

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

COMMISSIONER HANDBOOK AND ADMINISTRATIVE POLICIES

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SAN BENITO LAFCO COMMISSIONER HANDBOOK AND ADMINISTRATIVE POLICIES

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1. WHY LAFCO? - HISTORICAL PERSPECTIVE

During the post war 1940s and 1950s, California experienced a tremendous population increase. Attendant to the surge in population was a land speculation-development boom of variety and magnitude never witnessed before in California or anywhere else in the nation. The ranch and orchard lands of the Los Angeles and San Francisco basins were converted into residential tracts literally overnight.

As a result of this era of growth, the traditional purpose and structure of local government in California also underwent significant change. The reasons included (1) the speculative nature of development that precipitated opening low cost, "rural areas" located away from existing urban centers, (2) increased mobility due to wider reliance on automobiles rather than walking or the traditional use of streetcars, and (3) developers seeking the most expeditious, economical means of providing basic services and facilities such as water, sewers, roads and fire protection. The answer to these criteria was often the use of special districts.

Prior to this period of time, special districts in California had been agriculturally oriented. During this growth and development era; however, that orientation changed drastically, and hundreds of special districts were formed to provide urban types of services in all locales as they became necessary.

As special districts became the local government of suburbia, municipalities suffered. With development moving away, many cities experienced a deteriorating revenue base. Major industry and commerce concerns withdrew, and a residue population of lower economic status remained.

To counteract, the cities began grabbing territory they could manage to annex. Because of the restrictive nature of California's annexation statutes, often the territory cities could annex was undeveloped and located beyond developing suburbia. This type of annexation gave further fuel to the development spiral because it led to even further premature, unplanned development, irregular city boundaries and conversion loss of agricultural lands.

During the late 1950s and early 1960s, the results of this era of growth became evident as California's agricultural industry declined and core cities began to seek State assistance in correcting their blighted conditions.

With this testimony, the State became concerned about the misuse of land resources and the resulting growth and complexity of our local government institutions. In 1958, in response to these concerns, newly elected Governor Edmund G. Brown, Sr. appointed a blue-ribbon commission of academics and local and State officials to examine causes and effects of these related happenings and to formulate solutions for restraining and correcting the situation. That commission was complemented by study committees of the State Assembly and Senate.

In 1961, as a result of these studies, the Legislature formed the California Boundary Commission. This Commission was organized at the State level and given review and comment authority only over the boundaries of city annexations and incorporations.

The functioning of this State Commission proved unsatisfactory from the beginning. It was unable to understand and analyze the various and complex local issues that surrounded numerous city annexations, it offered no handle on special districts and its "Review and Comment" was not enough authority to change trends.

In response to the ineffectiveness of the State Boundary Commission, the Assembly Committee on Municipal and County Government continued its study, holding several lengthy hearings during 1961 and 1962. All segments of local government participated in this study and the following principles were developed:

- To preserve the essence of "home rule," the problem had to be dealt with at the local county level;
- Whatever institution was formed had to have decisive, regulatory power in order to realistically have a beneficial effect; and
- Local answers to the problems of urban sprawl and proliferation of local agencies within each county required equal participation by the county and the cities because only then would workable, practical solutions be derived.

These principles became the cornerstone of the Knox-Nisbet Act, which was enacted in 1963 and created a Local Agency Formation Commission (LAFCO) in each county in the State except San Francisco.

The Knox-Nisbet Act adopted in 1963, its successor, the Cortese/Knox Local Government Reorganization Act adopted in 1985, and its successor the Cortese/Knox/Hertzberg Local Government Reorganization Act in 2000 represent a unique California experiment in rationalizing growth and development through local control of the formation, expansion, and alteration of agencies within each county.

Shortly after LAFCOs' creation, Governor Brown summarized their potential when he heralded the Commissions as California's "test of the capacity of local government to deal effectively with urban growth."

2. GENERAL

A. Name

The Local Agency Formation Commission, established in San Benito County pursuant to Chapter 1 (commencing with Section 56000) of Part 1, Division 3, Title 5, for the Government Code, shall be known as the Local Agency Formation Commission of San Benito County (“LAFCO of San Benito County” or the “Commission.”)

B. Authority

LAFCO of San Benito County is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et seq. of the California Government Code, as amended, and hereinafter referred to as the “CKH Act.” The provisions of these bylaws are not intended to preempt State law. In the event of a conflict between the provisions set forth in these bylaws and those set forth in the CKH Act, the provisions of the CKH Act shall prevail. These bylaws implement the requirements of the CKH Act to adopt written policies and procedures.

C. Mission

The mission of the San Benito County Local Agency Formation Commission is to:

- Encourage the orderly growth of local communities;
- Preserve agricultural lands;
- Discourage urban sprawl; and
- Assure efficient local government service.

3. ROLE OF THE LAFCO COMMISSIONER

A Commissioner's role cannot be separated from the role of the Commission itself.

A. Independence

LAFCO is established as an independent commission. It is not part of the County government nor are its decisions appealable to the County or to local agencies.

Each Commissioner is independent in weighing and reviewing information and making a determination based upon the particular matter under review and in consideration of LAFCO's underlying purposes.

LAFCO is a quasi-legislative body. It is not necessary for Commissioners to state why they have taken a particular action or for the Commission to make findings to justify or support their actions. Judicial review of LAFCO decisions is limited.

B. Legislative Intent

Enabling statutes set forth statewide purposes and policies for LAFCOs. Government Code Section 56301 states:

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

With regard to urban development patterns and the preservation of open space lands Government Code Section 56300 states:

It is the intent of the Legislature that each commission . . . shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

The Commission is also subject to CEQA (California Environmental Quality Act) and the Ralph M. Brown Act, the State's open meeting law.

C. Countywide Decision Maker

The members of the Commission, by majority action, establish public policy in the areas of governmental boundaries, urban form, the provision of public services and jurisdictional relationships between local agencies.

This requires each LAFCO Commissioner to weigh evidence and render:

- Policy decisions regarding such matters as urban sprawl, agricultural preservation and orderly governmental boundaries; and
- Technical decisions based upon factors such as the need and adequacy of public

services, compatibility of proposals with adopted plans, and the effects of alternate actions.

D. Balanced Membership

The Legislature established a balanced membership on LAFCO consisting of City, County and Public members. Some LAFCOs also have special district members.

Members are not, however, appointed to be representative of a particular "city", or "county" viewpoint. The mixed membership is to ensure various backgrounds and appreciations are reflected on the Commission.

Commissioners should rely upon their expertise and experience while on LAFCO and exercise responsibility through a countywide, LAFCO perspective in making decisions.

Government Code Section 56325.1 states

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 this division. 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.

E. LAFCO Operations

The Commission is responsible for establishing policies and objectives and adopting an annual budget which is adequate and appropriate to achieve LAFCO's legal and programmatic responsibilities.

It is the responsibility of Commission to appoint an Executive Officer to fulfill LAFCO's managerial and staff needs and who will ensure required information is presented to support the decisions which are made and who will administer the LAFCO operation efficiently and effectively.

F. Training

Each member of the Commission, and the Executive Officer, shall comply with the statutory requirement that local agency officials receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. Public officials assuming office are to receive required training no later than a year after the first day of service. The Commission, and the Executive Officer, shall further receive such other trainings as required by law, including, harassment prevention.

LAFCO commissioners who are County supervisors or city council members will receive this training in their respective roles as county or city officials. County or city members of LAFCO may submit a certificate of compliance that has been submitted to his or her respective public entity. LAFCO staff will advise the public members of opportunities to

receive the training. Public members must also submit a certificate of compliance to LAFCO staff to verify completion of the education.

4. LAFCO MEMBERSHIP

A. Terms of Office

Members are appointed for four-year terms of office, or to complete a four-year term of office of a prior Commissioner. Terms of office expire on March 1. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body that originally appointed the member whose office has become vacant.

B. Composition

The Commission shall consist of five (5) regular commissioners and three (3) alternate commissioners. Should special districts be seated on the Commission, then it shall consist of seven (7) regular commissioners and four (4) alternate commissioners.

C. Selection of Members

The authority and procedures for selecting LAFCO members are contained in the Cortese/Knox/Hertzberg Act.

1. City Members

The two regular City members and one alternate member must be members of a city council during the time they serve. They are chosen by, and serve at the pleasure of, the City Selection Committee

City Selection Committee meetings are open to the public. The Clerk of the Board of Supervisors serves as the secretary and recording officer.

The Committee consists of each mayor in the County. In the absence of the Mayor another member of that City Council may be appointed to attend and vote in place of the Mayor.

2. County Members

The two regular County members and one alternate member must be County Supervisors when they serve. They are appointed by and serve at the pleasure of the Board.

3. Public Members

The other four commissioners shall appoint one public member and one alternate public member to serve on the commission. The appointees shall be San Benito County residents, and not currently an officer or employee of the county or any city or district with territory in the county. The appointees shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use decisions while serving on the Commission.

4. Selection of Public Members

Government Code Section 56325 requires that selection of the public member and alternate public member be supported by at least one of the members in each of the other categories, i.e., City and County members.

The appointment of the public member and/or alternate public member shall be made in accordance with the following procedures:

- a) The LAFCO Executive Officer shall notify the Commission in advance of the public member's and alternate public member's term expiration or when such seat(s) becomes vacant.
- b) The LAFCO Executive Officer shall prepare a notice announcing the vacancy on the Commission and seeking applications to fill the vacancy.
- c) The notice shall be posted on the LAFCO website and provided to each local agency within the county and to interested parties.
- d) Among other things, the notice shall include information on the mission of LAFCO, and responsibilities of a LAFCO commissioner; and indicate the application filing period and submittal requirements.
- e) Interested applicants shall be required to submit a letter of interest outlining their reasons for wanting to serve as a member of the Commission and any relevant experience.
- f) The current public member and alternate public member shall be eligible to apply for an upcoming vacancy of the public member and/or the alternate public member positions.
- g) The Commission shall not appoint someone to fill a vacancy until at least 21 days after the posting of the notice.
- h) The Commission shall review applicants' letters of interest and shall conduct a group interview of the candidates at the next available LAFCO meeting.
- i) At the close of the group interview, the County and City Commissioners shall by majority vote, appoint a public member and/or an alternate public member.

D. Alternate Members

1. Alternates assure qualified Commissioners are available to vote when regular members are disqualified or absent. In each member category, the alternate member shall serve and vote in place of a regular member who is absent or who disqualifies herself or himself from participating on a specific matter before the Commission at a regular/special commission meeting or in closed session.
2. All alternate members are expected and encouraged to attend and participate in all Commission meetings, even if the regular member(s) is (are) present. Alternate

members may attend and participate in closed session meetings of the Commission. However, alternate members may not vote or make a motion when the regular member is present.

E. Removal of Public Members

1. Removal of public members pursuant to Government Code Section 56334 shall require a super-majority vote requiring a 3/4 vote for a 5-member Commission and 5/6 for a 7-member Commission. The public member must abstain from voting.

F. Brown Act Exception

1. The Brown Act allows an exception from its requirements for the attendance of a majority of the members of the Board of Supervisors, any City Council, or special district governing body at noticed meetings of the Commission, provided that a majority of the members of the legislative body do not discuss among themselves, other than as part of the Commission's scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of their respective agency.
2. No person may disclose confidential information that has been acquired by being present in a closed session meeting authorized pursuant to the Brown Act to a person not entitled to receive it, unless the Commission authorizes disclosure of that confidential information.

G. Disqualification from Participating

A disqualified member is prohibited from voting on the matter or discussing the matter at the Commission meeting as a member of LAFCO. Disqualified Commissioners shall exit the hearing room while the matter is being considered and voted on.

1. Campaign Contributions

LAFCO Commissioners are affected by certain Political Reform Act rules which apply specifically to LAFCOs.

LAFCO members must submit annual conflict of interest disclosure statements (Fair Political Practices Commission Form 700) with the County Clerk - Elections.

LAFCO members are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.

2. Disqualification of City Members

The City Selection Committee, when appointing City members to LAFCO, may provide that such members are disqualified from voting on annexations to their own individual cities.

3. Local Disqualification Rules and Regulations

Each LAFCO may adopt local rules and regulations with respect to disqualification of members, provided such rules do not provide for automatic disqualification of County or City members from participating in matters affecting their own individual agencies.

H. Disclosure of Ex Parte Communication

1. Commissioners shall use their best efforts to track ex parte contacts pertaining to applications that are subject to a public hearing pursuant to the CKH Act.
2. Ex parte contacts include oral or written communications concerning applications that are subject to a public hearing pursuant to the Act, which occur outside of a noticed public hearing. Contacts shall include phone calls, meetings, site visits, and written communications, including emails. Ex parte contacts shall exclude those interactions that are part of regular administrative process, such as inquiries as to status. Ex parte contacts shall also exclude privileged information as part of a potential or ongoing lawsuit.
3. If an ex parte communication regarding the public hearing matter occurs, the Commissioner shall verbally disclose (1) the identity of the individual(s) with whom the Commissioner had contact; and (2) the substance of the information communicated. The commissioners shall verbally disclose written communication, unless such correspondence is forwarded to LAFCO staff in advance of the public hearing for inclusion in the agenda packet.
4. Following the closure of the public hearing and prior to a final decision, commissioners shall disclose any electronic or personal communication that has taken place pertaining to the item.
5. The LAFCO meeting agenda shall note public hearing items that require disclosure of ex parte communication.

5. LAFCO POWERS AND DUTIES

A. General Provisions

LAFCO enabling statute is CKH Act. This law establishes the composition, basic purposes and funding of the Commission and sets forth the procedures for boundary changes and out of agency service extensions.

The State's purposes for LAFCO are found in Government Code Section 56301:

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.

When the formation of a new government entity is proposed, a commission shall make a determination as to whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose agency is deemed necessary, the commission shall consider reorganization with other single- purpose agencies that provide related services.

B. Boundary Review and Regulation

A "change of organization," is an annexation, detachment, dissolution, merger or other boundary change. A "reorganization" is defined as two or more boundary changes combined in one proceeding.

In regard to regulating boundaries LAFCO's basic authority is to "approve or disapprove, with or without amendment, wholly, partially or conditionally:"

- Annexations of territory to cities and districts.
- Detachments of territory from cities and districts.
- Incorporations, disincorporations and consolidations of cities
- Formations, dissolutions and consolidations of special districts.
- Mergers of cities and special districts.

C. Out-of-Agency Service Extensions

LAFCO regulates more than local government boundaries. Cities and special districts may provide new or extended services outside of their boundaries only if they first request and receive approval from LAFCO pursuant to Section 56133.

In situations of "failed" septic systems in which the Environmental Health Department staff requires an existing on-site disposal system to be abandoned, and the property to be connected to a city or special district sewage system, the Commission designates to the Executive Officer the authority to approve an out-of-agency service agreement prior to the next Commission meeting provided (1) no change in land use will result from the sewage connection and (2) this matter is reported to the Commission at its next meeting.

All applications to extend services outside of city's or special district's boundaries will be processed according to San Benito LAFCO Policies for Processing Applications.

D. Factors That Must Be Considered

LAFCO is a quasi-legislative body. Specific criteria upon which it must evaluate and approve or deny proposals are not specified in the law. Rather, the Commission is guided by its broad statutory purposes, locally adopted policies and CEQA.

The Cortese/Knox/Hertzberg Local Government Reorganization Act lists specific factors that must be considered by the Commission in reaching its determinations. Additional factors for consideration and policies to guide review of applications specific to San Benito LAFCO are codified in San Benito LAFCO Policies for Processing Applications. San Benito LAFCO staff reports are designed to provide information relevant to these factors.

E. Spheres of Influence

A LAFCO responsibility is to prepare and adopt a sphere of influence for each city and special district. A sphere is defined by Section 56076 as a "plan for the probable physical boundaries and service area of a local agency, as determined by the commission."

LAFCO boundary change decisions must be consistent with the adopted spheres of influence. Spheres of Influence affect such matters as urban form, local government structure, the provision of public services, infrastructure, and government finances.

Not more than every five years after a sphere of influence is adopted, the Commission is required to, as necessary, review and update the sphere.

When adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of services provided by that agency and it cannot provide other types of services without securing LAFCO approval.

F. Municipal Service Reviews

When establishing or updating a sphere of influence, LAFCO is required to prepare a Municipal Service Review. When it prepares this study pursuant to Section 56430, LAFCO is required to make a number of specific written determinations.

G. Ability to Initiate Special District Reorganizations

Rather than wait for a proposal to be submitted, LAFCO may initiate proposals for consolidations, dissolutions, mergers and establishment of subsidiary districts, or a reorganization that includes any of these changes, provided the proposal is consistent with a recommendation or conclusion of a study prepared by the Commission.

H. Miscellaneous Other Powers

Other LAFCO powers and duties are to:

- Adopt standards and procedures to evaluate proposals and plans of reorganization.
- Make and enforce rules and regulations for orderly and fair conduct of hearings.
- Appoint and assign staff personnel and employ or contract for professional or consulting services to carry out and give effect to the Commission functions.

I. Environmental Policies and Procedures

LAFCOs are public agencies subject to the California Environmental Quality Act (Public Resources Code 21000 et - This statute contains environmental policies, requires environmental review and reporting procedures and provides opportunities for public participation in the decision-making process.

J. LAFCO Imposed Conditions

LAFCO has authority to attach binding conditions to its approval of boundary changes. As examples of such conditions, LAFCO can:

- Amend boundaries by adding or deleting territory. Once approved by LAFCO, no changes can be made in a proposal's boundaries without LAFCO's approval.
- Approve one proposal subject to initiation, conduct or completion of proceedings of another proposal. (i.e., an annexation to a city can be made subject to the concurrent annexation or detachment of the territory to or from other agencies.)
- Require the approval of bonds or other long-term indebtedness or the formation of assessment or improvement districts to finance capital facilities.
- Impose conditions relative to the distribution of assets, financial contracts or obligations among affected agencies.
- Designate the successor agency when an agency is being dissolved or consolidated.

K. Commission Position on Proposed Legislation

1. The Commission shall adopt legislative policies to guide its actions related to legislative matters. Following adoption of the legislative policies, the Commission shall, at a minimum, biennially review the legislative policies of the California Association of LAFCOs (CALAFCO) and its own legislative policies, and revise its own policies, as needed.
2. The Executive Officer shall provide to the full Commission for its consideration and action, any proposed legislation of relevance to LAFCO including a recommended position, as appropriate.

In situations when proposed legislation of relevance to LAFCO cannot be considered by the full Commission due to timing:

- a) The Executive Officer shall consult with LAFCO Counsel and LAFCO Chair (or Vice-Chair if the Chair is unavailable) and prepare a position letter, consistent with current adopted legislative policies of LAFCO.
- b) At their discretion, the Chair (or Vice-Chair if the Chair is unavailable) may sign the position letter on behalf of LAFCO. The letter shall not be submitted without said signature.
- c) The Executive Officer shall provide a copy of the written comments to the full Commission.
- d) The next regular LAFCO meeting agenda shall include an item that allows the Commission to discuss the proposed legislation and submitted comments.

6. LAFCO RULES AND PROCEDURES

A. Authority

These rules are adopted pursuant to the CKH Act and apply to San Benito LAFCO and all proceedings conducted by that Commission.

B. Officers

Selection of Officers -- The members of the Commission shall elect a Chair and Vice-Chair at the first meeting of the calendar year. The Chair and Vice Chair shall serve for one-year terms. The positions of Chair and Vice-Chair shall be rotated among the members unless a Commissioner declines a nomination.

Chair -- The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by State law and by these rules. The Chair shall preserve order and decorum and decide all questions or order, subject to the action of a majority of the Commission.

Vice Chair -- In the event that the Chair is absent or for any reason unable to act, the Vice Chair shall act as and exercise all the powers and duties of the Chair.

Chair Pro Tem -- In the event both the Chair and Vice Chair are absent or for any reason unable to act, members of the Commission present shall select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem shall have all of the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

C. Dates and Locations of Meetings

1. Regular meetings of the Commission shall be held the second Thursday of each month. Regular meetings are held in the Board of Supervisors Chambers, 481 Fourth Street in Hollister and commence at 4:00 pm.

2. Meetings can be cancelled by the Chair.

3. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first succeeding Thursday that is not holiday at 4:00 pm.

4. The Commission shall establish a schedule of meetings for the following calendar year at its regular meeting in December.

5. Special Meetings -- Special meetings may be called by the Chair or a majority of the members of the Commission in a manner provided by State law. The notice shall be provided 24 hours in advance of the meeting to all of the Commission members, to all media outlets who have requested notification and shall be posted.

The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting and no other business shall be

considered. The notice of the special meeting given by the Executive Officer shall specify whether the meeting is being called by either the Chair or a majority of the members of the Commission.

D. Conduct of Meetings

1. Order of Business - The business of each regular meeting of the Commission shall be transacted to the extent practicable in the following order:
 - a) Call to order and roll call.
 - b) Recitation of Pledge of Allegiance
 - c) Approve affidavit of posting agenda
 - d) Public comment period for items not on the agenda
 - e) Consent calendar
 - f) Approval of minutes of previous meeting or meetings.
 - g) Business Items – General business, non-hearing items
 - h) Informational items
 - i) Staff announcements
 - j) Commissioner Announcements and Requests for Future Agenda Items
 - k) Adjournment

2. Agenda
 - a) The agenda for a regular Commission meeting shall be posted on the bulletin board located outside of the County of San Benito Administration Building and shall be available on the LAFCO website, no later than seventy-two (72) hours prior to the meeting.
 - b) The agenda packet for a regular Commission meeting shall be posted on the LAFCO website, no later than seventy-two (72) hours prior to the meeting.
 - c) Materials related to an agenda item submitted after the posting of the agenda shall be provided to commissioners and shall be available for public inspection on the website and at the meeting.
 - d) The Commission shall not act on any items that do not appear on the posted agenda. However, the agenda may be amended to include items not appearing on the posted agenda, in accordance with Government Code Section 54954.2.
 - e) The agenda and agenda packet for a special or emergency meeting shall be posted and published as required by applicable law.

3. Minutes
 - a) The Executive Officer shall cause a member of staff to prepare the draft minutes of each meeting, which will be included on the agenda of the following meeting for approval by the Commission.

4. Quorum

- a) Three members of the Commission constitute a quorum and no act of the Commission shall be valid or binding unless at least three members concur.
- b) In the absence of a quorum, the members present shall adjourn the meeting until a stated time and place.
- c) If all members are absent, the Executive Officer of the Commission may adjourn the meeting to a stated time and place in accordance with §54955 of the Government Code.

5. Roll Call Voting

- a) The roll need not be called in voting upon a motion except when requested by a member of the Commission or as required by applicable law.
- b) If the roll is not called, and if there is no objection, the Chair may order the motion unanimously approved.
- c) When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye."
- d) Each roll call shall be in alphabetical order, except that the Chair shall be called last.

6. Review of Record

- a) A member shall not participate in a final vote on a matter on which a hearing has been held at which such member was not in attendance, until that member has familiarized himself with the substance of such hearing.
- b) This may be done by reviewing the written material presented at the hearing and by listening to the recording of such hearing or reading a transcript of the proceeding if one has been prepared.
- c) In cases where the Minutes purport to report the hearing in detail the member may review such Minutes in lieu of reviewing the recording or transcript.

7. Rosenberg's Rules of Order

Except as herein otherwise provided or as determined by the Commission, the proceedings of the Commission shall be governed by "Rosenberg's Rules of Order" on all matters pertaining to parliamentary law. No resolution, proceeding, or other action of the Commission shall be invalid, or the legality thereof otherwise affected by the failure of the Commission to observe or follow such rules.

E. Public Comment

1. Members of the public may provide written comment or attend LAFCO meetings to provide comment. At each regular and special meeting, the Commission shall allow any member of the public to address the Commission on a matter within its jurisdiction.
2. Speakers are limited to three minutes. The Chair or the Commission by majority vote may further limit the time when appropriate.
3. If determined by the Chair, any person wishing to address the Commission must complete and submit a "Request to Speak" form prior to the time that the Public Comment period commences; the form shall identify the subject the speaker wishes to address. Alternatively, public participating virtually may "raise their hand" to demonstrate the desire to speak on an agenda item if remote public comment is being accepted.

The Chair may refer matters raised during the "Public Comment" period to the appropriate staff.

4. Comments on Agenda items are appropriate when the item is being heard by the Commission. A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter listed on the Agenda.
5. The Commission shall only act on items appearing on the Agenda unless the action is authorized by a 72-hour notice pursuant to Section 54954.2.

F. Conducting Authority Proceedings

1. The Commission delegates to the Executive Officer the responsibility to conduct protest hearings as provided for in Section §57000 (c) and to order a change of organization or reorganization that complies with Government Code Section 57075 (a)(3) or 57075(b)(2)
2. The intent is to increase scheduling flexibility, avoid Commission meetings to conduct non-discretionary procedures and to expedite the boundary change process.
3. The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings.
4. At the conclusion of the hearing the Executive Officer shall determine the value of written protests filed and not withdrawn.
5. Within thirty (30) days of the hearing the Executive Officer, based on the value of protests filed, shall either order the change, terminate the proposal or request the County or city to call and conduct a confirmation election.
6. After taking such action, the Executive Officer shall report the action taken to the Commission at its next meeting.

7. LAFCO CONFLICT OF INTEREST CODE

- A. The Political Reform Act, Government Code Sections 81,000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes.
- B. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices to conform to amendments to the Political Reform Act after public notice and hearing.
- C. The provisions Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference, and along with the following list of designated officials and staff and list of disclosure categories constitute the Conflict of Interest Code of the San Benito LAFCO.
- D. Pursuant to Section 4 of the standard Code, designated officers and staff shall file statements of economic interest with the Executive Officer. Upon receipt of the statements filed, a copy shall be retained, and the original shall be forwarded to the Elections Division of the San Benito County Clerk-Recorder.
- E. Designated Positions

Persons occupying the following positions are designated employees and must disclose financial interests in those categories described in the list of categories of disclosure that are listed opposite their respective designated positions.

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Commissioners and Alternate Commissioners	1, 2, 3, 4
Executive Officer	1, 2, 3, 4
Legal Counsel	1, 2, 3, 4

F. Disclosure Categories

Officers and employees shall report investments, interest in real property, income, and any business entity in which the person is an owner, director, officer, partner, trustee, employee, or holds any position of management which is materially affected by any decision made or participated in by an officer or employee by virtue of his or her position with the Commission.

Category 1

Interests in real property that is located in whole or in part within the jurisdiction of San Benito County, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is \$1,000 or more.

Category 2

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of real property within the jurisdiction of the Commission.

Category 3

Business positions or investments in business entities and income from any source of income, if the business entities or the source of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the Commission.

Category 4

Business positions or investments in business entities and income from any source or sources of income, if the business entities or source or sources of income are of the type which are subject to the regulation or supervision of the Commission and the designated officer or employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting of franchise, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.

8. LAFCO BUDGET AND FINANCIAL PROCEDURES

A. Authority to Develop and Adopt the Budget

The Cortese/Knox/Hertzberg Local Government Reorganization Act creates the funding relationship between the County, cities, and LAFCO.

Section 56380 states:

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.

Section 56381(a) states:

The commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15.

At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill the purposes and programs of this chapter.

The commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Section 56381(b) states:

After public hearings, consideration of comments, and adoption of a final budget by the commission pursuant to subdivision (a), the auditor shall apportion the net operating expenses of a commission in the following manner:

(2) In counties in which there is no independent special district representation on the commission, the county and its cities shall each provide a one-half share of the commission's operational costs.

The cities' share shall be apportioned in proportion to each city's total revenues, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county, or by an alternative method approved by a majority of cities representing the majority of the combined cities' populations.

B. LAFCO as a Separate Fund

For administrative purposes the LAFCO budget is a separate fund within the County's financial accounting system. At the end of the fiscal year unspent appropriations are retained in the fund as available financing for the next year.

C. Processing Fee Schedule

The Commission has adopted a processing fee schedule which is routinely reviewed in conjunction with adoption of the annual budget.

Section 56383 (a) and (b) state the Commission may establish a schedule of fees and service charges for proceedings including, but not limited to the following:

- (1) Filing and processing applications filed with the commission.
- (2) Proceedings undertaken by any reorganization committee.
- (3) Amending a sphere of influence.
- (4) Reconsidering a resolution making determinations.

The fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to Section 66016.

Section 66016 requires that prior to levying a fee or service charge or increasing the amount of such revenues, the change must be considered as part of a regularly scheduled public meeting for which proper notice has been given.

Consistent with Government Code §56383(d), the Commission may reduce or waive fees if it finds that payment of such fees would be detrimental to the public interest. Any request for a fee reduction or waiver must be submitted in writing to the Executive Officer and approved by the Commission at an agenda meeting.

D. Financial Status Reports

The budget adopted by LAFCO is an estimate of expenditures and revenues. The staff keeps the Commission informed of aspects of the financial program that deserve review and adjustment through quarterly financial status reports inclusive of supporting documentation and invoices during the period.

E. Authorized Expenses

LAFCO funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized LAFCO business. In addition to the day-to-day business activities of LAFCO, expenses incurred in connection with the following types of activities generally constitute authorized expenses:

1. Communicating with representatives of local, regional, state and national government on LAFCO business.
2. Attending educational seminars designed to improve skills and information levels.
3. Participating in local, regional, State and national organizations whose activities affect LAFCO's interests.
4. Recognizing service to LAFCO.

5. Attending LAFCO or CALAFCO events.
6. All other expenditures incurred will require prior approval by the Commission.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

F. Reimbursement of Commissioner Expenses

Commission members and alternates may claim reimbursement for reasonable and necessary expenses incurred for authorized transportation, lodging, meals and other incidental expenses occurring while performing the duties of their office.

G. Reimbursement of LAFCO Staff Expenses

The Executive Officer is reimbursed for all reasonable and necessary expenses in connection with the conduct of LAFCO business according to the contract for services.

The Chair, Vice Chair, or other Commissioners authorized to sign claim forms with the County Auditor Controller are responsible for reviewing and approving requests for Executive Officer reimbursement.

H. Reimbursement of Legal Counsel Expenses

The Legal Counsel is reimbursed for all reasonable and necessary expenses in connection with the conduct of LAFCO business according to the contract for services.

The Executive Officer is authorized to review and approve Legal Counsel requests for reimbursement.

I. Travel Reimbursements

LAFCO will reimburse reasonable business travel expenses incurred by its officers and employees while on assignments away from the normal work location. The Executive Officer or Chair may authorize business travel for other LAFCO officers and employees, provided funds are allocated for such purpose in a budget approved by the Commission. All business travel must be approved in advance by the Executive Officer or Chair.

When approved, the costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by LAFCO. Expenses are expected to be reasonable amounts and must comply with Government Code §53232.2.

Expenses that generally will be reimbursed include the following:

1. Airfare or train fare for travel in coach or economy class or the lowest available fare.
2. Car rental fees, only for compact or mid-sized cars.
3. Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.

4. Taxi fares, only when there is no less expensive alternative.
5. Cost of standard accommodations in hotels, motels, or similar lodgings using the government or conference rate when available.
6. Meal allowances include a per diem or per meal amount equivalent to the Internal Revenue Service determined rates.
7. No alcoholic beverages will be reimbursed with the cost of meals.
8. Charges for telephone calls, internet, and similar services shall be allowed during travel provided these charges are required for business purposes.
9. Mileage Reimbursement shall be at the rate established by the Internal Revenue Service at the time the mileage expense is incurred.
10. A LAFCO officer or employee involved in an accident while traveling on business must promptly report the incident to the Executive Officer.
11. When travel is completed, claims shall be submitted for reimbursement within 60 days. Claims should be accompanied by receipts for all expenses, with the exception of per diem amounts for meals under paragraph 6 above, and a google map screenshot to document mileage traveled.

J. Processing Bills, Invoices, and Reimbursements

The Executive Officer is authorized to review and approve invoices under \$500 for processing and payment by the County Auditor's Office. All invoices, other than those for legal counsel services already specified in Policy H, in excess of \$500 shall be reviewed and approved for processing by the LAFCO Chair.

K. Recognition by the Commission

Nominal amounts may be expended for the purchase of plaques or certificates of appreciation for those to whom such expressions are deemed to be appropriate by the Commission.

L. Financial Reserves Policy

The Commission shall maintain reserve funds. This policy establishes the level of reserves necessary to adequately provide for:

- Unanticipated operating expenses
- Economic uncertainties and other financial hardships
- Cash flow requirements
- Unfunded mandates

1. In preparing and adopting annual budgets, the Commission will retain a general reserve, and will target maintaining this reserve at approximately 50% of the annual budget. Funds set aside in reserves shall not be used or transferred to any other expenditures account without prior approval of the Commission.
2. A four-fifths (4/5) majority vote of the Commission shall be required to either appropriate general reserve funds into a specified operating account or accounts, or to alter the reserve fund's approximately 50% maintenance level goal.
3. Reserve funds in excess of the approximately 50% maintenance level goal will be returned to LAFCO's funding agencies (County of San Benito and Cities of Hollister and San Juan Bautista) by reducing/offsetting agency contributions to LAFCO's annual budget.
4. The Executive Officer shall obtain an updated reserve fund balance from the County Auditor-Controller on a quarterly basis. The Executive Officer shall keep the Commission informed about reserve fund levels as part of regular quarterly financial reporting.

M. Investment Policy

It is the policy of the San Benito LAFCO to keep its funds in the County Treasury as the basis to implement a prudent, conservative investment program.

N. Conflicting Policies

Should LAFCO's policies conflict with those of the agency providing accounting services, LAFCO's policies shall take precedence.

9. LAFCO STAFFING AND SUPPORT SERVICES

A. Executive Officer Responsibilities

The Cortese/Knox/Hertzberg Local Government Reorganization Act sets forth statutory responsibilities for the Executive Officer including the following:

- Conduct and perform the day-to-day business of the Commission.
- Review each application which is filed and prepare a report, including recommendations thereon, and
- Prepare impartial analyses of ballot propositions for approval by the Commission when required.

The Executive Officer has various obligations serving as Commission staff which include implement Commission policies and directives, manage the LAFCO office, recommend and administer the budget and represent the Commission at meetings with applicants, local agencies and members of the public. Specific responsibilities are as follows:

1. The Executive Officer or designee of the Commission shall attend each meeting of the Commission and maintain a record of all proceedings thereof as required by law.
2. The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action on file with the Executive Officer and all matters which have previously been set for hearing at such meeting.
3. The Executive Officer shall notify all Commission members of the time set for any special meetings.
4. The Executive Officer is authorized to set matters for hearing, giving the date, time and place of hearing, and it shall be his or her duty to give the required notices.
5. The Executive Officer is authorized to carry out the business and policies of LAFCO, review applications, process requests, and as he/she determines necessary bring matters before the Commission. Any party aggrieved by a determination made by the Executive Officer on matters that would not normally be scheduled before the Commission may appeal such determination to the Commission. Notice of such appeal must be received within ten (10) days after said determination is received in writing. Such matters will be set for the next regularly scheduled meeting, so long as the appeal is submitted to the LAFCO Office at least (10) ten days prior to the meeting with all supporting material(s) provided.
6. The Executive Officer has been delegated with the authority pursuant to §57000 of the Government Code to hold administrative protest proceedings (§57000-57179) for any reorganization or change of organization. LAFCO may withhold delegation of authority for any reorganization or change of organization by stating so in its resolution approving the reorganization or change of organization. Any interested

person may appeal the Executive Officer's final findings valuing protest for a reorganization or change of organization. The appeal must be filed in writing not later than seven calendar days after execution of the findings. The appeal must include a reason for the appeal and must propose alternative findings that the appellant is petitioning the Commission to enact. The Commission shall consider any appeal on the next agenda and in no case later than 70 (seventy) days after the appeal is filed.

7. The Executive Officer is authorized to provide written comments on documents or projects of relevance to LAFCO, including but not limited to CEQA documents and local/regional/state agency plans, policies, and programs. Such comments shall refer to, and be consistent with, currently adopted LAFCO policies and State law. The Executive Officer shall provide a copy of the submitted written comments to the full Commission and include them in the next regular LAFCO meeting agenda.

B. Executive Officer Appointment Section 56384 (a) states:

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 manner of recruiting and appointing the Executive Officer is a matter of Commission discretion. The position serves at the pleasure of the Commission who may choose an Executive Officer whenever a vacancy occurs or at any time the services of the incumbent are not deemed satisfactory.

C. Legal Counsel Responsibilities

1. LAFCO Counsel shall be appointed by the Commission and shall serve at the pleasure of the Commission.
2. LAFCO Counsel shall attend all meetings of the Commission (in person or virtually), give all requested advice on legal matters and represent the Commission in legal actions unless the Commission specifically makes other arrangements.

D. Legal Counsel Services Section 56384 (b) states:

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.

I. County Obligation to Review Maps and Legal Descriptions

The Cortese/Knox/Hertzberg Act directs the County Surveyor (or other County officer or employee as the Board of Supervisors may designate), to examine and report on the boundaries of applications submitted to LAFCO.

Sections 56386 (b) and 56375 (I) state:

Upon request by the commission or the executive officer, the county surveyor, or any other county officer . . . as the board of supervisors may designate, shall examine and report to the commission or the executive officer upon any application or other document involving . . . the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

The Executive Officer submits to the County Surveyor for review and approval maps and legal descriptions received as part of an application. The LAFCO staff does not record boundary changes until the map and legal description are approved.

J. Other appropriate staff

Section 56386(c) states "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.

10. CALIFORNIA ASSOCIATION OF LAFCOs (CALAFCO)

A. General Provisions

The California Association of LAFCOs, referred to as "CALAFCO," was formed in 1971 as a voluntary association. It provides a means of sharing information, coordinating LAFCO activities and representing LAFCO interests before the Legislature.

Commissioners and staff are encouraged to participate in CALAFCO activities depending upon their interests to ensure closer coordination and information exchange with the statewide association.

B. CALAFCO Board of Directors, Staff and Dues

The Association is governed by a Board composed of 16 LAFCO Commissioners - one City member, one County member, one Public member, and one Special District member from each of four regions: Central, Coastal, Northern and Southern.

A CALAFCO Executive Director and other office staff manage Association affairs with assistance from Commissioner and staff volunteers from individual LAFCOs.

Annual membership dues are based on population and adopted by the CALAFCO Board annually to account for inflation.

C. CALAFCO Newsletter "The Sphere"

The Association's quarterly newsletter details matters of interest to LAFCOs including significant legislative changes, litigation and activities in individual LAFCOs. Copies are distributed to all members of the Commission.

D. Conferences and Workshops

An Annual Conference with discussions, presentations and informal activities of interest to Commissioners and staff is held in alternating northern and southern California sites.

A Staff Workshop is also held annually, as are special issue workshops and other classes and seminars as needed.

Regular LAFCO commissioners will be given first priority for attending the CALAFCO Annual Conference. If regular commissioners are unable to attend, alternates may attend. Conference attendance will be approved by the Commission at the June Regular Meeting each year.

E. Annual Business Meeting

The annual business meeting is held in conjunction with the Annual Conference. Each LAFCO in good standing has one vote when members of the Board are selected and other items of Association business decided.

11. PUBLIC REVIEW AND RETENTION OF LAFCO RECORDS POLICIES

A. Policy

It is the policy of the Commission to allow members of the public to inspect and/or copy any records maintained in this Commission's office, unless such records are restricted by federal or state law or regulations.

Where public access to a particular record is questionable, the Commission's Executive Officer shall submit the question to the Commission's legal counsel.

If access is denied the requesting party may appeal the denial, in writing. The Executive Officer shall consult the Commission's legal counsel and respond to the appeal, in writing, within 30 days of the date the appeal is filed.

B. Legal Authority

The California Public Records Act (Government Code Section 7920.000 et seq.) gives every citizen the right to inspect and copy, for a reasonable fee, any public records, except where access is otherwise made exempt by law.

C. Definition

For the purpose of this policy and procedure, public records shall include papers, documents, correspondence, memoranda, reports, forms, files, charts, maps, electronic files and magnetic tapes or recordings, regardless of form or content, any of which is created, received and used in the conduct of the Commission's business.

D. Procedures

1. The requesting party shall identify the record(s) they wish to inspect and/or copy.
2. Within 10 days of receiving the request the Executive Officer will provide a written response stating one of the following:
 - a) If the request records are exempt from the Public Records Act, the response shall cite the specific exemptions and provide the name and title or position of the person(s) responsible for withholding the exempt records.
 - b) If the requested documents are easily available and disclosable (e.g., staff reports, minutes, Commission resolutions, etc.) the response will state that the documents are available as requested and the LAFCO staff shall provide the requested records for review. Original copies of records may not be taken from LAFCO offices. A LAFCO staff shall produce requested copies for a charge specified in the LAFCO fee schedule which is limited to "statutory fees" set by the legislature.
 - c) If the requested documents are disclosable but require additional time and research to complete the request the LAFCO staff shall notify the requester

of the additional time necessary to compile the documents and the date when the materials will be made available.

- d) If access to the documents is questionable the LAFCO staff shall notify the requester that the Commission's legal counsel has been requested to review the request.
3. Should any LAFCO member agencies receive a public records request relevant to LAFCO, it is requested that it be forwarded as soon as possible, or the requestor be directed to contact LAFCO with the request.

E. Records Retention

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code Section 56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code Section 56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code Section 56382 and will be retained and disposed of after four (4) years.

For purposes of compliance with Government Code §56382 and implementation of the Records Retention Policy, “records” include the following:

- LAFCO Meeting Minutes
- LAFCO Resolutions
- Documents related to LAFCO proposals such as the:
 - Application, petition or other initiating documents
 - Assessor’s Statement of Property Valuation
 - Agreement to Pay / Indemnification
 - Certificate of Completion
 - Certificate of Filing
 - Environmental Review/CEQA documents
 - Map and Legal Description
 - Notices
 - Order for Change of Organization
 - Staff Reports
 - Statement of Boundary Change
 - Statement of Tax Rate Area

F. Electronic Records Storage

Electronic records of all archives will be stored on an external hard drive and commission-approved icloud platform outside of the County’s system. LAFCO will make available on the County storage platform all application records for easy access.

12. LEGISLATIVE POLICIES
TO BE DETERMINED

13. AMENDING THE COMMISSIONER HANDBOOK AND ADMINISTRATIVE POLICIES

A. Commission Approved Changes

The Commissioner Handbook is a guide. The Commission may, by majority vote, modify procedures set forth in the Handbook when the situation warrants, provided the change is not in conflict with statutes governing LAFCO activities.

Amendments may be approved at any regular or special meeting of the Commission by a super-majority vote.

All amendments to the Commissioner Handbook must be approved by the Commission, except for Executive Officer-approved changes described below.

B. Executive Officer-approved Changes

The Executive Officer is authorized to amend the following sections of the Handbook without Commission approval of each change:

Attachment 1 Commission Roster

Attachment 2 Roster of Cities and Special Districts

Appendix A: Processing Fee Schedule for Applications

San Benito LAFCO Adopted Application Fees

7/30/24

Application Type	Application Fee	San Benito County Surveyor (Deposit)
Annexations and Detachments (Lowest applicable cost.)		
Without public hearing and protest hearing	\$2,790	\$1,000
With public hearing and protest hearing	\$5,500	\$1,000
Single parcel	\$1,500	\$1,000
Island	\$2,500	\$1,000
To obtain sewer services as a result of septic tank failure or domestic water service as a result of well failure.	\$1,500	\$1,000
Dissolutions		
Streamlined as inactive district per State finding	\$2,000	\$0
With public hearing and protest hearing	\$3,600	\$0
Reorganizations (More than one change of organization.)		
With public hearing and protest hearing	\$6,300	\$1,000
Consolidations		
All consolidation requests	\$7,000	\$1,000
Merger/Subsidiary District		
All merger/subsidiary requests	\$7,000	\$1,000
Formations (Deposit only. Applicants will be charged for full cost recovery.)		
Formation of a special district	\$8,250	\$1,000
Incorporations (Deposit only. Applicants will be charged for full cost recovery.)		
Incorporation (<i>Comprehensive Fiscal Analysis and State review borne by applicant.</i>)	\$10,500	\$1,000
Disincorporations (Deposit only. Applicants will be charged for full cost recovery.)		
Disincorporation	\$8,900	\$0
Sphere of Influence Update/Amendment		
Sphere of Influence Amendment (minor SOI adjustment)	\$2,000	\$0
Sphere of Influence Study and Update	\$5,600	\$0
Municipal Service Review (Deposit only. Applicants will be charged for full cost recovery.)		
Comprehensive MSR required for Sphere of Influence Update	\$12,500	\$0
Out-of-Area Service Agreements		
Anticipated to be exempt	\$1,500	\$0
Non-exempt OASA applications	\$3,100	\$0
Activation of Latent Power/Expansion of Power		
All expansion of powers requests	\$4,000	\$0
Election		
Election triggered by protest or as required	\$1,125	\$0
CEQA LAFCO Lead Agency (Deposit only. Applicants will be charged for full cost recovery.)		
Notice of Determination (LAFCO Responsible Agency)	\$0	\$0
Notice of Exemption	\$1,000	\$0
Beyond Notice of Exemption	\$11,000	\$0

Attachment 1: Roster of Cities and Special Districts in San Benito County

City of Hollister

City of San Juan Bautista

Aromas Tri-County Fire Protection District

Located in San Benito, Monterey, Santa Cruz Counties

San Benito Resource Conservation District

Aromas Water District

Located in San Benito and Monterey Counties

Pacheco Stormwater District

Pacheco Pass Water District

Located in San Benito and Santa Clara Counties

San Benito County Water District

San Benito Healthcare District

San Juan Bautista Cemetery District

Sunnyslope County Water District

Tres Pinos County Water District

County Service Areas - Active or assumed active list:

County Service Area No. 4 - Santa Rosa Acres

County Service Area No. 5 - Hillcrest-El Toro

County Service Area No. 8 - Bonnie View

County Service Area No. 9 - Ridgemark

County Service Area No. 11 - Barnes Lane

County Service Area No. 16 - Holiday Ranch/Santa Ana Estates

County Service Area No. 19 - Springwood Estates

County Service Area No. 21 - Long Acres

County Service Area No. 22 - Cielo Vista

County Service Area No. 23 - Rancho San Joaquin/Tevis Trails

County Service Area No. 24 - Santa Ana Acres

County Service Area No. 25 - Vineyard Estates
County Service Area No. 28 - Heatherwood
County Service Area No. 29 - Brown Magladry
County Service Area No. 30 - McCloskey Estates
County Service Area No. 31 - Stonegate
County Service Area No. 33 - Torrano
County Service Area No. 34 - Ausaymas Estates
County Service Area No. 35 - Union Heights
County Service Area No. 38 - Ashford Highlands
County Service Area No. 42 - Lemmon Acres
County Service Area No. 45 - Rancho Larios
County Service Area No. 46 - Quail Hollow
County Service Area No. 47 - Oak Creek
County Service Area No. 48 - Dry Creek
County Service Area No. 49 - Hollister Ranch Estates
County Service Area No. 50 - Dunneville Estates
County Service Area No. 51 - Comstock Estates
County Service Area No. 53 - Riverview Estates
County Service Area No. 54 - Pacheco Creek Estates
County Service Area No. 55 - Creekside 5

The Following County Service Areas were Dissolved by Vote of the Commission, consistent with State Law (GC section 56879 governing "inactive special districts") on March 14, 2019:

County Service Area No. 1 - Established pre-LAFCO
County Service Area No. 2 - Established pre-LAFCO
County Service Area No. 3 - Established pre-LAFCO
County Service Area No. 10 - La Colina de Pinos (Armonas)
County Service Area No. 12 - Rosa Morada Estates

County Service Area No. 13 - Santa Ana Road

County Service Area No. 15 - Hidden Valley Ranch

County Service Area No. 17 - Snyder Road (Aromas)

County Service Area No. 26 - Countywide Fire Protection

County Service Area No. 27 - Countywide Police Protection

County Service Area No. 40 - Countywide Library Service

CSAs of Unknown Activity

County Service Area No. 6- Woodside

County Service Area No. 43 - Ours Together, Inc.

County Service Area No. 44 - Silveira

County Service Area No. 52 - Montebello (Perkins Ranch)

Attachment 2: Commission and Staff Roster

SAN BENITO LAFCO
2301 Technology Parkway
Hollister CA 93101
CELL 310/936-2639

COMMISSION

Member	Organization	Phone/Email	Term
Gonzales, Bea	Board of Supervisors	831-636-4000 supervisorgonzales@sanbenitocountyca.gov	03/01/23-02/28/27
Curro, Angela	Board of Supervisors	831-636-4000 supervisorcurro@sanbenitocountyca.gov	03/01/23-02/28/27
Sotelo, Mindy (Alternate)	Board of Supervisors	831-636-4000 supervisorsotelo@sanbenitocountyca.gov	03/01/23-02/28/27
Jordan, Leslie (Chair)	San Juan Bautista City Council	203-612-0761 l.jordan@san-juan-bautista.ca.us	03/01/24-02/29/28
Casey, Mia	Hollister City Council	831-537-7271 cohmayor.casey@hollister.ca.gov	03/01/24-02/29/28
Sabathia, EJ (Alternate)	San Juan Bautista City Council	408-418-6709 EJ.sabathia@san-juan-bautista.ca.us	03/01/24-02/29/28
Bettencourt, Richard (Vice-Chair)	Public Member	408-804-8213 sallybettencourt@gmail.com	03/01/24-02/29/28
Salinas, Elia (Alternate)	Public Member	831-537-7312 eliasalinas@icloud.com	03/01/24-02/29/28

STAFF

Executive Officer
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Legal Counsel
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