of the minutes of a meeting is requested by a member, such minutes may be approved without reading if each member has previously been furnished a copy thereof.

10 Resolutions

A resolution shall be prepared for each action and determination of the Commission as required by law. The resolution shall be signed and certified by the Executive Officer.

11 Order of procedure

The order of procedure in conducting a hearing shall be as follows:

1. The Chair shall request the Executive Officer to inform the Commission of the nature of the matter pending, the notice provided, a summary of the report and recommendation, any new information or correspondence not in the staff report, and other pertinent matters.
2. All proponents shall be heard.
3. All opponents shall be heard.
4. Proponents shall be afforded an opportunity to a rebuttal. New matter may not be introduced except by specific permission of the chairman, in which event opponents shall, again, be given an opportunity to rebut.
5. The Chair shall ask for any additional information of the Executive Officer.
6. The hearing shall be closed and the matter referred to the Commission for discussion and debate.
7. The Commission may make a determination at the hearing or may continue consideration of the matter for additional information or testimony.

12 Rules of debate

1. The Chair may debate and vote.
2. The Chair may move, second, and debate from the chair; subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a member by reason of acting as Chair.
3. Every member desiring to speak shall address the chair and, upon recognition by the Chair, shall confine themselves to the question under debate, and shall adhere to accepted standards of good conduct.

4. A member once recognized shall not be interrupted when speaking unless it shall be to call them to order or as otherwise specifically provided. If a member, while speaking, shall be called to order, that member shall cease speaking until the question of order has been determined and, if in order, they shall be permitted to proceed.

5. A motion to reconsider any action taken by the Commission at a meeting may be made only on the day such action was taken and must be made while the interested parties, if any, are present. Such motion shall be made by a commissioner on the prevailing side, but may be seconded by any member and may be made at any time and have precedent over all other motions.

This is separate and distinct from reconsideration as defined in GC sec. 56895.

13 Rules of order

Except as otherwise specifically provided in this resolution, Robert's Rules of Order as last revised shall govern the proceedings of the Commission in the conduct of meetings thereof.

14 Voting

1. While serving on the Commission, all Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of CKH. (GC sec. 56325.1)

2. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person. (GC sec. 56325.1)

3. Roll Call Vote

A roll call vote shall be taken and recorded. Whenever a roll call vote is in order, the Secretary or Executive Officer shall call the names of the members in the following order: the mover, the second, other members, providing that the name of the chair shall be called last except where the chair has made or seconded the motion.

Revised: December 19, 2001

15 Addressing the commission

1. General

Any person desiring to address the Commission shall first secure the permission of the chair to do so. The Chair shall direct speakers to step up to the microphone and give their name and address in an audible tone of voice.

2. Time

Unless further time is granted by a majority of the Commission, persons addressing the Commission shall limit their address to a reasonable time as may be limited by the Chair.

3. Spokesman for Groups

Whenever any group of persons wishes to address the Commission on the same subject matter, the chair may request that a spokesperson be chosen by the group to address the Commission and in the event additional matters are to be presented by other persons in the group, to limit the number of persons so addressing the Commission so as to avoid unnecessary repetitions.

4. Discussions

No person, other than a member and the person addressing the Commission shall be permitted to enter into any discussion with the person addressing the Commission without the permission of the Chair.

16 Decorum

1. By Members

When the Commission is in meeting, the members shall preserve order and decorum and no member shall, by conversation otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Chair, except as provided in this resolution.

2. By Other Persons

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission shall be forthwith, by the Chair, barred from further audience at such meeting, unless permission to continue shall be granted by majority vote of the Commission.

17 Commission directives

The Commission shall, from time to time, by directives issued by it, establish procedures for the processing of the business of the Commission. Such directive shall be binding upon the staff of the Commission and all persons having business before the Commission.

18 Reimbursement of expenses

1. The members of the Commission shall be reimbursed \$100.00 for their necessary expenses incurred in connection with their attendance at meetings of the Commission exclusive of attendance at CALAFCO events..

2. The members of the Commission shall be reimbursed for their reasonable and necessary expenses incurred in connection with their attendance at regular public hearings and meetings called by the Chair or Executive Officer.

The Commission may authorize payment of a per diem to commission members and alternates for each day while they attend CALAFCO meetings.

Revised: June 6, 2012

19 Retirement award

The executive officer shall upon the retirement of a member of the Commission, cause to be prepared one of the following, and transmit same to the Chair for presentation at the next meeting.

1. Retiring alternates, or regular members serving less than two years, shall receive a certificate and letter from the Chair.
2. Retiring regular members serving two years or more shall receive an engraved 6" x 8" plaque.
3. For unusual service an exception to this standard may be made by the Chair.

Adopted: August 27, 1997

20 Selection of public member

The term of the public member is set by law to be four years, to expire the first Monday of the month of May. However, the public member's term shall continue until the appointment and qualification of a successor.

Prior to the expiration date, no later than March 20, the executive officer shall:

1. Publish a notice in a newspaper of general circulation in the County, stating the coming vacancy of the public member position. The notice shall conform to that notice approved by the Commission.
2. Post a notice outside the Commission hearing room, being the same notice as published.
3. Make available to all applicants an approved application form and a description of the duties and responsibilities of the public member, as described on the application.

No application shall be accepted if received after April 20, preceding the term expiration. A roster of all applicants and their application shall be mailed to the Commissioners making the selection at least ten days prior to the date of the selection.

4. A public hearing shall be held on the regularly scheduled hearing date in May, for the purpose of making the selection.

Each applicant shall be invited to an interview at the hearing by the Commissioners making the selection. The interview shall be for an approximate duration of five minutes. Each Commissioner may question the applicant directly.

As an alternative, the Commission may, at its sole discretion, form a subcommittee to review all applications received, select the top candidates to be interviewed by the Commission, and make recommendations to the Commission.

The public member and alternate public member shall be selected by the Commission as follows:

1. Each Commissioner, other than the public member and alternate public member, shall have the right to nominate one candidate from among the applicants.
2. Selection shall be by majority affirmative vote of the Commission (excluding the public

member and alternate public member), which shall include an affirmative vote by at least one of the members selected by each of the appointing authorities.

3. If no candidate should receive the required votes, one or more additional sets of nominations and votes may be conducted from among the candidates, with nominations and voting being conducted in the same manner as provided above, if such is supported by a majority of the Commissioners authorized to vote. If no candidate should receive the required votes, then a new recruitment shall be conducted.

4. The new public member and alternate public member shall begin their terms immediately.

Revised: February 24, 1988; December 20, 2000; July 17, 2013

21 Procedures for public comment

1. Every meeting agenda shall provide an opportunity for members of the public to directly address the Commission on any item of interest to the public, before or during the Commission's consideration of the item, that is within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by state law.

2. Time limit for public comment shall be no more than three minutes per person, or as allowed by the Chair. Commissioners shall have opportunity to ask questions of each person giving comment.

3. Public comment may be allowed by the Chair without written request being filed. At the discretion of the Chair, persons wishing to speak shall file a written request with the Clerk of the Commission in advance of the public comment agenda time. The request shall state the person's name and address, and the subject of the comment. The Chair shall ask the clerk if any requests have been filed.

4. Action taken by the Commission on any matter considered under public comment shall be subject to the noticing requirements of state law and the Regulations and Procedures adopted by the Commission.

Adopted: February 19, 1987

22 Fresno LAFCO Practice for Timely Participation in the Legislative Process

1. In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair (or Vice Chair if the Chair is unavailable), and LAFCo Counsel, is authorized to provide written or email comments communicating the Commission's position.

2. The Chair (or Chair Pro Tempore if the Chair is unavailable), and LAFCo Counsel will review the letter or email prior to it being submitted for consideration.

3. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.

4. The item will be discussed as an informational item at the Commission's next regular meeting.

SECTION 525 CONFLICT OF INTEREST CODE

CONFLICT OF INTEREST CODE FOR THE
FRESNO LOCAL AGENCY FORMATION COMMISSION

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices A designating positions and and B establishing disclosure requirements shall constitute the conflict-of-interest code of the Fresno Local Agency Formation Commission ("LAFCo").

The Form 700s for designated positions, other than LAFCo Commissioners along with any alternates ("Commissioners") and Executive Officer, shall be filed with LAFCo. The Commissioners and Executive Officer are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with LAFCo and, upon receipt of these paper Form 700s with waivers, LAFCo shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

LAFCo shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions not required to file electronically. LAFCo shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by LAFCo are hereby superseded.

Revised: August 26, 1998; August 23, 2000; September 13, 2006; August 8, 2012;
September 5, 2018

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code Section 87200*. These positions are listed for informational purposes only:

- LAFCo Commissioners
- Alternate LAFCo Commissioners
- Executive Officer
- Chief Financial Officer
- Consultants involved in the investment of public funds

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• LAFCo Clerk	2
• LAFCo Staff Analyst	2
• LAFCo Counsel	1

Investment Consultants

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section.

Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

(Gov. Code Sec. 81008.)

Revised: August 23, 2000; September 13, 2006; August 13, 2008; August 11, 2010; August 8, 2012; September 5, 2018

APPENDIX B
DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license;
- utility permit;
- station vendor permit.

Revised: September 13, 2006; August 13, 2006; August 8, 2012; September 5, 2018

SECTION 540 PROCEDURES TO IMPLEMENT THE POLITICAL REFORM ACT

The Commission has directed staff to proceed in the following ways to implement the requirements of the Political Reform Act (GC sec. 84308).

01 Informing the public who may apply for or participate in a proceeding, by inserting a notice of the general requirements of the Political Reform Act on the application, consent form, certificate of filing, mailed notice, newspaper notice, staff report, and agenda. The notice requests consultation with staff as to specific requirements of CKH.

The wording of the public notice shall be as follows:

“If you are an applicant for, or a participant in, any proceeding on the agenda for a land use entitlement and have made campaign contributions totaling more than \$250.00 to any member or alternative member of the Commission within twelve (12) months prior to the Commission considering your application, please immediately inform the Commission of your contribution. State law disqualifies each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months after the Commission’s action. If you have any questions regarding these requirements (which are contained in the California Political Reform Act GC sec. 84308 *et seq.*) please feel free to contact LAFCo staff at (559) 600-0604.”

02 Informing the Commissioners of the general requirements of CKH as it applies to the Commission, and then informing them of who the applicants or participants may be in advance. This advance notice will be accomplished by:

1. First, sending a copy of the certificate of filing with a list of the landowners or parties of real interest listed on the bottom. This list includes all landowners of uninhabited proposals, and landowners of larger, undeveloped parcels in inhabited proposals. This notice is usually sent out approximately one month prior to actual hearing.
2. Second, a list of the same landowners and real parties of interest on the staff report, received just prior to the hearing.

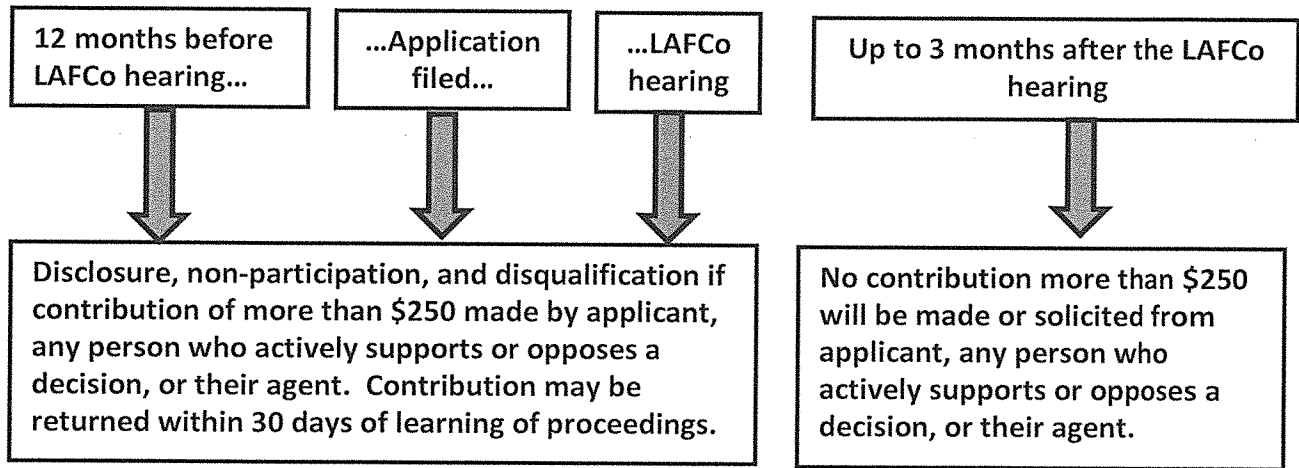
03 For each of the landowner lists received the Commission will be responsible to comply with the law by:

1. Refusing a contribution of more than \$250 from an applicant or participant from the date of filing (certificate) until 3 months after the hearing; and

2. Disclosure, non-participation, and disqualification from the proceeding if a contribution of more than \$250 has been received from an applicant or participant up to 12 months prior to the LAFCO hearing.

A time line showing the requirements for each of the two responses (disclosure, etc./no contribution) follows:

**Timeline showing Political Reform Act
procedure for more than \$250 contribution**



Adopted: October 2, 1986

Revised: March 26, 1996; September 18, 2002

SECTION 541 DISCLOSURE PROCEDURES**PROCEDURES REQUIRING THE DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES MADE FOR THE PURPOSE OF AFFECTING OR INFLUENCING CHANGES OF ORGANIZATION, REORGANIZATIONS, AND PROTEST HEARINGS**

Pursuant to GC secs. 56700.1 and 57009, effective January 1, 2008, expenditures for political purposes related to a proposal for a change of organization or reorganization initiated by petition or resolution by application and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act, GC sec. 81000 *et seq.*, and the regulations of the Fair Political Practices Commission implementing that law.

Fresno LAFCo adopts the following reporting and disclosure requirements to implement GC secs. 56700.1 and 57009.

01 Definitions

1. "Contribution" as used herein shall have the same definition as provided in GC sec. 82015, as amended.
2. "Expenditure" as used herein shall have the same definition as provided in GC sec. 82025, as amended.
3. "Independent expenditure" as used herein shall have the same definition as provided in GC sec. 82031, as amended, except that the term "measure" as used in Section 82031 shall be replaced with the term "proposal for organization or reorganization."
4. "Political Purposes" as used herein shall mean for the purpose(s) of: (i) influencing public opinion; (ii) lobbying public officials; and/or, (iii) influencing legislative or administrative action as defined in GC sec. 82032. It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (GC sec. 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code sec. 21000 *et seq.*, such as a mitigated negative declaration or environmental impact report.

02 Disclosure Requirements for Petitions or Resolution of Application for Proposals for Organization or Reorganization

1. Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which GC secs. 56654 or 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (GC sec. 81000 *et seq.*), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise

excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

2. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section 5 below.

3. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal and inform the requestor of that date in writing.

4. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

03 Disclosure Requirements for Conducting Authority Proceedings

1. Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which GC sec. 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (GC sec. 81000 *et seq.*), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

2. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section 5 below.

3. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

4. In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file

continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

04 Other Reports and Disclosures

This policy requires that the persons subject to it disclose via reports to the commission's executive officer contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition or resolution by application to the commission for a proposal for an organization or reorganization.

This policy also requires that the persons subject to it comply with the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under GC secs. 84501 *et seq.* and the regulations of the Fair Political Practices Commission implementing those sections.

05 Where to File

All reports and disclosures required hereunder shall be filed with the commission's Executive Officer.

06 Reporting Requirements are Non-Exclusive

The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.

07 Sunset Provision

This policy is intended to implement GC secs. 56700.1 and 57009 and shall be of no further force and effect upon the effective date of legislation repealing or amending those sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the Fair Political Practices Commission or otherwise terminates the responsibility of this commission to adopt and implement this policy.

Adopted: December 5, 2007

Revised: January 9, 2008

SECTION 550 IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**01 Adopted by reference**

The California Administrative Code, Title 14, Division 6, Chapter 3, "Guidelines for Implementation of the California Environmental Quality Act," as amended and in effect, is adopted by reference. The criteria, purpose, and objectives of the State CEQA Guidelines with regard to the evaluation of projects, the preparation of Initial Studies, Environmental Impact Reports (EIRs), and Negative Declarations, and time limits imposed shall apply to activities undertaken within the County of Fresno subject to CEQA, except those standards, criteria, and procedures relating solely to State agencies.

02 Application of regulations to projects subject to discretionary action by LAFCo

1. The Executive Officer is responsible for the preparation of environmental documents, as provided for in these regulations, for matters that are brought before the commission for action.
2. The Executive Officer may require the proponent to supply data and information to determine whether a proposal may have a significant adverse impact on the environment prior to acceptance of the application for processing.
3. No application will be accepted as complete until environmental information is deemed adequate by the Executive Officer.

03 Procedure for categorical exemption implementation

The Executive Officer shall recommend categorical exemption status where it can be demonstrated that the activity is consistent with one or more of the classes of categorical exemptions enumerated in the State CEQA Guidelines. The determination of categorical exemption status for projects filed by the Executive Officer shall be subject to review in the manner provided for in Section 555.02 (e) of these regulations.

04 Procedures for environmental assessment (initial study)

For the adequate environmental assessment and evaluation of projects subject to CEQA (and not otherwise exempt) it is necessary that an Environmental Assessment be prepared at the earliest possible time which will address all phases of project planning, implementation, and operation. The Environmental Assessment shall take into consideration the purpose, objectives, rules, regulations, standards, and criteria set forth in CEQA, the State CEQA Guidelines, and the adopted plans and policies of LAFCO.

05 Public or Private Projects Subject to Discretionary Action by LAFCO

Where LAFCO is a responsible agency under CEQA, the lead agency is strongly advised to consult with the Executive Officer on the project during the preparation of the Initial Study.

Where LAFCO is the lead agency under CEQA, an Initial Study shall be prepared in accordance with the provisions of the CEQA Guidelines. The following procedure shall also apply:

1. The Executive Officer shall solicit comments from other agencies and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.
2. The Executive Officer initiate the CEQA process upon acceptance of a complete application
3. When the Environmental Assessment is completed, the Executive Officer shall publish a notice of Negative Declaration in a newspaper of general circulation at least ten days prior to the date action has been scheduled for the project. The notice shall:
 - A. Specify that an Environmental Assessment has been completed and a Negative Declaration has been prepared.
 - B. Solicit written comments on the Negative Declaration.
 - C. Where LAFCO is required to hold a public hearing state the date, time, and place to determine whether a Negative Declaration or an Environmental Impact Report (EIR) is appropriate; at such hearing all written comments and oral testimony will be considered.
 - D. When LAFCO is not required to hold a public hearing state the place where written comments on the Negative Declaration may be delivered and the date when LAFCO shall determine whether a Negative Declaration or an Environmental Impact Report is appropriate.
 - E. LAFCO shall either approve the Negative Declaration or require an Environmental Impact Report.
 - F. Once the Commission has taken final action on a project for which a Negative Declaration has been approved, the Executive Officer shall file with the County Clerk a Notice of Determination with a copy of the Negative Declaration attached.

06 Projects Initiated by LAFCO Subject to Discretionary Action

The Initial Study shall be prepared in accordance with the provisions of the State CEQA Guidelines. The following procedure shall apply:

1. Project information shall be submitted to the Executive Officer at the time the Initial Study is to be performed.
2. The Executive Officer shall solicit comments from other departments, agencies, and individuals with appropriate expertise to assist in identifying potential impacts and determining their significance.
3. After acceptance of the project as complete and during preparation of the Initial Study, the public agency submitting the project shall also submit subsequent clarification, amplification, or

correction of information originally submitted with the project that is necessary to prepare an adequate assessment.

4. The Executive Officer shall make one of the following findings after consideration of the Environmental Assessment:

A. EIR is required and a Negative Declaration shall be prepared and published once in a newspaper of general circulation at least 10 days prior to initiating or undertaking the project:

B. An EIR is required and shall be prepared by the Executive Officer or a consultant selected by the Executive Officer.

5. Any aggrieved person or agency may appeal the decision of the Executive Officer for final determination.

07 Procedure for preparation of environmental impact reports (EIR)

All draft EIRs pursuant to these regulations shall contain the information required by the State CEQA Guidelines and shall be prepared consistent with criteria set forth therein. The Executive Officer shall maintain a list of consultants to prepare Environmental Impact Reports required by these regulations. A Notice of Preparation shall be distributed in accordance with the State CEQA Guidelines.

1. Draft EIR Process

Private Projects: The applicant shall be given the proposal requirements and a copy of the Environmental Assessment. The applicant shall select a consultant to prepare a proposal for staff review. If the proposal is acceptable to staff, the applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all costs related to the processing of the EIR. The applicant shall be required to deposit such funds with LAFCo. The applicant shall be responsible for the contract with the consultant and all consultant costs.

If the proposal is rejected by staff, the applicant may appeal such decision to LAFCo. LAFCo may allow the original consultant to revise the proposal or require the applicant to select another consultant. As an alternative, LAFCo may select a consultant in the manner described in the following paragraph.

If the applicant does not want to or is unable to select a consultant, the Executive Officer shall select and provide a list of all acceptable proposals to the applicant. The applicant shall be offered an agreement with LAFCo in which the applicant will agree to pay LAFCo for all LAFCo costs related to the processing of the EIR. The applicant shall be required to deposit such funds with the LAFCo. The applicant shall then select a consultant to prepare the EIR. The applicant shall be responsible for the contract with the consultant and all consultant costs.

2. LAFCo Projects: Where the project is initiated by LAFCo, the Executive Officer may prepare the EIR in its entirety or in conjunction with consultants selected by the Executive Officer and approved by LAFCo. LAFCo shall incur the cost of preparation of the EIR except where a project is

initiated by LAFCo at the request of a person or agency. In such event, the person or agency requesting the initiation shall incur such cost of preparation as determined by LAFCo

07 Notice of Completion

A Notice of Completion shall be filed by the Executive Officer with the Secretary of Resources as soon as the Draft EIR is completed.

08 Public Hearing on Draft EIR

Any request for a public hearing on a Draft EIR shall be subject to approval by the Executive Officer. The Executive Officer may require a public hearing on a Draft EIR without any formal request. The decision or determination that a public hearing on a Draft EIR be conducted shall require findings that:

1. The project subject to the EIR does not require approval at a public hearing, and
2. Such a public hearing is necessary to facilitate the purposes of the CEQA. The reviewing body at such public hearing shall be the LAFCo. All comments made on the Draft EIR at such public hearing shall be summarized and addressed and made part of the Final EIR.

Final EIR Process

1. Response to Comments: All comments received during the public review processes shall be responded to in the Final EIR.
2. Use of Final EIR: The Final EIR shall become a part of the project application and shall be taken into consideration when action is taken.
3. Final Action on Applications: Where LAFCo approves a project which allows the occurrence of significant adverse effects identified in the Final EIR without mitigation, the approval must contain a finding that the benefits of the project outweigh unavoidable environmental damage. These overriding considerations must be fully explained in the record of approval of the project.

When LAFCo approves a project for which the potential adverse impacts have been mitigated, the record of approval shall include the changes or alterations which have been required or incorporated into the project.

Adopted: March 27, 1974

Revised: February 2, 1977; December 21, 1977; September 28, 1983; September 24, 1996

557 List of projects determined to be exempt

For any of the following types of discretionary projects, the executive officer can determine with certainty the project will not have a significant effect on the environment, as provided for under Sec. 15061 of Guidelines for Implementation of CEQA.

1. The project is to annex an area already developed to urban uses and no change in zoning, subdivision, or development is proposed.
2. The project is to annex to the city an area within an unincorporated island, or within an unincorporated corridor over 1/2 miles in length and less than 1/2 mile in width at its narrowest point, and no change in zoning, subdivisions or development is proposed.
3. The project is to detach from a city or district where services are no longer provided, are not needed nor contemplated by the agency for future provision.
4. The project is to dissolve a district for nonuse of corporate powers.
5. The project is similar in nature, scope, and location to other projects for which a negative declaration was issued.
6. The project is for an area considered as urban infill and the proposal conforms to the subject city or county plans.
7. A municipal service review.

All other discretionary not exempted projects must have an environmental assessment. Any of the above projects which appear to the reviewer to need an assessment, though meeting the criteria, should also be assessed if there is a possibility of a significant effect on the environment.

SECTION 600 CONDUCTING AUTHORITY PROCEEDINGS

600.01 Unless the Commission waives the protest proceedings, as provided in Code section 56663, after adoption of a resolution making determinations by the Commission pursuant to Part 3 of CKH (commencing with Code sec. 56650), the Commission will conduct protest proceedings for a change of organization or reorganization pursuant to Part 4, Chapter 1 of CKH (commencing with Code sec. 57000). (Code sec. 57000(a)).

600.02 On July 11, 2012, pursuant to GC sec. 57000(c), the commission delegated authority to the executive officer to perform the conducting authority proceedings. (LAFCo resolution no. 88)

Added: December 19, 2001

Appendix A: Annexation Program Guidelines

It is Fresno LAFCo policy (102-01) that “within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency.”

LAFCo recommends that each local agency fulfill this policy through the exercise of one or more of the following basic principles and actions.

01. The annexation program is consistent with LAFCo’s Sphere of influence (SOI) for the city.

Prior to a city submitting an application to the commission to update its sphere of influence, city and county shall meet and reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. (GC sec. 56425)

LAFCOs are authorized to perform numerous powers under CKH. Every determination made by a commission must be consistent with the spheres of influence of the local agencies affected by those determinations. (GC sec. 56375.5)

The annexation program should also anticipate needed updates of the city’s sphere of influence and the appropriate development standards developed in consultation with the County to promote the logical and orderly development of areas within the sphere. GC sec. 56425

Because cities provide multiple municipal services, they occasionally extend service outside of their city limits and SOIs. The statute allows these extensions—with LAFCo authorization—subject to certain conditions, though not as an alternative to annexation or amendment of the SOI. GC sec. 56133.

02. The annexation program emphasizes the use of cities’ resolution of application versus property owner petitions.

Background:

The LAFCo statute permits property owner petition-initiated reorganizations and SOI amendments. Though Fresno LAFCo must comply with statute, in many cases property-owner petitions complicate the process, increase liabilities, and otherwise thwart the orderly completion of LAFCo’s responsibilities. Some cities encourage petitions because they don’t have the resources to process annexations. The challenge is that all cities in Fresno County have MOUs with the County to comply with Revenue and Tax Code section 99 regarding property tax revenue transfer upon annexation.

Property-owner petitions may actually add inefficiencies to the MOU process. For example, in order to complete an approved annexation, LAFCo staff require certain documents from the city (right-to-farm, addressing, tentative map acceptance, etc.) and the city staff may not be prepared to respond in a timely manner. This could be remedied by earlier coordination between LAFCo and city staff if the staff were assisting with the application.

While it is possible to independently develop solutions for service delivery to a parcel, this practice does not promote the overall planning, construction and integration of facilities into the municipal service delivery network. Proper long-range land use planning must recognize and balance competing interests and the need to provide for future roadways and coordination with other service providers that would be affected by planned growth. There is a civic obligation on the city's part that it assertively manages the implementation of its general plan beginning with the review and approval of planning applications, then make application to LAFCo for annexation, and finally take responsibility for the construction compliance with building and safety codes.

A city may consider discouraging property owner petition-initiated reorganizations as these would not necessarily have proceeded through a city's development review and approval, which is an important step in the management of a city's general plan and instead anticipate probable annexations and prepare to process these in a timely manner through resolution-initiated petitions.

03. The annexation program supports orderly growth by identifying areas to be annexed, general time frames for growth, and a plan for extension of services to these areas.

Suggested actions:

- Capital improvement plan and/or facilities plans include all lands within the SOI;
- Development impact fees that fund the extension of services are established and maintained;
- Impacts to service delivery are assessed in the city's EIR or project-specific CEQA documents and appropriately-scaled mitigation is approved and implemented.
- A city coordinates its public policy documents in support of the annexation program.

Background:

The annexation program should coordinate the policies, facilities, funding, and construction of city service infrastructure by linking the general plan land use diagram and policies, capital improvement plans, service delivery plans (such as a fire department's Standards of Coverage), and annual budget. The product of this work can serve as the foundation for development policies that direct growth to certain areas whether all or part of the city's sphere, or restrict growth to defined areas until certain actions (funding, studies, etc.) are complete.

LAFCo's interest in cities' growth and development can be summarized by three words: order, logic, and efficiency.

- Order is a state in which all components, elements, and actions are arranged logically, comprehensibly.
- Logic describes the use of valid public policy reasoning in some activity. These elements can be found in a local agency's plans, policies, budget, etc.
- Efficiency in general describes the extent to which time, effort or cost is well used for the intended task or purpose, it is measured by a comparison of production with cost (as in energy, time, and money) "Efficiency is doing things right, while Effectiveness is doing the right things."

An official document is created to describe how annexations implement the city's General Plan growth and development policies.

By coordinating a city's plans and policies, the annexation program also supports the efficient delivery of urban services throughout the rest of the city.

04. The annexation program anticipates changes of organization of existing special districts and service areas in or adjacent to the city's SOI.

Suggested action:

- The Program should describe the transition of services that will occur when the city annexes/detaches (CID, NCFPD, FCFPD, KRCD, etc.); inversely, the document describes the status of or continuation of services when annexations do not result in detachment (FID, FMFCD, etc.).

05. The annexation program anticipates the location of Disadvantaged Unincorporated Communities within a city's sphere of influence.

Suggested action:

- Cities should become proficient in implementing their responsibilities under Senate Bill 244, should review Fresno LAFCo DUC policy and review Senate Bill 244 Technical Advisory (attached).

Background:

The statute requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service reviews (an "MSR"). Generally, LAFCo will not approve annexations of territory greater than ten (10) acres if there is DUC contiguous to the proposal.

GC sec. 65302.10 defines "Disadvantaged unincorporated community" as a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income and requires that cities identify DUCs in their general plan land use element. GC sec. 56033.5 further refines this definition for the purposes of annexations and Fresno LAFCo policy 106 establishes procedures to evaluate DUCs in light of nearby annexation proposals.

LAFCo is working with the County, the Fresno Council of Governments to establish and update a County-wide map of DUCs. This will be available to cities.

06. The annexation program informs citizens in annexation areas of their rights, benefits, and changes that will occur on annexation.

Suggested actions:

- City to establish and maintain on its website a description of the information above, how citizens can engage the process, how the city engages citizens and stakeholders and other information related to annexation. This information should include a description of the SOI, protest processes, and how LAFCo is involved.
- For those portions of a city's SOI that contain a large number of rural residential parcels that are planned for urban uses, the city is strongly encouraged to develop a long-term plan to annex and serve these areas.

07. City entitlement analysis is integrated with LAFCo policies.

Suggested action:

- Local agencies, including Fresno County, are advised to include Fresno LAFCo in their initial request for comments.
- When initial planning applications that will eventually require annexation are submitted to cities, they are encouraged to submit a pre-application to LAFCo so that LAFCo can track the project at its beginning, and provide comments that would facilitate annexation in time for these to be considered in a timely and efficient manner.

Guidelines adopted December 10, 2014

Appendix B: DUC Database Development Guidelines

Introduction

These guidelines will be used to develop and maintain the database necessary to implement Fresno LAFCo policy 106-01, to conduct reasonable demographic surveys and studies. The database will be augmented by site investigation, and other materials supplied by government agencies and other interested parties (collectively, the "Information Sources").

1. DUCs in Fresno County are initially identified by reviewing US Census information including census tract, block group, or block data to obtain population estimates, economic composition, and demographic information. Census tracts occasionally include both incorporated and unincorporated territories which do not necessarily coincide with city or municipal local agency boundaries. Though a census tract may encompass a large geographic area, the sample data reported therein provides a reasonable assessment of the economic composition among residents within the tract. The smallest geographic units which the US Census collects and tabulates decennial census data are the census block groups and blocks. Census block groups are statistical divisions of a census tract. Census block groups are generally defined between 600-3,000 people. A block group consists of clusters of blocks within the same census tract that have the same first digit of their census block number. Data collected from census block groups and blocks are generally more detailed for areas within a census tract, if available. Most block groups identified by US Census data were delineated by local participants in the Census Bureau's Participant Statistical Areas Program.
2. The definition of a "disadvantaged community" (DAC) per GC sec. 56033.5, WC sec. 79505.5, and PRC sec. 75005(g), is "a community with an annual Median Household Income (MHI) that is less than 80 percent of the statewide annual MHI." For example, the 2010 statewide MHI in California reported by the US Census American Community Survey (ACS) 5-year report is \$60,883; thus, a community with a household income less than 80% of the MHI (\$48,706) would be a "disadvantaged community".
3. The Department of Water Resources (DWR) provides DAC mapping software and downloadable shape file maps are available through the DWR website. DWR's DAC mapping data is created using the ACS five-year period reports between years 2006-2010. The DWR maps identify DACs for different areas using census tracts or block group information. The shape file maps include pre calculated fields for census tracts and block groups that are identified as DAC (per PRC sec. 75005 (g)) with a "Yes or No."
4. Fresno LAFCo Policy 106 definition is more specific and includes two additional DUC indicators aside from the MHI margin:
 - a. the DUC will be inhabited territory (12 or more registered voters); and
 - b. consist of at least 15 dwelling units at a density not less than one unit per acre.In addition, LAFCo policy 106-05 established that a DUC up to 300 feet distant from a proposed annexation boundary "is sufficient to start the annexation proceedings for a DUC." This policy also

identified "Legacy Communities" which are DUCs within one mile of an existing or proposed sphere of influence.

5. The DAC mapping information available in geographic information systems (GIS) shape files will be employed to develop a "first cut" of maps to identify areas in the County that report a MHI less than 80 percent of the statewide annual MHI. The DAC GIS shape files will be layered with maps available on the County of Fresno's GIS database. Fresno County's shape file named "CY_FRESNO.CENSUS_BLKGRP" will be utilized to identify all census block groups in the County that meet the DAC threshold. The "CY_FRESNO_CITY_NAMES" shape file will be used to map incorporated and unincorporated community boundaries. The "CY_FRESNO.PARCEL_VW" GIS shape file will be employed to identify parcelization patterns that could be compared to aerial photography in identification process of a DUC, per Commission Policy 106.

6. The DAC maps present an initial assessment of the areas based on MHI data at the census tract and block group levels. Further review of land parcelization patterns and identification of DUCs will be focused near city limits and within Municipal Local Agencies with SOI boundaries.¹ The data is selected to only identify DUCs near cities and Municipal Local Agencies that provide services related to sewer, municipal or industrial water, or fire protection. As such, each eligible Municipal Local Agency boundary was surveyed to identify and determine DUC locations that meet the 15 dwelling units at a density not less than one unit per acre.

Guidelines adopted February 11, 2015

¹ Fresno LAFCo policy 107-04, "Municipal Local Agencies" include cities and special districts that provide municipal services.

Appendix C: DUC Policy Implementation Guidelines

The Cortese-Knox-Hertzberg Local Government Reorganization Act OF 2000 ("CKH") requires LAFCo to make determinations regarding "disadvantaged unincorporated communities" ("DUCs") when considering a change of organization, reorganization, a sphere of influence amendment and municipal service review ("MSR").

LAFCo policy 106 supports the implementation of CKH and provides additional refinement of DUCs. The following directory guidelines may be used by staff to establish logical and predictable actions to implement the Commission's DUC Policy and CKH.

1. When a potential applicant meets with LAFCo staff to discuss a proposed project the probable annexation boundaries will be estimated.
2. Staff will consult Fresno LAFCo policy 106 and Fresno LAFCo's DUC database to determine whether a potential DUC is identified adjacent to or within 300 feet of the proposed project and will convey this determination to the applicant and the subject city/municipal local agency.
3. The applicant is recommended to submit a pre-application. If the LAFCo DUC database indicates that a DUC is involved with the proposed project, a deposit of estimated time and materials expenses will be calculated and required prior to staff conducting additional work on the DUC analysis.
4. Pre-application process for DUC review and verification
 - a. Staff assembles data to determine if DUC exists:
 - i. Acreage of DUC boundary is determined based on LAFCo's DUC database.
 - ii. Number of dwelling units within the DUC is determined, census data is used to assess preliminary MHI for the DUC, and field visits will be conducted.
 - iii. Number of registered voters within the DUC is determined.
 - iv. Identification of present and probable needs for public facilities and services for the DUC is determined.
 - v. Information Sources, as defined in LAFCo policy 106-01, will be used to determine precise annual median household income of the DUC.
 - vi. Verification of any previous applications filed with the Commission for the same DUC within the preceding five years, if applicable, is determined.
 - vii. A mailing list of both property owners and registered voters within the DUC is generated.
 - viii. The affected city/municipal local agency will be contacted to participate in the evaluation of what services will be extended to the DUC if annexed. (service area)
5. Pursuant to LAFCo policy 106-04, "written evidence" shall be obtained in the following manner:

A DUC annexation notice letter, bilingual or multilingual (sample attached) will be sent to registered voters (RVs) in the DUC with a copy sent to DUC property owners to advise registered voters of potential annexation of the DUC, describe the probable changes to services upon annexation, probable fees, taxes, and other assessments resulting from annexation.

6. The letter will request response from residents and registered voters within 21-days of receiving the notice.

In compliance with CKH and LAFCo policy, the letter shall request written opposition to a potential annexation by the registered voters in a DUC. Based on the record of responses, EO will present a recommended finding for the commission action.

7. If EO determines that based on written evidence, less than the majority of the DUC RVs respond to the annexation letter in opposition, or if majority of the RVs in the DUC respond in support of annexation, the applicant and subject local agency will be advised that this territory may be included in the proposed annexation, or may be subject to a subsequent or concurrent annexation.

If EO determines based on written evidence, that a majority of registered voters in the affected territory are in opposition to annexation, the applicant and subject local agency will be advised that this territory will be not included in any subsequent reorganization application pursuant to CKH and LAFCo DUC policy.

It should be noted that this does not preclude a DUC from being annexed by petition or resolution under other circumstances independent of CKH and LAFCo DUC policy.

An annexation application to annex a contiguous DUC shall not be required if either of the following apply:

- If the EO determines that a previous application has been filed for the same DUC in the preceding five years, an application to annex will not be required.
- If the Commission finds, based on written evidence, that a majority of registered voters in the affected territory are in opposition to annex, an annexation applicant will not be required.
- Filing of a DUC annexation application with the EO.

<City Letterhead>

<Date>

Dear <name of registered voter and/or landowner>

You are receiving this letter because your neighborhood is next to a proposed annexation to the City of <name of City>. The City is proposing to annex <insert description of annexation – size, purpose, etc.>. A map of the proposed annexation area is enclosed. The City would like to know your interest in also being annexed.

You are currently residing or own land in what is called unincorporated Fresno County. This means that the County of Fresno or the <name of special district> is responsible for services to your community. Annexation to the City of <name of City> would mean that the City would become responsible for many of the services to your community which may now be provided by the County or special district. Please see the enclosed information regarding the services that the City provides, how the services are paid for and the timing of when you could expect those services to be provided if your neighborhood is annexed into the City.

Enclosed is an annexation survey and postage paid envelope <or postage paid post card if the survey can fit>. Please return it by <date>. The return of this survey is important because State law requires the City to file an application to annex your neighborhood unless the majority of registered voters are against it. If you have any additional questions or would like more information, please contact <city contact name, phone number, e-mail>. For Spanish translation services for the enclosed City service information, please contact <city contact name, phone number, e-mail>.

<Ending salutation>

Enclosures:

Proposed Annexation Map

City Services and Other Information

City Annexation Survey and Return Envelope <or City Annexation Survey Postcard>

<City Letterhead>

<Date>

Estimado <name of registered voter and/or landowner>

Usted está recibiendo esta carta porque su vecindario está cerca de una anexión propuesta en la Ciudad de <name of City>. La ciudad está proponiendo anexar el territorio localizado <insert description of annexation – size, purpose, etc.>. Un mapa ilustrando el territorio de la anexión propuesta está incluido con esta carta. La ciudad también quiere saber su interés en ser incluido en la anexión.

Actualmente usted está viviendo o es dueño de propiedad en áreas que no son incorporadas en el Condado de Fresno. Por esta razón el Condado de Fresno o el <name of special district> es responsable de proveer servicios municipales a su comunidad. La anexión del territorio a la ciudad de <name of City> resultaría en que la ciudad se haga responsable de muchos de los servicios municipales a su comunidad que actualmente son proveídos por el Condado o el <name of special district>. Por favor mire la información incluida acerca de los servicios que la ciudad pueda proveer y como los servicios son pagados y cuando debe de anticipar los servicios que sean proveídos si su vecindario si el territorio es anexado a la ciudad de <name of City>.

Incluido esta una encuesta de la anexión y un sobre pre pagado <or postage paid post card if the survey can fit>. Por favor devuelva la encuesta antes del <date>. El regreso de esta encuesta es importante porque las leyes del estado de California requieren que la ciudad archive una aplicación para anexar su vecindario al menos que la mayoría de los residentes en su vecindario estén en contra de la anexión propuesta. Si usted tiene preguntas acerca de esta carta o quiere más información, por favor contacte a <city contact name, phone number, e-mail>. Para servicios de traducción en español sobre los servicios de la ciudad, contacte a <city contact name, phone number, e-mail>.

<Ending salutation>

Documentos Incluidos:

Mapa de la Propuesta Anexión

Servicios de la Ciudad y Otra información

Encuesta de Anexión y Sobre de Regreso <or City Annexation Survey Postcard>

City of X Annexation Survey

Please fill out this survey after reading the enclosed information regarding City services and potential annexation into the City of X.

Would you like to be annexed to the City of X?

Yes, I would like my property/residence to be annexed.

No, I do not want my property/residence to be annexed.

_____ **I don't care**, it doesn't matter to me if my property/residence is in the City or County.

_____ **I don't know**, I would like more information regarding annexation.

Would you be interested in attending a public meeting to hear more about what annexation means?

Yes

No

Contact information of the person(s) filling out this survey:

Name: _____

Address: _____

Phone or E-mail: _____

Ciudad de X Encuesta De Anexión

Por favor llene esta encuesta después de leer la información incluida sobre los servicios de la ciudad y la posibilidad de anexión a la Ciudad de X.

Le gustaría ser anexado a la Ciudad de X?

Sí, Me gustaría que mi propiedad/residencia sea anexada.

No, No me gustaría que mi propiedad/residencia sea anexada.

_____ **No me importa**, no me importa que mi propiedad/residencia este en la ciudad o el condado.

_____ **No Se**, Me gustaría más información sobre la anexión.

Estará interesado en atender una ausencia publica para aprender mas sobre la anexión?

Si

No

Cuántas personas (18 años o mayor) residen en su vivienda?

Información de contacto de las persona(s) llenando la encuesta:

Nombre: _____

Dirección: _____

Teléfono o E-mail: _____

Guidelines adopted February 11, 2015

**Fresno LAFCo
Extension of Services Worksheet**

This worksheet outlines the statute, policy, and procedure to request extension of service(s). Once you have reviewed this worksheet, you are encouraged to consult with LAFCo staff prior to submitting an application.

1. Authority

Government Code (GC) sec. 56133(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

By Resolution No. 127, the Fresno LAFCo delegated to the executive officer the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries.

2. Applicant

It is strongly recommended that the local agency that will provide the service(s) be the applicant, not the subject property owner. A local agency's agreement to serve the subject property is a necessary part of the application and will carry great weight with the executive officer's analysis of the application. LAFCo staff encourages property owners to work through the affected local agency:

GC 56017.2 (c). "Application" means: A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133. (emphasis added)

3. Information needed from a local agency for authorization to extend service(s)²

- Completed application (only the first page of the LAFCo master application is necessary for extension of service requests);
- Nature of the request;
- Location of proposed recipient(s), address, APN, and total acreage of the affected property(ies);
- Maps depicting:
 - 1) subject property.
 - 2) all public improvements needed to fulfill the proposed extension,
 - 3) city limit/district boundary. and
 - 4) affected local agency's sphere of influence (SOI);
- A draft copy of the proposed agreement or contract between local agency and owners of the affected properties;

² Note: An extension of service may be exempt from GC sec. 56133; see "Important exemption in the statute" later in this worksheet. If the extension is exempt the executive officer will communicate this in writing and fee will be returned.

- A local agency contact;
- Known alternate providers of the type of service to be extended; and
- Fee per Fresno LAFCo policy 350-10.

4. Process

Extension of service requests are not changes of organization pursuant to GC 56021 and are not publicly noticed pursuant to GC 56658(b)(1); rather, the process is administrative in nature with typical notice of action given only to the subject local agency, the party requesting service, Fresno County Public Works and Planning, County Auditor/Controller, and County Assessor.

Within 30 days of receipt of an application for approval by a city or district of a contract to extend services outside its jurisdictional boundary, the executive officer shall determine whether the request is complete and acceptable for filing or whether the request is incomplete.

If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the applicant, 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, not more than 90 days from the date that the request is deemed complete, approve, disapprove, or approve with conditions the contract for extended services.

The executive officer may forward a copy of the application to the Fresno County Department of Public Works and Planning for review, comment, and recommended conditions of approval including necessity for encroachment permits, utility easements, and so forth.

If the executive officer has denied a request for extension of service, the local agency or an affected party may request that the executive officer's action be reconsidered by the commission within 30 days of executive officer action per GC sec. 56895.

There are essentially two thresholds to consider: is the service to be extended to property(ies) inside or outside of a SOI. If the subject property is **inside of the affected agency's SOI**:

GC 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.

In comparison, service to property(ies) **outside of the affected agency's SOI** is a substantially higher threshold:

GC 56133 (c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and 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 if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the

affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

Regarding (1), above, in the event that the requested extension is outside a SOI, as soon as possible, the local agency should contact Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for a finding of an existing or impending threat to the public health or safety.

Regarding (2) above, Public Utilities Code sec. 241 identifies a “Water corporation” as including every corporation or person owning, controlling, operating, or managing any water system for compensation within this State. Maps and statements on file with the commission are:

- Columbia Canal Company
- Shaver Lake Point One Mutual Water Company
- Shaver Lake Point Two Mutual Water Company
- Bakman Water Company

5. Important exemption in the statute

GC sec. 56133 (e) This section does not apply to contracts or agreements solely involving 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. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving 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. This section does not apply to an extended service that a city or district was providing on or before January 1, 2001. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

6. Typical conditions of approval

LAFCo resolution authorizing extension of service pursuant to GC 56133 typically includes the following condition of approval:

The record owner of title to each property shall record a covenant, in a form acceptable to the (service provider), stating that the record owner, and all subsequent owners of

the subject property, shall not protest the future annexation of the subject property if such annexations are not subject to conditions, excluding the facts pertaining to the annexation itself or the extension of service, which might materially prejudice those holding an interest in the real property.

Other conditions of approval may be added to reflect circumstances unique to the application.

7. Distribution of resolution

Upon expiration of the reconsideration period, the executive officer will distribute the resolution authorizing extension of service to the

- local agency providing the extended service,
- owner of the affected property,
- Fresno County Department of Public Works and Planning, and
- Fresno County Auditor-Controller/Treasurer-Tax Collector.

The executive officer shall provide a summary report of the resolution to the Commission at the next available meeting.