



Item #: 9

Project: Discussion/Action/Adoption of the revised Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Meeting Date: Thursday December 14, 2023

Meeting Time: 08:30 a.m.

Location: El Centro City Council Chambers
1275 W. Main Street
El Centro, CA 92243



Executive Officer's Report

To: Commissioners
Maria Nava-Froelich, Chair (City)
Javier Moreno, Vice-Chair (City)
Michael W. Kelley (County)
Ryan E. Kelley (County)
David H. West (Public)

Alternate Commissioners
Robert Amparano (City)
Jesus E. Escobar (County)
Jose Landeros (Public)

From: Jurg Heuberger, Executive Officer
Paula Graf, Assistant Executive Officer

Item #: 9
Subject: Revised Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
Date: December 14, 2023
Time: 08:30 a.m.
Location: El Centro City Council Chambers
1275 Main Street, El Centro, CA 92243

Recommendation by the Executive Officer

Recommendation #1: Adopt the Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as presented.

Recommendation #2: Adopt the Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as revised by the Commission.

Report

Discussion:

The Cortese-Knox-Hertzberg Reorganization Act of 2000 G.C. Section 56000 (a) requires that each LAFCO establish written policies and procedures and exercise its powers 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.

Imperial LAFCO first adopted its Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in 1991.

History of Updates to the LAFCO Guide are listed below:

January 10, 1991	Adoption of Original Document	
January 27, 1994	Revision & Update	
November 6, 1995	Revision & Update	
November 19, 1998	Executive Summary & Guide	
December 21, 2000	Full Revision	
January 22, 2004	Minor Revisions	
June 2007	Minor Updates	
January 2009	Minor Updates	
March 2012	Revisions & Updates	
April 2013	Revisions & Updates	
December 2023	Revisions & Updates	(Pending Commission Adoption)

A revised version of the Guide is attached as EXHIBIT A for review and consideration of approval.

Changes to the Guide are reflected in the document as follows:

- Deletions are reflected in **RED**
- Additions are reflected in **GREEN**

Recommendation by the Executive Officer

Recommendation #1: Adopt the Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as presented.

EXHIBITS:

Exhibit A: Guide to the Policies, Standards, and Procedures to Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

CC: LAFCO Staff
County of Imperial
City of Brawley
City of Calexico
City of Calipatria
City of Holtville
City of El Centro
City of Imperial
City of Westmorland



Guide to the
Policies, Standards, and Procedures to
**Implement the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000**

2023 Version

1122 W. State St.
Suite D
El Centro,
CA 92243
760-353
4115

COMPOSITION OF IMPERIAL LAFCO

COMMISSIONERS:

Maria Nava-Froelich (Chair)	City Council
Javier Moreno (Vice-Chair)	City Council
Michael W. Kelley	Board of Supervisors
Ryan E. Kelley	Board of Supervisors
David H. West	Public

ALTERNATE COMMISSIONERS:

Jose Landeros	Public
Jesus E. Escobar	Board of Supervisors
Robert Amparano	City Council

STAFF:

Jurg Heuberger	Executive Officer
Paula Graf	Assistant Executive Officer
Lori Zinn	Clerk/Analyst
Julie Carter	Accountant

CONTACT INFORMATION:

Local Agency Formation Commission
1122 W. State Street, Suite D
El Centro, CA 92243
www.iclafco.com

LEGAL COUNSEL TO LAFCO:

Walker & Driskill, PLC

HISTORY OF UPDATES TO THE GUIDE

DATE	ACTION	REFERENCE
January 10, 1991	Adoption of Original Document	(All)
January 27, 1994	Revision & Update (Changes underlined)	(All)
November 6, 1995	Revision & Update (highlighted)	(All)
November 19, 1998	Executive Summary & Guide	(All)
December 21, 2000	Full Revision	(All)
January 22, 2004	Minor Revisions	(All)
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January 2009	Minor Updates	(All)
March 2012	Revisions & Updates	(All)
April 2013	Revisions & Updates	(All)
2023	Revisions & Updates	(All)

DISTRIBUTION LISTING

LAFCO

Board of Supervisors

City of El Centro

City of Brawley

City of Calexico

City of Holtville

City of Imperial

City of Calipatria

City of Westmorland

Bard Resource Conservation District

Bard Water District

Bombay Beach CSD

Cady Poe Colonia CSA

Central Valley Cemetery District

Coachella Valley Water District

Gateway of the America's CSA

Heber Public Utility District

Heffernan Memorial Healthcare District

Imperial Irrigation District

Niland County CSA No.1

Niland County Sanitation District (Formed)

~~Niland Fire District (Dissolved)~~

~~Niland Sanitary District (Dissolved)~~

~~Ocotillo Fire Protection District (Dissolved)~~

Palo Verde County Water District

Palo Verde Irrigation District

Palo Verde Resource Conservation District

Pioneer's Memorial Healthcare District

Riverview Cemetery District

Salton Community Service District

Seeley County Water District

Winterhaven County Water District

~~Winterhaven Fire District (Dissolved)~~

County Counsel Office

County Executive Officer

County Auditor & Controllers Office

County Public Works Department

County Clerk of the Board of Supervisors

County Assessor's Office

County Planning Department

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- D. City of El Centro
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- EXHIBIT B** Application for Change of Organization
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EXECUTIVE OFFICER'S STATEMENT

This Guide was adopted by the Imperial Local Agency Formation Commission pursuant to the requirements of AB 2838 (Hertzberg). Legislation in 2000 revised the Cortese-Knox Reorganization Act of 1985.

The intent of this Guide is to establish clear Policies and Procedures by which the Imperial LAFCO conducts business. Furthermore, it also serves as a general guide for the public and various governmental agencies. While it is intended to comply with state law, this document does not supersede the Cortese-Knox-Hertzberg Reorganization Act, CEQA, or any other law.

The summaries of applicable statutes set forth in this guide are intended to serve as general information only. For exact citations, please refer to the referenced sections of the applicable State of California Government Code(s).

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Each LAFCO is required to adopt written procedures and requirements for processing applications and delineating the procedures followed by this LAFCO. Therefore, it is highly recommended that the Imperial LAFCO's Executive Officer be consulted prior to filing any proposal/application.

If the reader does have specific questions pertaining to this document, LAFCO procedures, LAFCO laws or project specific question, he/she is encouraged to contact the Executive Officer at (760) 353-4115, or the Clerk. In addition, contact may be made by e-mail by sending to pg@iclafco.com.

This Guide has been updated repeatedly to reflect changes in the law and local conditions

The Imperial LAFCO typically holds monthly meetings on the fourth Thursday of each month, unless there is no business to conduct. The meetings are generally held in the **El Centro City Council Chambers** ~~HD-Board-Room~~, however the Commission may hold meetings at various points in the County for the convenience of surrounding landowners to proposed projects.

Please visit our website at www.iclafco.com for up-to-date information. Thank you!

Paula Graf
Assistant Executive Officer

EXECUTIVE SUMMARY

The Executive Summary serves as a step-by-step guide to the Imperial Local Agency Formation Commission (LAFCO) process. The summary references the State of California Government Code Sections and Imperial LAFCO requirements.

Chapters 1-6 provide the detailed procedures and policies by which the Imperial LAFCO conducts its business.

Chapters 7-9 provide information and maps on the Special Districts and Cities Sphere of Influence (SOI) and Boundaries ~~Imperial County local districts and Sphere of Influence maps for Imperial County, cities, and special districts.~~

A. Purpose of LAFCO

The procedures for establishing and revising local government boundaries are set in the constitutions and laws of the 50 states. Some alternative processes include judicial approval, special state legislation, or the use of “boundary commissions” such as California’s Local Agency Formation Commissions (LAFCOs).

In California, the Cortese-Knox Local Government Reorganization Act of 1985 followed several years of cooperative effort between Assembly Member Dominic Cortese, former Chair of the Assembly Local Government Committee, and the California Association of Local Agency Formation Commissions (CALAFCO). The Act, which became operative January 1, 1986, consolidated three major laws that were previously used by California’s local governments for boundary changes into a single, unified law. The three laws which previously governed changes in the boundaries and organization of cities and special districts were:

- The Knox-Nisbet Act of 1963, ~~which~~ established LAFCO’s with regulatory authority over local agency boundary changes.
- The District Reorganization Act of 1965 (DRA), ~~which~~ combined separate laws governing special district boundaries into a single law.
- The Municipal Organization Act of 1977 (MORGA), ~~which~~ consolidated various laws on city incorporation and annexation into one law.

Since 1963, when State law created LAFCO, commissions in each County in California have encouraged the orderly formation of local government agencies, preserved agricultural and open space land, and discouraged urban sprawl. Imperial LAFCO has jurisdiction over changes in local government organizations occurring within Imperial County.

The most significant change was the result of the passage of AB2838 (Hertzberg), which completely revised the Act and substantially strengthened the powers of LAFCO.

The following proceedings for changes in the organization of special districts or cities are subject to LAFCO review, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.)

A change in organization can mean any of the following:

- City Incorporation
- District Formation
- Annexation to a City or District
- Detachment from a City or District
- Disincorporation of a City
- Dissolution of a District
- Consolidation of Cities
- Consolidation of Districts
- Merger of a Subsidiary District
- Establishment of a Subsidiary District
- Authorization of a District to Exercise a Latent Power
- Authorization of a District to extend the area over which a Latent Power is Exercised
- A reorganization involving two or more of the above-listed changes of organization

Specially excluded from LAFCO's jurisdiction are the following local government agencies:

- School District
- Community College District
- Special Assessment District
- Improvement District
- Community Facilities District formed pursuant to the Mello-Roos Community Facilities Act of 1982
- Permanent Road Division formed pursuant to Section 1160 of the Streets and Highways Code
- Air Pollution Control District
- Air Quality Maintenance District
- Service Zone of a Fire Protection District

Several local government agencies are subject to LAFCO jurisdiction but are not subject to the conducting authority proceedings of the Cortese-Knox-Hertzberg Local Government Reorganization Act. Conducting authority proceedings are held in accordance with the principal act that established the agency. These agencies include:

- Unified or Union High School Library District
- Bridge or Highway District
- Joint Highway District
- Transit or Rapid Transit District
- Metropolitan Water District
- Separation of Grade District

The following local government agencies are subject to LAFCO jurisdiction but are not subject to the conducting authority proceedings of the Cortese-Knox-Hertzberg Local Government Reorganization Act if the commission determines that they are not a “district” or a “special district.” If a determination is made that these agencies are not “districts” or “special districts,” authority proceedings are held in accordance with the principal act that established the agency:

- Flood Control District
- Flood Control District and Floodwater Conservation District
- Flood Control District and Water Conservation District
- Conservation District
- Water Conservation District
- Water Replenishment District
- Orange County Water District
- California Water Storage District
- Water Agency
- County Water Authority or Water Authority

B. LAFCO Composition

The Imperial LAFCO consists of a Five-Member Commission, each of whom serves a four-year term (4). The composition of the Commission includes two (2) members of the County Board of Supervisors, chosen by the Board of Supervisors; two (2) members representing the cities in Imperial County, chosen by the City Selection Committee composed of the mayor of each city in the county; and one (1) public member, chosen by the other members of the LAFCO Commission. In addition, each category has an appointed alternate, appointed in the same manner as the permanent member.

C. LAFCO Procedures

The following is a step-by-step guide to the procedures followed by Imperial LAFCO in considering proposed changes in local government organization.

1. Preliminary Steps

The proponent should review their proposal with the Executive Officer. (A brief discussion with the Executive Officer before submitting an application will save the applicant time and needless frustration).

The following steps are suggested:

1. Call the LAFCO Office at 760-353-4115 ~~for an appointment~~ to schedule a pre-application meeting with the Executive Officer.
2. Bring the following information to the ~~meeting~~ ~~appointment~~:
 - Assessor's parcel number(s) for individual lots or a project map for complex proposals
 - General Plan and Zoning Designations
 - Development Plans- approved or pending development plans such as a Tentative Map, Specific Plan, etc., when vacant territory is proposed for annexation to a city or district. A key consideration in LAFCO's review of annexation requests is the timing of the action. LAFCO discourages and, in some cases, will not approve the annexation of vacant land until it can be demonstrated that services are needed in the near future. Without approved development plans also provide the information necessary to evaluate a proposal. They also enable LAFCO to evaluate the impact of a jurisdictional change on adjacent areas. Proposed projects must be "real" and show that they can and will be developed within a reasonable time.
3. Staff will review the proposal, information requirements, verify if the project is located within a ~~jurisdiction~~ ~~City or Districts~~ approved Sphere of Influence (SOI) and Service Area Plan (SAP) with the applicant. ~~and fees with the applicant.~~
4. ~~Staff will review the application fees per the adopted fee schedule with the applicant.~~
5. ~~The applicant should obtain the current application forms and ascertain what environmental documentation will be necessary.~~ Staff will review the application forms and discuss what environmental documents may be necessary.
6. CEQA will be explained, and a determination made as to lead agency. In most "major" projects LAFCO desires (and may require) that it be a "co-lead" agency. When LAFCO approves a project, it must also certify a CEQA document. If LAFCO cannot use the Lead Agency's document, then LAFCO may prepare its own, or simply deny the project.

2. Application Material

The project proponent prepares the application materials ~~for proposal~~. All proposals must include the following:

- A. A **certified resolution**, if by the affected governmental agency **OR** a **petition** of landowners/registered voters ~~making~~-submitting the application.
 1. **By Petition:** A petition application shall be submitted upon the “Petition Form”. The petition shall include all of the following (Government Code 56700 et seq.):
 - a. State that the proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
 - b. State the nature of the proposal and list all proposed changes of organization.
 - c. Set forth a legal description of the boundaries of the affected territory accompanied by a map showing the boundaries.
 - d. Set forth any proposed terms and conditions.
 - e. State the reason or reasons for the proposal (same as b)-
 - f. State whether the petition is signed by registered voters or owners of land.
 - g. Designate three (maximum) persons as chief petitioners, setting forth their names and mailing addresses.
 - h. State whether the proposal is consistent with the spheres of influence for any affected city or district.
 - i. Request that proceedings be taken for the proposal.
 - j. Tax Sharing Certificate
 - k. One copy of a “meets-and-bounds” legal description of the perimeter of the subject property.
 - l. Parcel map of the subject property and a minimum of ten (10) prints.
 - Maps must be drawn by a California-licensed civil engineer or licensed land surveyor.
 - Size of the map shall not exceed 18” x 26” unless a variation is approved by the Executive Officer prior to submittal. Maps shall be stamped and (wet) signed by the preparer.
 - Maps shall be prepared in the current version of AutoCAD unless a variation is approved in writing by the Executive Officer prior to submittal.
 - m. Two (2) copies of a Vicinity Map of the subject property.
 - n. One copy of any environmental documents (pursuant to CEQA) associated with the project. If an Environmental Impact Report (EIR) is associated with the

subject property is prepared, ten (10) copies of the certified EIR must be submitted with the application. Only one (1) copy of the appendices is required. Similar to other public agencies, LAFCO is required to comply with the California Environmental Quality Act (CEQA) for the purposes of considering the environmental impacts of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decision.

o. If the proposal includes annexation to a city, indicating that the annexing city has pre-zoned the property, such as the city council resolution approving the pre-zoning.

p. Processing fee (per the current fee schedule)

q. All documents must also be submitted in “digital” form. Most documentation can be in “PDF” format; however, the Executive Officer also requires CAED files and/or “Word” documents. An application that does not provide an electronic version will not be accepted.

2. By Resolution: A resolution of application may be filed by a legislative body or local agency. The requirements for a resolution are contained within Government Code 56800 et seq.

a. The legislative body may give mailed notice of its intention to adopt a resolution of application to LAFCO and to each interested and subject agency at least 20 days prior to adoption. The notice must describe the proposal and the affected territory.

b. A resolution of application must contain the same information as a petition, except for signatures. An approved Service Area Plan must be on file with LAFCO.

D. LAFCO Proceedings

- A. The proponent delivers to the Executive Officer a completed application.
- B. The Executive Officer determines if:
1. The petition is sufficient as required by law and issues a determination on its sufficiency within 30 days of submittal or rejects the application (s).
 2. If LAFCO is to be the lead agency for the environmental review, ~~if so~~, then the review is undertaken by LAFCO. Alternatively, a City/District may be the lead and LAFCO as the “co-lead”.
 3. A satisfactory exchange of property tax has taken place. A County master property tax agreement may be applicable. If there is not an applicable master property tax agreement, then separate property tax exchange resolutions may be required. If negotiations leading to adoption of separate resolutions are required, both the county and any affected city must agree to a tax exchange. If a jurisdictional change affects the service area or service responsibilities of one or more special districts, the Board of Supervisors of the County negotiates an exchange of property taxes on behalf of the district or districts. (*Revenue and Taxation Code Section 99*)
- C. The Executive Officer reviews the proposal and within 30 days of its receipt either:
1. Determines that the application is complete and issues a Certificate of Filing, setting the commission hearing within 90 days or
 2. Determines that the application is not complete and notifies the proponent.
 3. The Executive Officer may issue a Conditional Certificate of Filing in cases where the only document remaining is the CEQA document for a City or Special District and for an approved Tax Exchange agreement. ~~the CEQA for a City, and for one tax certificate.~~

CHAPTER 1: INTRODUCTION

This Guide was adopted by the Imperial Local Agency Formation Commission pursuant to the requirements of AB 2838 (Hertzberg). Legislation in 2000 revised the Cortese-Knox Reorganization Act of 1985.

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- Authorization of a District to Exercise a Latent Power
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Specially excluded from LAFCO's jurisdiction are the following local government agencies:

- School District
- Community College District
- Special Assessment District
- Improvement District
- Community Facilities District formed pursuant to the Mello-Roos Community Facilities Act of 1982
- Permanent Road Division formed pursuant to Section 1160 of the Streets and Highways Code
- Air Pollution Control District
- Air Quality Maintenance District
- Service Zone of a Fire Protection District

Several local government agencies are subject to LAFCO jurisdiction but are not subject to the conducting authority proceedings of the Cortese-Knox-Hertzberg Local Government Reorganization Act. Conducting authority proceedings are held in accordance with the principal act that established the agency. These agencies include:

- Unified or Union High School Library District
- Bridge or Highway District
- Joint Highway District
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- Metropolitan Water District
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The following local government agencies are subject to LAFCO jurisdiction but are not subject to the conducting authority proceedings of the Cortese-Knox-Hertzberg Local Government Reorganization Act if the commission determines that they are not a "district" or a "special district." If a determination is made that these agencies are not "districts" or "special districts," authority proceedings are held in accordance with the principal act that established the agency:

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- Water Conservation District
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- Orange County Water District
- California Water Storage District
- Water Agency
- County Water Authority or Water Authority

B. LAFCO Composition

The Imperial LAFCO consists of a Five-Member Commission each of whom serves a four-year term (4). The composition of the Commission includes two (2) members of the County Board of Supervisors, chosen by the Board of Supervisors; two (2) members representing the cities in Imperial County, chosen by the City Selection Committee composed of the mayor of each city in the county; and one (1) public member, chosen by the other members of the LAFCO Commission. In addition, each category has an appointed alternate, appointed in the same manner as the permanent member.

C. LAFCO Procedures

The following is a step-by-step guide to the procedures followed by Imperial LAFCO in considering proposed changes in local government organization.

1. Preliminary Steps

The proponent should review their proposal with the Executive Officer. (A brief discussion with the Executive Officer before submitting an application will save the applicant time and needless frustration).

The following steps are suggested:

7. Call **the LAFCO Office at 760-353-4115** ~~for an appointment~~ to schedule a pre-application meeting with the Executive Officer.
8. Bring the following information to the **meeting appointment**:
 - Assessor's parcel number(s) for individual lots or a project map for complex proposals
 - General Plan and Zoning Designations
 - Development Plans- approved or pending development plans such as a Tentative Map, Specific Plan, etc., when vacant territory is proposed for annexation to a city or district. A key consideration in LAFCO's review of annexation requests is the timing of the action. LAFCO discourages and, in some cases, will not approve the annexation of vacant land until it can be demonstrated that services are needed in the near future. Without approved development plans also provide the information necessary to evaluate a proposal. They also enable LAFCO to evaluate the impact of a jurisdictional change on adjacent areas. Proposed projects must be "real" and show that they can and will be developed within a reasonable time.
9. Staff will review the proposal, information requirements, verify if the project is located within a **jurisdiction- City or Districts** approved Sphere of Influence (SOI) and Service Area Plan (SAP) with the applicant. ~~and fees with the applicant.~~
10. **Staff will review the application fees per the adopted fee schedule with the applicant.**

~~11. The applicant should obtain the current application forms and ascertain what environmental documentation will be necessary.~~ Staff will review the application forms and discuss what environmental documents may be necessary.

12. CEQA will be explained, and a determination made as to lead agency. In most “major” projects LAFCO desires (and may require) that it be a “co-lead” agency. When LAFCO approves a project, it must also certify a CEQA document. If LAFCO cannot use the Lead Agency’s document, then LAFCO may prepare its own, or simply deny the project.

2. Application Material

The project proponent prepares the application materials for proposal. All proposals must include the following:

B. A **certified resolution**, if by the affected governmental agency **OR** a **petition** of landowners/registered voters ~~making~~-submitting the application.

2. **By Petition:** A petition application shall be submitted upon the “Petition Form” (see example under Section IX, Exhibit ‘B’ of the LAFCO Manual) and must be signed by the applicant(s). The petition shall include all of the following (Government Code 56700 et seq.):

- a. State that the proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- b. State the nature of the proposal and list all proposed changes of organization.
- c. Set forth a legal description of the boundaries of the affected territory accompanied by a map showing the boundaries.
- d. Set forth any proposed terms and conditions.
- e. State the reason or reasons for the proposal (same as b)
- f. State whether the petition is signed by registered voters or owners of land.
- g. Designate three (maximum) persons as chief petitioners, setting forth their names and mailing addresses.
- h. State whether the proposal is consistent with the spheres of influence for any affected city or district.
- i. Request that proceedings be taken for the proposal.
- j. Tax Sharing Certificate
- k. One copy of a “meets-and-bounds” legal description of the perimeter of the subject property.
- l. Parcel map of the subject property and a minimum of ten (10) prints.
 - Maps must be drawn by a California-licensed civil engineer or licensed land surveyor.
 - Size of the map shall not exceed 18” x 26” unless a variation is approved by the Executive Officer prior to submittal. Maps shall be stamped and (wet) signed by the preparer.
 - Maps shall be prepared in the current version of AutoCAD unless a variation is approved in writing by the Executive Officer prior to submittal.
- m. Two (2) copies of a Vicinity Map of the subject property.
- n. One copy of any environmental documents (pursuant to CEQA) associated with the project. If an Environmental Impact Report (EIR) is associated with the subject property is prepared, ten (10) copies of the certified EIR must be submitted with the application. Only one (1) copy of the appendices is required. Similar to other public agencies, LAFCO is required to comply with the California Environmental Quality Act (CEQA) for the purposes of considering the environmental impacts of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decision.
- o. If the proposal includes annexation to a city, indicating that the annexing city has pre-zoned the property, such as the city council resolution approving the

pre-zoning.

p. Processing fee (per the current fee schedule)

q. All documents must also be submitted in “digital” form. Most documentation can be in “PDF” format; however, the Executive Officer also requires CAED files and/or “Word” documents. An application that does not provide an electronic version will not be accepted.

2. By Resolution: A resolution of application may be filed by a legislative body or local agency. The requirements for a resolution are contained within Government Code 56800 et seq.

- a. The legislative body may give mailed notice of its intention to adopt a resolution of application to LAFCO and to each interested and subject agency at least 20 days prior to adoption. The notice must describe the proposal and the affected territory.
- b. A resolution of application must contain the same information as a petition, except for signatures. An approved Service Area Plan must be on file with LAFCO.

D. LAFCO Proceedings

- A. The proponent delivers to the Executive Officer a completed application.
- B. The Executive Officer determines if:
1. The petition is sufficient as required by law and issues a determination on its sufficiency within 30 days of submittal or rejects the application (s).
 2. ~~If~~ LAFCO is to be the lead agency for the environmental review. ~~If so~~, then the review is undertaken by LAFCO. Alternatively, a City/District may be the lead and LAFCO as the “co-lead”.
 3. A satisfactory exchange of property tax has taken place. A County master property tax agreement may be applicable. If there is not an applicable master property tax agreement, then separate property tax exchange resolutions may be required. If negotiations leading to adoption of separate resolutions are required, both the county and any affected city must agree to a tax exchange. If a jurisdictional change affects the service area or service responsibilities of one or more special districts, the Board of Supervisors of the County negotiates an exchange of property taxes on behalf of the district or districts. *(Revenue and Taxation Code Section 99)*
- C. The Executive Officer reviews the proposal and within 30 days of its receipt either:
1. Determines that the application is complete and issues a Certificate of Filing, setting the commission hearing within 90 days or
 2. Determines that the application is not complete and notifies the proponent.
 3. The Executive Officer may issue a Conditional Certificate of Filing in cases where the only document remaining is ~~the CEQA document for a City or Special District and for an approved Tax Exchange agreement. the CEQA for a City, and for one tax certificate.~~ ~~the CEQA for a City, and for one tax certificate.~~

This chapter provides background information regarding the purpose of the Imperial County Local Agency Formation Commission's (LAFCO's) **policies, standards, and procedures**. It also discusses the legislature's intent; direction by LAFCO; LAFCO's jurisdiction; its composition and responsibilities; and direction, as well as the authority of the Executive Officer. This GUIDE is adopted by the Commission by Resolution and serves as the primary operating rules for the LAFCO.

A. PURPOSE OF THESE POLICIES, STANDARDS AND PROCEDURES

The Imperial LAFCO has adopted this policy, standards, and procedures GUIDE, hereinafter “Guide,” to ensure that the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cortese-Knox-Hertzberg Reorganization Act and/or CKH Act) is implemented consistently and effectively in Imperial County; to provide guidance to applicants for changes in organization and reorganization; to assist staff in the formulation of recommendations to the LAFCO; and to assist members of the Commission in making their determinations.

This revision to the Guide is to fully implement the requirements of AB 2838 (Hertzberg) as signed into law by the Governor on September 26th, 2000, and to reflect changes made by the legislature. *In the event of a conflict between the government code and this guide, the government code shall take precedence. However, this Guide shall be the official “rules” under which projects are processed and under which the Commission shall operate.*

The LAFCO is required to apply the policies and provisions of the Cortese-Knox-Hertzberg Reorganization Act of 2000 to its decisions regarding annexations, incorporations, reorganizations, and other changes of government organization. These policies, standards, and procedures have been adopted pursuant to the authority contained in the Cortese-Knox-Hertzberg Act (Government Code Section 56375) to assist in the implementation of its provisions. Specifically, these standards are designed to:

- Provide guidance to applicants for changes of organization as to the information the LAFCO needs to make appropriate determinations concerning an application.
- Provide applicants for changes of organization with explicit guidance as to the criteria the LAFCO will utilize in approving, disapproving, amending, or conditionally approving applications for changes in organizations.
- Ensure consistency in the LAFCO's decision-making process.
- Facilitate better and more effective communication among local agencies in the region.
- Provide elected officials, governmental staff, and members of the public information and notice as to the standards and procedures that the LAFCO will utilize in evaluating applications.
- Provide for more coordination in the preparation and review of the environmental documentation through a policy whereby LAFCO is a “co-lead” agency, which enhances and expedites the review process. The intent is to work with the primary lead agency on a parallel track to provide better coordination and streamline the process. It is also the intent of the Commission to have CEQA documents meet LAFCO standards and, therefore, potentially avoid having to prepare additional documents or litigate inadequate documents.
- Minimize any adverse social, economic, and environmental impact of growth.
- Provide more effective and efficient government and governmental services.
- Require that all local agencies subject to the Cortese-Knox-Hertzberg Reorganization Act 2000 provide accountable information to the public with regard to their levels of service and their capacity to provide adequate services.

B. THE LEGISLATIVE CREATION OF LAFCOs

LAFCOs are intra-local agencies that were created by State legislation and are designed to ensure that changes in governmental organization occur in a manner that provides efficient and quality services and preserves open space land resources. The creation of LAFCOs was a legislative response to actions by local jurisdictions in the 1940's and 1950's that incorporated or annexed large, irregular portions of land in a manner that resulted in irrational urban boundaries and "stranded" populations without efficient services and/or with no services at all.

In 1963, the Legislature established Local Agency Formation Commissions in each county and gave them regulatory authority over local agency boundary changes. Additional legislation in the 1960's extended LAFCO's authority, and in the 1970's the Legislature recognized the connection between decisions concerning government organization and the issues of urban sprawl and loss of prime agricultural land. In response to these concerns, LAFCOs were charged with implementing changes in governmental organization in a manner that preserved agricultural and open space land resources, as well as provided for efficient delivery of services. The Legislature and the Courts have also required LAFCOs to implement the California Environmental Quality Act (CEQA) as it applies to LAFCO actions. The last significant legislation affecting LAFCOs was AB 1335 (Gotch) which became effective January 1, 1994. The most recent and perhaps the most significant change in many years is AB 2838 (Hertzberg).

C. LEGISLATIVE MILESTONES

The most recent significant change affecting LAFCO was the passage of AB 1458, approved July 21, 2008.

Emerging from the work and findings of the Commission on Local Governance, Assemblyman Hertzberg introduced AB 2838 to address many facets of the LAFCO's functions. Effective January 1, 2001, the changes enacted through the Hertzberg bill will become effective, and would be implemented by all LAFCO's statewide, including the Imperial LAFCO. In fact, one of the changes required by AB 2838 required the Commission to update and adopt this Guide. (See Gov. Code Section 56300) Prior to the passage of AB 2838, the Cortese-Knox Local Government Reorganization Act of 1985 was the result of several years of cooperative effort between Assemblyman Dominic Cortese, Chairman of the Assembly Committee on Local Government, and the California Association of Local Agency Formation Commissions (CALAFCO). The new law, which went into effect on January 1, 1986, consolidates the three major laws used by California's local governments for boundary changes into a single, unified law. Three laws governed changes in the boundaries and organization of cities and special districts in California:

1. The Knox-Nisbet Act of 1963, which established Local Agency Formation Commissions (LAFCO's) and gave them regulatory authority over local agency boundary changes.
2. The District Reorganization Act of 1965 (DRA), which combined the separate laws governing special district boundaries into a single statute.
3. The Municipal Organization Act of 1977 (MORGA), which consolidated various laws on city incorporation and annexation into one law.

These three laws contained many parallel and duplicative provisions. However, similar procedures varied slightly from one law to another, and the procedures necessary for one type of boundary change were found in widely separated sections of the three laws. Although MORGA was the most current revision of city annexation statutes, many cities in the state were required to use DRA so that areas being annexed could be simultaneously detached from special districts. All three laws contained application and hearing procedures for LAFCOs, but there were inconsistencies between them. This situation made city and district boundary changes unnecessarily confusing and complicated for local agencies and LAFCOs, as well as for residents and property owners. In June 1981, the CALAFCO Executive Board established a subcommittee of LAFCO staff representatives to draft legislation to consolidate the three laws. The subcommittee spent three years rewriting the law. In February 1984, Assemblyman Cortese agreed to introduce legislation that would carry out the consolidating effort. He also determined that the bill would be limited to consolidating procedural requirements and would not include changes in legislative policy. Assemblyman Cortese introduced the final draft of the consolidated law in December 1984 as Assembly Bill 115 (Cortese). The bill, after several minor amendments, was approved by the Legislature on August 22, 1985, signed by Governor Deukmejian on September 9, and chaptered as Chapter 541, Statutes of 1985.

Several other bills approved in the 1985 Legislative Session amended the sections of the Government Code affected by AB 115. Assembly Bill 558 (Cortese) served to conform these other bills to the new Local Government Reorganization Act and also to add to the new law the name of former Assemblyman John Knox, co-author of the original Knox-Nisbet Act which established LAFCOs.

AB 558 (Chapter 1599) was approved by the Legislature on September 13, 1985, the last day of the legislative session, and was signed by the Governor on October 2, 1985, completing the "Cortese-Knox Local Government Reorganization Act of 1985," to be operative on January 1, 1986. (Sections have been added, amended, or repealed in 1986, 1987, and 1988, and 1989). AB 1335 (Gotch) was added by the Legislature during 1993.

D. THE LEGISLATURE'S POLICY DIRECTION TO LAFCO

The Legislature has charged the LAFCO with implementing changes in governmental organization to promote specified legislative policies now codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Cortese-Knox Act commences with Section 56000 of the State of California Government Code. Some of the major policy statements are as follows:

- The LAFCO is to encourage orderly growth and development essential to the social, fiscal, and economic well-being of the State. (Government Code Section 56001);
- The LAFCO is responsible for encouraging the logical formation and determination of boundaries while discouraging and eliminating "islands". This also requires influencing land use decisions by requiring for the "pre-zoning" of land prior to annexations. (Government Code Section 56375);

- The LAFCO must exercise its authority as an independent agency, to ensure that affected populations receive efficient and quality governmental services. (Government Code Section 56668); and
- The LAFCO is required to exercise its authority to guide development away from open space and prime agricultural land uses unless such actions would not promote planned, orderly and efficient development. (Government Code Section 56377).

E. LAFCO JURISDICTION

Proceedings for changes of organization of special districts or cities must be approved by the Local Agency Formation Commission (LAFCO), pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000, et. seq.). There is one LAFCO in each County of California except San Francisco.

Changes of organization mean any of the following (Government Code Section 56021):

1. A city incorporation;
2. A district formation;
3. An annexation to, or detachment from, a city or special district;
4. A disincorporation of a city;
5. A special district dissolution;
6. A consolidation of cities or special districts;
7. A merger or establishment of a subsidiary district;
8. An authorization of a special district to exercise one of its latent powers or to extend the area over which a latent power is exercised; or
9. A reorganization involving two or more of the above-listed changes of organization.
10. A merger of a city and a district.

The following local government agencies are specifically excluded from LAFCO jurisdiction (Government Code Section 56036):

1. A school district or community college district;
2. An assessment district or special assessment district
3. An improvement district
4. An air pollution control district or an air quality maintenance district;
5. A bridge or highway district;
6. A transit or rapid transit district;
7. A water agency;
8. A metropolitan water district;
9. A community facilities district formed pursuant to the Mello-Ross Community Facilities Act of 1982; or
10. A permanent road division formed pursuant to Section 1160 of the Streets and Highways Code.

Additionally, some changes in fire protection districts organized under Section 13800 of the Health and Safety Code may also be exempt from LAFCO jurisdiction. In order to carry out the legislative policies identified above, LAFCO has the power to approve or disapprove applications or to impose reasonable conditions thereupon. However, the LAFCO may not exercise direct land use authority. Under the new law, LAFCOs shall require that land proposed

for annexation shall be pre-zoned and that such pre-zoning may not be changed for a period of two years thereafter. LAFCO may disapprove an application for an annexation to a city because it would create an area that is difficult or impossible to serve, or because it would cause the premature conversion of agricultural land. However, the LAFCO could not carry out the same policies by requiring re-zoning land from residential to agricultural use, or by other direct exercise of land use authority through the zoning or subdivision process.

F. THE LAFCO COMPOSITION AND LEGISLATIVE MANDATE

LAFCOs are intra-local agencies created by the Legislature to implement policies which the Legislature determined must be addressed with a regional perspective. The Cortese-Knox-Hertzberg Act established this intra-local mandate for the LAFCOs in two ways:

1. The Legislature's policy mandates are regional in perspective; and
2. The Commission's composition is representative of the region's governmental agencies by providing for city, county, special district, and public membership.

The Imperial LAFCO Commissioners are selected from the groups most affected by its decision: the public, cities, and the County. The Imperial LAFCO currently is composed of five members, each of whom serves four-year terms.

The expiration date of the term of office for each member is the first Monday in May, in the year the term expires. These members include:

- Two (2) City Council members appointed by a committee consisting of the mayor from each of the cities within Imperial County (commonly known as the City Select Committee);
- Two (2) County Board of Supervisors appointed by the Imperial County Board of Supervisors;
- One (1) Public Member appointed by the City and County members of LAFCO.

In addition, each member category has one alternate appointed. Each of these individuals brings to the Commission the diverse experience and perspective of his or her appointing body or sector.

In addition, the Imperial LAFCO has actively sought the representation of the special districts for many years but has thus far been unsuccessful. With the passage of AB 2838 district representation has been emphasized.

Through the particular interests and expertise that each member brings to LAFCO, LAFCO has both the local and regional perspectives necessary to implement the policies of the Cortese-Knox-Hertzberg Act. Decisions relating to the most efficient form of local government and the preservation of agricultural land inherently involve the balancing of potentially competing interests of jurisdictions because applications for change in organization may involve the interests of the County, a City, and/or one or more Special Districts. In addition, such determinations usually affect the public at large because of various options for the delivery of

services. The legislative direction to LAFCO Commissioners is to bring their experience and perspectives to bear in a manner that carries out the best policy from a regional perspective.

Commissioners are not selected merely to cast the vote of their appointing agencies; in fact, to the contrary, they are expected to bring the unique perspective of their appointing agencies, or the public, to decisions which carry out the regional mandate of the Cortese-Knox-Hertzberg Act. It is for this reason that the Cortese-Knox-Hertzberg Act specifically authorizes members of LAFCO to vote on issues which may affect their jurisdictions. Since these members are appointed to carry out objective and approved policies concerning regional issues, it is assumed that their combined participation will benefit the majority rather than the minority or any special interest group.

Existing law sets forth the powers and duties of the Local Agency Formation Commissions, including among others, the adoption of procedures for the evaluation of proposals regarding any change of organization and reorganization of local government.

The Davis Legislation, (SB 1057, Jan. 1, 1990), mandated LAFCOs statewide to adopt written policies and procedures for the evaluation of proposals and for implementation of the Cortese-Knox-Hertzberg Act and requires that any standards adopted for this purpose are to be in writing.-

CHAPTER 2: LAFCO ADMINISTRATION

A: RULES FOR TRANSACTION OF BUSINESS BY COMMISSION

The Commission shall conduct its meetings and transact its business under the following rules:

1. The Commission shall hold its regular meetings on the fourth Thursday of every month, except that a meeting need not be held unless the Commission has business to conduct, and then only if a properly noticed agenda has been published by the Executive Officer.
2. The Commission will hold its meetings, (to the extent scheduling permits) in the City of El Centro's Board Chambers, located at 1275 W. Main Street, El Centro, CA. The Commission may hold its meetings at various locations throughout the County, however such meetings shall always be held in a public auditorium to provide ready access, including access to the disabled.
3. The Commission shall only conduct business with a quorum of its members present. A quorum shall mean that three (3) of the five (5) regular or respective alternates are present.
NOTE: If the Special Districts are represented on the Commission, then a quorum shall mean that four (4) of the seven (7) regular or respective alternates are present.
4. The Commission may take an action to approve or deny with a majority of the Commission only. A majority of this Commission shall be 3 if there are 5 commissioners or 4 if there are 7 commissioners. The Commission must approve or deny a project on a vote of 3 affirmative votes if the Commission consists of five members or 4 affirmative votes if the Commission consists of 7 members. A Commissioner shall not be counted as being present for purposes of this rule if he or she has entered on the record that he or she has a conflict of interest and will, therefore not participate in the vote on the matter before the Commission.
5. The Commission shall at the beginning of each calendar year elect a Chairman and a Vice-Chairman. Said Chairman and Vice-Chairman shall serve for one year. If the Commission does not elect a Chair and Vice-Chair during their first meeting of the year, the current Chair and Vice-Chair shall continue to serve in their respective positions until an election is held.
6. The alternate Commissioners shall only be allowed to fill in for an absent regular commissioner within their category of appointment, and only for the public portion of the meeting.
7. If a quorum of Commissioners is unavailable or present for any scheduled and noticed meeting, any item so scheduled shall automatically be continued to the next regularly scheduled meeting or to a "special meeting" for which a quorum can be obtained.
The Executive Officer shall announce the date and time to which such

agenda or project item is continued. No further notice shall then be required for any such projects.

8. The Executive Officer may schedule special meetings, including workshops, as necessary to conduct the business for the Commission. Any special meetings (not workshops) shall, however, be approved by the Chairperson
9. Each Commissioner shall serve on the Commission as a **LAFCO Commissioner**, reflecting the position and the intent behind the goals and policies of LAFCO, and **NOT** the views of their respective Board or Council.
10. The Commission has adopted, and each of the Commissioners shall follow “disclosure rules” which are contained in “Appendix II”. In the event a Commissioner has a conflict, he/she shall disclose said conflict at the beginning of the meeting or at least before the item is called. In the event a Commissioner states that he/she has a conflict, said Commissioner shall leave the podium; however, the Commissioner may remain in the room provided said Commissioner does not comment on the project.
11. The “disclosure rules” shall also apply to the Executive Officer. In the event the Executive Office has a conflict with regard to a specific project, he/she shall notify the Chairman at such time that an application is received and accepted by the LAFCO. The Chairperson with the assistance of the Executive Officer shall then select and appoint an “Interim Executive Officer” for that single project, and the Executive Officer shall not in any way participate in the review or analysis of the project report.

B: DISCLOSURES REQUIRED

The Commission has adopted standards and rules for the disclosure of or reporting of ex-parte contacts, contributions and other matters pertaining to their function on the Commission. To the extent applicable, the Commissioners shall also strictly adhere to the reporting requirements under the Fair Political Practice Act.

C: EXECUTIVE OFFICER

The Executive Officer to LAFCO shall serve as the primary “independent” staff to the Commission, shall be appointed by resolution and shall have such powers and duties as assigned to the position by the Commission through resolution and/or contained in this Guide. (See Appendix III.)

The Executive Officer shall manage the day-to-day business of the LAFCO, which shall include but not be limited to processing applications, attending meetings, attending CALAFCO conferences, working with local jurisdictions, making public presentations, and maintaining the budget. This also includes hiring and/or firing staff, provided however that the Executive Officer may only hire staff to the extent that such positions (part or full-time) are included in the budget.

The Executive Officer shall at all times represent the views and direction of the Commission and shall be authorized to present such views on behalf of the Commission.

The Executive Officer shall be appointed by the Commission by name, and not by position or title. (The appointment of the Executive Officer by Resolution is contained in "Appendix III".)

The appointment of an Executive Officer shall be during a public meeting of the Commission and shall be by resolution.

Compensation (including salary and benefits) for the Executive Officer shall be established by the LAFCO, through the adoption of a resolution and may be adjusted during any regular budget adoption process where the salary is listed as a line item. A copy of the resolution (or budget resolution) shall be forwarded to the LAFCO accounting office responsible for payment of LAFCO expenses.

D: LAFCO CLERK / ACCOUNTANT

To the extent necessary the LAFCO Executive Officer shall have the authority to hire, appoint, or terminate LAFCO staff as authorized by the Commission and budgeted.

E: LAFCO ANALYST(S) OR EXTRA HELP

The Executive Officer may also hire or fire such other staff as is necessary to carry out the functions and duties of the LAFCO. This may be in the form of full or part-time employees, which will be referred to as Analysts or Extra Help. The Executive Officer may, in lieu of hiring staff, contract for such services with the County, a City or an independent consultant. The Executive Officer may only hire or contract for such services if (a) it is budgeted, and/or (b) the cost associated with such service is fully reimbursed by the project proponent.

Extra help may be used to assist staff to carry out their normal duties in a timely manner. Extra help may also be used for building maintenance purposes.

F: OFFICE OF THE LAFCO

The LAFCO shall have the authority to select its own quarters, its own staff, including the Executive Officer, Legal Counsel, and other support services in order to conduct its business in a completely independent fashion. LAFCO currently owns its own building located at 1122 W. State Street, Suite D, El Centro, CA.

G: BUDGET OF LAFCO

The LAFCO shall prepare and operate under its own independent budget, which shall be prepared by the Executive Officer no later than April, approved by LAFCO no later than June and sent to the County Auditor on or before June 15, of each year. The process of establishing a budget shall be a fully independent process by the Commission. Certainly, the Commission shall exercise prudent and conservative budgeting; however, the Commission shall also consider the mandates of law and establish a sufficient budget to carry out the directives of the legislation under which the LAFCO operates. (Government code section 56381).

The Executive Officer shall prepare a draft budget for the Commission to consider as a draft, on or before April 30th, of each year.

The Commission shall review the draft budget and adopt it in concept. The Executive Officer shall then transmit and/or post to the webpage a copy of the draft budget to each jurisdiction, including a statement indicating the approximate share attributable to that jurisdiction. Each jurisdiction shall have 30 days to comment and respond back to the Executive Officer.

The Executive Officer shall then place the budget on their LAFCO agenda for discussion and adoption during their May meeting or earlier in order to have a final budget presented to the County Auditor by June 15 of each year.

Once adopted, it shall be the responsibility of the County Auditor to ensure that the funds from the respective jurisdictions, including the County, have been collected and forwarded to the LAFCO c/o accountant.

Effective July 1 of each year (fiscal year) the LAFCO budget shall be deemed funded, whether or not the Auditor has completed the task of collection and allocation. In the event the auditor has not collected sufficient funds for LAFCO to operate, the County shall lend LAFCO adequate funds if necessary.

The Executive Officer shall prepare a semi-annual budget report and present same to the Commission. After the Commission has considered the report, it shall make a finding that the accounting is in compliance with standard accounting practices or if not, direct the Executive Officer to make the necessary corrections and report back at the next meeting.

Billing costs shall be established as follows:

- a) If the Executive Officer contracts with a private law firm to contract for legal services, the costs incurred for services provided by legal, shall be as billed by contract.
- b) No costs incurred for services provided by the County Auditor shall be billed to the LAFCO.
- c) Cost incurred by the Executive Officer for all activities that are billable, including but not limited to Time and Material Projects (T/M), shall be the hourly rate equal to that of the County's Planning & Development Services Director, as established by the Maximus study performed for the Planning & Development Services Department, or as otherwise established by the LAFCO through a resolution.
- d) Costs incurred through the use of "on call" consultants acting as an extension of staff shall not exceed the contract amount negotiated by the Executive Officer and the Consultant on an annual basis. To start with this, cost shall not exceed \$120 per hour.
- e) Costs incurred for "special consultants" shall be as per the contracts negotiated between the Executive Officer and the Consultant, after having been provided approval from the applicant.
- f) Costs incurred by any LAFCO support staff shall be calculated at the actual cost for salary plus benefits as calculated for a similar level position in the county personnel system.
- g) All funds recovered from fees or other sources, aside from the costs billed to the County/Cities, shall be deposited into a LAFCO trust account(s). The funds from this trust account may be used to pay "on call" consultant costs for which fees or costs have been billed. Any funds remaining in this account at the end of the fiscal year may be used to offset a portion of the operating costs for the following year and may be used for special studies for which LAFCO generates no revenues, or they may be carried over as contingency funds to be used as determined by the Commission.

H: HEARING LOCATION(S) AND NOTICES

The LAFCO shall conduct to the extent possible its public hearings by using the City of El Centro's Board Chambers. However, this shall not prevent the Commission from holding public hearings at other locations, such as City Council Chambers, Chamber of Commerce Auditorium, General or Multi-Purpose Public Auditorium, etc., except all such facilities shall allow public access including access for the disabled, and be equipped or capable of being equipped with an adequate sound system and recording system.

All such locations shall be duly noticed at least 21 days in advance of a hearing to allow the general public sufficient time to become aware of and participate in the hearings.

Notice of public hearings shall be published and posted pursuant to the Cortese-Knox-Hertzberg Reorganization Act, and at a minimum shall include publication in the Imperial Valley Press, posting on the Imperial LAFCO webpage, posting at the LAFCO Office, and direct mail to affected property owners to the extent required.

I: PERSONNEL POLICIES

1. Introduction

The Imperial LAFCO is an independent public agency formed to regulate the boundaries and creations of cities and special districts throughout Imperial County. As a public agency, LAFCO is responsible for providing a service to all members of the public. LAFCO has prepared this policy manual to provide all employees with the summary of its policy and benefits. This policy manual is not intended to be an exhaustive list of all employee requirements and regulations. Furthermore, these policies may be changed at any time following a duly noticed public hearing by the commission. LAFCO, however, strives to improve its policies, the services that it provides and to provide positive relations with its employees. All employees are encouraged to bring suggestions for the improvement of the functions of the LAFCO to the attention of the Executive Officer. It is the intent of LAFCO that by working together, the commission and its employees will share a sincere pride in the services that are being provided.

These rules apply to all employees who have been a) appointed by and serve the commission or b) appointed by the Executive Officer and serve at the Executive Officer's direction.

2. Recruitment and Hiring

A. *Equal Opportunity Commitment:* LAFCO believes that equal opportunity is a fundamental principle and that all persons are entitled to equal employment opportunities. LAFCO does not discriminate against its employees or any applicants because of race, color, religion, sex, pregnancy, national origin, ancestry, age, sexual orientation, marital status, physical or mental disability, medical condition or any other grounds prohibited by state or federal law. An equal opportunity shall be extended in all aspects of the employer/employee relationship including

recruitment, hiring, upgrading, training, promoting, transferring, disciplining, layoffs, recalls and terminations. Employment decisions made by the LAFCO shall therefore comply with all applicable state and federal laws prohibiting discrimination and employment.

B. Immigration Law Compliance: LAFCO intends to comply with all state and federal immigration laws.

C. Hiring Policy and Procedure:

1. Recruitment of and selection of an Executive Officer shall be by the full Commission. The Commission may select and appoint an independent Executive Officer as a contract employee or as a full staff position. The recruitment for an Executive Officer may be done by the Commission, with or without a recruitment firm.
2. For any position under the Executive Officer, the Executive Officer shall recruit, interview and select the top candidate for any open position. It shall be the sole responsibility of the Executive Officer to recruit and hire staff to the extent such staff is authorized and allocated in the budget, by the commission. The Commission hereby authorizes in addition to the Executive Officer, a clerk and an accountant. All positions are subject to funding being approved within the budget. Staff Analyst(s) or Extra Help may also be required and/or hired by the Executive Officer provided such funding is included in the budget as approved by the Commission. At any time that the budget cannot support the staffing, the Commission may terminate any position it deems necessary.
3. Hiring procedures shall follow to the extent possible, the standards adopted by the County of Imperial Human Resources Department; however, it shall not be the responsibility of the County, nor shall the County or a City or a District have involvement in the process.

D. Separation from Service:

1. The Executive Officer shall serve and report to the full Commission.
2. Termination of the Executive Officer may be by:
 - b. *Termination for Cause:* Termination by the Commission for “cause” provided, however, that the Executive Officer shall have the opportunity to address the Commission in executive session or in public session as determined by the Executive Officer and provided further that notice be provided to the Executive Officer at least 72 hours in advance of the commission hearing during which such action is contemplated;

- c. *Termination without Cause:* Termination by the commission without cause provided, however, that removal without cause requires a minimum four-fifths vote by the full commission. If it is the intent of the commission to terminate without cause, the executive officer shall be given written notice at least 72 hours in advance of the contemplated hearing date, and six months severance pay; or the balance of the time remaining under appointment made by Resolution for specified time.
 - d. *Compensation:* The compensation for each position approved and allocated by the commission shall be fixed by the commission and set at time of the budget adoption. The rate of compensation shall represent total compensation in every form including insurance, retirement and reimbursement. The Executive Officer and all employees shall be paid on the same payment schedule as in effect by the County of Imperial. Payroll period shall be coincidental to and coincide with the payroll periods for the County of Imperial.
 - e. *Overtime:* LAFCO does not authorize the payment of overtime to the Executive Officer. Staff serving the Executive Officer shall be paid overtime in accordance with applicable federal fair labor standards and the County of Imperial's personnel policies. If overtime is paid, it is to be calculated at 1-½ times the employee's regular hourly rate for hours worked, in excess of 40 hours in any one work week.
3. Outside Employment: Provided there is no legal conflict with his or her assigned regular LAFCO duties, LAFCO employees, including the Executive Officer may be employed outside of LAFCO subject to the information being made available to the Commission.

E. *Performance Evaluation:*

Purpose of the Evaluation: LAFCO provides employees with feedback regarding their performance in order to constantly improve the agency's overall operation and to better serve the public. The Commission shall provide a written performance evaluation of the Executive Officer at least once each year. All other employees shall be evaluated on an annual basis by the Executive Officer.

F. *Salary and Salary Adjustments:*

- 1. Upon hiring, the base salary of the Executive Officer shall be established by the commission through resolution. Any increase in salary may be done during the budget review process, by including the new amount within the Salary Line Item.

2. The salary of any full-time employee serving the Executive Officer shall also be established by the commission through a resolution.
3. Merit increases are intended to reflect favorable overall performance and are not to be construed as a guarantee by the Commission. Such adjustments shall not be made more than twice or two times on an annual basis. Employees are to understand that merit increases are not guaranteed or granted automatically, but only as a result of demonstrative performance documented by the performance evaluation. The commission shall consider a merit increase for the Executive Officer on an annual basis; however, such increase shall be at the sole discretion of the commission.

Merit increases for staff shall be at the determination of the Executive Officer, again, on the basis of demonstrative performance and the annual performance evaluation. Employees are not to consider merit increases as a guarantee. The total annual adjustment of any merit increase shall not exceed 10 percent annually.

G. *Paid Benefits:*

1. *Temporary Employees:* Temporary employees are not eligible for benefits. Temporary employees are considered employees hired by the Executive Officer on a temporary basis to carry out a particular function or duty for a limited duration.
2. *Health Insurance:* LAFCO will contribute toward the employee's health insurance premium per policy of LAFCO.
3. *Vacation:* Vacation benefits are provided to the Executive Officer and staff as provided by LAFCO policy.
 - a. Vacation time may not accumulate in excess of the number of hours.
 - b. Vacation shall be scheduled in advance and shall be scheduled as not to interfere unnecessarily with the business of LAFCO. Executive Officer shall determine when such vacations are to be taken.
 - c. Earned vacation days not used upon termination will be paid to an employee at the time of separation.
4. *Holidays:* LAFCO recognizes the same holidays as those recognized by the County of Imperial.
5. *Sick Leave:* Sick leave for the Executive Officer and any staff serving the commission shall be per LAFCO policy.
6. *Workers Compensation:* The LAFCO shall contribute to the workers compensation insurance plan under which the Executive

Officer and staff are operated in the manner required by law.

7. *Retirement:* LAFCO shall provide all employees with retirement benefits as required by law and shall contribute to the employee's retirement plan as per the County of Imperial's retirement system/plan, or in the alternative shall contribute to Federal Social Security or an equivalent plan.
8. *Mileage:* LAFCO shall provide a car mileage allowance for authorized travel within and outside of Imperial County, provided it is strictly for LAFCO business. Reimbursement shall be made for actual mileage driven at the rate following IRS rules.
9. *Jury Duty:* Jury duty, in accordance with law, a leave of absence shall be granted for jury duty and LAFCO shall not prohibit its employees for complying with jury duty requirements.
10. *Medical Coverage:* Executive Officer and any authorized staff serving LAFCO shall be provided with medical coverage, commensurate with the coverage provided by the County of Imperial. If a LAFCO employee is a concurrent County employee, LAFCO shall contribute its fair share to that employee's benefit plan based on the additional salary received for LAFCO services.

H. Credit Card Policy:

The following conditions must be met when using the LAFCO Credit Card:

1. The credit card may be used for purchases authorized by the Executive Officer or Accountant in advance of the purchase.
2. The authorized user of the card is responsible for returning the card and original receipt after use to the Accountant.
3. Intentional use of the card other than official LAFCO purposes is not allowed and such use will result in immediate revocation of the use of the card, possible disciplinary action as authorized by applicable LAFCO procedures, and personal liability to LAFCO for the amount of the purchase.

CHAPTER 3: DESCRIPTION OF THE LAFCO PROCESS

This chapter contains a summary description of the LAFCO's decision-making process, including the LAFCO hearing and evaluation process. It also describes the steps that the LAFCO and concerned local agencies must take when the LAFCO approves a proposal in order for an organizational change to become effective.

This chapter is intended to assist applicant(s) in preparing for and understanding the change of organization process. It provides a general chronology of events during the LAFCO hearing and evaluation process, and it describes post-approval steps taken regarding applications by the LAFCO.

A. THE LAFCO EVALUATION AND HEARING PROCESS

This section describes in some detail the steps the LAFCO and its staff will take to ensure that proposals meet legal requirements and comply with LAFCO standards and policies.

1. Receipt and Acceptance of Applications

It is the policy of LAFCO to encourage and, in certain instances, to require a “pre-application” consultation with the Executive Officer and/or staff. The purpose behind this process is to assure the applicant and the appropriate jurisdictions have a full understanding of the requirements and the process of LAFCO.

Upon receipt of an application, the Executive Officer shall give notice to all parties specified under government code section 56658 (b).

- A. The Executive Officer shall (except when LAFCO is lead agency for purpose of CEQA pursuant to PRC 21067) determine **WITHIN 30 DAYS OF RECEIVING** an application whether the applicant has provided all appropriate required information and materials. (Government Code Section 56658) et esq. (Reference also, Government Code Sections 56652, 56653, 56654, and 56700).

(1) If an application is determined not to be complete, the Executive Officer shall inform the applicant, specifying those parts of the application that are incomplete and the manner in which they can be made complete. An application, which is incomplete, shall not be accepted for filing. (Government Code Section 56658(g))

(2) If the application is deemed to be sufficient for processing, and it is an application for a change of organization requiring a detachment from a City, it shall be forwarded to the City for its review and direction pursuant to Gov. Code section 56751. Said City shall have a maximum of 60 days within which to advise LAFCO of its decision. Upon receipt of the City's position, the Executive Officer shall take the necessary steps to “accept” or “terminate” the application.

- (3) If the Executive Officer determines that the proposal is complete within 30 days of receipt of the application, and it does not require that the application be sent to a City, the application shall be deemed **ACCEPTED** for filing, only if the Commission is the Lead Agency pursuant to CEQA, and only if a “tax sharing agreement” has been reached between agencies. If the Commission is not the lead agency, then only a conditional Certificate of Filing will be issued.
 - (4) If the "Lead Agency" for the preparation of CEQA documentation is other than LAFCO, the application may be accepted for processing purposes, but shall not be deemed complete and a “Final” Certificate of Filing shall not be issued until the appropriate environmental documents have been prepared and submitted in a manner acceptable to the Executive Officer. The Executive Officer may file a “conditional” Certificate of Filing to acknowledge the start of a project, however this shall not be considered for purpose of limiting the time within which to provide notice or within which to complete a project. After all of the conditions applied in a “conditional” Certificate have been met, a final Certificate of Filing will be filed by the Executive Officer.
 - (5) If the LAFCO is the "Lead Agency" under CEQA, or the “co-lead agency” the LAFCO must cause environmental documents to be prepared according to the requirements of CEQA. To accomplish this task the Executive Officer may use the County Environmental Evaluation Committee (EEC), as the hearing agency to make a recommendation to the Executive Officer on the type of CEQA document to be prepared.
- B. Before an application is deemed complete, the Executive Officer shall determine whether or not LAFCO will need or will require the use of special experts or special consultants in order to properly process the application. If determined necessary by the Executive Officer, the Executive Officer shall so notify the applicant and said notification shall constitute a rejection of the application until a response from the applicant is made to the Executive Officer. The Executive Officer shall include in the notice the estimated cost for said service and the applicant shall be responsible for said costs incurred by LAFCO. If the applicant is in agreement with the Executive Officer's notice and estimated costs, he/she shall provide a deposit in the amount of 50% of the estimate to commence retention of said services. The Executive Officer may use “on call” consultants to act as an extension of staff, without consulting with the applicant if in the opinion of the Executive Officer the use of such consultant is necessary to process the application in a timely manner and will not add significant costs to the project.
- C. After determining an application as complete, the Executive Officer will provide mailed notice, to the affected agencies including the "subject" city or district whose boundary will change and all "interested" agencies which provide facilities or services in the affected territory with the

proposal's description and the territory it affects. (Government Code Section 56658(b)) The Executive Officer shall not issue a Certificate of Filing until at least 20 days after mailing such notice. (Government Code Section 56658(d))

- D. When an application is accepted as complete, including the environmental documents, the Executive Officer shall issue a **Certificate of Filing** to the applicant and all interested agencies and individuals requesting notice. (Government Code Section 56658(f))
- E. Notification of the Certificate of Filing shall include the applicant(s), the County Administrative Officer, the Clerk of the Board of Supervisors, the County Public Works Director, the Tax Assessor, the Auditor Controller, the LAFCO Legal Counsel, the City Clerk of the city affected, the City Manager of the city affected, the District Manager of the district affected, the General Manager of the Imperial Irrigation District, the Sheriff, the Highway Patrol, the County Fire Chief, the City Fire Chief of the city affected and anyone having requested such notices. This list shall be deemed as providing adequate notice. All of the above, except for County Officers and Offices shall be sent via regular mail.

(Certain exceptions may be made to the above procedures as provided for in Government Code Section 56658 of the Cortese-Knox-Hertzberg Act, or as approved by the Commission.)

2. Technical Studies/Information from Other Agencies

In order to fully analyze a project and comply with the intent of Government Code 56000 et. Seq., the Executive Officer shall have the authority to request technical as well as statistical information from any local agency. The local agency shall provide this information to the Executive Officer in a timely manner and at no cost to LAFCO. In the event such information is not made available to the Executive Officer, the Executive Officer shall be authorized to request the same under the "Freedom of Information Act" if necessary, or any other means reasonably at the disposal of the Executive Officer.

City staff shall provide the Executive Officer with all applicable land use related applications, staff reports, and CEQA documents, in order for the Executive Officer to prepare the necessary staff report.

3. Staff Report Preparation

- A. The Executive Officer shall review each application and shall prepare a report on the application that includes recommendations to LAFCO. The report shall be completed not less than (5) five days prior to the date specified in the Notice of Hearing. (Government Code Section 56665)
- B. If the Executive Officer requires additional information to complete his or her evaluation of the proposal, he or she will notify the applicant. The applicant shall submit a response within 30 days of receiving such notice, which may include an amendment to the application. The amendment should state the reason, or reasons, for the amendment and provide evidence regarding how the amendments would correct problems identified by the Executive Officer. The Executive Officer will then review the amendment to determine if the changes address or correct the problem(s) identified. If required documentation is not provided the Executive Officer shall proceed to hearing with a recommendation for denial.
- C. Upon completion of the report, the Executive Officer shall furnish copies of the report to (Government Code Section 56665):
 1. Officers, entities, or persons designated in the application;
 2. Each local agency, including the County, whose boundaries, service responsibilities, revenue authorities, or Sphere of Influence would be changed by the proposal or recommendation; (Police, Sheriff, Fire, Public Works, School District, Imperial Irrigation District, etc.)
 3. Each affected local agency, group, or person which has filed a request for a report with the Executive Officer;
 4. The LAFCO Executive Officer of any other affected county when a portion of a district is or will be located in that other county;

5. Each affected city, via the City Manager, or in their absence the City Clerk, and the County via the County Executive Officer (CEO) or the Clerk to the Board of Supervisors;
6. The Board of Supervisor member representing the district in which the project site is located.

The report **shall** evaluate the application and make recommendations **based upon compliance with the Cortese-Knox-Hertzberg Act** and Imperial LAFCO "policies and standards", information and data provided in the application, and other related information and data that the LAFCO may gather.

4. Property Tax Exchange

If the proposal includes incorporation or the formation of a new district, the Commission shall determine the amount of property tax revenue to be exchanged by the affected local agencies, pursuant to Government Code Section 56810 of the Cortese-Knox Act. As part of that determination, the Commission will:

- A. Estimate the total amount of sales tax revenue and user fees, service charges and other revenue transferred;
- B. Estimate the value of any agreements included in the proposal, which may be designed to compensate for fiscal inequities;
- C. Estimate the cost to the current service provider of performing those services which will be transferred to the new city or district if the proposal is approved; and
- D. Based upon the above calculations and estimations, the Commission will determine the fiscal effect of the proposal.

5. Administrative Hearing by Executive Officer

Under certain conditions and only for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project.

- A. Specified Project(s)
 1. Extension of new or extended water service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are twenty (20) or fewer connections.
 2. Extension of new or extended sewer service by a city or district to an entity other than another city or district within the Sphere of

Influence of the city/district limit and provided there are twenty (20) or fewer connections.

3. Extension of solid waste service by a city/district to a city or district within the Sphere of Influence of the city/district limit and provided there are twenty (20) or fewer users.

The full Commission shall only consider projects not meeting the above criteria.

B. Applications Required

1. A city or district proposing to provide services by contract or agreement outside of its jurisdictional boundaries (and within its Sphere of Influence) shall file an application (request for approval) with the Executive Officer.
2. Along with the application, the city/district shall also provide the CEQA documentation if so required under CEQA.

NOTE: In the event the city/district does not prepare CEQA documentation and the Executive Officer determines that the application constitutes a project under CEQA, LAFCO shall then be the lead agency and prepare the appropriate CEQA documentation.

3. The application shall also include a copy of the proposed contract/agreement and a map to show the location of the service facilities, if any, and the service boundary.
4. The application shall include the required fee(s). (See Fee Schedule in Appendix "V".)

C. Administrative Hearing

1. Upon receipt of an application for service extension(s) the Executive Officer shall review the application within twenty (20) working days and determine if it is adequate for processing.
2. If application is not accepted, the Executive Officer shall notify the applicant in writing and state the reasons.
3. If application is accepted and is determined to be a specified project for "administrative" action, the Executive Officer shall notify the applicant, all affected agencies, the property owners receiving the service and all property owners within 500 feet of the new service boundary. The notice shall describe the project, the location, and set a date and time for the administrative hearing.
4. If the application requires a hearing by the Commission, the

Executive Officer shall schedule the project for the next available hearing date.

5. Upon completion of the administrative hearing the Executive Officer shall notify the applicant of his/her decision.

D. Appeal

The decision of the Executive Officer may be appealed to the Commission provided a written appeal accompanied with the requisite filing fee is presented to the Executive Officer within ten (10) calendar days of the Executive Officer's decision. The Executive Officer shall schedule said appeal for the next available LAFCO hearing date.

6. Commission Hearing of the Proposal

- A. Following the issuance of the Certificate of Filing, the Executive Officer shall set the proposal for a public hearing before the Commission on a date not more than 90 days after the issuance of an "unconditional" Certificate of Filing.

If the Executive Officer files a "CONDITIONAL" Certificate of Filing, the hearing date will be determined at the time the condition is deemed to have been met by the Executive Officer.

- B. With certain other exceptions specified in Government Code Sections 56663 and 56664 of the Cortese-Knox-Hertzberg Act, the Commission shall not make any determinations upon any proposal, plan of reorganization, or report and recommendation of a reorganization committee until after a public hearing has been held on that proposal, plan, or report and recommendation.

- C. The tentative hearing date will be included as part of the Certificate of Filing. The hearing date will be further publicized, in accordance with Government Code Sections 56660 and 56661 of the Cortese-Knox Act. In summary, such notice shall include:

1. Publication at least 21 days prior to the hearing date in one or more newspapers of general circulation within affected territories or agencies (Government Code Sections 56151-56159);
2. Notice posted at least 21 days prior to the hearing date on or near the doors of the meeting room of the legislative body or commission or upon any official bulletin board used for posting public notices pertaining to the legislative body or commission; and
3. Mailed notice, first class, postage prepaid, at least 21 days prior to the hearing date to:
 - a. Each affected local agency;

- b. The chief petitioners, if any;
 - c. Each person who has filed a written request for special notice with the Executive Officer;
 - d. Each city within two miles of the subject territory's boundaries, if the proposal is for an annexation or detachment, or for a reorganization which includes the formation of a new district;
 - e. The County, if the proposal includes incorporation of a new city or formation of a new district;
 - f. All owners of parcels directly affected;
 - g. Surrounding landowners within 300 minimum feet of the project site boundaries.
- D. Hearing packages shall be distributed to the Commissioners, the applicant, and LAFCO Staff. Alternate Commissioners, cities, county, and other interested parties will receive a digital copy of the packages (unless otherwise requested). Hearing packages will be distributed *at least 5 days before the scheduled hearing date*.
- E. The hearing shall be held on the date and at the place and time specified in the notice. The hearing may be continued by the LAFCO, but not more than 70 days after the originally scheduled hearing date.
- F. At the hearing, the Commission shall receive, **through an open public hearing**, any oral or written protests, objections, or evidence, which shall be made, presented, or filed, and **the Commission shall** consider the report of the Executive Officer.

7. **Commission Actions**

- A. The LAFCO has the power to review and **approve or disapprove**, with or without amendment, wholly, in part, or conditionally, proposals for changes in organization or reorganization, with limited exceptions described in Government Code Section 56375 of the Cortese-Knox-Hertzberg Act.
- B. In most instances, any LAFCO amendment of an application will only affect proposed boundaries. However, the LAFCO may condition its approval of a proposal upon a much wider variety of factors. Such factors may include: (Government Code Section 56886)
- 1. Payment of a fixed or determinable amount of funds for acquisition of any agency's real or personal property;

2. Levying, or fixing, and collecting taxes, assessments, service charges, rentals and/or rates for the purpose of funding any payment required by condition;
3. Acceptance of liability for repayment of any authorized or outstanding bonds, contracts, or other obligations, including such revenue measures as may be appropriate to fund those liabilities;
4. The formation of a new improvement district, or the annexation or detachment of territory to or from, any existing improvement district;
5. The incurring of new indebtedness by, or on behalf of, all or any part of any local agency, including territory being annexed to any local agency.
6. The issuance and sale of any bonds by a local agency or by that agency's designated successor;
7. The acquisition, improvement, disposition, sale, transfer, or division of any property, real or personal;
8. The disposition, transfer, or division of any moneys or funds, including cash and any receivables;
9. The fixing and establishment of priority of use, or right of use, of water, or capacity rights in any public improvement or facilities, or of any other real or personal property;
10. The establishment, continuation, termination, transfer, consolidation, or separation of any office, department or board or any function of an office, department or board;
11. The employment, transfer, or discharge of employees, the continuation, modification, or termination of existing employment contracts, civil service rights, seniority rights, retirement rights, and other employees benefits and rights;
12. The designation of a city, district or county as the successor to any local agency which is dissolved as a result of any change of organization or reorganization;
13. The designation of the method of selection and/or the number of members of the legislative body of a district if the proceedings include a consolidation or formation of a new district, and the method of selection and/or number of those members has not been decided upon;
14. The initiation, conduct, or completion of proceedings on a proposal made pursuant to the Cortese-Knox-Hertzberg Act;

15. Any terms or conditions required or authorized by the principle act with respect to any change of organization;
 16. The continuation or provision of any service provided at that time, or previously authorized to be provided by an official act of the local agency;
 17. The levying of assessments, including the imposition of a fee pursuant to Government Code Sections 50029 or 66484.3, or the approval by the voters of general or special taxes;
 18. The continuation of any previously authorized charge, fee, assessment, or tax by a successor local agency; and,
 19. The transfer of authority and responsibility for the administration, levying, and collecting of special tax and assessment districts.
- C. The Commission, in order to coordinate multiple proposals for the same geographical areas, may as a condition of its approval, hold further action in abeyance until all projects are ready for hearing, and require that elections for different proposals be held on the same date, before, or after the date of any other election regarding a change of organization
- D. Finally, the Commission may require that voters consider questions of annexation and district reorganization, or questions of incorporation and district reorganization at the same time, through use of a single ballot question. (Government Code Section 56885.5(d))

8. Reconsideration

- A. Any person or affected agency may file with the Executive Officer, a written request for reconsideration of a Commission resolution within 30 days of the LAFCO's adoption of a resolution making determinations and prior to the completion of the Conducting Authority's proceedings. (Government Code Section 56895)
- B. The written request for reconsideration shall precisely and specifically describe the basis for the request and shall include the requisite processing fees. Without a detailed request, stating all reasons or conditions upon which the request is made, the Executive Officer shall not schedule a request for reconsideration. The only requests for reconsideration that the LAFCO will consider are as follows:
1. Compelling new evidence exists, including significant and previously unavailable evidence that might alter the LAFCO's decision;
 2. There are elements which were previously overlooked, or have changed, such as the repeal of an applicable federal, state or

local law that might alter LAFCO's decision; and/or;

3. Item(s) of procedure are found to be legally in error. (This determination shall require a written legal opinion by the LAFCO Legal Representative.)
- C. If the written request is timely (not more than 30 calendar days after resolution), the Executive Officer will schedule the matter for the next regularly scheduled Commission meeting, at which time staff will present the request.
 - D. At the meeting, the spokesperson that is appointed or designated to represent those requesting the reconsideration will formally present the request before the Commission and be available for questioning. In addition, a spokesperson from the opposition, if there is any, also will have an opportunity to address the request and answer questions. Testimony at this hearing shall be limited to one spokesperson for the proponent, one for an opponent and the Executive Officer and Legal Counsel.
 - E. The Commission will discuss the request and decide as follows:
 1. Approve or deny the request for reconsideration without further notice or hearing, or;
 2. Provide notice for hearing at a later date, at which hearing the Commission may deny or approve the request for reconsideration.
 - F. The Commission's determination upon these matters is final and conclusive. No person or agency shall make any further request for the same or substantially similar change, as determined by the Commission.

B. USE OF CONSULTANTS BY LAFCO

1. In order to carry out the duties, functions, and responsibilities of the Commission, the Commission finds that the Executive Officer shall have the ability and authorization to retain technical experts.
2. The Executive Officer shall have and is herewith granted full authorization from the Commission to retain technical experts (consultants) for such services as: CEQA compliance, legal services, economic/financial analysis, engineering analysis, and/or such other expertise as may be required from time to time. For this purpose, the Executive Officer is authorized to use funds from the "contingency" funds set aside in the budget. The Commission shall at all times attempt to maintain a minimum of \$\$150,000 in the contingency for building/other and \$40,000 contingency for legal Services.
3. To the extent feasible, LAFCO shall at all times utilize the services of the County

Engineer and the County Surveyor in the review of LAFCO boundary maps. In the event that the County Engineer is unable or unwilling to provide assistance to LAFCO, the Executive Officer shall have the ability/authority to solicit engineering services from a qualified firm.

4. The authority hereby granted to the Executive Officer shall be subject to the following procedure:
 - A. If LAFCO is the lead agency (or the co-lead agency) under CEQA and an Environmental Impact Report (EIR) or Environmental Impact Study (EIS) is required for a special project, the Executive Officer may retain a qualified firm to prepare said documentation, as follows:
 1. The Executive Officer may, but shall not be required to prepare a Request for Proposals (RFP), but may select a firm that meets the requisite qualifications, as determined by the Executive Officer.
 2. The Executive Officer may, but shall not be required to obtain bids or estimates, for professional services.
 3. The Executive Officer shall advise the applicant in writing of his intended selection and the estimated cost. The applicant shall have 70 days to submit a deposit as required by the Executive Officer or show in writing why the selected firm should not be used.
 4. Under no condition shall the applicant be allowed to prepare or have prepared his/her own CEQA/NEPA document. **For the purpose of this section, LAFCO will not accept an EIR or EIS prepared by a City or District acting as lead agency if that City or District is the applicant or a co-applicant on, or has taken an action to sponsor the application on behalf of a development project.**
 5. In the event of a dispute on the selection of a consultant, LAFCO shall be the final decision.
 6. The LAFCO (Executive Officer) shall adhere to the CEQA procedures established by the LAFCO through "The Rules to Implement CEQA".
 - B. If the LAFCO is a responsible (not Lead) agency on a project for which an EIR or EIS has been prepared, and the Executive Officer determines that assistance for the review of said documentation, either in whole or in part is necessary to adequately prepare the review, the Executive Officer shall have the ability to retain such expertise subject to the following:
 1. The Executive Officer shall notify the applicant of his intent to require the services of an outside consultant to assist in the

processing of the application.

2. The Executive Officer shall provide a written notice to applicant of the proposed/selected firm and the estimated cost. The applicant shall then have 30 days to remit the deposit required or file a written statement why the proposed firm is not qualified.
3. The Executive Officer may, but shall not be required to obtain bids, or use the RFP process unless he determines it is absolutely necessary.

C. LAFCO COMPLETION OF ACTIONS

1. The LAFCO Executive Officer shall prepare and record a **Certificate of Completion** after the LAFCO adopts a resolution ordering a change of organization without election, or after the LAFCO confirms an order for a change after confirmation by the voters, unless the LAFCO resolution is not in compliance with the boundaries, modifications and conditions specified by the LAFCO. (Government Code Section 57100)

The Certificate of Completion shall contain:

- A. The name of each newly incorporated city and newly formed district, and/or the name of each existing local agency for which a change of organization or reorganization was ordered and the name of the county within which any new or existing local agencies are located;
 - B. A statement of each type of action ordered;
 - C. A legal description of the boundaries of the new city or district or of any territory affected;
 - D. Any terms and conditions of the action; and
 - E. The date of adoption of the Conducting Authority's resolution ordering the change without an election, or the date of adoption of the Conducting Authority's resolution confirming an order for the change after confirmation by the voters.
2. The Executive Officer shall record a certified copy of the Certificate of Completion with the County Recorder and file a copy with the Clerk of each legislative body of each local agency subject to the change. (Government Code Section 57202)
 3. The Executive Officer shall file the Certificate of Completion, resolutions, legal descriptions, and annexation boundary maps with the following:
 - A. The Board of Equalization;
 - B. The County Assessor;
 - C. The County Auditor;
 - D. The County Surveyor; and
 - E. The Secretary of State, if the LAFCO action involves a change of organization or reorganization of a city. (Government Code Section 57203)
 4. A **Statement of Boundary Change** shall be submitted to the State Board of Equalization and upon the acceptance of the action as completed (by the State

Board of Equalization), the action is deemed **Completed**.

5. The effective date of the action is the **Recordation Date** at the County Recorder's Office, of the Certificate of Completion.

D. SUMMARY OF PROCESS (annexation to a city)

1. Pre-application meeting or consultation with Executive Officer and/or staff (Optional).
2. Application is filed with Executive Officer. The land use permit applications are to be filed with a city. (If it is a change to a city boundary.)
3. Executive Officer submits a CONDITIONAL Certificate of Filing, along with supporting documentation, to all required agencies, including county offices charged with supporting the review process.
4. City submits a full copy of the applications filed with the city if the change is for a boundary change. If the city does not provide a full copy of all documents filed or if a city does not update the Executive Officer on the progress of the application, the Executive Officer may terminate the application upon informing the applicant. *(NOTE: In order to adequately review a project and to do so in a timely manner at no added cost to the applicant or the LAFCO, this step is critical.)*
5. With City concurrence, the CEQA process is commenced under a "co-lead" arrangement. If there is no co-lead process, then LAFCO is under no obligation to accept the Final EIR (FEIR) or final CEQA document and may require additional CEQA documentation prepared, including but not limited to a full EIR. Also, the LAFCO processing time cannot be established until after the CEQA documentation is certified. *(NOTE: it is the intent of LAFCO to work in concert with a "lead" agency in the form of being "co-lead" thereby minimizing delays, reducing potential disagreements on the adequacy of a CEQA document and generally having better coordination and communication between applicant and cities.)*
6. Concurrent with the CEQA review process, the County Assessor, Auditor, Tax Collector and CEO review and provide the necessary tax information to the Executive Officer prior to the LAFCO hearing.
7. City provides notice of all land use hearings in a timely manner to allow LAFCO to participate if necessary.
8. City submits to LAFCO certified resolutions of ALL approvals granted to the project.
9. Executive Officer prepares the staff report and schedules the project for the Commission hearing. Since a 21-day minimum noticing is required, the hearings

are typically between 45 and 75 days after the documents are received from the City.

10. LAFCO conducts its hearing at a duly noticed date, time and location.
11. The Executive Officer sends the LAFCO resolutions to the City and the applicant; thereby, requiring them to comply with the terms and conditions set by LAFCO.
12. Upon receipt of all documents from the City and the applicant including fees, the Executive Officer then prepares the Notice of Completion and submits all required documents to the County Recorder's office.
13. Upon receiving the recorded documents from the Recorder's office, the Executive Officer transmits the required forms and fees to the State Board of Equalization. At the same time, the Executive Officer transmits the revised boundary maps to the various agencies including law enforcement and emergency services.
14. Upon receipt of the final documents from the State Board of Equalization, the Executive Officer submits a final copy to the city and applicant and closes out the file.

CHAPTER 4: GENERAL POLICIES AND PROCEDURES

This chapter presents the general policies that will apply to all LAFCO considerations of any application for changes in organization and Sphere of Influence determinations. These policies are general in nature. In certain situations, the application of one policy may conflict with the application of another; in that case, the LAFCO will exercise its discretion to balance policies in a manner consistent with the Cortese-Knox-Hertzberg Act and the standards contained in this document.

The Imperial Local Agency Formation Commission has adopted the following General Policies, which apply to all proposals.

1. The LAFCO will encourage participation in the decision-making process. To do this, the LAFCO shall publish notice, and mail notice to landowners of a project site, and may provide mailed notice to surrounding landowners within 300 feet, or to landowners beyond 300 feet if determined necessary by the Executive Officer.
2. The LAFCO will coordinate and facilitate, to the maximum extent feasible, communication on actions among the County, Cities and Special Districts.
3. The LAFCO encourages projects that result in the provision of urban services in densely developed and populated areas, rather than in uninhabited or sparsely inhabited territories.
4. The LAFCO will protect agricultural and open space lands from premature conversion as required under State Law, and in particular agricultural conservation land such as lands in the Williamson Act.
5. The LAFCO encourages projects that will provide urban services in areas with high growth potential rather than in areas with limited potential for future growth.
6. CEQA requires that LAFCO assess the environmental consequences of its decisions, and actions to avoid or minimize projects with significant adverse environmental impacts. To comply with CEQA, the LAFCO will take one of the following actions:
 - A. At its discretion, approve a project without changes if environmental impacts are insignificant;
 - B. Require an applicant to modify a project;
 - C. Establish mitigating measures as a condition of its approval of the proposal; or
 - D. Deny the proposal because of unacceptable, significant adverse environmental impacts.

7. The LAFCO encourages those applications that do not shift the cost for services and infrastructure benefits to other service areas.
8. The LAFCO will discourage proposals that have potential for significant adverse social, economic or other impacts that cannot be mitigated.
9. The LAFCO encourages the use of service providers, which are governed by officials elected by the citizens.
10. The LAFCO policy is that community needs are met most efficiently and effectively by governmental agencies which are already in existence, by agencies which are capable of coordinating service delivery over a relatively large area, and by agencies which provide more than one type of service to the territory which they serve.

The LAFCO encourages, in descending order, the following forms of organizational change:

- A. Annexation to an existing city;
- B. Annexation to an existing district, which has an independent governing body (an independent district);
- C. Annexation to an existing service area or district of which the Board of Supervisors is the governing body (a dependent district);
- D. Formation of a County Service Area or dependent district, which provides multiple services;
- E. Formation of a County Service Area or dependent district, which provides a single service;
- F. Formation of a new independent (Community Service) district, which provides multiple services;
- G. Formation of a new independent single service district; and
- H. Incorporation of a new city.

11. The approval of proposals by LAFCO must be conditioned to mitigate the following adverse impacts to a level considered less than significant:
 - A. Any threat to the public health and safety;
 - B. Any reduced or eliminated service availability;
 - C. Any unacceptable reduction of service quality;
 - D. Any loss of economics of scale;
 - E. Any duplication of service capacity or facilities;
 - F. Any proposal that exceeds the service provision capability as outlined in the Service Area Plan; and
 - G. Any double taxation for provision of a service.

CHAPTER 5: GENERAL STANDARDS

*The Imperial LAFCO has established general standards for the evaluation of proposals and the actions of the Commission. The LAFCO **will** use these general standards in conjunction with applicable policies as part of its decision-making process. This chapter presents Imperial LAFCO's general standards.*

LAFCO may, at its discretion, make exceptions to the requirements of these standards only if the following findings can be made:

1. It is necessary due to unique circumstances not generally applicable to other similar situations; and
2. Results in improved quality or lower cost of service available to the affected parties or the jurisdiction; and
3. There exists no feasible and logical alternative. (The burden of proof in demonstrating such necessity lies with the applicant.)

A. SPHERE OF INFLUENCE BY APPLICATION

Under the provisions of the Cortese-Knox-Hertzberg Reorganization Act of 2000, LAFCOs are now required to review the Sphere of Influence of the various jurisdictions at least once every five (5) years. This will require the LAFCO to initiate the process if no request for an amendment has been filed within this period of time. In addition, the sphere of influence plans must be consistent with the service area plan, (SAP), called the Municipal Service Review Plan (MSRP) under Cortese-Knox-Hertzberg.

Amendments & Updates by application:

1. LAFCO **may** approve an application for a change in organization only if the proposal is consistent with an approved Sphere of Influence Plan for the affected agency or agencies. The sphere of Influence Plans will not generally be amended concurrently with an action of any application. However, if such a concurrent Sphere of Influence Plan amendment is deemed appropriate, it will necessitate an Initial Study and potential further CEQA review. Sphere of Influence amendments will ordinarily take longer to process than applications for a change of organization. Agencies are encouraged to keep their Sphere of Influence Plan up to date so that the individual applications for changes in organization are not burdened with Sphere of Influence Plan amendment requirements. Amendments to Sphere of Influence Plans occasioned by individual applications for changes in organization, which would render the Sphere of Influence internally inconsistent or inconsistent with the other policies, or standards herein will not be approved.
2. Sphere of Influence Plans are the primary planning tool for LAFCO. The LAFCO has developed standards related to the Service Area Plan of any agency's Sphere of Influence Plan. *Agencies must have an updated "Service Area Plan" on file with the Executive Officer* addressing at a minimum the following standards; otherwise,

the LAFCO shall not approve a change in the sphere of influence. (Reference Exhibit "D")

- A. Demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the area included within the proposal boundary;
- B. Identifies existing land use and a minimum five-year projection of land use and land use controls, which would occur if the proposal was approved and proceedings were completed;
- C. Presents a map that clearly indicates the location of existing and proposed facilities, including a plan for timing and location of facilities;
- D. Describes in detail the nature of each service to be provided (water, sewer, police, fire protection, etc.);
- E. Describes the service level capacity from the service provider's facilities;
- F. Identifies the anticipated and expected service level to be provided;
- G. Describes any actions, improvements, or construction necessary to reach required service levels, including costs and financing methods;
- H. Discusses any conditions which may be imposed or required within the affected territory, such as, but not limited to, improvement or upgrading of structures, roads, and sewer or water facilities;
- I. Provides copies of district enabling legislation pertinent to the provision of services and annexations;
- J. Is consistent with the "Service Area Plan" of the Sphere of Influence of any overlapping jurisdiction;

3. The LAFCO **shall** require that any agency proposing an action through LAFCO have an up-to-date Service Area Plan as part of its Sphere of Influence Plan. The LAFCO will approve a proposal only if the proposed service provider is the most logical and *efficient* provider of services with an acceptable cost, as demonstrated in the provider's Service Area Plan. This is not to be construed that an existing service provider is the best option or that no other provider, including a new district, may be allowed adjacent to an existing provider, if and only if, the Commission can find that the new provider is an equal or better option.
4. LAFCO is not required to approve a Sphere of Influence as requested by a City or District even if it determines that the request is appropriate and meets the intent of law. The Sphere of Influence boundary must however meet the standards of the Cortese-Knox-Hertzberg Reorganization Act and the policies of LAFCO. LAFCO has sole digression to approve, amend or reject a change. *The LAFCO shall adopt a Sphere of Influence for every City or District as the LAFCO determines appropriate.*

B. CONFORMANCE WITH APPLICABLE GENERAL & SPECIFIC PLANS

1. LAFCO may approve changes in organization only if the proposal is consistent with the General Plan and any Specific Plans of the local planning jurisdiction.
2. For purpose of this standard, the applicable planning jurisdiction is as follows:
 - A. For annexations to a City, the applicable jurisdiction is the City to which annexation is proposed;
 - B. For applications for annexation to or detachment from a district, all of whose territory lies within the City Limits, the General Plans of the City;
 - C. For an application for annexation to a special district for lands outside City Limits, the Imperial County General Plan or an adopted Area Plan;
 - D. For an application for annexation or detachment from a district whose territory lies in both the City and County, the General Plan applicable to the subject land.

3. For purposes of this standard, the proposal shall be deemed consistent if the proposed use is consistent with the applicable General Plan designation, the applicable General Plan is legally adequate and internally consistent, and the anticipated types of services to be provided are appropriate to the land use designated for the area.
4. The initial determination of consistency shall be the responsibility of the governing body of the applicable planning jurisdiction. LAFCO shall retain discretion to determine the consistency issue with respect to its jurisdiction to approve, disapprove or condition changes in organization and may require additional information if necessary. LAFCO will not approve a proposal in the absence of such certification by the jurisdiction.

C. BOUNDARIES

1. LAFCO will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain and fully described, including a "metes and bounds" legal description.
2. The LAFCO will encourage applications with boundaries that do the following:
 - A. Seek to correct illogical boundaries within the affected agency's Sphere of Influence;
 - B. Follow natural or man-made features and include logical service areas; or
 - C. Provide for a mixture of revenue producing and non- or limited-revenue producing properties.
3. The LAFCO will discourage and may not approve applications with boundaries that do the following:
 - A. Result in islands, corridors or peninsulas of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries;
 - B. Create areas, which are difficult to provide services;
 - C. Split parcels;
 - D. City limits fall within the road right-of-way;
 - E. Make road islands of county-maintained roads; and
 - F. Are drawn for the exclusive purpose to encompass revenue-producing territories.

D. AGRICULTURAL LAND CONSERVATION

LAFCO **shall** exercise its power to conserve and preserve agricultural land pursuant to the following standards:

1. LAFCO **may** approve a change in organization which will result in the conversion of prime agricultural land in open space use to other uses only if the Commission finds that the proposal will lead to the planned, orderly and efficient development of an area. For purposes of this standard, a proposal lends to the planned, orderly and efficient development of an area only if the Commission finds that all of the following criteria are met:
 - A. The land subject to the change in organization is contiguous to either existing developed land or lands, which have received all General Plan, zoning and subdivision map or use, permit approvals for such development.
 - B. The proposed development of the subject lands is consistent with the Sphere of Influence Plan, including the "Service Area Plan" of the affected agency or agencies.
 - C. Development of all or a substantial portion of the subject land will occur within five (5) years. In the case of very large developments, it may approve annexation if all or a substantial portion of the subject land is likely to develop within 10 years, and appropriate assurance is made to LAFCO.
 - D. Insufficient vacant non-prime lands exist within the applicable Sphere of Influence plan, accessible and developable for the same general type of use.

Note: The County of Imperial adopted the Williamson Act in September 2000, which provides for the protection of agricultural lands. However, the County has now terminated participation. The Cortese-Knox-Hertzberg Reorganization Act also has added language to the conversion of Williamson Act land. Therefore, the LAFCO will adhere to the standards of the government codes sections that are applicable.
2. LAFCO may approve a change in organization, which would result in the conversion of prime agricultural land in open space use to non-open space use(s) only if the Commission finds the proposal will have no significant adverse effect on the physical and economic integrity of other agricultural lands. In making this determination, LAFCO will consider the following factors:
 - A. The agricultural significance of the subject and adjacent areas relative to other agricultural lands in the region.
 - B. The use of the subject and the adjacent areas.
 - C. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby agricultural lands, or will be extended through or adjacent to, any other agricultural lands, which lie between the project site and existing facilities.

- D. Whether natural or man-made barriers serve to buffer adjacent or near by agricultural land from the effects of the proposed development.
 - E. Applicable provisions of the General Plan open space and land use elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture.
- 3. The LAFCO will comment upon, whenever feasible, Notices of Preparation (NOP) for Environmental Impact Reports which propose the pre-emption of large tracts of open space and agricultural lands and that are not scheduled for urbanization within a five-year period. Potential adverse impacts related to the loss of open space or agricultural land also will be commented upon by LAFCO.
 - 4. LAFCO will discourage the conversion, (particularly the premature conversion) of agricultural lands to non-agricultural (urban) planned uses in or around areas that are not planned for urban uses by the County General Plan. LAFCO will also evaluate and discourage the conversion of “prime agricultural land” or land of “state wide significance” if the City or District has other lesser “quality” agricultural lands available that would be compatible with urban uses and that could just as equally be serviced by the City or District.

E. APPLICATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) requires that LAFCO assess the environmental consequences of its determinations and exercise its authority in such a manner as to avoid or minimize adverse environmental impacts. The following standards will apply to the compliance with CEQA in reviewing requests for changes in organization.

- 1. In reviewing applications for changes in organization, LAFCO shall by definition of CEQA, at a minimum function either as a Lead Agency or a Responsible Agency; however Imperial LAFCO prefers to work with Lead agencies on a “co-lead” basis. Essentially this is a partnership whereby the CEQA documents are prepared with input and direction by both agencies concurrently to minimize duplication, delay, and redundancy. Furthermore, this ensures that the document meets the requirements of both agencies. However, LAFCO still has the option to prepare its own document should it find that the lead agency document does not comply with CEQA or LAFCO standards.
 - A. The determination as to Lead Agency shall be made pursuant to Sections 21067 and 21069 of CEQA and Sections 15367, 15381, 15050(c), 15053, and 15023(f) of the CEQA Guidelines. In general, LAFCO will function as a Lead Agency in situations where:
 - 1. LAFCO is the first agency in time to act;
 - 2. The primary decision relates to a change in organization;
 - 3. The applicant agency is unable to act as the Lead Agency; and

4. There are no underlying land use approvals or discretionary decisions involved.

LAFCO will act as Lead Agency in reviewing and revising Sphere of Influence boundary adjustments, city incorporations or annexations where no prior or concurrent land use approval has been undertaken by another land use jurisdiction prior to LAFCO approval. LAFCO may also act as lead agency for CEQA if LAFCO determines that a previously prepared document from another lead agency is not adequate.

- B. LAFCO will act as a “co-lead” agency if at all possible, or a Responsible Agency in all other situations. Typically, LAFCO is a Responsible Agency in reviewing an application for annexation to a city where pre-zoning has occurred.
2. In cases where LAFCO is a Lead Agency, the Executive Officer will make a determination on the initial study. If no significant adverse impacts will result from the proposed change, a Negative Declaration will be issued. If a significant adverse impact may be caused, an Environmental Impact Report (EIR) will be prepared. The Executive Officer shall have the authority to prepare or to cause to be prepared the appropriate environmental documentation.

LAFCO will not act upon any proposal for a change in organization until environmental documentation has been completed, which adequately addresses the statutory requirements of CEQA and the applicable requirements in LAFCO's "Policies and Standards".

3. When LAFCO is the Responsible Agency pursuant to CEQA, LAFCO shall:
 - A. Comment on the Notice of Preparation of Draft/Final EIRs, informing the Lead Agency of the specific environmental issues pertinent to LAFCO jurisdiction, which should be addressed in a project environmental documentation;
 - B. Comment upon the environmental documents; and
 - C. Utilize, if possible the environmental documents in rendering its decision on the proposal.
4. If the Lead Agency fails to prepare environmental documentation, which adequately addresses the environmental issues relevant to LAFCO jurisdiction, LAFCO will undertake one of the following courses of action pursuant to the provisions of CEQA:
 - A. Assume the Lead Agency role and correct the deficiencies of the environmental documentation; or
 - B. Prepare a subsequent EIR;
 - C. File suit challenging the adequacy of the environmental documentation

prepared by the Lead Agency;

- D. Waive objections if it determines that none of the above courses of action are practicable and that LAFCO possesses substantially all of the environmental information necessary to render a decision.
 - E. If the LAFCO Executive Officer, after consultation with legal counsel, determines that the CEQA documents prepared by the LEAD AGENCY are inadequate for use by LAFCO, the Executive Officer shall so notify the LEAD AGENCY. Unless LAFCO then receives or it prepares corrected or adequate documents, the Executive Officer shall recommend that LAFCO deny the project.
5. LAFCO shall use its authority to comment on the Notice of Preparation and the EIR to ensure that an EIR prepared by another agency on a project, which LAFCO will review, complies with standard number 7 listed below. If the Lead Agency fails to notify LAFCO through the Notice of Preparation of a Draft/Final EIR or provide substantially equivalent notification, LAFCO may refuse to accept the application for change in organization as complete and may then require the preparation of supplemental environmental documentation as provided in this standard.

Applicants for projects, which will require LAFCO approval, are encouraged to consult with LAFCO early in the regulatory process and independently notify LAFCO of the initiation of environmental review.

6. In preparing an Initial Study for a project for LAFCO review, the project will generally be considered to have the potential to significantly affect the environment if one or more of the following situations exist:
- A. Any of the circumstances referred to in Appendix G of the State CEQA Guidelines exist;
 - B. If build out of the project may result in the capacity of any public service or facility being exceeded or substantially affected. For purposes of this provision, public facilities or services include, but are not limited to: sewage disposal, water service, flood control facilities, drainage facilities, law enforcement, fire protection, school, parks, libraries, gas and electric service and solid waste disposal. A public service or facility shall be considered "substantially affected" if the additional demand generated by the project would exceed 110 percent of its design capacity, or 120 percent of the available capacity;
 - C. If the project is inconsistent with the approved Sphere of Influence Plan or would involve the amendment of a Sphere of Influence;
 - D. If the project encourages or fosters growth in an area. For purposes of this provision, encouraging or fostering growth includes, but is not limited to, establishing a precedent of allowing growth in an area not currently experiencing urban growth.
 - E. If the project, in conjunction with other past, present and reasonable

foreseeable future projects would result in cumulative significant environmental impacts;

- F. If the project would result in "leap-frog" or non-contiguous urban development, and/or
7. If an EIR is completed on a project subject to LAFCO review, it shall contain a discussion of the following topics:
- A. It shall be the Lead Agency's responsibility to incorporate adequate discussion of regional or cumulative impacts which concern the LAFCO into the environmental document. These include, but are not limited to:
 - 1. Project impacts on the viability of the regional transportation network;
 - 2. Regional or sub-regional impacts on flooding, drainage, air quality and water and groundwater quality and supply; and
 - B. A description of the range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project. The range of alternatives to be considered shall include, at a minimum, the "no-action" alternative and alternative boundary locations.
8. Where an EIR has been completed which identifies one or more significant effects of the proposal, LAFCO shall make one or more of the following written findings for each of those significant effects, accompanied by a statement of facts supporting each finding:
- A. Changes or alternatives have been required in or incorporated into the project, which mitigate or avoid the significance of environmental effects thereof as identified in the Final EIR.
 - B. Such changes or alternatives are within the responsibility of another public agency and not the agency making the finding. Such charges have been adopted by such other agency or can and should be adopted by such other agency.
 - C. Specific economic, social, or other considerations make it infeasible for mitigation measures or project alternatives identified in the Final EIR.
9. In order to comply with CEQA, LAFCO herewith adopts the "Rules to Implement CEQA" as proposed and adopted by the County of Imperial and herewith includes said Rules as Appendix A.

LAFCO shall utilize the latest edition of said Rules, and when the County enacts a revision or update it shall automatically be incorporated and adopted by LAFCO.

F. NEED FOR SERVICES

The LAFCO may determine that a need for service exists or any of the following situations are present:

1. The growth rate and density pattern indicates that the subject area will be developed for urban use within five years.
2. The subject territory has been pre-zoned or is designed for urban uses in the appropriate land use authority's General Plan.
3. Other evidence of impending urbanization is presented, including the following:
 - A. Tentative or final land use entitlement has been granted;
 - B. Building permits have been issued;
 - C. Service assessment districts have been created; or
 - D. Other evidence of impending urbanized development exists.

G. STANDARDS FOR ANNEXATION TO AND DETACHMENT FROM AGENCIES

These standards govern LAFCO determination regarding annexations and detachments.

1. An application to LAFCO for an annexation or detachment requires the submittal of an application form, supporting documentation, and fees, as set forth in Chapter II of LAFCO's policies, standards and procedures. In addition, the application shall be accompanied by a response to the applicable standards set forth in this section. On or after May 1, 1991, no application for an annexation shall be accepted as complete by LAFCO in the absence of a Sphere of Influence Service and Area Plan approved by LAFCO as provided in these LAFCO standards.
2. The annexation or detachment must be consistent with LAFCO's adopted policies and standards applicable to all changes of organizations.
3. The annexation or detachment must be consistent with the Sphere of Influence boundary. The land subject to annexation shall lie within the existing Sphere of Influence boundary of the annexing city or district.
4. The annexation must be consistent with the applicable Service Area Plan. An annexation shall be approved only if the Service Area Plan of the affected agency demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the annexed area. Proposed annexations for land areas that lie outside of the current and next five-year increments of projected service delivery in the Services Area Plan are presumed not to comply with this standard unless the applicant clearly establishes that special and unique

circumstances exist, which ensure the provision of quality services during the applicable time frame for the affected area consistent with the other standards.

5. Applications to annex unincorporated islands may be approved by the LAFCO. Annexation proposals to annex lands mostly surrounded or within a Sphere of Influence which otherwise correct illogical distortion of boundaries, may be approved unless they would violate another provision of these standards.
6. Annexation of Cities shall reflect logical allocations of existing roads and rights-of-way. Boundaries of annexations shall be set as follows:
 - A. Annexations to Cities shall include the full road width and right-of-way of any/all roads, railroads, canals, and similar, adjacent to the parcel(s) proposed for annexation. Streets shall be annexed where there are isolated sections of County roads, which will result from an annexation.
 - B. Annexation boundaries must be drawn so that city limits do not fall within the road or right-of-way, road islands are not made from county-maintained roads, islands of road are not caused by annexations on both sides of the road, nor are a road annexed as a strip.

H. DETERMINATION OF COSTS

1. Service cost identification and measurement for the purpose of determining revenue impacts and for purposes of assessing financial feasibility should be based on the actual cost of service provided. If actual costs cannot reasonably be identified and measured, costs should be allocated based upon the measure which most accurately reflects the level of service received. The LAFCO will rely upon current service providers to estimate service costs, so long as costs are estimated in compliance with these standards.
2. When calculating property tax revenues to be transferred in the case of incorporation or the formation of a district, the LAFCO must identify the proportion of County Property Tax Revenue to County General Purpose Revenue, as well as the portion of the cost of services which is funded through general purpose revenue.
3. The information provided by the State Board of Equalization will determine the amount of sales tax revenue and state subventions generated within the subject territory as part of the determination of financial impact.
4. The LAFCO will, pursuant to the Cortese-Knox-Hertzberg Act, mitigate with the intent of neutralizing financial impacts by any of the following means:
 - A. Waiver of detachment from an existing service provider, or alternatively, a fund exchange agreement in compensation for the potential adverse impact caused by such detachment;
 - B. Agreement between agencies to annex the subject territory to a different

service provider;

- C. Agreement to enter a Joint Powers Agreement with another service provider;
 - D. Modification of the proposal (e.g., changed boundaries) which eliminated the harmful impact, or reduces the harmful impact to an acceptable level; or
 - E. Tax sharing, lump sum payments, or payments over a fixed period of time.
5. The LAFCO may at its discretion, determine and consider the various measures of costs when reviewing a proposal.
- A. Fixed or capital costs such as hookup;
 - B. Charges for service, such as rates;
 - C. Costs of potential environmental damage; and
 - D. Any other project specific costs.

CHAPTER 6: SPECIFIC PROCEDURES BY TYPE OF ACTION

The Imperial Local Agency Formation Commission has adopted specific standards for its actions to ensure that it renders fair and consistent decisions in accordance with State law. The LAFCO will use these specific standards, as well as the applicable policies and general standards, during its decision-making process.

A. ANNEXATIONS TO CITIES AND DISTRICTS

1. The State Legislature has provided LAFCO with a tool, in the form of Spheres of Influence, to use in shaping logical and orderly development and coordination of local government agencies. LAFCO will apply this tool by adhering to the following standards:
 - A. The LAFCO may approve an application for annexation only if the proposal conforms to and lies wholly within the approved Sphere of Influence boundary for the affected agency;
 - B. The LAFCO will encourage proposals and actions that are a part of an orderly, phased annexation program by an agency for territory within its Sphere of Influence Plan; and
 - C. An annexation must be consistent with a City or District's "Service Area Plan" of its Sphere of Influence Plan; and
 - D. The LAFCO encourages the annexation to each City of all islands of unincorporated areas located within the City's boundaries.
2. The LAFCO will not permit proposals in which boundaries are not contiguous with the existing boundaries of the City to which the territory will be annexed, unless the area meets **all** of the following requirements: (GC 56742)
 - A. Does not exceed 300 acres;
 - B. Is owned by a City;
 - C. Is used for municipal purposes; and
 - D. Is located within the same County as the City.
3. The LAFCO encourages cities to annex streets where adjacent municipal lands will generate additional traffic and where there are isolated sections of county road that will result from an annexation proposal. This shall also allow a city to annex a street or street intersection that extends beyond the adjacent property to be annexed, if the Commission determines that for the public purpose of maintaining roads adequately,

the roads should be included. If such a road annexation surrounds property that is not being annexed, it shall not be deemed to have formed an “island” provided the area is less than 200 acres in size and at least 300 feet of property on the opposite side of the road remains unincorporated.

4. An annexation may not result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries unless findings are made that annexation as proposed is necessary for orderly growth.
5. The LAFCO will also consider densification of existing incorporated land, revitalization of land within the city that could be used or re-used with better land use, and number as well as size of existing vacant lands within the city. The burden of proof that a new project, especially a new housing project cannot be accommodated within the existing city is the applicants.

B. INCORPORATIONS AND DIS-INCORPORATIONS

1. LAFCO may approve an incorporation or disincorporation only if it finds that the proposal complies with the general policies and standards applicable to all changes in the organization.
2. LAFCO may approve a proposal for incorporation only if the Commission finds that the applicant has demonstrated a significant unmet need for services or need for improved services within the territory for which incorporation is proposed. In determining whether an unmet need for services or improved services exists, the Commission will base its determination on:
 - A. Current levels of service in the area to be incorporated;
 - B. Existing and projected growth rate and density patterns in the area to be annexed; and
 - C. The Sphere of Influence Plans for the jurisdictions currently providing services to the area.
3. The LAFCO Commission may approve a proposal for incorporation only if it finds that incorporation will result in an entity with the capability to provide the most efficient forms of urban services to the affected population.
4. The LAFCO may not approve an application for incorporation, unless the incorporation proposed can demonstrate that the proposed city will be able to fund municipal services and remain financially solvent.
5. The LAFCO requires that an applicant for incorporation prepare a

financial feasibility study. The applicant shall provide the required information and evaluation that will be reviewed by the LAFCO staff for accuracy and content.

6. An applicant for incorporation may request a review of the financial feasibility studies by an independent consultant who is agreeable to LAFCO and the applicant. The applicant must pay all related costs for the consultant.
7. The proposed incorporation must not have significant adverse social and economic impacts upon any particular communities or groups in the incorporating area or affected unincorporated area.
8. The boundaries of the incorporated area must be defined and certain as per the boundaries section within the “General Standards” chapter of this guide.
9. The boundaries of areas to be incorporated should not be drawn in a way which would create areas that would be difficult to provide with municipal services.
10. The LAFCO will require, as part of the incorporation portion, a Sphere of Influence Plan for a proposed incorporating City.
11. The LAFCO will require a Service Area Plan of the Sphere of Influence Plan as part of the application requirement for an incorporation proposal.
12. The LAFCO may not approve an incorporation unless applicable general plans, specific plans or area plans based on realistic population and growth projections demonstrate the need for urbanization of the affected area.
13. The area proposed for incorporation should be urbanized, or substantially surrounded or contiguous to urbanized land. No vacant agricultural land without a “real” proposed project shall be annexed.
14. The LAFCO is the Lead Agency for all incorporation proposals in the County.
15. If a City becomes insolvent or is unable to provide services, then the LAFCO will consider the approval of an application for disincorporation. If services are required, the LAFCO will consider the provision of services by another provider.

C. DISTRICT FORMATION AND DISSOLUTIONS

1. The LAFCO will encourage special district formations in areas that demonstrate a need for unmet or improved level of services due to the

inadequate level or quality of services currently being provided.

2. The LAFCO will require that all applicants for the formation of a special district prepare a "Service Area Plan" of the Sphere of Influence Plan.
3. The LAFCO will require that all applicants for the formation of a Special District develop a definite Sphere of Influence map, plan and boundaries.
4. The LAFCO may not approve any District formation application that is not consistent with the General and Specific Plans of all affected land use authorities.
5. The LAFCO may not approve an application for district formation unless the district can demonstrate it can fund the services it intends to provide.
6. If a district becomes insolvent, or is unable to provide services, then the LAFCO may approve an application for dissolution. If services are required, the LAFCO will condition the project in such a manner as to ensure that services will be available, as required.
7. District boundaries must conform with the standards outlined in the general standards section of this guide.

D. SPHERE OF INFLUENCE PLANS

A Sphere of Influence Plan is a plan for the probable, physical boundaries, and service area of a local agency. This section of the LAFCO "Policies and Standards" sets forth the required contents of a Sphere of Influence Plan, the procedures for submittal and approval of Sphere of Influence Plans and amendments thereto, and the use of Sphere of Influence Plans in LAFCO determinations.

1. The Sphere of Influence Plan for all governmental agencies within the LAFCO jurisdiction shall contain the following:
 - A. A map defining the probable ultimate boundary of its service area including a metes and bounds legal description of the same;
 - B. A statement of the present and planned land uses in the area, including agricultural and open space lands;
 - C. The present and probable need for public facilities and services in the area;
 - D. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide; and

- E. The existence of any relevant social or economic communities of interest in the area.
2. With respect to all cities, sewer districts, water districts, community service districts, and other multi-purpose districts within the jurisdiction of Imperial LAFCO, a "Service Area Plan" is required as defined in paragraph H.3. below. (Other agencies may prepare a "Service Area Plan").
 3. A Service Area Plan shall contain the following:

The Service Area Plan shall first and foremost be consistent with the intent of the Cortese-knox-Hertzberg Reorganization Act of 2000 and the "guidelines" promulgated by the State of California. In addition, it shall provide the following minimum information;

 - A. A projection of the geographic extent of service capabilities during the next 20 years delineated in 5-year increments, or concurrent with the projections of the General Plan of the City, provided the projections are not less than ten years. In the case of cities, a shorter time frame may be appropriate if the applicable general plan has a shorter planning period. In the case of Special Districts, this may be reduced to 5-year plans.
 - B. Projected level of service capabilities in the same time frames and geographical areas.
 - C. Actual and projected costs of services to consumers. This shall include a statement of actual and projected allocation of the cost of services between existing and new residents.
 - D. The "Service Area Plan" shall contain sufficient information concerning current and projected capital programs, revenues, costs, rate structures and financing, and other information necessary to support the projected service capabilities and areas set forth in the Plan.
 - E. A land use inventory of existing vacant sites within the city as well as an inventory of land within the city that is in need of urban renewal, or that could benefit from urban renewal.
 4. LAFCO will adopt, amend, or revise the Sphere of Influence Plans after a public hearing and pursuant to the procedures set forth in section 56427 and 56428 of the Cortese-Knox Act. Sphere of Influence Plans shall be revised as necessary.
 5. All cities, sewer districts, water districts, community service districts and other multipurpose districts shall submit to LAFCO a proposed "Services Area Plan". LAFCO shall review and adopt such service plans

pursuant to these "standards and procedures".

6. LAFCO shall accept a "Service Area Plan" or other Sphere of Influence Plan revision if the Commission finds that the Sphere of Influence Plan, as amended, contains all of the components required by these standards; that the projections of areas and levels of service contained therein are accurate, adequate and complete; and the Sphere of Influence Plan complies with CEQA. If LAFCO rejects a proposed Sphere of Influence amendment or proposed "Service Area Plan", the Commission shall state the reasons therefore, direct staff to provide assistance on requests to correct deficiencies, and upon re-submittal promptly reconsider the amendment or element.
7. LAFCO may approve a proposal for a change in organization only if the proposal is consistent with the Sphere of Influence Plan.
8. In the case of a Sphere of Influence Plan which contains a "Service Area Plan", if the Plan projections demonstrate that an agency is unable to provide an adequate level of service within a portion of its ultimate service area boundaries, the Sphere of Influence Plan shall be amended pursuant to the procedures for periodic review such that the ultimate service boundaries are consistent with the "Service Area Plan". If the "Service Area Plan" projections demonstrate an adequate level of service beyond the ultimate service boundary, the Sphere of Influence Plan may be amended accordingly.

E. AMENDMENTS TO SPHERES OF INFLUENCE

1. The LAFCO will generally treat a proposed amendment to an agency's Sphere of Influence similarly to an application for annexation to the agency. The LAFCO's policies will be applied to applications for amendment to a Sphere of Influence as if it were an annexation planned for the mid- to long-range future. For that reason, each of the following sets of policies will apply to applications for amendments to Spheres of Influence:
 - A. General policies;
 - B. Specific policies for annexations to Cities and Special Districts; and
 - C. Specific policies for amendments to Spheres of Influence.
2. The Sphere of Influence "Service Area Plan" must be current before additions to a Sphere of Influence will be approved by LAFCO.
3. The Sphere of Influence amendments shall precede applications for annexations.

4. Amendment proposals must be consistent with an updated Sphere of Influence Service Area Plan.
5. An application for amendment to a Sphere of Influence must demonstrate a projected need for service.
6. Amendment proposals, which contain prime agricultural land, may not be approved by the LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence, or within an alternate amendment to the Sphere of Influence.

CHAPTER 7: SUMMARY OF SPECIAL DISTRICT PRINCIPAL ACTS

The following sections (A-T) represent a synopsis of the various types of "DISTRICTS" that may be formed, may exist and are subject to LAFCO. For a full review of any one-district type, reference the State Code Sections, as statutes may have changed.

A. AIRPORT DISTRICT

(Section 22001-22909, Public Utilities Code)

Governing Body

The governing body, which is established by law to administer operation of an airport district, is composed of a five-member board of directors. This board must be elected by voters within the proposed district or be appointed to their position by the incumbent airport district's board of directors. (Public Utilities Code Sections 22401 & 22406)

Functions

The specific powers that the board of directors may exercise are to provide and maintain public airports and landing places for aerial traffic.

In addition to this specific power, the board of directors also may hire employees, acquire property, levy, and collect taxes, establish rules governing airport operations, enter into contracts, etc. These are general powers granted to the board of directors of all special districts. However, for a listing of these general powers, it is advisable to review Sections 22551-22557 of the Public Utilities Code.

Formation

The board(s) of supervisors of each county desiring to form or join in forming a district shall adopt a resolution initiating formation of a district. Each resolution shall contain (Public Utilities Code Sections 22151-22153):

1. Statement of intention to form a district;
2. District boundaries;
3. Name of district;
4. Time and place for hearing objections to the formation of the district or to its extent; and,
5. Name of the newspaper in which the resolution shall be published.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made. The concerning authority proceedings for the formation of the airport district may be terminated by the board of supervisors following the hearings, or the board of supervisors may override any protests or objections filed with it and call for an election to form the district (Public Utilities Code Sections 22201-22204). If a majority of the qualified voters within the proposed district votes approval of the district, the district shall be formed (Public Utilities Code

Section 22256).

Boundaries of a proposed airport district may include the following territory:

1. Land located in one or more counties.
2. Incorporated or unincorporated areas and/or portions of both.

Noncontiguous territory may not be included (Public Utilities Code Section 22006).

Annexation

After the district has been formed, the boundaries of the district may be altered and outlying incorporated or unincorporated, contiguous territory in the same or adjoining county annexed to the district (Public Utilities Code Section 22006). Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

B. CALIFORNIA WATER DISTRICT

(Sections 34000-38500, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a California Water District, is composed of a five-member elected board of directors, each of whom must be a landowner within the district. At any time after four years from the date of the district's formation, the board may, by resolution, increase the number of directors from 5 to 7, 9 to 11, and may designate the first additional members to serve on the enlarged board (Water Code Section 34700 et seq.).

Functions

The specific powers that the board of directors may exercise are the acquisition and operation of works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected with such undertakings. The board of directors may also acquire and operate facilities and services for the collection, treatment and disposal of sewage, waste and storm waters.

In addition to these specific powers, the board of directors of the district has the power to perform all acts necessary or proper to carry out fully the provisions of this division. These are general powers granted to the board of directors of all special districts. However, for a listing of these general powers, it is advisable to review Sections 35400-35409 of the Water Code.

Formation

The formation process is initiated by a petition to the principal county by holders of title to a majority of land which is capable of using water beneficially for irrigation, domestic, industrial, or municipal purposes and which can be services from common sources of supply and by the same system of works. If noncontiguous land is included, the petition shall be signed by holders of title to a majority of the assessed value of land within each of the noncontiguous areas proposed to be included within value of land within each of the noncontiguous areas proposed to be included within the district.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the conducting authority shall make an order doing the following (Water Code Section 34306):

1. Establishing and describing the district boundaries; and,

2. Naming the proposed district.

After making the order, the board shall call and give notice of an election, at which the following are entitled to vote (Water Code Section 34400):

1. Only holders of title to land in the proposed district may vote. Their vote may be in person or by proxy. (Rules for voting by proxy are set forth in Section 35005 of the Water Code).
2. Each voter shall have one vote for each dollar's worth of land to which he holds title (Water Code Section 35003).

If, after the election, a majority of all the votes cast favor the formation of the district, the territory shall be formed as a district (Water Code Section 34500).

Pertaining to the proposed boundaries of the California Water District, the following territory may be included (Water Code Section 34153):

1. Land located in one or more counties;
2. Noncontiguous areas may be included if portions of the proposed district are separated by land under the control of a state hospital, or the boundary of each portion of the proposed district is within two miles of the boundary of another portion of the proposed district (Water Code Section 34153); or
3. Land situated in other distinctive district agencies of the state, including other water agencies organized under the provisions of this division having different plans and purposes and the object of which is not the same (Water Code Section 34157).

Annexation

After the district has been formed, the boundaries of the district may be altered adding contiguous or noncontiguous, incorporated or unincorporated territory. Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

C. CEMETERY DISTRICT

(Section 9000-9093-9225, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a cemetery district, is composed of three or five trustees, as specified in the petition for the formation of the district. These trustees are appointed by the board(s) of supervisors. However, the governing body may instead be composed of the board of supervisors, by its resolution, after public hearings are held (Health and Safety Code Section 9026).

Functions

The specific powers that the trustees may exercise are to maintain a cemetery or cemeteries or acquire and maintain a mausoleum built prior to May 1, 1937. In addition to these specific powers, the district may do all acts necessary or proper for the carrying out of the purposes of this part (Health and Safety Code Section 9040-90568969.5).

Formation

The formation process is initiated by petition, signed by not less than 25 percent of the registered voters residing in the area to be included in the district. (Health and Safety Code Section 9011)

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modification may be made. The Commission shall order the formation subject to confirmation by election, and subject to the protect provisions at the conducting authority hearing.

At the conducting authority hearings, the proceedings themselves may be terminated if a majority protest exists in accordance with Section 57078 of the Government Code.

With respect to the proposed boundaries of a cemetery district, the following territory may be included upon formation:

1. Territory located in one or more counties
2. Incorporated and/or unincorporated territory.

Annexation

After the district has been formed, the boundaries of the district may be altered and outlying incorporated or unincorporated territory in one or more counties may be annexed to the district (Health and Safety Code Section 9007). Proceedings are to be initiated pursuant to Sections 56000 et seq. of the Government Code.

D. COMMUNITY SERVICES DISTRICT

(Sections 61000-61934, Government Code)

Governing Body

The governing body, which is established by law to administer the operation of a community services district, is composed of a three or five-member board of directors, as set forth in the petition for formation, who are registered voters residing within the proposed district. However, the petition for formation may state as an alternative that the board of supervisors shall constitute the board of directors (Government Code Sections 61020-61022)).

Functions

The specific powers that the board of directors may exercise are (Government Code Section 61100)

1. Supply inhabitants of the districts with water for domestic, irrigation, sanitation, industrial, fire protection, and recreation use;
2. Collection, treatment or disposal of sewage, waste and storm water;
3. Collection and disposal of garbage or refuse matter;
4. Protection against fire;
5. Public recreation and parks, playgrounds, golf courses, etc.;
6. Street lighting;
7. Mosquito abatement;
8. Police and lifeguard protection;
9. Library buildings and library service;
10. Street improvement, maintenance and repair (subject to consent of governing body of city and county in which improvements are made);
11. Construction and improvement of bridges, culverts, curbs, gutters, and drains (subject to the consent limitations of item 10, above);
12. Conversion of overhead electric and communication facilities to underground locations, when such facilities are owned and operated by a "public utility" or "public agency," subject to consent of the public utility or public agency responsible for such facilities;
13. Contract for ambulance service if majority of the voters in the district voting in an election thereon, approve;

14. Provide and maintain public airports and landing places for aerial traffic;
15. Improvement district

After formation, should the district's board of directors determine by resolution that it is feasible, economically sound, and in the public interest, for the district to exercise its powers for additional purposes not designated in the original formation petition, the board may submit to the voters of the district the question of whether the district should adopt such additional purposes (Government Code Section 61106).

Formation

The formation process is initiated by presenting a petition, signed by not less than 25 percent of the registered voters residing in the area to be included in the district.. If the district lies in more than one county, separate petitions shall be addressed to the LAFCO of each county. Upon receipt of the petitions, said LAFCO's shall fix a time and place for the hearing (Government Code Sections 61010-61014.5).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

If the proposal is approved, LAFCO shall direct the conducting authority to call an election to determine whether or not the district is to be formed. After the election has been completed and if a majority of the qualified voters favor formation, the district shall be formed (Government Code Sections 61014).

Annexation

Pertaining to the proposed boundaries of a community services district, only contiguous, unincorporated territory may be included in the formation boundaries.

After the district has been formed, the boundaries of the district may be altered, and contiguous or noncontiguous unincorporated territory may be annexed to the district. Incorporated territory, which is contiguous to the district, may be annexed to the district with the consent of the affected city (Government Code Section 61007). Proceedings for annexation are initiated pursuant to Section 56000 et seq. of the Government Code.

E. COUNTY SANITATION DISTRICT

(Section 4700-4859, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a county sanitation district, is composed of a Board of Directors of not less than three members. The makeup of the Board of Supervisors is as follows:

1. If the district includes no territory that is within cities or sanitary districts, then the County Board of Supervisors is the Board of Directors (Health and Safety Code Section 4730);
2. If the territory of the district lies wholly within a city, the legislative body of said city is the Board of Directors of the district (Health and Safety Code Section 4730); or
3. If the district includes territory within a city or other sanitation district or public agency, then the Board of Directors shall be composed of the presiding officer of each agency's legislature (Health and Safety Code Section 4730.1).

Functions

The specific powers that the Board of Directors may exercise are as follows:

1. To acquire, construct and complete sewage collection, treatment, and disposal works (Health and Safety Code Section 4741);
2. To construct, maintain and operate a refuse transfer or disposal system (refuse collection is prohibited) (Health and Safety Code Section 4741);
3. To make provision for street cleaning and street sweeping services upon the roads and streets within the boundaries of the district (Health and Safety Code Section 4742.5); and
4. To acquire, construct, control, operate, and maintain waterworks, conduits, reservoirs, storage sites and other works and facilities for the production, treatment, storage, and distribution of a water supply (Health and Safety Code Section 4767).

In addition to these specific powers, the Board of Directors may exercise certain other general powers in the operation of the district. For a listing of these general powers, it is advisable to review Sections 4741-4767 of the Health and Safety Code.

Formation

The formation proceedings can only be initiated by the passage of a resolution of intention by the Board of Supervisors. The resolution shall contain, among other things, the district boundaries and the name of the district.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority hearing, proceedings shall be terminated by the Board of Supervisors if written protests are submitted by owners of more than one-half of the total assessed value of real property within the proposed district (Health and Safety Code Sections 4714, 4714.5, 4715).

An election on the formation of the proposed district is not required unless written objection, signed by 5% of the voters registered in the district if the district contains less than 2,001 registered voters is received. However, the written objection, in either event must contain at least 100 signatures. If such written protest is presented to the Board of Supervisors, the Board either abandons the formation proceedings or calls an election. At the called election if a majority of the qualified electors vote in favor of formation, the district is formed (Health and Safety Code Section 4717).

With respect to the proposed boundaries of a county sanitation district, the following territory may be included:

1. Contiguous or noncontiguous territory (Health and Safety Code Section 4711.5).
2. Unincorporated and/or incorporated territory (however, the city's consent is required if only a part of its boundaries is included in the proposed district) (Health and Safety Code Section 4711).
3. Territory of a district formed for similar purposes may not be included except with the consent of such district and the Board of Supervisors (Health and Safety Code Section 4711).

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory may be annexed to the district:

1. Any territory not in any other sanitation district or district formed for similar purposes;
2. Contiguous or noncontiguous territory, except only contiguous territory in another county may be annexed; or
3. Unincorporated and/or incorporated territory.

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

F. COUNTY SERVICE AREA

(Section 25210.1 - 25211.33, Government Code)

Governing Body

The governing body, which is established by law to administer the operation of a county service area, is the Board of Supervisors. The original intent of the county service area law was to give an alternative method for providing municipal type governmental services by counties within unincorporated areas (Government Code Section 25210.1).

Functions

A county service area may be established to provide any one or more of the following types of extended services within an unincorporated area (Government Code Sections 25213

1. Extended police protection;
2. Structural fire protection;
3. Local park, recreation or parking facilities and service;
4. Extended library facilities and services;
5. Television translator station facilities and services; and
6. Any other governmental services which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and outside city boundaries. These other governmental services shall include but not be limited to the following:
 - a. Water Service;
 - b. Sewer service;
 - c. Pest or rodent control;
 - d. Street and highway sweeping
 - e. Street and highway lighting;
 - f. Refuse collection;
 - g. Garbage collection; and
 - h. Ambulance service.

The County Board of Supervisors governs the service areas and provides by resolution, the service activities of each service area. Formation of service areas or the additions of service to existing areas are initially requested by property owners or by the Board of Supervisors when they find that such services are necessary or convenient to the public.

Overall responsibility for the administration of County Service Areas in Imperial County lies with the Department of Public Works. The Director of Public Works with the aid of other county departments determines the budget and is responsible for the coordination of services within each service area.

With the co-operation of the Imperial Irrigation District providing poles and lights and supplying electricity, the present county service area, is possible.

To maintain services in county service areas, the Board of Supervisors may acquire, rent or lease property within any services area. Bonds are permitted and zones may be created within any service area with tax rates varying with the extent of benefit to the property within each zone. County funds may also be borrowed, and the Board shall set the rate of interest upon repayment.

Formation

The formation process may be initiated by: (1) resolution of the Board of Supervisors on its own initiative by a written request signed by two members of the board, or a resolution adopted by a majority of members of the governing body of any city in a county; or (2) a petition, submitted to LAFCO, signed by not less than 25% of the registered voters residing within the area (3) a petition, submitted to LAFCO, signed by not less than 25% of the number of owners of land who own not less than 25% of the assessed value of land within the area. After receipt of the written request or petition, LAFCO shall fix a time and place for a public hearing on the establishment of the service area (Government Code Section 25211-25211.3)

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

LAFCO may authorize the conducting authority to form a county service area without notice, hearing, or an election, if the Commission has received written consent to the formation signed by all of the landowners within the proposed service area (Government Code Sections 56837, 25211.4).

At the conducting authority hearing, the Board of Supervisors shall terminate the proceedings if citizens living in the proposed district present a written protest signed by 50% or more of the registered voters or signed by the owners of one-half or more of the value of the land and improvements in the proposed district (Government Code Sections 25210.71[a], 25210.18). Otherwise, the board may choose to either terminate the proceedings or establish the county service area by resolution.

However, if within 60 days from the adoption of such resolution a petition, signed by 10% or more of the registered voters, is filed with the board, the board, after reconsidering the resolution, must either rescind the resolution or call for an election of the voters residing in the proposed service area. At this election, a majority of the qualified voters must vote in favor of the issue for the service area to be formed (Government Code Sections 25210.21, 25210.22).

Pertaining to the boundaries of a county service area, the following territory may be included:

1. Contiguous or noncontiguous territory (Government Code Section 25210.80).
2. Unincorporated or incorporated territory (incorporated territory may be included only if the city legislative body consents by resolution) (Government Code sections 25210.10, 25210.10[a]).

Annexation

After the county service area has been formed, the boundaries of the service area may be altered and the following territory may be annexed (Government Code Sections 25210.80, 25210.80[a]):

1. Both contiguous and noncontiguous territory.
2. Unincorporated and incorporated territory (incorporated territory may be annexed only if a majority of the city legislative body consents by resolution).

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

G. COUNTY WATER DISTRICT

(Section 30000 - 33900, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a county water district, is composed of a five-member Board of Directors. These Directors, whether appointed or elected shall be voters of the district (Water Code Section 30500).

Functions

The specific powers that the Board of Directors may exercise are the following:

1. Furnish sufficient water in the district for any present or future beneficial use. To accomplish this purpose, the district has the power for storage and conservation of water and water rights, and the operation of waterworks (Water Code Sections 31020 - 31022);
2. Generate and sell electric power in connection with a water conservation project (Water Code Sections 31149.1 - 31149.2);
3. Acquisition, construction and operation of facilities for the collection, treatment and disposal of sewage, waste and storm water. A district may also provide the services under this section to inhabitants outside its boundaries provided it does not provide services to inhabitants of any other public agency without the consent of that agency expressed by resolution or ordinance (Water Code Section 31100);
4. Drainage and reclaiming lands within the district (Water Code Section 31033);
5. Provide fire protection (Water Code Sections 31120 - 31121); and
6. Acquire, construct, maintain and operate facilities appropriate or ancillary to the recreational use of water, provided that recreational use of water shall be subject to approval of the public health authority having jurisdiction (Water Code Section 31130).

In addition to these specific powers, the Board of Directors of the district has the general powers to perform acts necessary or proper, to carry out the provisions of this division. For a listing of these general powers, it is advisable to review Sections 31000 - 31187 of the Water Code.

Formation

The formation process is initiated by a petition to LAFCO signed by 10% of the number of voters registered 30 days prior to the petition filing date. However, if incorporated territory is included in the proposed district, the petition must be signed by 10% of the voters of the unincorporated area and 10% of the voters of each municipal area or part thereof, with the 10% representing the votes cast at the last general election (Water Code Sections 30202 - 30203).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority, where no further modifications may be made.

At the conducting authority stage, the Board of Supervisors may terminate further formation proceedings or, if the Board determines that the proposed district is in the public interest, it shall call an election on the next established election date on the issue of the formation of the district. If at the election a majority favorable vote is cast by the registered electors, the district shall be formed (Water Code Sections 30264.1, 30291, 30297).

Pertaining to the proposed boundaries of a county water district, the following territory may be included (Water Code Section 30200):

1. Incorporated and/or unincorporated territory.
2. Contiguous territory.
3. Two or more contiguous counties.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory annexed (Water Code Section 32400):

1. Incorporated or unincorporated territory.
2. Contiguous or noncontiguous territory.
3. Land in any county contiguous to the county wherein the district was formed.

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

H. COUNTY WATERWORKS DISTRICT

(Section 55000 - 55991, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a county waterworks district, is the Board of Supervisors. Under former law, the Board of Supervisors was required to appoint a separate Board of Directors under certain conditions. The Board of Supervisors may now appoint, and at any time, dissolve a Board of Directors governing a county waterworks district. Where the district becomes a subsidiary district of a city pursuant to the Cortese/Knox Local Government Reorganization Act, the City Council of the city is the governing Board of the district (Water Code Sections 55301,55302).

Functions

The specific powers that the Board of Supervisors may exercise are as follows (Water Code Sections 55330-55339):

1. The supplying of water for irrigation, domestic, industrial, or fire protection purposes and for the development and conservation of water supplies for those purposes
2. Acquisition, purification, treatment, and reclamation of saline water or sewage, or both
3. Construction, maintenance, and operation of sewage collection and treatment facilities

Formation

The formation process is initiated by presenting a petition to LAFCO signed by not less than 25% of the freeholders residents within the district or not less than 25% of the freeholders resident and non-resident including not less than 15% of such resident freeholders (Water Code Section 55103).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the Board of Supervisors shall terminate proceedings if protests have been made by more than 50% of the assessed value of real property within the proposed district or by the owners of more than 50% of total acreage within the district (Water Code Section 55162). Otherwise the Board may declare the district formed (Water Code Section 55161) or set the matter for an election (Water Code Section 55180).

If at the election a majority of all the votes cast are in favor of the formation of the district, the Board of Supervisors shall declare the district formed (Water Code Section 55186).

The following territory may be included within the boundaries of a proposed county waterworks district (Water Code Sections 55100-55200):

1. Any portion of a county containing unincorporated territory.
2. The whole or any portion of one or more incorporated cities and contiguous unincorporated territory.
3. Two or more noncontiguous parcels but no parcel under ten acres.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory annexed:

1. Incorporated and unincorporated territory.
2. Contiguous or noncontiguous territory.

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

I. FIRE PROTECTION DISTRICT

(Sections 13800-13970, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a fire protection district may be composed of one of the following alternatives, as set forth in the petition or resolution proposing the formation of the district (Health and Safety Code Section 13831).

1. In the case of a district which contains only unincorporated territory in a single county, the district board may be elected or may be appointed by the county board of supervisors which may appoint itself as the district board (Health and Safety Code 13835)
2. In the case of a district which contains only unincorporated territory in more than one county, the district board may be elected or may be appointed by the boards of supervisors of the counties in which the district is located. If the district board is appointed by the boards of supervisors, they shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director. (Health and Safety Code 13836)
3. In the case of a district which contains unincorporated territory and the territory of one or more cities, the district board may be elected or appointed by the county board of supervisors and the city councils in which the district is located. If the district board is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director. The board of supervisors or city council may appoint one or more of its own members to the district board. In no case shall the number of directors exceed 11 members. (Health and Safety Code 13837)
4. In the case of a district which includes only incorporated territory within a single city, the district board may be elected or appointed by the city council which may appoint itself as the district board.
5. In the case of a district which includes only incorporated territory in more than one city, the district board may be elected or appointed by the city councils in which the district is located. If the district board is appointed, the city councils shall appoint directors according to the proportionate share of population of that portion of each city within the district, provided that each city council shall appoint at least one director. The city council may appoint one or more of its own members to the district board. In no case shall the directors exceed the number permitted pursuant to Section 13842.

Functions

The specific powers that the Board of Directors or its appointees may exercise are (Health and Safety Code Section 13860-13879 and 20811 Public Contract Codes):

1. Establish equipment and operate a fire department in order to provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson (Public Contract Code Section 20811 ([h]));
2. Acquire and construct facilities within the district for the development, transmission, storage, and distribution of water where necessary for the purpose of providing fire protection (Public Contract Code Section 20811 [i]);
3. Purchase, maintain, and operate ambulances or ambulance services inside or outside the district, and;
4. Establish, equip, maintain, and operate rescue and first-aid services inside and outside the district.

In addition to these specific powers the district board has general powers necessary to carry out the purposes and intent of these powers as set forth in Section 20811 of the Public Contract Code.

Formation

The formation process is initiated by one of the following methods (Health and Safety Code Section 13815-13822):

1. A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. (Health and Safety Code 13821)
2. A proposal to form a new district may be made by petition and shall be signed by not less than 25 percent of the registered voters residing in the area to be included in the district, as
3. A petition to LAFCO signed by the registered voters in the proposed district equal to at least 51% of the votes cast for governor at the last gubernatorial election. (If this type of petition is presented to the Board, the district may be formed, after holding public hearings, without an election.); or
4. A petition to LAFCO signed by owners of a least 51% of the assessed valuation of the real property in the proposed district. (If this type of petition is presented to the Board, the district may be formed, after holding public hearings, without an election).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the

Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formations sent to the conducting authority where no further modifications may be made.

During the conducting authority hearings, the formation proceedings may be terminated if written protests signed by the owners of the majority of assessed value of real property are filed with the conducting authority. At the conclusion of public hearings, the conducting authority may exercise one of the following alternatives:

1. If the conducting authority finds that the project is not feasible, economically sound and for the public interest, it shall terminate the proceedings (Government Code Section 58105.1);
2. If a petition signed by 25% of the registered votes has been presented to the conducting authority and it has found, after public hearings that the proposed district is feasible, economically sound and for the public interest, it shall call for an election (Health and Safety Code Section 13823);
3. If the conducting authority has adopted a resolution of intention and after holding a public hearing, has found that the proposed district is feasible, economically sound, and for the public interest, it shall call for an election (Health and Safety Code Section 13823); or
4. If a petition is either signed by 51% of the registered voters in the proposed district or signed by owners of at least 51% of the assessed valuation of the real property in the proposed district, has been presented to the conducting authority, and after public hearings, the Board has found that the proposed district is feasible, economically sound, and in the public interest, it may, by resolution, declare the district formed without recourse to an election (Health and Safety Code Section 13823.5).

If an election is called and a majority of the qualified voters within the proposed district vote favorably on the formation, the district shall be formed (Government Code Section 58132).

Pertaining to the proposed boundaries of the fire protection district, the following territory may be included:

1. Incorporated and/or unincorporated territory, not including timbered, brush or grass covered lands declared to be the responsibility of the State for fire protection. (Section 13811 of the Health and Safety Code should be reviewed prior to initiating any proceedings, as certain counties are exempt from specific parts of the Code).
2. Contiguous or noncontiguous portions of unincorporated territory may be included within district governed by the Board of Supervisors or its appointees (Health and Safety Code Section 13810).

Annexation

After the district has been formed, the boundaries of the district may be altered, and outlying contiguous or noncontiguous (in case the of districts governed by the County Board of Supervisors), incorporated, or unincorporated territory may be included within districts (refer to 13811 for restrictions on state responsibility lands). Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

J. GARBAGE DISPOSAL DISTRICT

(Section 49000-49050-Public Resources Code)

Governing Body

The governing body, which is established by law to administer the operation of a garbage disposal district, is the Board of Supervisors (Public Resources Code Section 49018).

Functions

The specific powers that the Board of Supervisors may exercise are the following (Public Resources Code Section 49018-49020):

1. The collection and disposal of garbage and other refuse matter in the district
2. The operation and maintenance of a garbage and refuse disposal site (Public Resources Code Section 49130).

In addition to these specific powers, the Board of Supervisors also has the general power to perform all acts necessary or proper to accomplish the purposes of this chapter. For a review of this law and other general powers granted to the governing body, it is advisable to review Sections 49018-49020 of the Public Resources Code.

Formation

The formation process is initiated only by the adoption of a resolution by the Board of Supervisors. Upon the submission to LAFCO of such a resolution, the Commission shall fix a time and place for a hearing on the matter of the formation of the district (Public Resources Code Section 49006).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the Board of Supervisors shall either terminate further formation proceedings, or order the matter submitted to the registered voters of the proposed district (Public Resources Code Section 49010).

If, at the election, a majority of all those voting upon the question of creation of the district and a majority of those voting thereon in each city is in favor of formation of the district, the territory shall be formed into a district (Public Resources Code Section 49016).

Pertaining to the proposed boundaries of the garbage disposal district, the following territory may be included (Public Resources Code Section 49005):

1. Any portion or portions of one county.
2. Any contiguous or noncontiguous territory if such territory is a full subdivision but in no case contains less than 10 privately owned acres.
3. Any unincorporated or incorporated territory. However, if incorporated territory is included, the unanimous consent of the governing body of the city must be obtained if only a portion, rather than the total city, is in the proposed district.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory annexed (Public Resources Code Section 49050):

1. Unincorporated or incorporated area.
2. Contiguous territory or noncontiguous territory which contains 10 acres or more of privately owned land.

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

K. HOSPITAL DISTRICT

(Section 32000 - 32499.4, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a hospital district, is composed of an elected five-member Board of Directors. This five-member board of directors may be increased to seven members in any district which provides at least 225 hospital beds, if such measure is approved by a majority of the registered voters of the district (Health and Safety Code Sections 32100, 32100.01).

Functions

The specific powers that the Board of Directors may exercise are to establish, maintain and operate one or more hospitals, situated within the territorial limits of the district, to acquire, maintain and operate ambulances or ambulance services inside and outside the district and to establish a nurses' training school in connection with the hospital, to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services. (Health and Safety Code Section 32121).

In addition to these specific powers, the Board of Directors of the district has the general powers to perform acts necessary or proper to carry out the provisions of this division. For a listing of these general powers, it is advisable to review Sections 32121 - 32140 of the Health and Safety Code.

Formation

The formation process is initiated by a petition signed by registered voters residing in the proposed district equal to 12% of the voters registered within the boundaries of the proposed district 30 days prior to the filing of the petition. There is no provision for initiation by resolution (Health and Safety Code Section 32003). No hearing upon the petition to form a hospital district shall be held until it has been certified with the appropriate voluntary area health planning agency.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

The conducting authority proceedings for the formation of a hospital district may be terminated by the Board of Supervisors or by protest by the majority of the registered voters residing in the proposed district (Health and Safety Code Section 32002, 32003 & Government Code Section 58105.1).

If an election is called and a majority of the qualified voters of the district vote in its favor, the district shall be formed (Health and Safety Code Section 32003). The County Board of Supervisors appoints the first board members.

The following territory may be included within the proposed boundaries of a hospital district (Health and Safety Code Section 32001):

1. Contiguous or noncontiguous territory, but territory of a city may not be divided.
2. Unincorporated or incorporated territory.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory may be annexed to the district:

1. Contiguous or noncontiguous land.
2. Unincorporated or incorporated territory.

Proceedings for annexation are initiated pursuant to Section 56000 et seq. of the Government Code.

L. IRRIGATION DISTRICT

(Section 20500 - 25627, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of an irrigation district, is composed of a three or five-member Board of Directors elected at large or by divisions of the district (Water Code Sections 20721, 21550).

Functions

The specific powers that the Board of Directors may exercise are to supply water for beneficial purposes; provide for any and all drainage made necessary by the irrigation provided for by the district; purchase or lease electric power and provide for the acquisition, operation and control of plants for the generation, transmission, etc. of electric power;; provide, maintain and operate flood control works in districts having 200,000 acres or more; reclaim waste water for beneficial use; sewage disposal if approved by majority at election (see Section 22171 of the Water Code); construct, maintain, and operate recreational facilities in connection with dams, reservoirs or other work owned and constructed by the district (Water Code Sections 22075 - 22982).

Formation

The formation process is initiated by a petition to LAFCO by a majority of the property owners who also own a majority of value of the land in the proposed district; or by 500 petitioners, each of whom is a voter residing in the proposed district or a holder of title, which petition is signed by holders of title of not less than 20% in value of land therein. A copy of the petition is sent to the State Department of Public Works for a report on feasibility. There is no provision for initiation by resolution (Water Code Section 20700,

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority proceedings, the Board of Supervisors must call an election. If a majority of the qualified voters of the district vote in its favor, the district shall be formed (Water Code Section 20960).

Contiguous or noncontiguous territory may be included within the proposed boundaries of an irrigation district (Water Code Section 20701).

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory may be annexed to the district:

1. Contiguous or noncontiguous territory.
2. Incorporated or unincorporated territory.

Proceedings for annexation are initiated pursuant to Section 56000 et seq. for the Government Code.

M. LIBRARY DISTRICT

(Sections 19400 - 19532, Education Code)

Governing Body

The governing body, which is established by law to administer the operation of a library district is a Board of Trustees consisting of three or five members. The County Board of Supervisors shall appoint the required number of library trustees from the district at large. Succeeding trustees will be elected (Education Code Section 19420).

Functions

The specific powers that the trustees may exercise are to establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences and general literature. In addition to these specific powers, the district may do all acts necessary or proper for the carrying out of the purpose of this part (Education Code Sections 19460-19483).

Formation

The formation process is initiated by a petition signed by the registered voters equal to 5% of voters casting votes at the last election for governor within the proposed district and presented to LAFCO of the principal county. The petition shall specify whether the proposed library district shall be governed by a three-member or five-member board of library trustees.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the proceeding for formation of the library district may be terminated by written protest by the owners of the majority of land according to the assessed valuation. The proceedings may also be terminated by the Board of Supervisors or by written protest by the registered voters within the proposed district equal to at least 50% of the number of voters cast in the last election for governor (Education Code Section 19406 & Government Code Section 58103).

If an election is called and a majority of the qualified voters of the district vote in its favor, the district shall be formed (Government Section code 58132).

Annexation

The following territory may be included within the proposed boundaries of a library district (Education Code Section 19401):

1. Land located in one or more counties.
2. Unincorporated and incorporated territory if the city is not divided.

3. Contiguous parcels only.

After the district has been formed, the boundaries of the district may be altered to annex outlying incorporated or unincorporated contiguous territory in the same, or an adjoining county (Education Code Section 19401).

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

N. MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICT

(Sections 2000-2093, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a mosquito abatement district, is composed of an at least five-member Board of Trustees. The make-up of the board shall be as follows:

1. If the district is situated in one or more counties and consists wholly of unincorporated territory, the Board or Board of Supervisors shall appoint the trustees; or
2. If the district is situated in one or more counties and consists of unincorporated and incorporated territory, the trustees shall be appointed by the Board or Board of Supervisors and the governing body of any city included.

The particular formula used to appoint trustees to the district's board, if more than one public jurisdiction is included within the district, is found in Sections 2020-2030 of the Health and Safety Code. Also contained in that section, is the procedure for increasing or decreasing the number of Trustees on the Board.

Functions

The specific powers that the district may exercise are the following (Health and Safety Code Section 2040-2055):

1. The extermination of mosquitoes, flies or other insects either inside or outside the district;

Formation

The formation process is initiated by a resolution of intention adopted by the Board of Supervisors or a petition signed by registered voters in each unit of the proposed district, equal in number to 25% of the number of votes cast in each unit respectively for the office of governor at the last gubernatorial election. However, if city territory is included in the proposed district, the city's governing body must request its inclusion by resolution (Health and Safety Code Sections 2011, 2013).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made. The Commission may authorize the conducting authority to order the formation of the district without election.

O. MUNICIPAL UTILITIES DISTRICT

(Sections 11501 - 14509, Public Utilities Code)

Governing Body

The governing body, which is established by law to administer the operation of a municipal utilities district is composed of a five-member Board of Directors elected by the wards within the district (Public Utilities Code Section 11801).

Function

The specific powers the Board of Directors may exercise are to acquire, construct, own, operate, control or use, inside, or partly inside or outside, the district, works or parts of works for supplying the inhabitant of the district and public agencies therein, or some of them, with light, water, power, heat, transportation, telephone services or to other means of communication, or means for the collection, treatment, or disposition of sewage; and may do all things necessary or convenient to the full exercise of the powers herein granted (Public Utilities Code Section 12801).

Formation

The formation process is initiated by a petition filed with LAFCO signed by 10% of the voters within the proposed district, or by resolutions adopted by half or more of the public agencies to be included in the proposed district.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

Following the LAFCO proceeding, the Board of Supervisors must call for an election. If the majority of at least two-thirds of the qualified voters of the district vote in its favor, the district shall be formed (Public Utilities Code Section 11652).

1. Incorporated or unincorporated territory, through no public agency may be divided.
2. Contiguous or noncontiguous.
3. One or more counties.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory annexed:

1. Contiguous or noncontiguous land (Public Utilities Code Sections 14051-14052 2330).

2. Incorporated or unincorporated land.

Proceedings for annexation are initiated pursuant to Section 56000 et seq. of the Government Code.

P. MUNICIPAL WATER DISTRICT

(Sections 71000 - 73000, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a municipal water district, is composed of a five-member Board of Directors elected from divisions of the district (Water Code Section 71250).

Functions

The specific powers that the Board of Directors may exercise are to supply water for beneficial purposes; construct, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district; acquire, construct and operate facilities for providing fire protection; emergency medical services, including ambulance and paramedic services (Water Code Section 71680); acquire waterworks or a waterworks system, waters or water rights, acquire, construct and operate sanitation facilities (Water Code Sections 71590-71601)

In addition, the district may construct facilities necessary for the generation, transmission or distribution of electricity and construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir owned or operated by the district (Water Code Sections 71660-71664).

Formation

The formation process is initiated by a petition signed by voters equal to 10% of the number of voters in the proposed district 30 days before the petition is filed. If only a portion of a city is included, special provisions applicable to the petition are found in Section 71122 of Water Code (Water Code Section 71121). There is no provision for initiation by a resolution of the Board of Supervisors.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

Following the LAFCO proceedings, the Board of Supervisors must hold a conducting authority hearing and call for an election, If a majority of the district vote in its favor, the district shall be formed (Water Code Sections 71168 - 71190).

The following territory may be included within the proposed boundaries of a municipal utilities district (Water Code Section 11561):

1. Land located in one or more counties or cities.
2. Unincorporated and/or incorporated territory.

3. Contiguous or noncontiguous territory.

Annexation

After the district has been formed, the boundaries of the district may be altered. The following territory may be annexed to the district:

1. Contiguous or non-contiguous territory.
2. Unincorporated territory or an undivided city (Water Code Sections 71061-71081).

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

Q. Public Utility District

(Sections 15501 - 18055, Public Utilities Code)

Governing Body

The governing body, which is established by law to administer the operation of a public utility district, is composed of a three or more-member Board of Directors. However, the board must consist of an odd number of directors (Public Utilities Code Section 15951).

Function

The specific powers that the Board of Directors may exercise are to the acquire, construct, own, operate, control, or use, inside or outside or partly inside and partly outside the district, works for supplying its inhabitants with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter, and may do all things necessary or convenient to the full exercise of the powers granted in this article (Public Contracts Code Section 20202.3).

A district may also acquire, construct, own, complete, use, and operate a fire department, street lighting system, public parks and recreation, and works to provide for the drainage of roads, streets, and public places (Public Contracts Code Section 20202.4).

Formation

The formation process is initiated by a petition signed by voters of the proposed district equal to 15% of all votes cast for all candidates for governor at the last general election at which the governor was elected. There is no provision for initiation by resolution (Public Utilities Code Section 15702).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the Board of Supervisors either may terminate the proceedings for the formation of a public utility district or call for an election. There is no provision for majority protest (Public Utilities Code Sections 15731-15738).

If an election is called and a majority of the qualified voters of the district vote in its favor, the district shall be formed (Public Utilities Code Section 15791).

The following territory may be included within the proposed boundaries of a public utilities district:

1. Contiguous or noncontiguous territory (Public Utilities Code Section 17301).

2. Unincorporated territory (Public Utilities Code Section 15701).

Annexation

After the district has been formed, the boundaries of the district may be altered and unincorporated, contiguous or noncontiguous territory of at least 10 privately owned acres lying within three miles of the closest district boundary may be annexed to the district (Public Utilities Code Sections 17301, 17362).

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

R. RECREATION AND PARK DISTRICT

(Section 5780 - 5791, Public Resources Code)

Governing Body

The governing body, which is established by law to administer the operation of a recreation and park district, is composed of either: (1) the Board of Supervisors of the county in which lies the territory within the proposed district; (2) a five-person Board of Directors appointed by the Board of Supervisors and by the mayors of the cities included wholly or partly in the district; or (3) a five-person board which is elected or selected by a method specified in the petition or resolution of initiation (Public Resources Code Sections 5783-5783.13)

Functions

The specific powers that the Board of Directors may exercise are to organize and conduct programs of community recreation, establish systems of recreation and recreation centers, and to acquire, construct, maintain, and operate recreation centers inside or outside the district. For a listing of those general powers, see Sections 5783-5786.31 of the Public Resource Code.

Formation

The formation process may be initiated by resolution of the Board of Supervisors or by a petition presented to LAFCO signed by the registered voters equal to 25% of the number of votes cast within the boundaries of the proposed district.

After formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority stage, the proceedings for the formation of a recreation and park district may be terminated by the Board of Supervisors, or, if before the conducting authority adopts a resolution for formation, written protest is made by owners of real property within the proposed district who own more than 50% of the assessed valuation (Government Code Sections 58103, 58105.1).

If an election is called and a majority of the qualified voters of the district vote in its favor, the district shall be formed (Government Code Section 58132).

The following territory may be included within the proposed boundaries of a recreation and park district (Public Resources Code Section 5781):

1. Land located in one or more counties.
2. Contiguous or noncontiguous territory.

3. Incorporated or unincorporated territory.
4. Territory not included in another recreation and park district.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory may be annexed to the district (Public Resources Code Section 5785):

1. Contiguous territory.
2. Incorporated or unincorporated territory.
3. Territory not included in another recreation and park district.

Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

S. RESOURCE CONSERVATION DISTRICT

(Sections 9151 -9924, Public Resources Code)

Governing Body

The governing body of a resource conservation district may be appointed or elected and is composed of five, seven, or nine directors. (Public Resources Codes 9201-9206, 9301)

Functions

A resource conservation district may be formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities (Public Resources Code Section 9151).

Formation

The formation process may be initiated by petition by Registered voters or by the adoption of a resolution of application. The petition shall describe the boundaries of the proposed district and shall propose a name for the district (Public Resources Code Section 9162). The petition must contain the signatures of not less than 10 percent of the registered voters residing in the area to be included in the district. The petition is presented to LAFCO in the county which contains all or the greatest portion of the lands within the proposed district (Public Resources Code Section 9165).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

If LAFCO approves the formation of a district, within 30 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district.

At the election, if a majority of the qualified voters within the proposed district vote in favor of formation, the district shall be organized (Public Resources Code Section 9188).

The following territory may be included within the proposed boundaries of a resource conservation district. (Public Resources Code Section 9151-9155):

1. Those generally of value for agricultural including farm and range land useful for the production of agricultural crops or for the pasturing of livestock.
2. Those necessary for the control of runoff, the prevention of soil erosion,

the development and distribution of water.

3. Those necessary for land improvement, and for fully accomplishing the purpose for which the district is formed

Annexation

Additional land may be annexed to the district in accordance with the provisions of the Cortese/Knox Local Government Reorganization Act of 1985, Sections 56000 et seq. of the Government Code. The land need not be contiguous but shall be susceptible to the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement (Public Resources Code Section 9151-9155).

T. SANITARY DISTRICT

(Sections 6400 - 6830, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a sanitary district, is composed of a five-member elected Board of Directors and an Assessor (Health and Safety Code Section 6480).

Functions

The specific powers that the Board of Directors may exercise are the acquisition, maintenance, and operation of (Health and Safety Code Sections 6510 - 6550.26):

1. Garbage dump sites, garbage collection and disposal systems;
2. Sewers, drains, septic tanks, and sewage collection, and disposal systems, outfall treatment works, and other sanitary disposal systems; and
3. Storm water drains and storm water collection, outfall, and disposal systems, and water reclamation and distribution systems.

In addition to these specific powers, the Board of Directors also may exercise certain other general powers in the operation of the district. For a listing of these general powers, refer to Sections 6510 - 6550.26 of the Health and Safety Code.

Formation

The formation process is initiated whenever 25 persons in any county, or in two or more counties within the same natural watershed area, desire the formation of a sanitary district within the area, they may sign and present a petition to the board of supervisors of the county in which the greatest portion of the area of the proposed district is situated at the time of the filing of the petition. If the district is to be located in more than one county, the petition shall be signed by no fewer than 15 persons in the county in which the greatest portion of the district is located and by no fewer than 10 persons in each other county in which the district is located. (Health and Safety Code Section 6420).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation and establish a sphere of influence for the new district. Then the proposed formation is sent to the conducting authority where no further modifications may be made.

At the conducting authority hearing, the Board may terminate further proceedings, or it may call for an election (Health and Safety Code Sections 6440 - 6446).

At the election, if a majority of the qualified voters within the proposed district vote in

favor of formation, the district shall be organized (Health and Safety Code Section 6465) The following territory may be included within the proposed boundaries of a sanitary district: (Health and Safety Code Section 6830)

1. Contiguous territory in one or more counties
2. Incorporated and/or unincorporated territory.
3. Any territory at any point of which touches any point of the district.
4. Any territory separated from the district by a “separating barrier”, which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.
5. Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

Annexation

After the district has been formed, the boundaries of the district may be altered and outlying incorporated or unincorporated, contiguous or noncontiguous territory in the same or adjoining county(ies) may be annexed to the district. Proceedings for annexation are initiated pursuant to Sections 56000 et seq. of the Government Code.

CHAPTER 8 : SPECIAL DISTRICTS

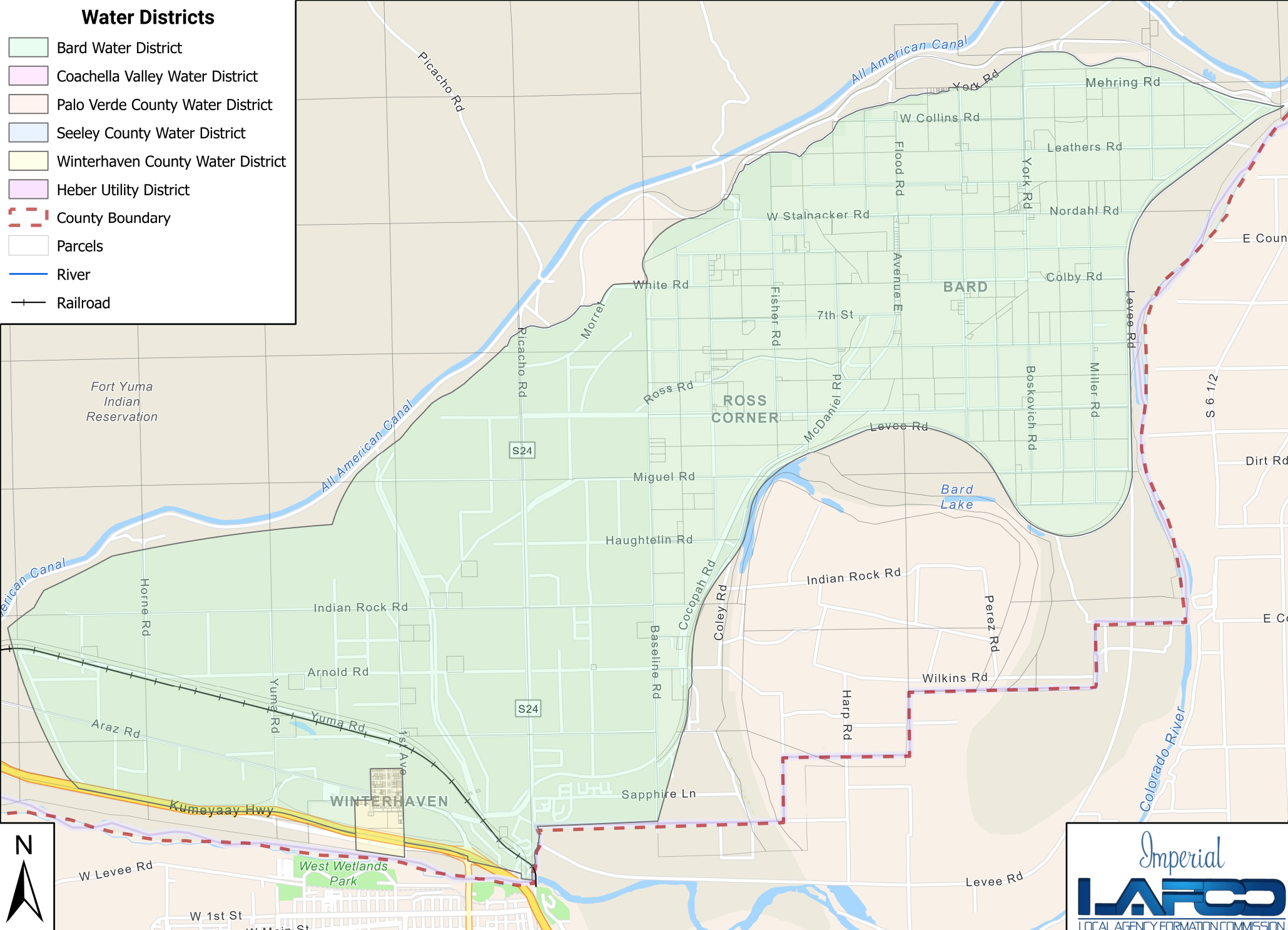
BARD WATER DISTRICT

ADDRESS:	1473 Ross Road Winterhaven, CA 92283
CONTACT:	Nicholas Bahr, General Manager <i>Phone:</i> (760) 572-0704 <i>E-mail:</i> nbahr@bardwaterdistrict.com
ENABLING LEGISLATION:	California Water Code Section 34000 et seq.
DATE OF FORMATION:	November 20, 1973
GOVERNING BOARD:	Board of Directors consists of five members elected at large to serve four-year terms. Members of the governing board must be a holder of title to land within the district. Vacancies are filled by the remaining members, for the unexpired term.
POWERS & FUNCTIONS:	May acquire, plan, construct, maintain, operate, and improve necessary works for the production, storage and transmission of water for domestic, irrigation, municipal or industrial purposes; may acquire construct, operate and maintain facilities and services for the collection, treatment and disposal of sewage, waste and storm waters; may provide reclaimed water for use.
PRESENT OPERATIONS:	Acts as distributor of water for domestic and irrigation purposes within the perimeters of the district. This district lies adjacent to the Colorado River north of Winterhaven. Technical advice is furnished by the Bureau of Reclamation in Yuma.
BOUNDARY:	<i>(See Attached Map)</i>

SERVICE AREA:

Water Districts

- Bard Water District
- Coachella Valley Water District
- Palo Verde County Water District
- Seeley County Water District
- Winterhaven County Water District
- Heber Utility District
- County Boundary
- Parcels
- River
- + Railroad



Map by: Imperial County GIS - Briant F. on Oct 11, 2023

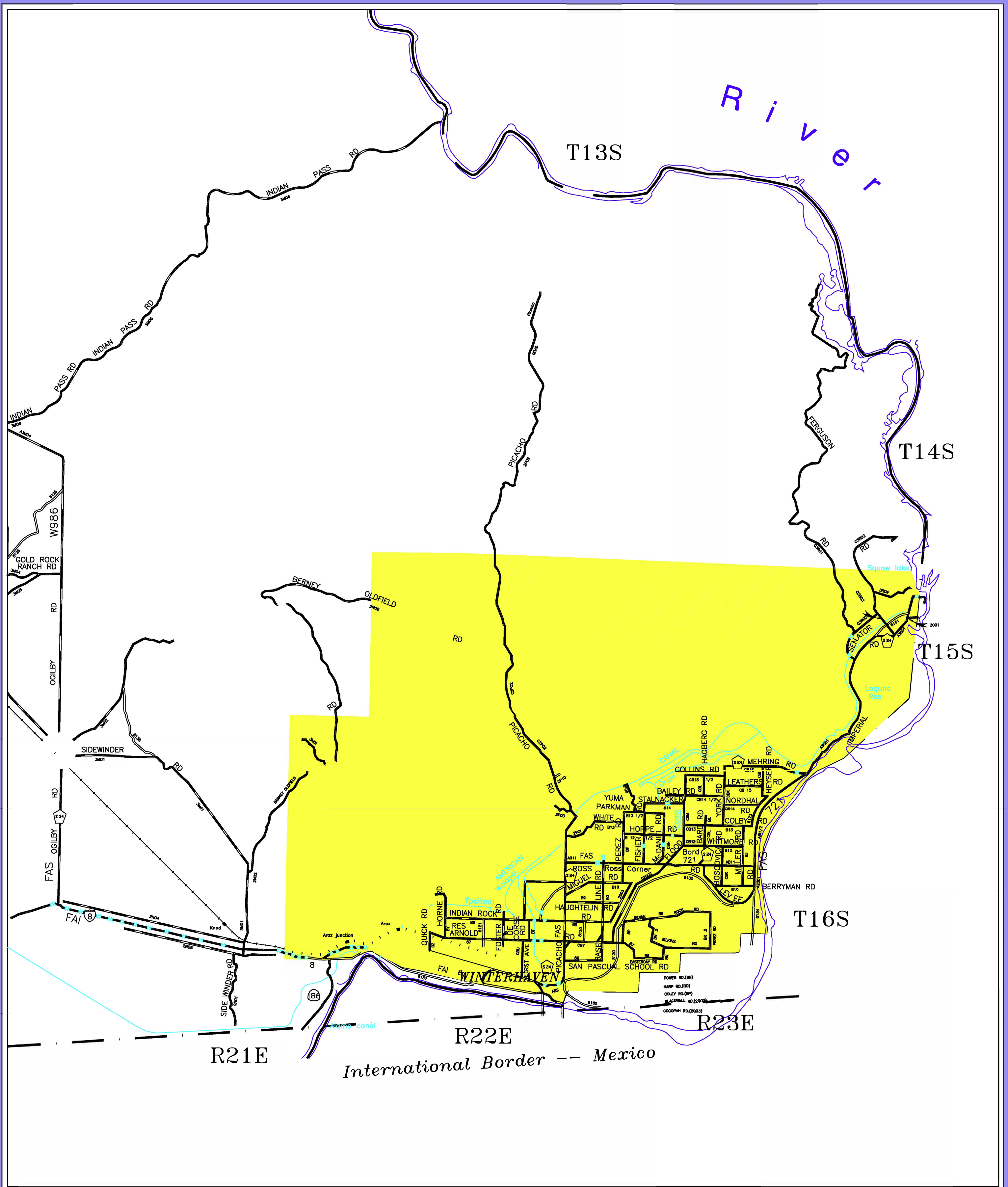
Bard Water District

Scale: 1:60,000



BARD RESOURCES CONSERVATION DISTRICT

ADDRESS:	P.O. Box 776 Bard, CA 92222
CONTACT:	Ronald Hill, General Manager <i>Phone:</i> (928) 941-1016 <i>Email:</i> hbardonian@aol.com
ENABLING LEGISLATION:	California Public Resources Code Sections 9060-9360
DATE OF FORMATION:	June 15, 1953
GOVERNING BOARD:	Board of Directors consists of five members elected to serve four-year terms. Vacancies of appointed directors are filled for the un-expired term by the Board of Supervisors. A vacancy in office of director who has been elected shall be filled pursuant to Section 1780 of the Government Code of the State of California.
POWERS & FUNCTIONS:	To carry on a community-wide program under local control concerning soil and water conservation in the district; may enter into contracts or agreements with the State, the United States, any county or other district; may tax land; may sue or be sued; may acquire, lease and dispose of lands and property; will develop soil and water conservation plans.
PRESENT OPERATIONS:	Formulates policies for the conservation of soil and water within the confines of the district; to conserve soil and water by direct assistance to farmers and ranchers and to urban areas when requested. The Bureau of Land Management assists with advice and technical expertise.
BOUNDARY:	(See attached map)



Bard Resource Conservation District

Imperial Local Agency Formation Commission
 1122 W. State Street, Suite D
 El Centro, CA 92243

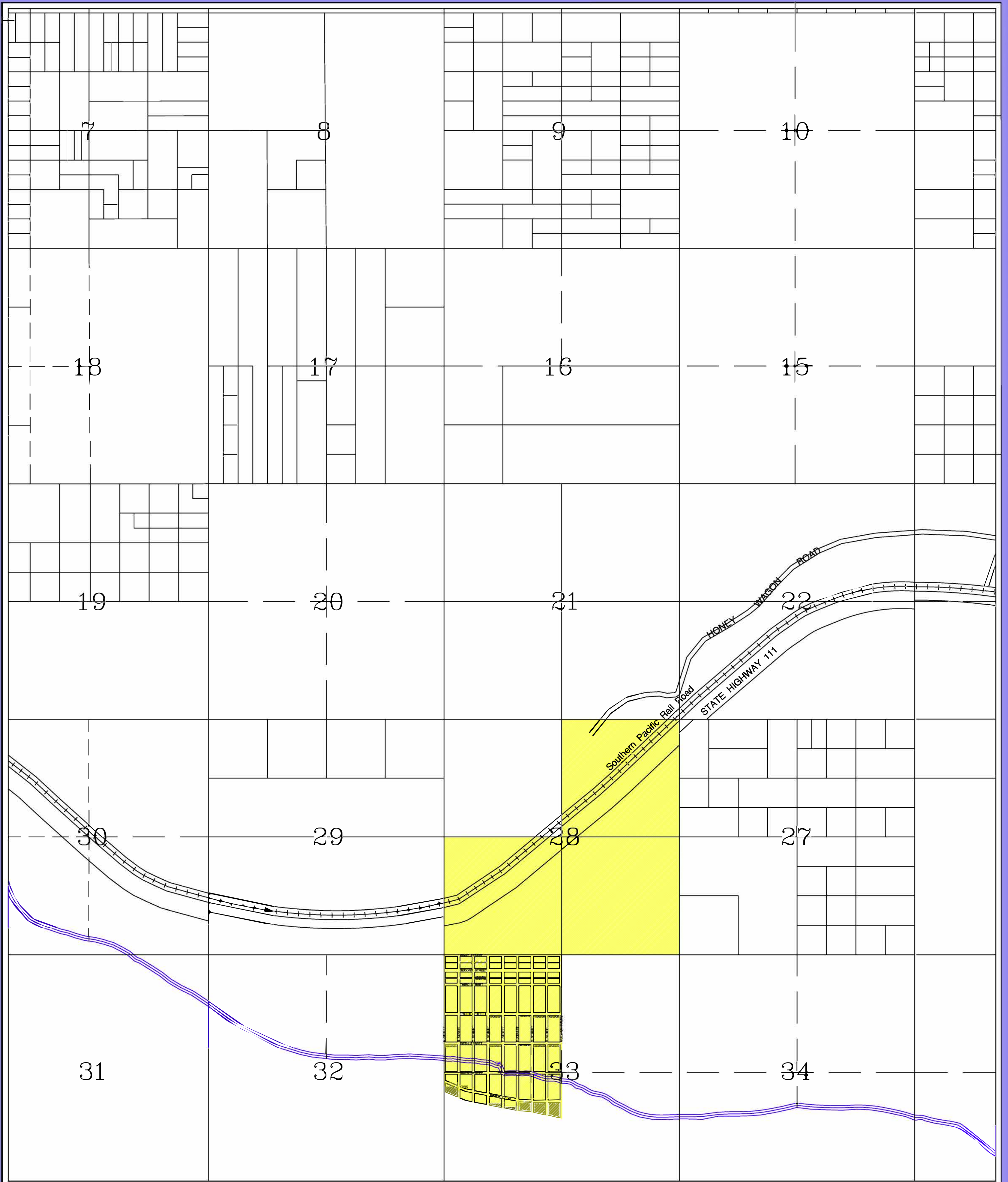
Sphere of Influence as of 09/22/16



EXHIBIT 2

BOMBAY BEACH COMMUNITY SERVICES DISTRICT

ADDRESS:	9590 Avenue "C" Niland, CA 92257
CONTACT:	Augustine Sadorra, Secretary/Clerk of the Board <i>Phone:</i> (760) 550-3264 <i>E-Mail:</i> Bombaybeach2015@gmail.com
ENABLING LEGISLATION:	California Government Code Section 61000, et seq. (Community Services District Law)
DATE OF FORMATION:	August 7, 1961
GOVERNING BOARD:	Board of Directors consists of five members elected at large. The directors serve alternating four-year terms. Vacancies in the office of director shall be filled by appointment by the remaining directors, subject to the provisions of Section 1780 Government Code of the State of California.
POWERS & FUNCTIONS:	To supply the inhabitants of the district with facilities for sanitation, industrial use, fire protection, recreation, sewage and storm water disposal; may acquire real and personal property to perform these functions; may incur bonded indebtedness.
PRESENT OPERATIONS:	Provides municipal type services for residents of the Bombay Beach area. Water for domestic use and irrigation is provided by the Coachella Valley Water District with main offices in Coachella, Riverside County.
BOUNDARY:	<i>(See Attached Map)</i>



Bombay Beach Community Service District

Imperial County Local Agency Formation Commission
 1122 W. State St., Suite D
 El Centro, CA 92243

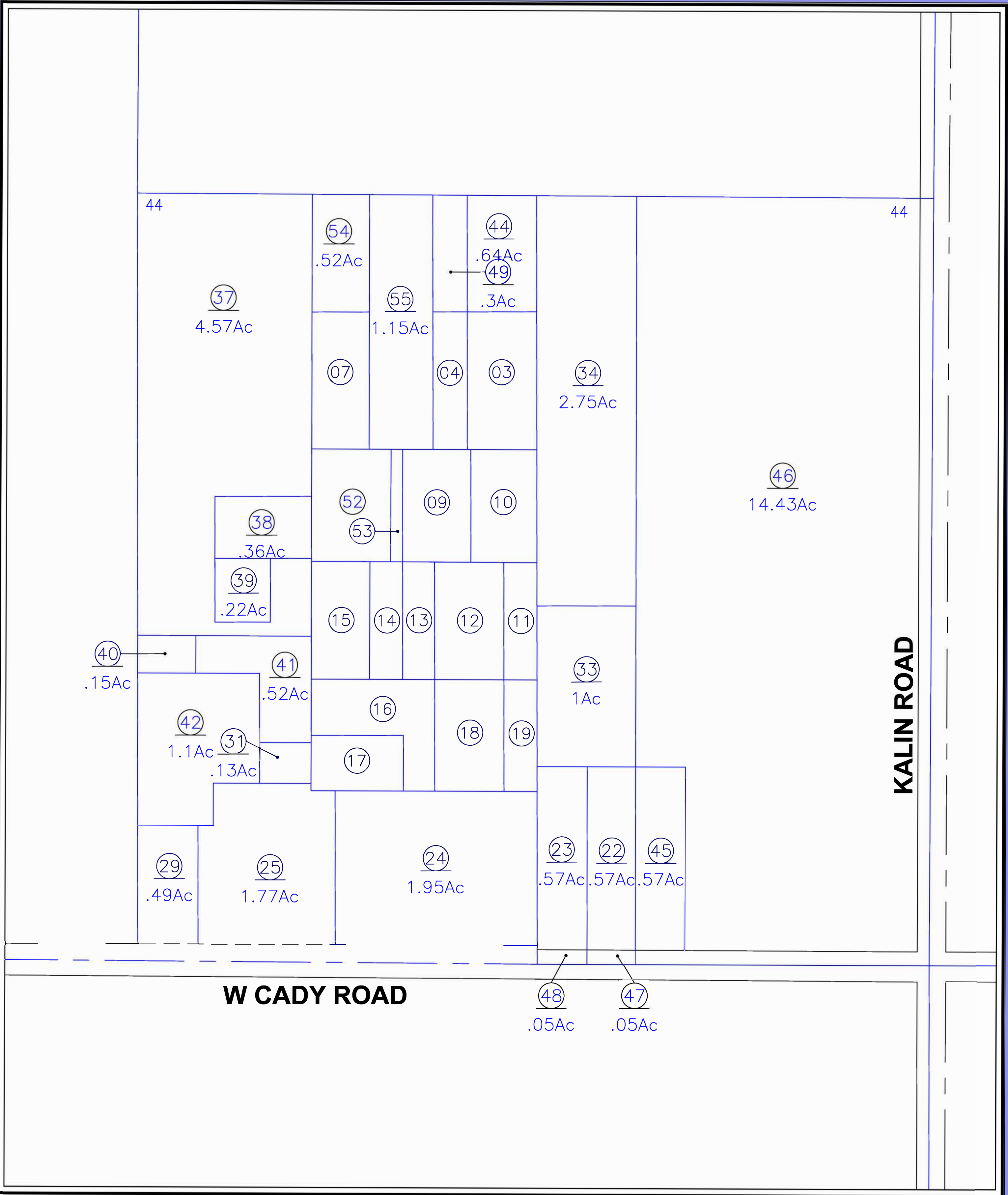
Sphere of Influence as of 09/22/16



EXHIBIT 3

CADY POE COLONIA COUNTY SERVICE AREA

ADDRESS:	Imperial County Public Works 155 S. 11 th Street El Centro, CA 92243
CONTACT:	John A. Gay, Director of Public Works <i>Phone:</i> (442) 265-1818 <i>E-mail:</i> johngay@co.imperial.ca.us
ENABLING LEGISLATION:	Government Code Sections 25210.10 et seq., 25210.1a, 25210.4a, 25210.18, 25210.19
DATE OF FORMATION:	July 22, 2010
GOVERNING BOARD:	The governing body, which is established by law to administer the operation of a county service area, is the Board of Supervisors. The original intent of the county service area law was to give an alternative method for providing municipal type governmental services by counties within unincorporated areas (Government Code Section 25210.1).
POWERS & FUNCTIONS:	To supply the inhabitants of the district with facilities for
PRESENT OPERATIONS:	The District provides wastewater treatment to 36 residential connections just outside the City of Brawley.
BOUNDARY:	<i>(See Attached Map)</i>



Cady Poe Colonia

Imperial County Local Agency Formation Commission
 1122 W. State St., Suite D
 El Centro, CA 92243



Sphere of Influence as of 02/23/17

EXHIBIT 22

CENTRAL VALLEY CEMETERY DISTRICT

ADDRESS: 201 E. Gillett Road
El Centro, CA 92243

CONTACT: Chuck Jernigan, Superintendent
Phone: (760) 352-1468
Email: chuck.jernigan@gmail.com

ENABLING LEGISLATION: Health & Safety Code Section 8890-9309

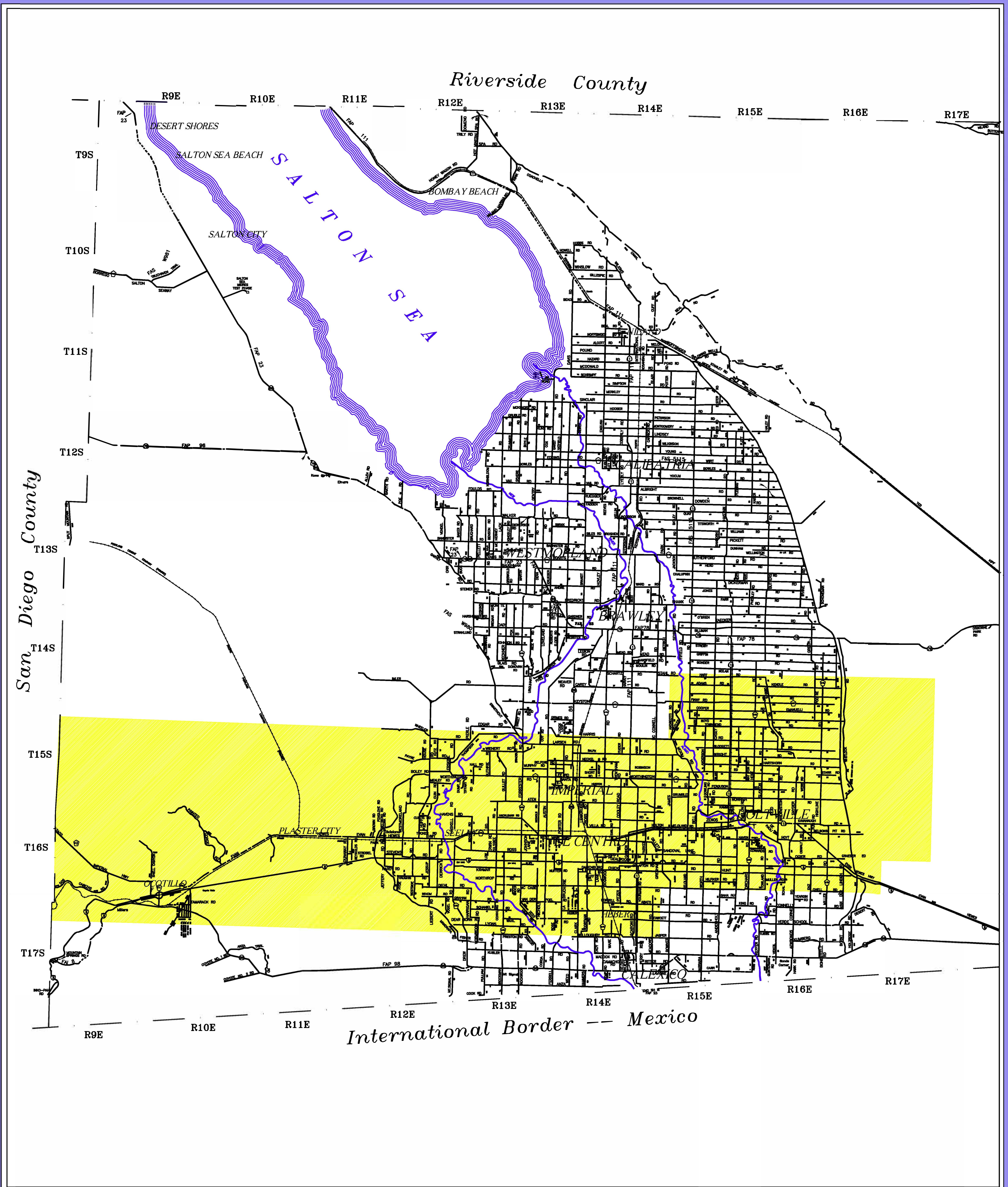
DATE OF FORMATION: December 20, 1937

GOVERNING BOARD: Board of Trustees consists of three members appointed to a four-year term by the Board of Supervisors. A vacancy shall be filled by a person selected by the Board of Supervisors.

POWERS & FUNCTIONS: The district may sue or be sued. Maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased lots or plots while residents or taxpayers of the district or members of their families.

PRESENT OPERATIONS: Maintain Evergreen Cemetery east of El Centro; Terrace Park Cemetery west of Holtville

BOUNDARY: *(See Attached Map)*



Central Valley Cemetery District

Imperial Local Agency Formation Commission
 1122 W. State St., Suite D
 El Centro, CA 92243

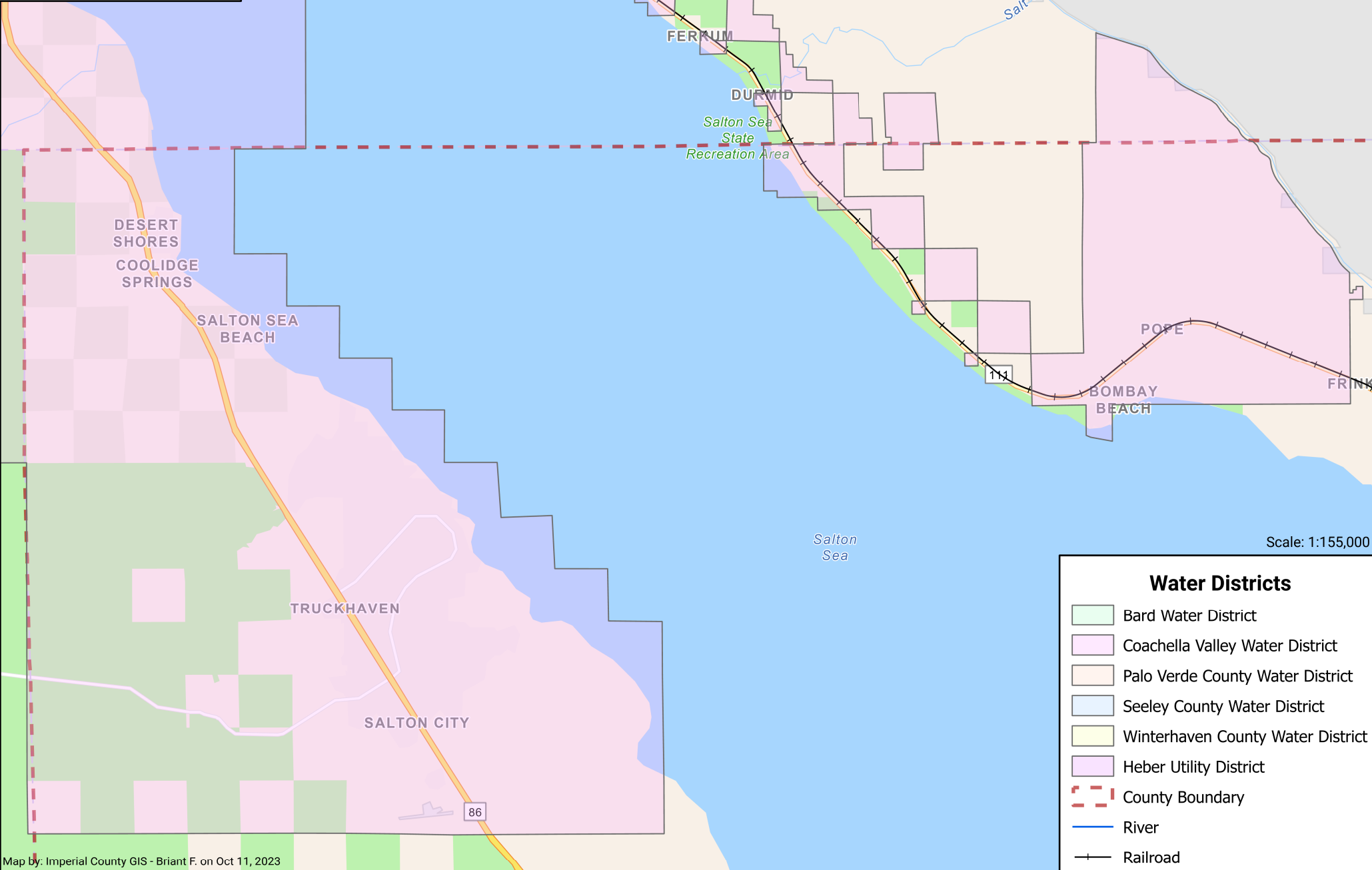
SOI as of 05/26/16



EXHIBIT 4

COACHELLA VALLEY WATER DISTRICT

ADDRESS:	P. O. Box 1058 Coachella, CA 92236
CONTACT:	Jim Barrett, General Manager Phone: (760) 398-2651 E-mail: jbarrett@cvwd.org
ENABLING LEGISLATION:	California Water Code Section 33100 et seq.
DATE OF FORMATION:	October 19, 1937 and Statutes of 1949, c. 274, p. 552.
GOVERNING BOARD:	Board of Directors consists of five members elected at large to serve four-year terms. Vacancies are filled by appointment of the remaining directors elected.
POWERS & FUNCTIONS:	To furnish water for present and future uses; to acquire water rights; store and conserve water; salvage storm and sewage water; operate sewage facilities and irrigation works; operate recreational and fire protection facilities; reclaim lands; form improvement districts; and in addition, has all of the powers and duties of a storm water district as now or hereinafter provided in the Storm Water District Act of 1909.
PRESENT OPERATIONS:	The principal area of the District lies within Riverside County. The portion with Imperial County lies within the area of Desert Shores, Salton City and from Bombay Beach north to the county line. The present service is to provide potable water to the residents within that portion of the Imperial County.
BOUNDARY:	<i>(See Attached Map)</i>



Scale: 1:155,000

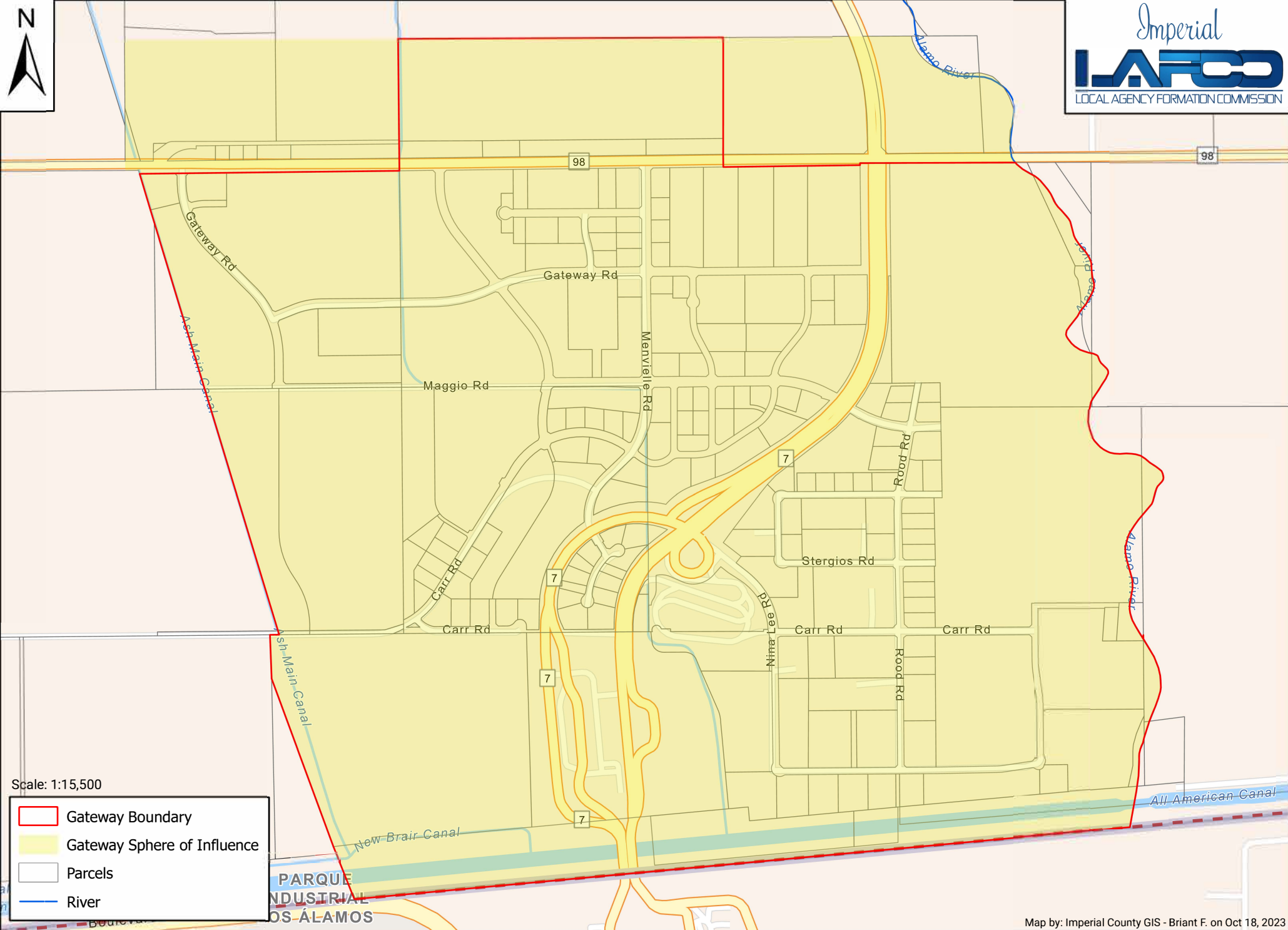
Water Districts

- Bard Water District
- Coachella Valley Water District
- Palo Verde County Water District
- Seeley County Water District
- Winterhaven County Water District
- Heber Utility District
- County Boundary
- River
- Railroad

Coachella Valley Water District

GATEWAY COUNTY SERVICE AREA

ADDRESS:	Imperial County Public Works 155 S. 11 th Street El Centro, CA 92243
CONTACT:	John A. Gay, Director of Public Works <i>Phone:</i> (442) 265-1818 <i>E-mail:</i> johngay@co.imperial.ca.us
ENABLING LEGISLATION:	Government Code Sections 25210.10 et seq., 25210.1a, 25210.4a, 25210.18, 25210.19 Resolution 97-123 Resolution 98-001
DATE OF FORMATION:	1997
GOVERNING BOARD:	The governing body, which is established by law to administer the operation of a county service area, is the Board of Supervisors. The original intent of the county service area law was to give an alternative method for providing municipal type governmental services by counties within unincorporated areas (Government Code Section 25210.1).
POWERS & FUNCTIONS:	Can sue or be sued. To provide an entity that will be responsible for the management, construction and operation of the primary infrastructure in the area, including but not limited to, water treatment and wastewater facilities and related components, street lighting and maintenance of common areas.
PRESENT OPERATIONS:	To provide governmental services within the service area. The County Service Area consists of 1775 acres of land surrounding the new Port of Entry.
BOUNDARY:	<i>(See Attached Map)</i>



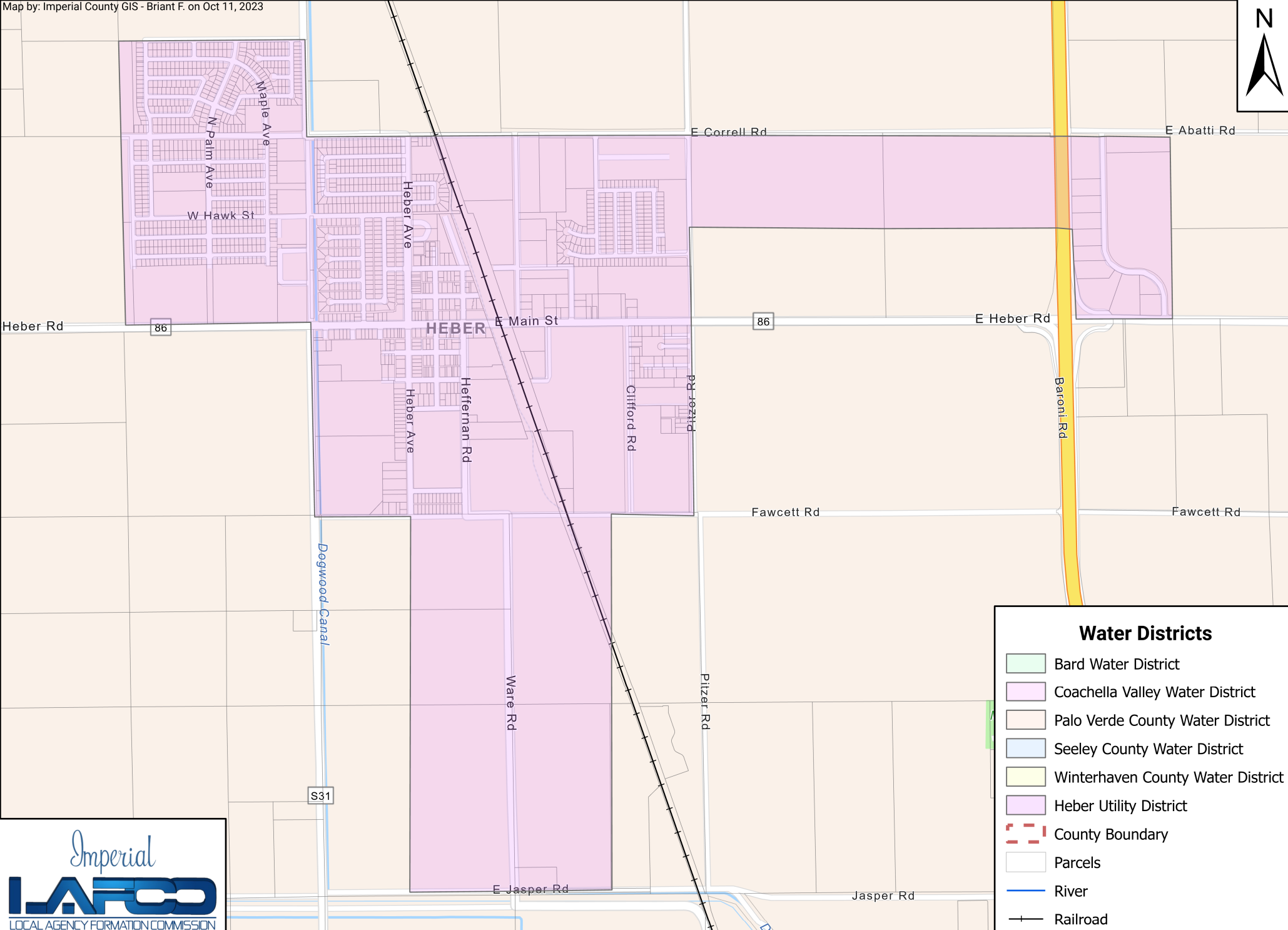
Scale: 1:15,500

- Gateway Boundary
- Gateway Sphere of Influence
- Parcels
- River

Gateway of the Americas County Service Area

HEBER PUBLIC UTILITY DISTRICT

ADDRESS:	1078 Dogwood Road, Suite 103 Heber, CA 92249
CONTACT:	Madeline Dessert, General Manager <i>Phone:</i> (760) 482-2440 <i>E-mail:</i> mdessert@heber.ca.gov
ENABLING LEGISLATION:	Public Utility District Act of 1921 Public Utilities Code Sections 15532 et seq.
DATE OF FORMATION:	November 7, 1931
GOVERNING BOARD:	Board of Directors consists of a five-member board elected at large to serve four-year terms. Vacancies are filled by the remaining directors within 90 days of the vacancy or call for an election. If neither is done within the 90 days the board shall call for an election.
POWERS & FUNCTIONS:	To acquire, construct, own, operate, control or use works for supplying the inhabitants with light, water, power, heat, transportation, telephone service or other communication, or means for disposition of garbage, sewage or refuse matter. It may operate a fire department, public parks, public playgrounds, golf courses, public swimming pools, recreation buildings, and drainage projects.
PRESENT OPERATIONS:	At present operating a water works and sewage system to provide water to the inhabitants of the district and to provide sewage disposal.
BOUNDARY:	<i>(See Attached Map)</i>



Water Districts

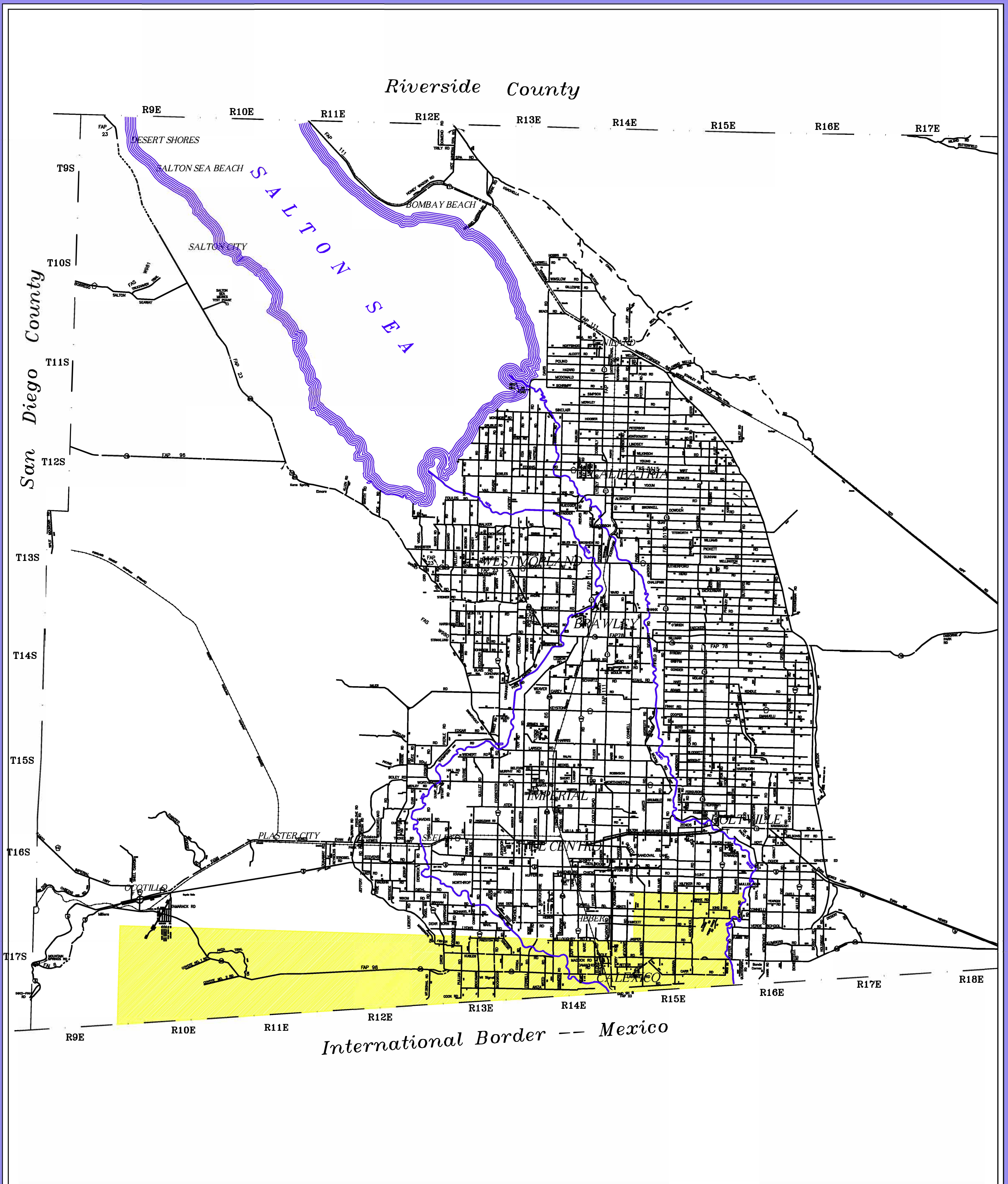
- Bard Water District
- Coachella Valley Water District
- Palo Verde County Water District
- Seeley County Water District
- Winterhaven County Water District
- Heber Utility District
- County Boundary
- Parcels
- River
- Railroad

Heber Public Utility District

Scale: 1:20,000

HEFFERNAN MEMORIAL HEALTHCARE DISTRICT

ADDRESS:	601 Heber Avenue Calexico, CA 92231
CONTACT:	Tomas Virgen, Executive Director <i>Phone:</i> (760) 357-6522 <i>E-mail:</i> tvirgen@heffernanmemorial.com
ENABLING LEGISLATION:	California Health & Safety Code Section 32000 et seq.
DATE OF FORMATION:	1947
GOVERNING BOARD:	Board of Directors consists of a five-member board elected at large to serve four years. Vacancies are filled by appointment of the remaining members of the board.
POWERS & FUNCTIONS:	May sue or be sued, purchase, lease, control, convey, encumber, property of every kind for benefit of the district; administer any trust declared or created for hospitals of the district; employ legal counsel; employ such officers and employees to carry on the business of the district; operate free clinics and health education programs; operate ambulance services and provide rules and regulations for medical staff.
PRESENT OPERATIONS:	Provide the community of Calexico with healthcare.
BOUNDARY:	<i>(See Attached Map)</i>



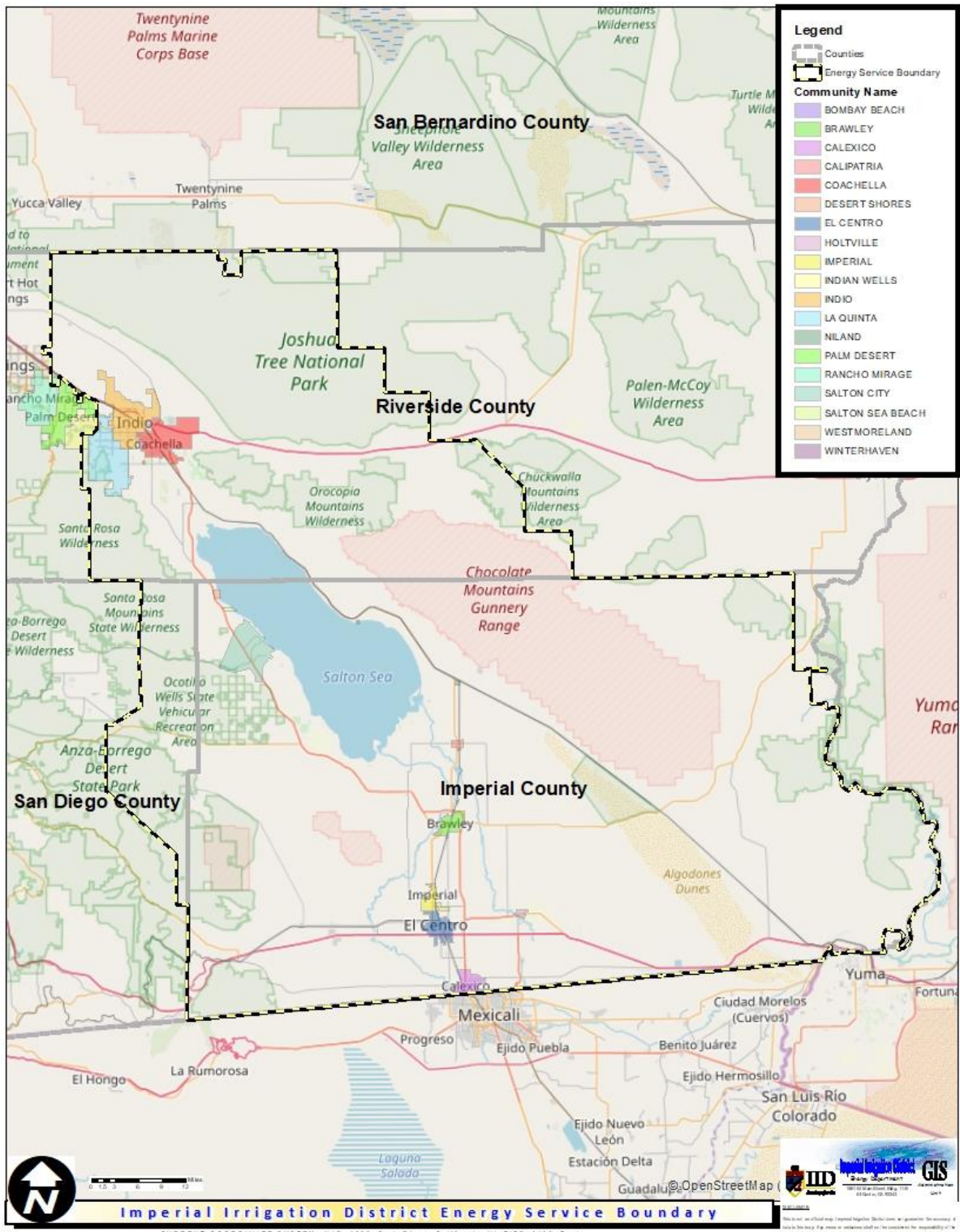
Heffernan Memorial Healthcare District
 Imperial Local Agency Formation Commission
 1122 W. State St., Suite D, El Centro, CA 92243

SOI as of 05/26/16



IMPERIAL IRRIGATION DISTRICT

ADDRESS:	P. O. Box 937 Imperial, CA 92251
CONTACT:	Jamie Asbury, General Manager <i>Phone:</i> (760) 353-3640 <i>Email:</i> jlasbury@iid.com
ENABLING LEGISLATION:	California Water Code 20700 et seq.
DATE OF FORMATION:	1911
GOVERNING BOARD:	Board of Directors consists of five members elected at large to serve staggered four-year terms. Vacancies are filled pursuant to Section 1780 Government Code.
POWERS & FUNCTIONS:	A district may control, distribute, store, spread, sink, treat, purify, recapture, and salvage any water including but not limited to sewage waters for the beneficial use or uses of the district or its inhabitants. Any district may purchase or lease electric power from any agency, public or private, and may provide for acquisition, operation and control plants for the generation, transmission distribution, sale, and lease of electric power, including sale to municipalities, public utility district, or persons.
PRESENT OPERATIONS:	The Imperial Irrigation District includes 1,062,290 gross acres, including most of Imperial County and portions of San Diego and Riverside Counties (Coachella Valley Area). Operations are divided into a Water Division, which diverts and distributes Colorado River water to nine cities and nearly 500,000 acres of agricultural lands in Imperial Valleys and a Power Division responsible for generation and distribution of electrical power.
BOUNDARY:	<i>(See Attached Map)</i>

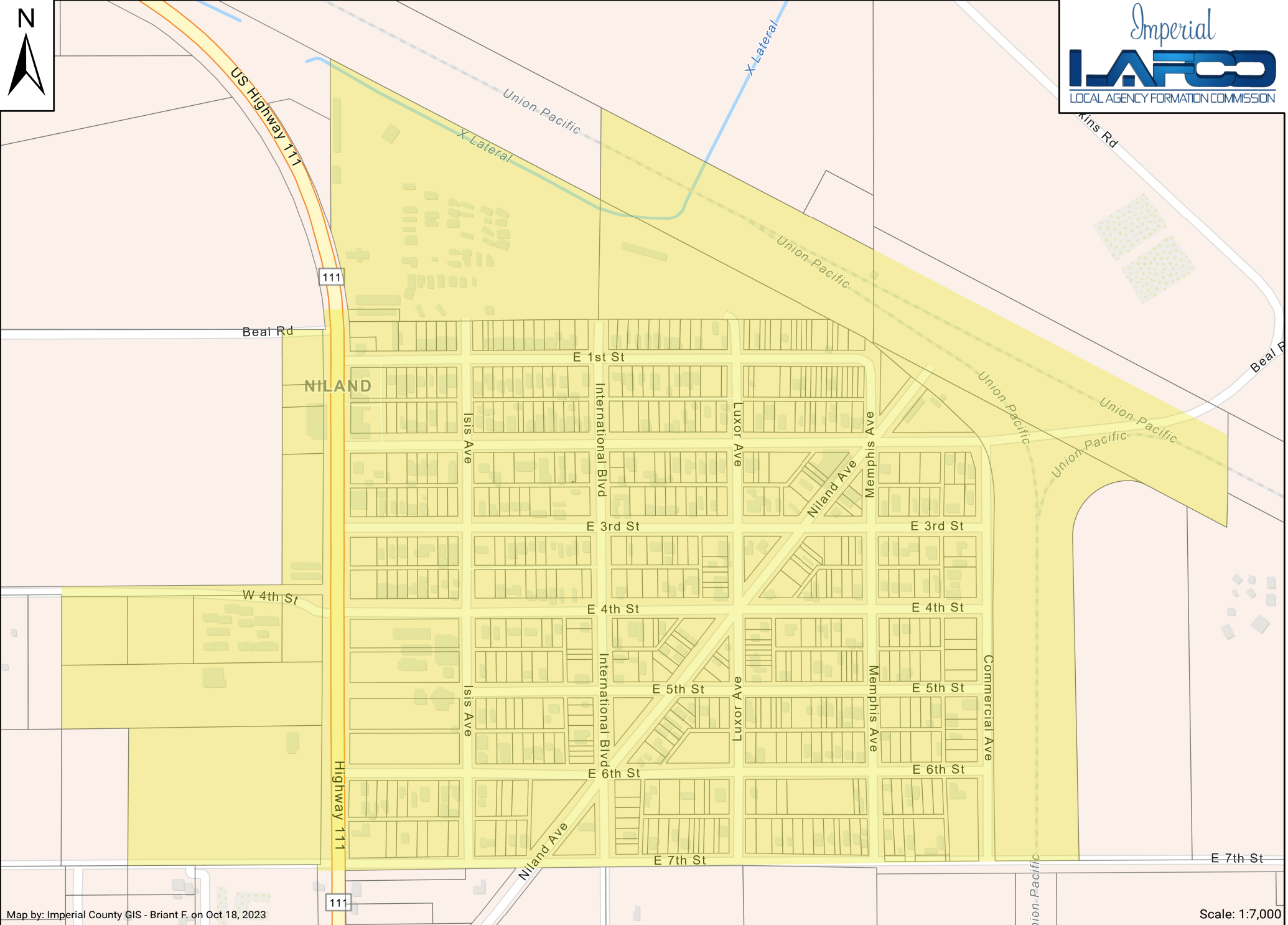


**Imperial Irrigation District
Energy Service Area
Boundary/Sphere of Influence**

LAFCO Commission adopted 10/22/2020
IID adopted 12/01/2020

NILAND COUNTY SANITATION DISTRICT

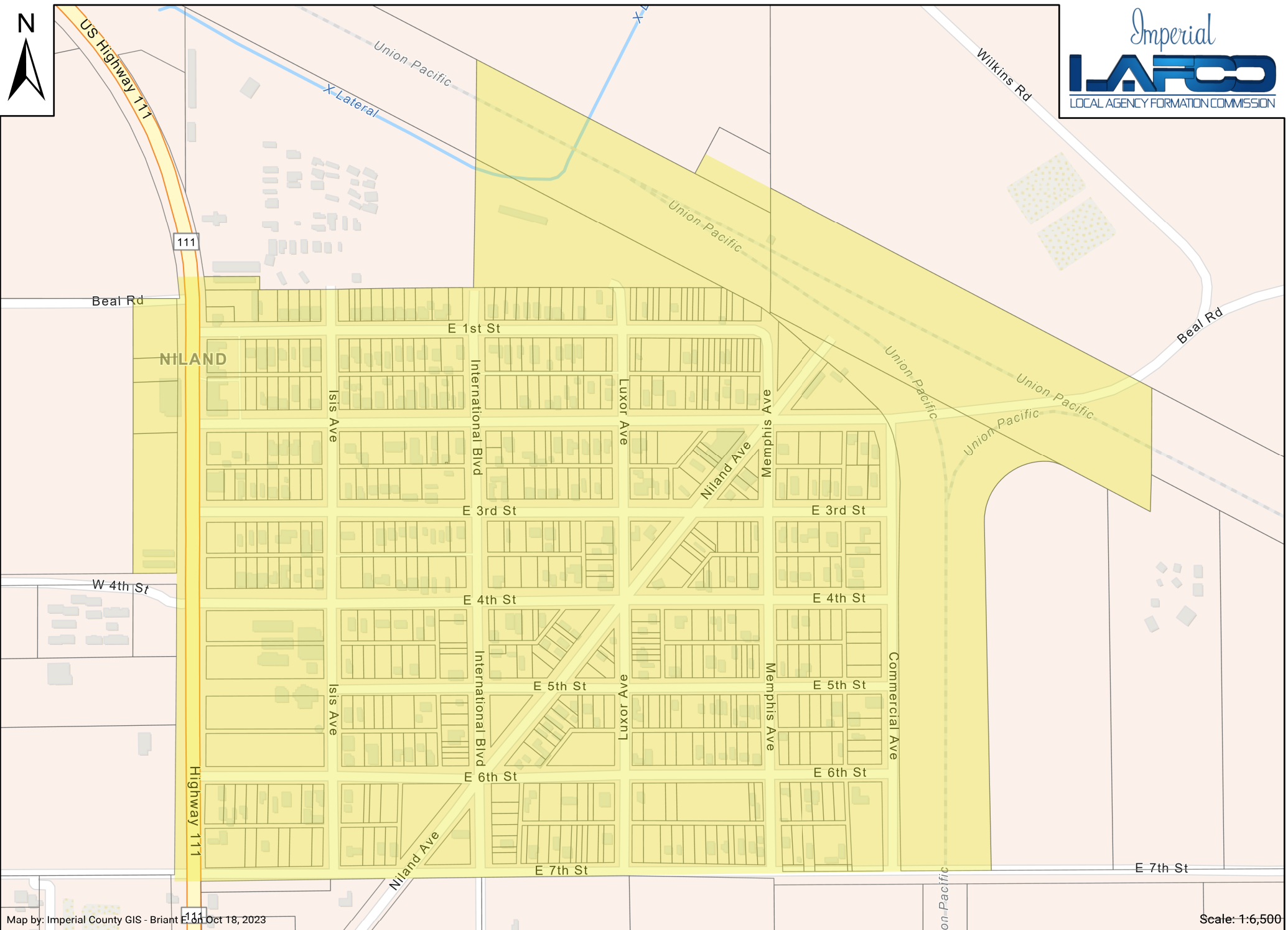
ADDRESS:	Imperial County Public Works 155 South 11 th Street El Centro, CA 92243
CONTACT:	John Gay, Director of Public Works <i>Phone:</i> (442) 265-1818 <i>Email:</i> johngay@co.imperial.ca.us
ENABLING LEGISLATION:	Health and Safety Code 4700 et seq.
DATE OF FORMATION:	September 1, 2018
GOVERNING BOARD:	Imperial County Board of Supervisors
PRESENT OPERATIONS:	Own, operate and maintain disposal systems, sewers, sewer collection system, drains, and infrastructure for a primary and secondary sewage treatment system with collection lines. Collect fees, assessments, taxes, tolls, rates, and rentals for providing services. The District may also contract for services for operators.
BOUNDARY:	<i>(See Attached Map)</i>



Niland County Sanitation District

NILAND COUNTY SERVICE AREA NO. 1

ADDRESS:	Imperial County Public Works 155 South 11 th Street El Centro, CA 92243
CONTACT:	John Gay, Director of Public Works <i>Phone:</i> (442) 265-1818 <i>Email:</i> johngay@co.imperial.ca.us
ENABLING LEGISLATION:	Government Code Sections 25210.1 et seq.
DATE OF FORMATION:	December 13, 1978
GOVERNING BOARD:	Imperial County Board of Supervisors
PRESENT OPERATIONS:	This county service area was formed for the purpose of providing street lighting for the community of Niland, an unincorporated area located in northern Imperial County, on State Highway No. 111, and the main line of the Southern Pacific Railroad. The Department of Public Works administers the service area.
BOUNDARY:	<i>(See Attached Map)</i>



Map by: Imperial County GIS - Briant E. on Oct 18, 2023

Scale: 1:6,500

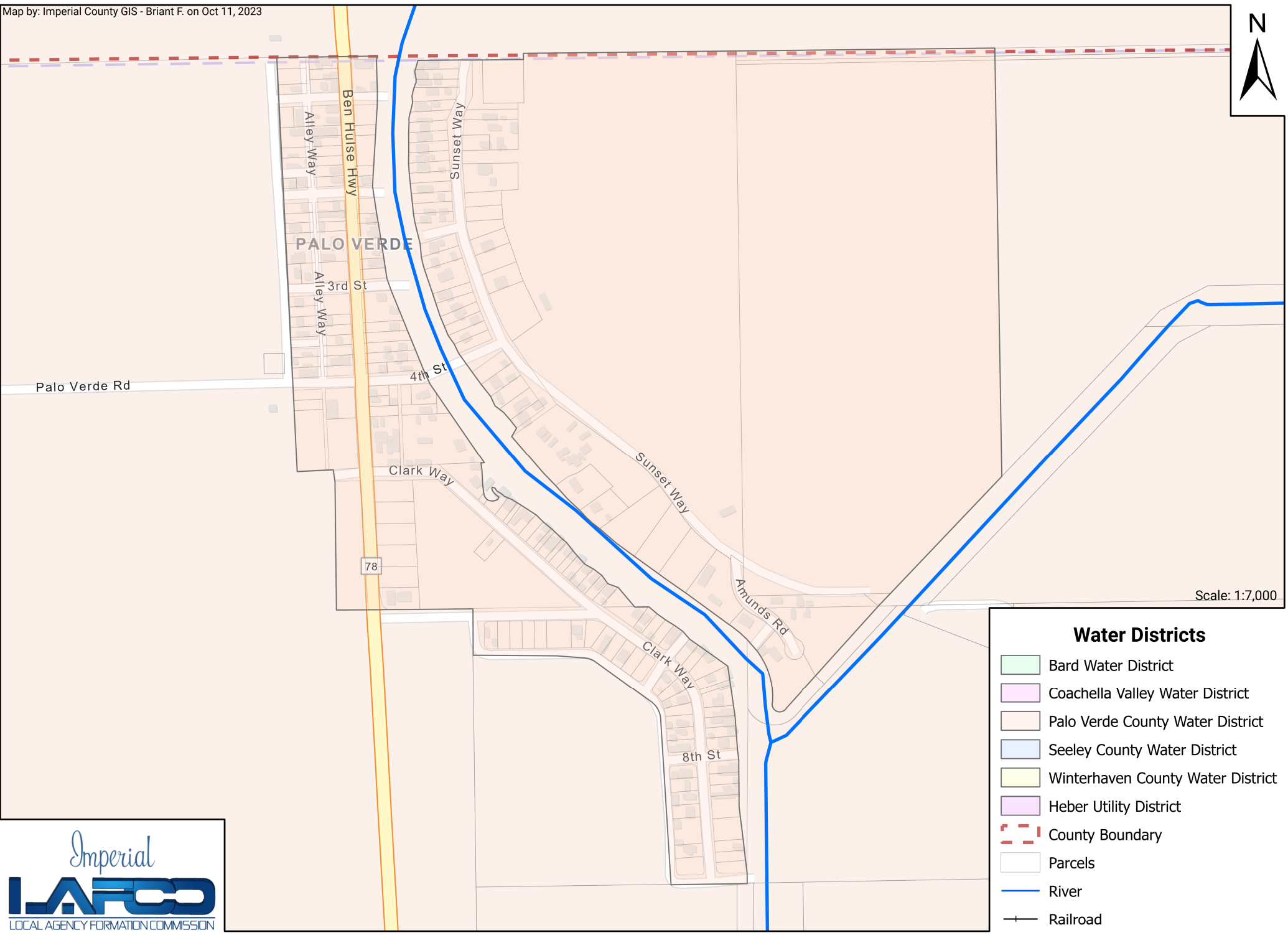
Niland County Service Area No. 1

PALO VERDE RESOURCES CONSERVATION DISTRICT

ADDRESS:	P. O. Box 610 200 E. Murphy Street, Room 102 Blythe, CA 92226
CONTACT:	Bob Hull, General Manager Phone: (760) 922-3446 Email: hullfarms@gmail.com
ENABLING LEGISLATION:	California Public Resources Code Section 9060-9360
DATE OF FORMATION:	
GOVERNING BOARD:	Board of Directors consists of five members elected to serve four-year terms. Vacancies of appointed directors are filled for the unexpired term by the Board of Supervisors. A vacancy in office of director who has been elected shall be filled pursuant to Section 1780 Government Code.
POWERS & FUNCTIONS:	To carry on a community-wide program under local control concerning soil and water conservation in the district; may enter into contracts or agreements with the State, the United States, any county or other district; may tax land; may sue or be sued; may acquire, lease and dispose of lands and property; will develop soil and water conservation plans.
PRESENT OPERATIONS:	Formulates policies for the conservation of soil and water within the confines of the district; to conserve soil and water by direct assistance to farmers and ranchers and to urban areas when requested. The Federal Government assists with advice and technical expertise through the Bureau of Land Management at Yuma, AZ.
BOUNDARY:	<i>(See Attached Map)</i>

PALO VERDE COUNTY WATER DISTRICT

ADDRESS:	1060 Desert View Palo Verde, CA 92266
CONTACT:	Yazmin Hernandez, Office Manager <i>Phone:</i> (760) 854-3519 <i>E-mail:</i> pvwaterworks@airwaveme.net
ENABLING LEGISLATION:	California Water Code Section 30000 et seq.
DATE OF FORMATION:	March 2, 1962
GOVERNING BOARD:	Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district.
POWER AND FUNCTIONS:	To provide domestic water to residents and businesses within the District and outside the District by special dispensation of the Board.
PRESENT OPERATIONS:	Providing domestic water within the district. The principle area of the District lies within the Imperial County, South to Oxbow County Park and North to the County Line.
BOUNDARY:	<i>(See Attached Map)</i>



Scale: 1:7,000

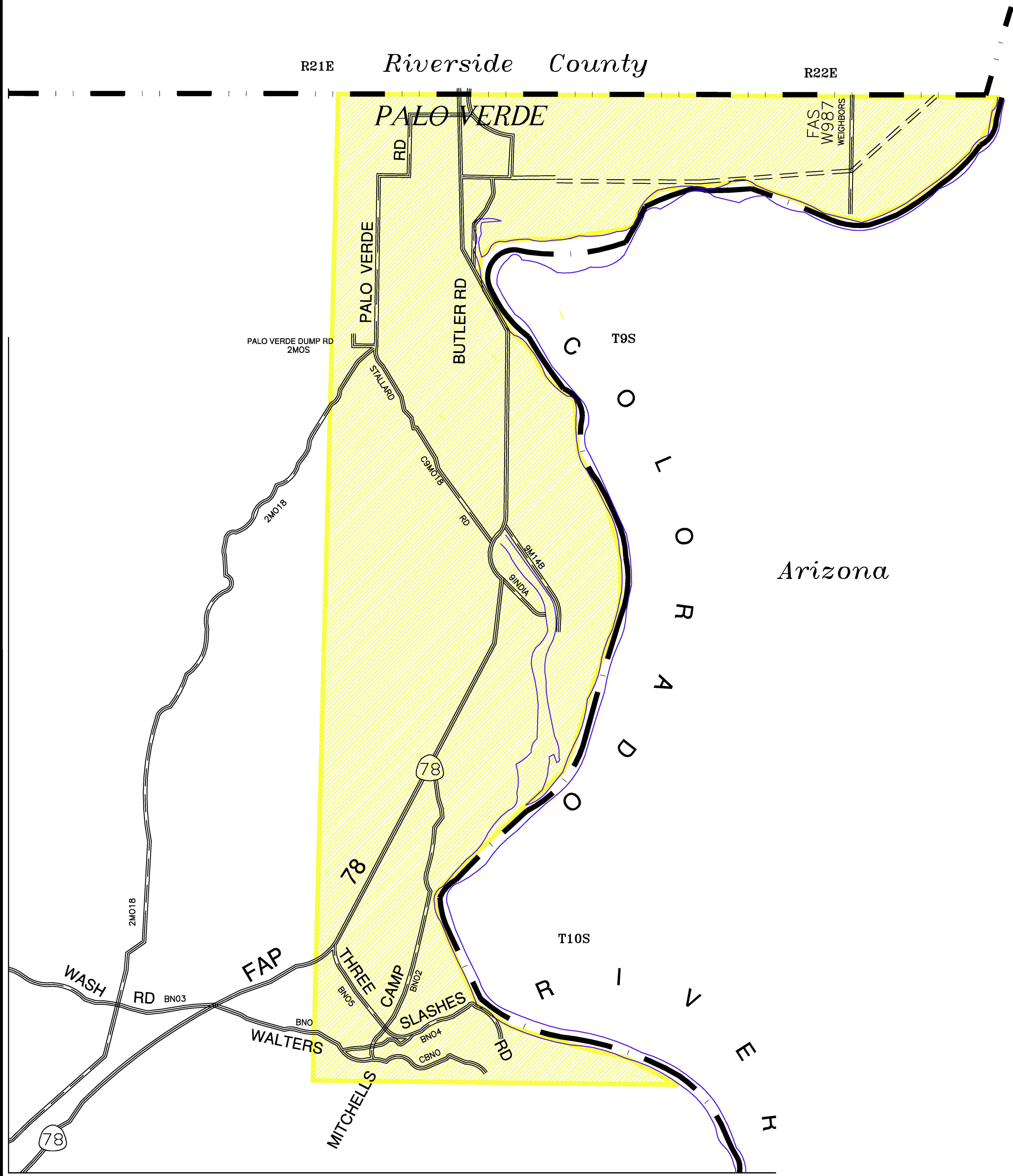


- Water Districts**
- Bard Water District
 - Coachella Valley Water District
 - Palo Verde County Water District
 - Seeley County Water District
 - Winterhaven County Water District
 - Heber Utility District
 - County Boundary
 - Parcels
 - River
 - Railroad

Palo Verde County Water District

PALO VERDE IRRIGATION DISTRICT

ADDRESS:	180 West 14 th Ave. Blythe, CA 92225
CONTACT:	JR Echard, General Manager Phone: (760) 922-3144 E-mail: jr@pvid.org
ENABLING LEGISLATION:	Palo Verde Irrigation District Act of 1923
DATE OF FORMATION:	1923
GOVERNING BOARD:	Board of Trustees consists of seven members elected at large from among the owners of property within the District. A vacancy occurring in the office of Trustee shall be filled by a person selected by the remaining Trustees.
POWERS & FUNCTIONS:	To provide irrigation water to farmers and to construct and maintain adequate facilities for irrigation and drainage. Have perpetual succession and existence. Sue and be sued.
PRESENT OPERATIONS:	Providing irrigation water to farmers and improving drainage conditions within the District. The District boundaries embrace 189 square miles of which only 12 lies within Imperial County. The greater portion lies in Riverside County.
BOUNDARY:	<i>(See Attached Map)</i>



Palo Verde Irrigation District

Imperial County Local Agency Formation Commission
 1122 W. State Street, Suite D, El Centro, CA 92243
 SOI as of 05/26/16

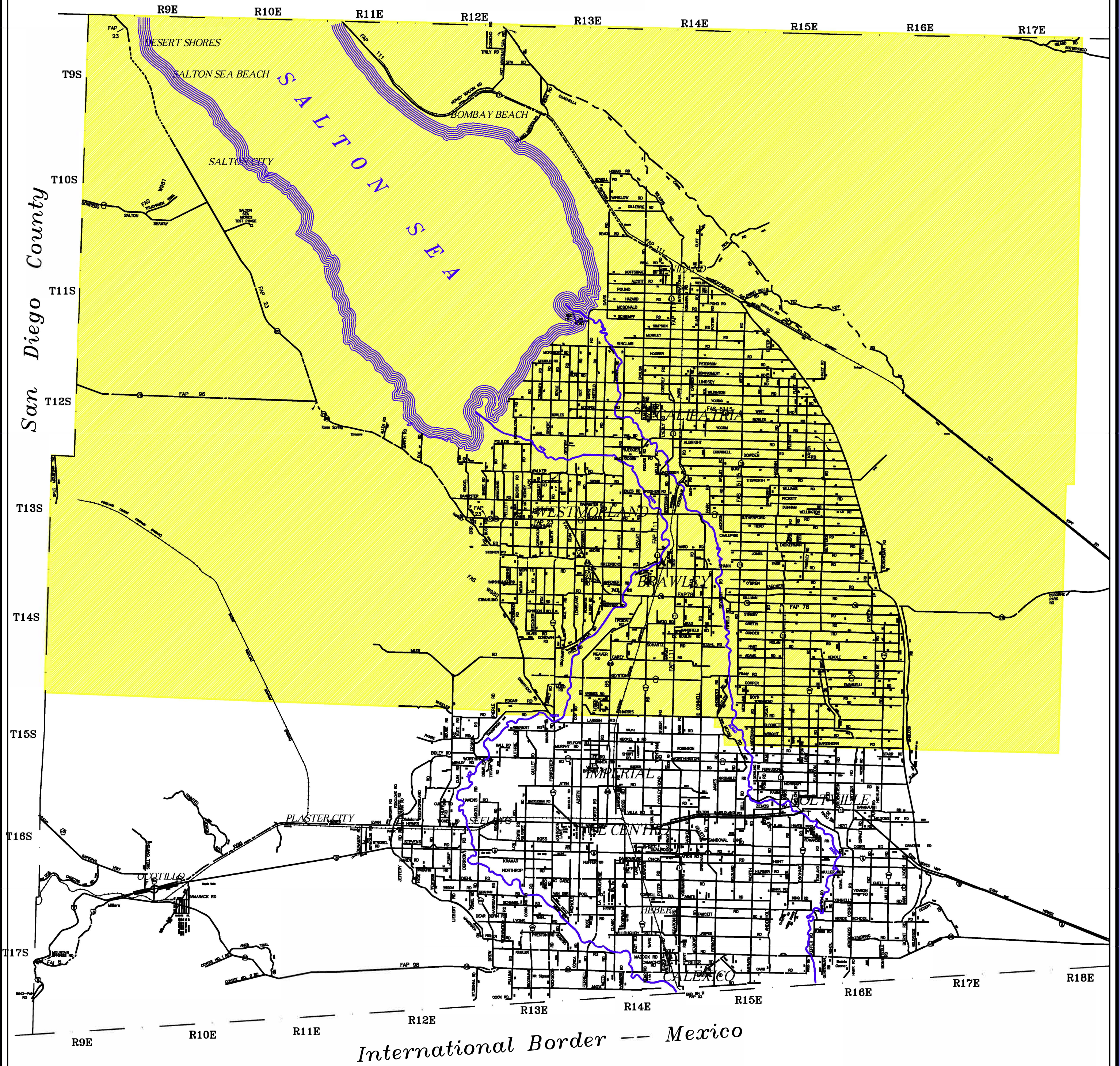


EXHIBIT 15

PIONEERS MEMORIAL HEALTHCARE DISTRICT

ADDRESS:	207 W. Legion Road Brawley, CA 92227
CONTACT:	Christopher R. Bjornberg, CEO Phone: (760) 351-3333 E-mail: cbjornberg@pmhd.org
ENABLING LEGISLATION:	California Health & Safety Code Section 32000 et seq.
DATE OF FORMATION:	July 8, 1947
GOVERNING BOARD:	Board of Directors consists of a five-member board elected at large to serve four-year terms. Vacancies are filled by appointment of the remaining members of the board.
POWERS & FUNCTIONS:	May sue or be sued; purchase, lease control, convey, encumber property of every kind for benefit of the district; administer any trust declared or created for hospitals of the district; employ legal counsel; employ such officers and employees to carry on the business of the district; operate free clinics and health service programs; operate ambulance services; and provide rules and regulations for the medical staff.
PRESENT OPERATIONS:	Operate the Pioneers Memorial Hospital
BOUNDARY:	<i>(See Attached Map)</i>

Riverside County



Pioneers Memorial Healthcare District

Imperial County Local Agency Formation Commission
1122 W. State Street, Suite D, El Centro, CA 92243

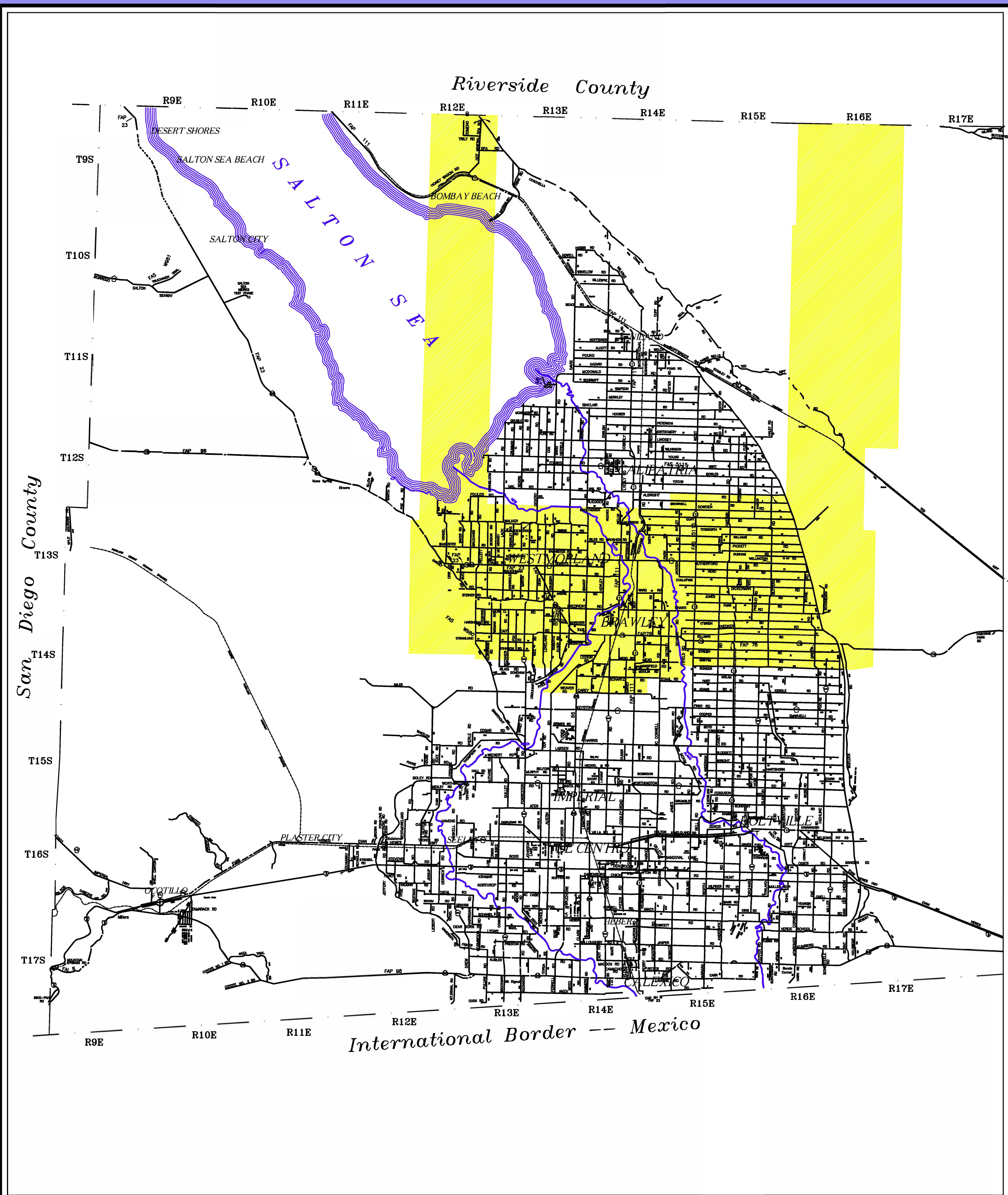
SOI as of 03/26/15



EXHIBIT 16

RIVERVIEW CEMETERY DISTRICT

ADDRESS:	P. O. Box 597 4700 Hovley Road Brawley, CA 92227
CONTACT:	Diane Derma, General Manager Phone: (760) 344-4921 E-mail: riverviewcemetery@sbcglobal.net
ENABLING LEGISLATION:	Health & Safety Code Sections 8890-9309
DATE OF FORMATION:	May 5, 1920
GOVERNING BOARD:	Board of Trustees consists of three members appointed to a four-year term by the Board of Supervisors. A vacancy shall be filled by a person selected by the Board of Supervisors. Trustees shall be residents and voters of the District.
POWERS & FUNCTIONS:	The district may sue or be sued. Maintains a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased lots or plots while residents or taxpayers of the district, or members of their families.
PRESENT OPERATIONS:	Maintains Riverview Cemetery located in the northwest of Brawley, at 4700 Hovley Road.
BOUNDARY:	<i>(See Attached Map)</i>



Riverview Cemetery District
 Imperial County Local Agency Formation Commission
 1122 W. State Street, Suite D, El Centro, CA 92243

SOI as of 05/26/16

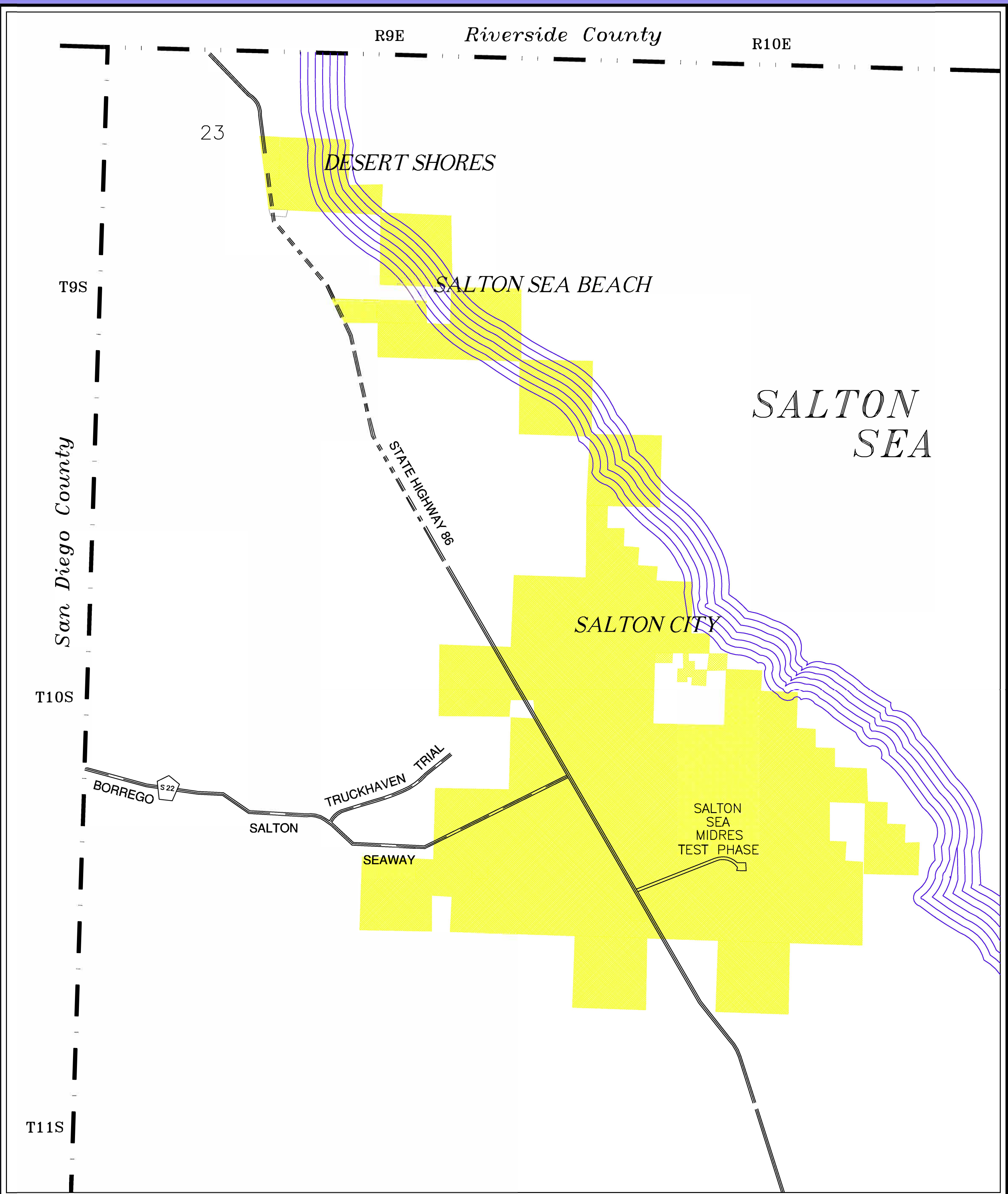


EXHIBIT 17

SERVICE AREA:
SALTON COMMUNITY SERVICE DISTRICT

(Formerly Desert Shores Community Services District)

- ADDRESS:** P. O. Box 5268
1209 Van Buren Ave., Suite 1
Salton City, CA 92275
- CONTACT:** Emmauel Ramos, Interim General Manager
Phone: (760) 394-4446
E-mail: eramos@saltoncsd.ca.gov
- ENABLING LEGISLATION:** California Government Code Sections 61000 et seq.
(Community Services District Law)
- DATE OF FORMATION:** June 13, 1955
- GOVERNING BOARD:** Board of Directors consists of five members elected at large. The Directors serve alternating four-year terms. Vacancies in the office of director shall be filled by appointment by remaining directors or special elections.
- POWERS & FUNCTIONS:** Items A through H, Section 61600, Enumeration of Powers. To supply inhabitants of the district with facilities for sanitation, industrial use, police protection, fire protection, parks and recreation, sewage and storm water disposal; may acquire real and personal property to perform these functions; may incur bonded indebtedness. By Chapter 59, Statutes 1985 enforcement of the Covenants Conditions and Restrictions of all 86 Tracts within the District. Water for domestic use is supplied by the Coachella Valley Water District with main offices in Coachella, Riverside County, CA.
- PRESENT OPERATIONS:** Provides municipal type services for the residents of the District which lies on the West side of Salton Sea between the Imperial-Riverside County lines and approximately twelve miles southerly.
- BOUNDARY:** *(See Attached Map)*



Salton Community Service District

Imperial County Local Agency Formation Commission
 1122 W. State Street, Suite D, El Centro, CA 92243

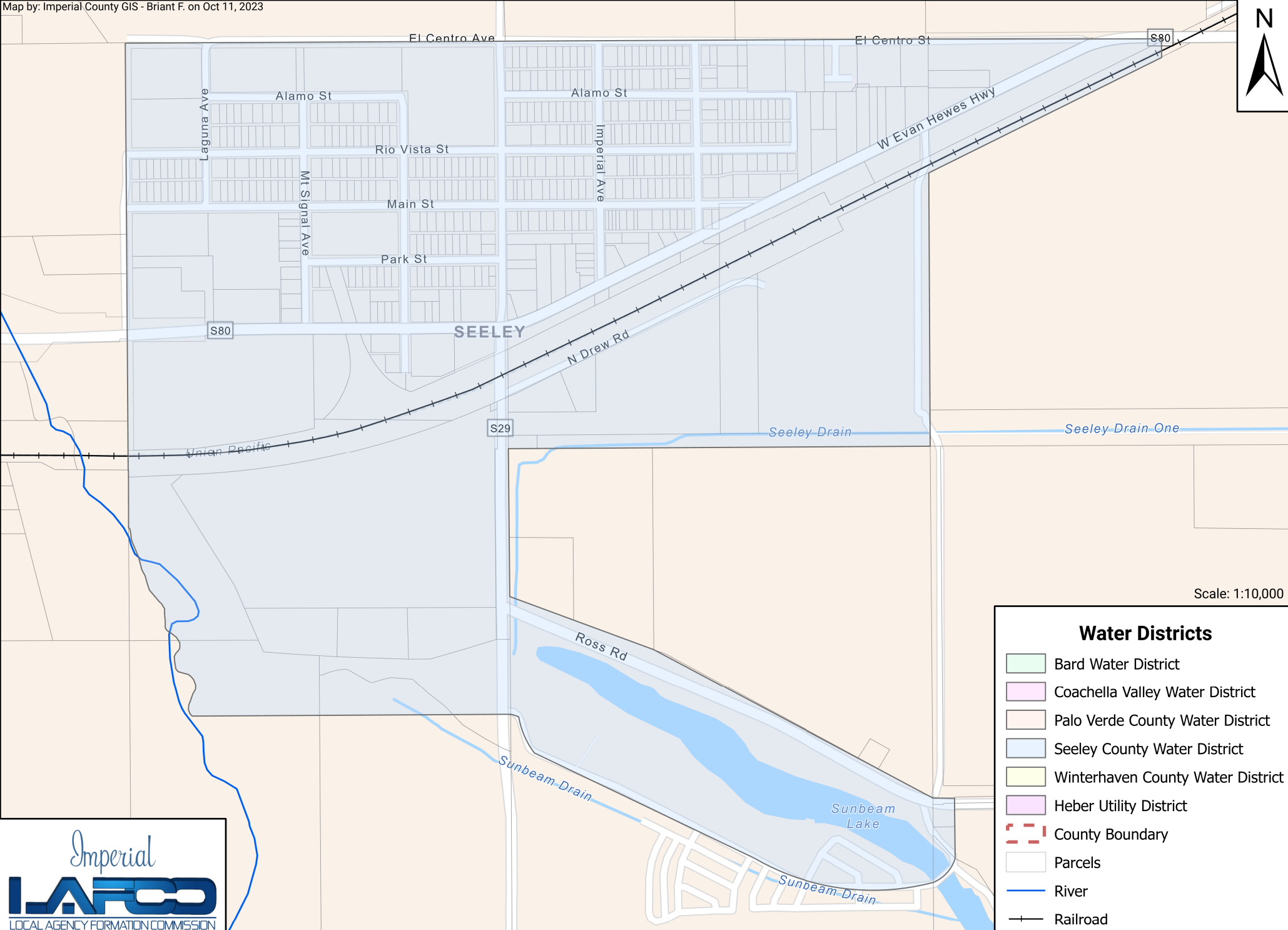


SOI as of 05/26/16

EXHIBIT 18

SERVICE AREA:
SEELEY COUNTY WATER DISTRICT

ADDRESS:	P. O. Box 161 1898 West Main Street Seeley, CA 92273
CONTACT:	Miriam Rosales, Administrative General Manager <i>Phone:</i> (760) 352-6612 <i>Email:</i> mrosales@seeleywaterdistrict.ca.gov
ENABLING LEGISLATION:	California Water Code Sections 30000 et seq.
DATE OF FORMATION:	July 18, 1960
GOVERNING BOARD:	Board of Directors consists of five members board elected at large to serve four-year terms. Vacancies are filled by appointment of the remaining members of the board elected.
POWERS & FUNCTIONS:	To furnish water for present and future use; to acquire water rights; store and conserve water; salvage storm and sewage water; operate sewage facilities and irrigation works; operate recreational and fire protection facilities; reclaim lands; bonds are permitted.
PRESENT OPERATIONS:	Operate water and sewage facilities for the Townsite of Seeley.
BOUNDARY:	<i>(See Attached Map)</i>



Scale: 1:10,000



Water Districts

- Bard Water District
- Coachella Valley Water District
- Palo Verde County Water District
- Seeley County Water District
- Winterhaven County Water District
- Heber Utility District
- County Boundary
- Parcels
- River
- + Railroad

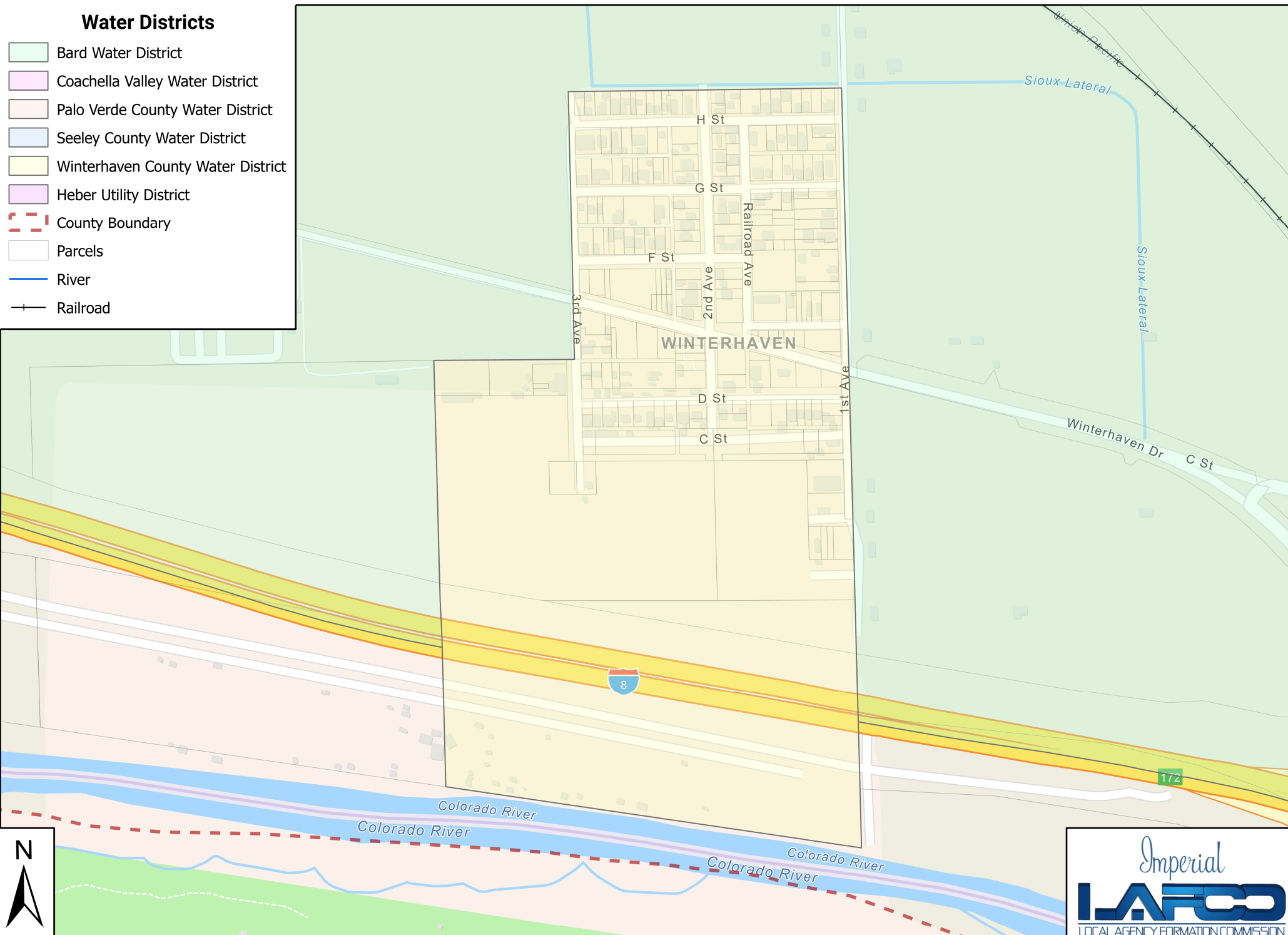
Seeley County Water District

WINTERHAVEN COUNTY WATER DISTRICT

ADDRESS:	P. O. Box 787 435 S. 3 rd Avenue Winterhaven, CA 92283
CONTACT:	Rick Miller, Manager Phone: (760) 550-2068 Email: rick@sunstatees.com
ENABLING LEGISLATION:	California Water Code Sections 30000 et seq.
DATE OF FORMATION:	February 24, 1971
GOVERNING BOARD:	Board of Directors consists of five-member board elected at large to serve four-year terms. Vacancies are filled by appointment of the remaining members of the board elected.
POWERS & FUNCTIONS:	To furnish water for present and future use; to acquire water rights; store and conserve water; salvage storm and sewage water; operate sewage facilities and irrigation works; operate recreational and fire protection facilities; reclaim lands; bonds are permitted.
PRESENT OPERATIONS:	Provide potable water to the inhabitants of the district. Operate water and sewage facilities to the inhabitants of the district.
BOUNDARY:	<i>(See Attached Map)</i>

Water Districts

- Bard Water District
- Coachella Valley Water District
- Palo Verde County Water District
- Seeley County Water District
- Winterhaven County Water District
- Heber Utility District
- County Boundary
- Parcels
- River
- Railroad



Map by: Imperial County GIS - Briant F. on Oct 11, 2023

Winterhaven County Water District

Scale: 1:7,000



SPECIAL DISTRICTS DISSOLVED OR INOPERATIVE

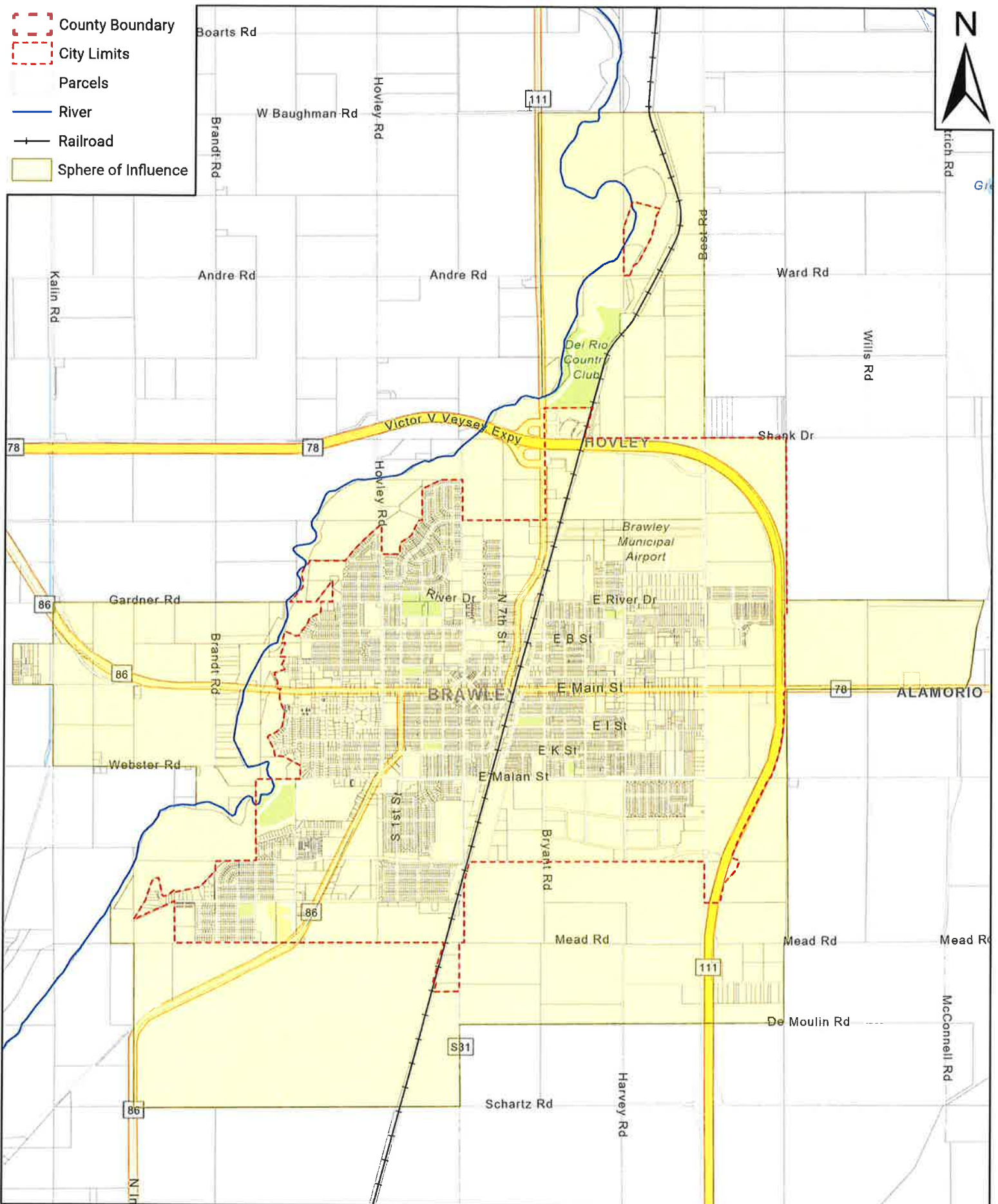
<u>DISTRICT</u>	<u>DISSOLVED</u>	<u>SUCCESSOR-IN-INTEREST</u>
Bard Irrigation District	11/06/73	Bard Water District
Brawley County Water District	1990	
Niland Fire Protection District	02/28/16	
Niland Sanitary District	08/31/18	Niland County Sanitation District
Ocotillo Fire Protection District	04/26/06	
Palo Verde Sanitary District	*	Palo Verde County Water District
Salton Sea Water District	1991	
Sea Oasis Community Service District	**	
Seeley Public Utilities District	*	Seeley County Water District
Westmorland Sanitary District	9/16/40	City Of Westmorland
Winterhaven Fire District	05/25/17	
Winterhaven Sanitary District	4/06/71	Winterhaven County Water District

* These districts were not dissolved by the Board of Supervisors upon formation of the successor-in-interest districts.

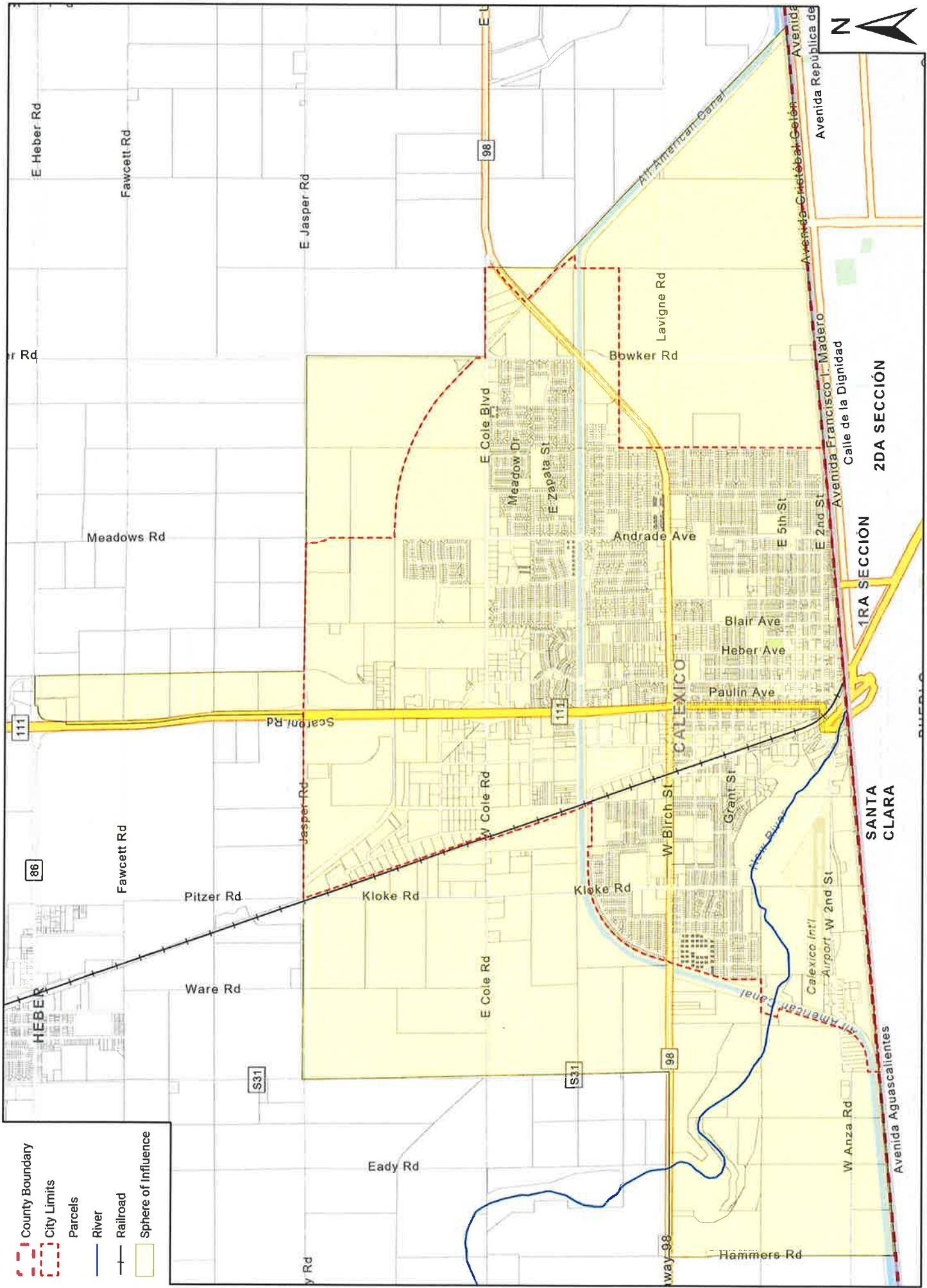
** This district has not been operative since its formation. It is located in the Salton City area and is presently used as a Boy Scout Camp as

CHAPTER 9: CITY MAPS

- County Boundary
- City Limits
- Parcels
- River
- Railroad
- Sphere of Influence









Brawley, CA

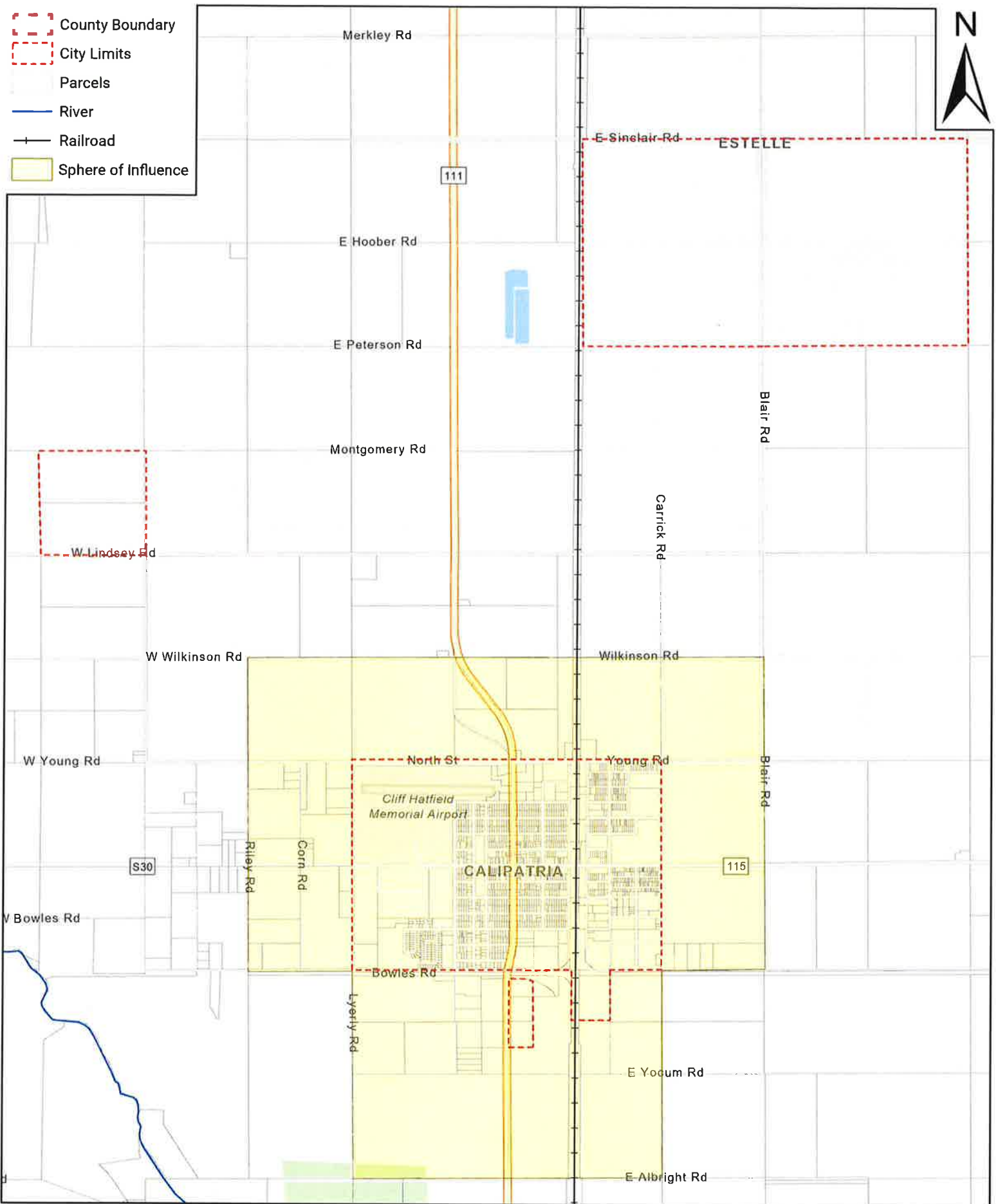


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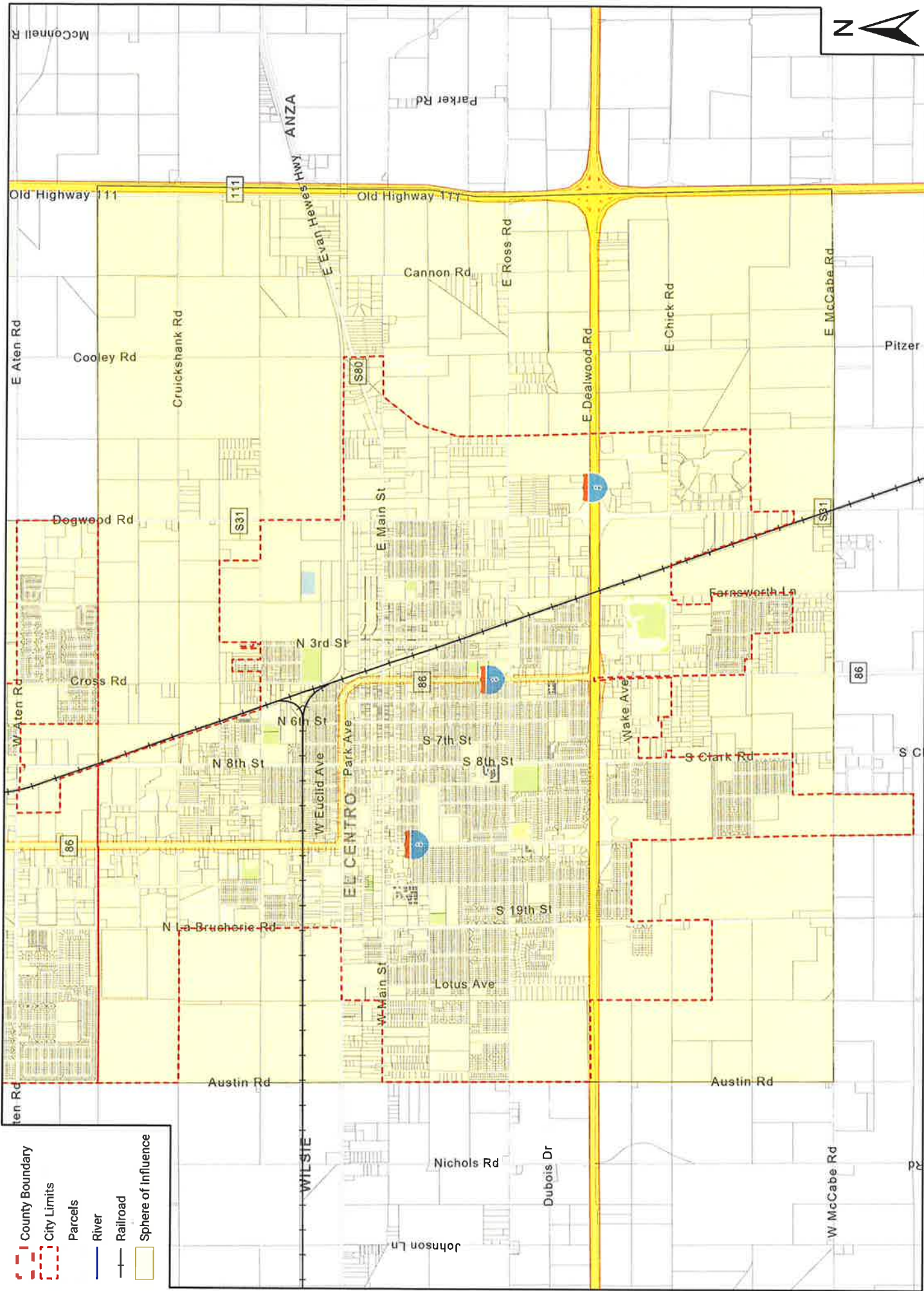
Map by: Imperial County GIS - Briant F. on Oct 09, 2023

Calexico, CA

-  County Boundary
-  City Limits
-  Parcels
-  River
-  Railroad
-  Sphere of Influence



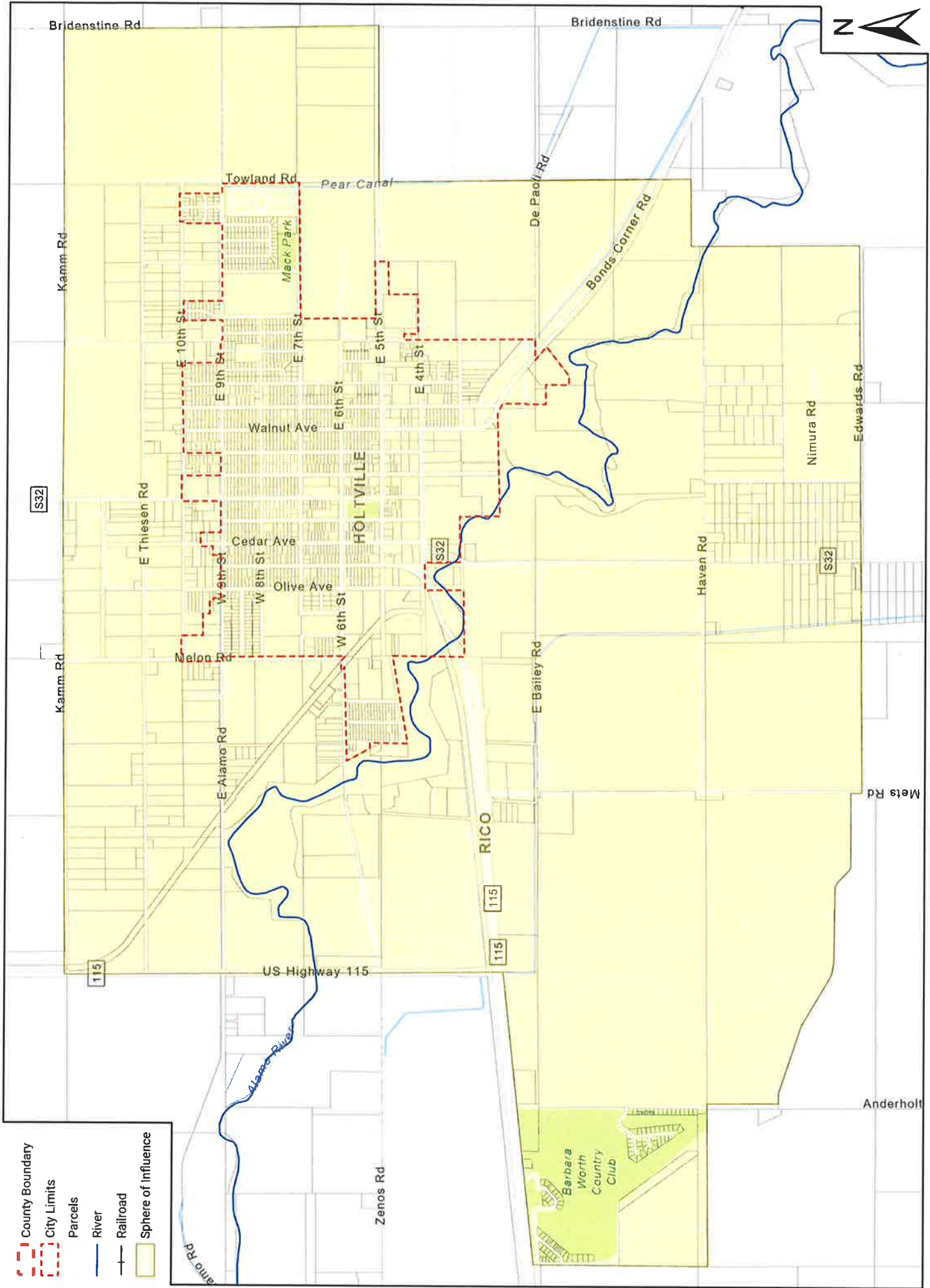
Calipatria, CA



Scale: 1:46,500







El Centro, CA

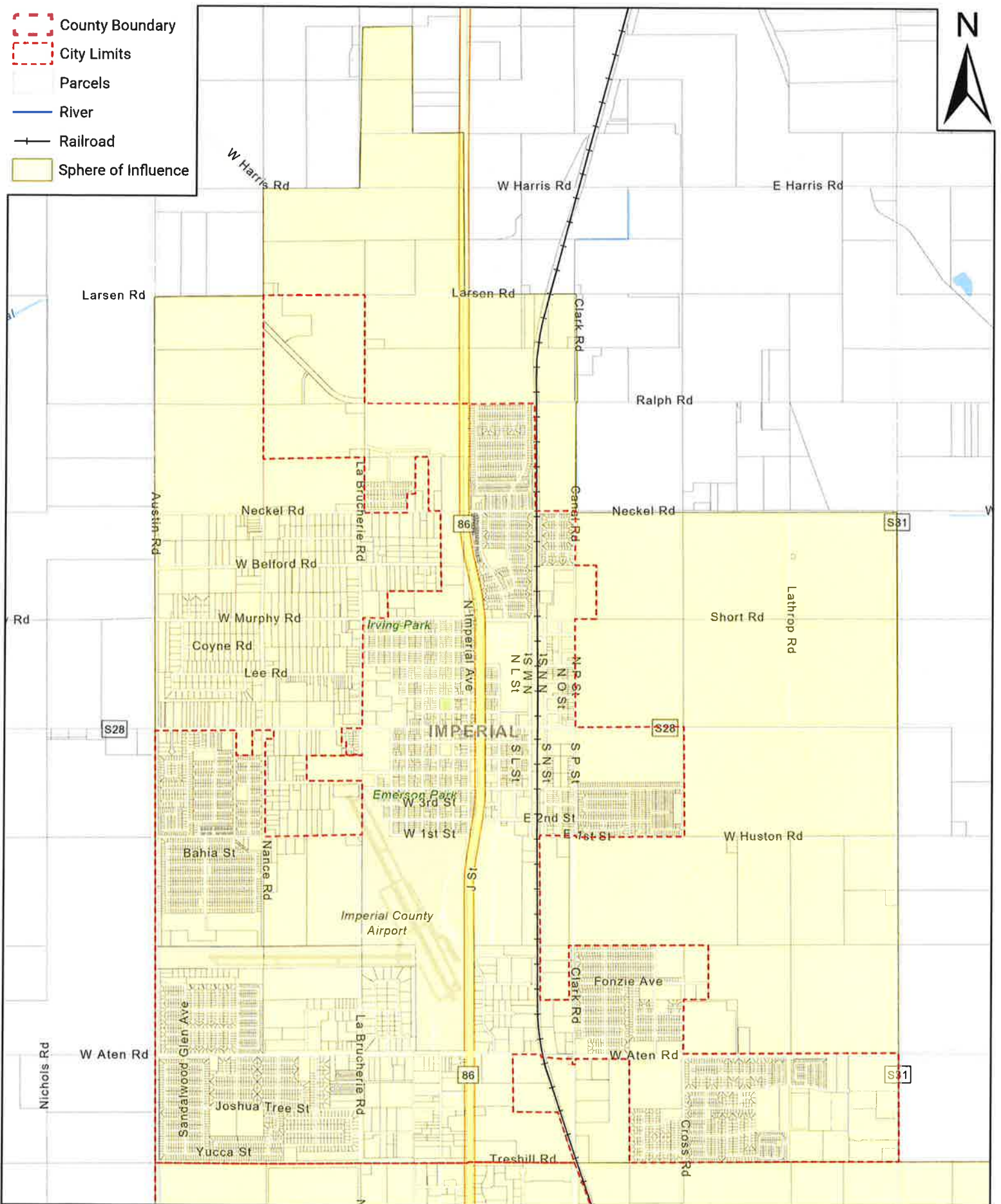
Map by: Imperial County GIS - Britant F. on Oct 09, 2023



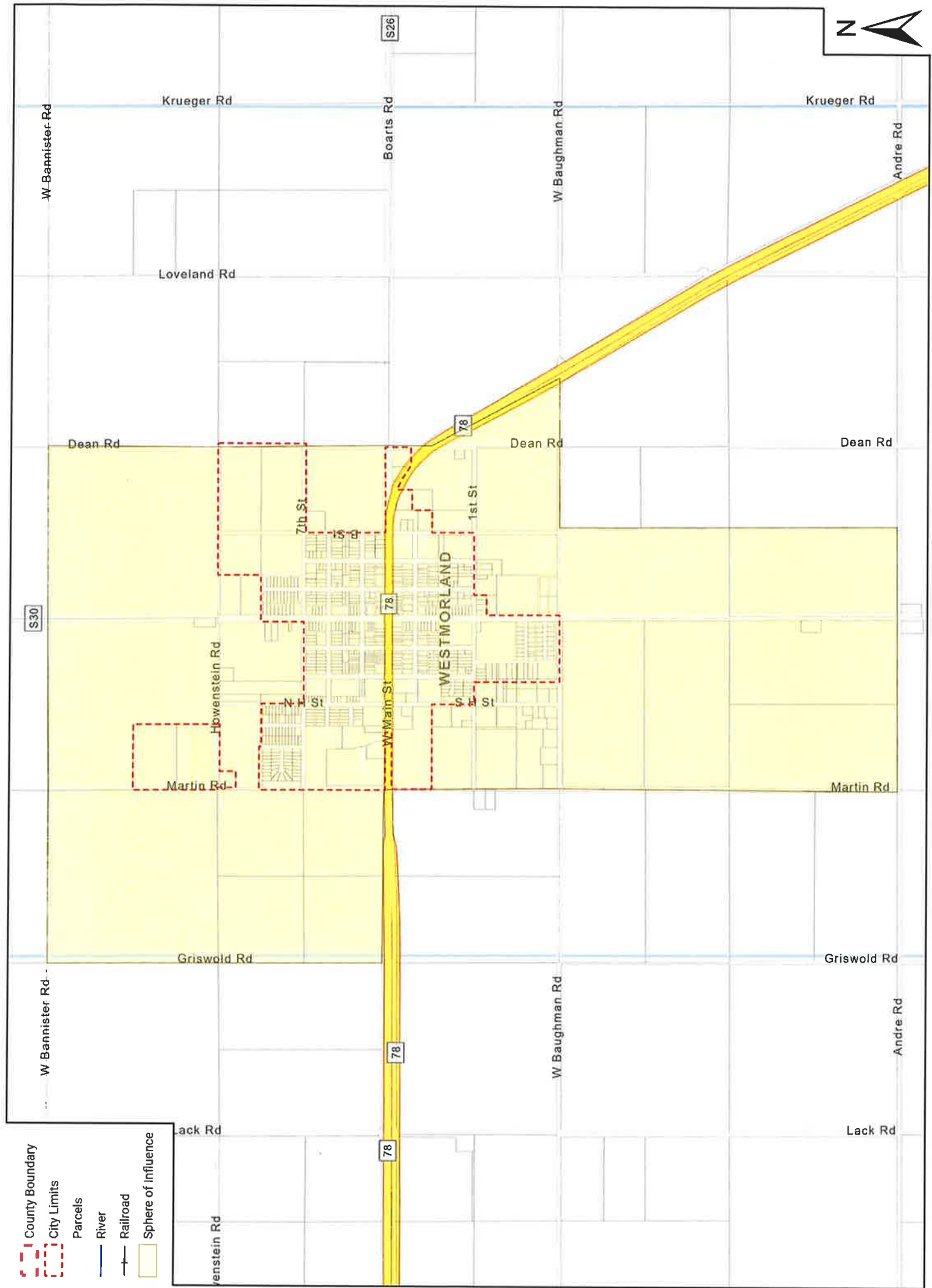
Scale: 1:24,000

Holtville, CA

-  County Boundary
-  City Limits
-  Parcels
-  River
-  Railroad
-  Sphere of Influence



Imperial, CA



Scale: 1:22,000

Westmorland, CA

EXHIBITS

EXHIBIT A

[LAFCO FILING & PROCESSING FEES]

The following schedule represents the LAFCO fee schedule as of the date of adoption shown on the schedule itself. Please consult with the Executive Officer for the most current fee schedule.



FILING & PROCESSING FEES

I. LAFCO PROCESSING FEES		
PROCESSING FEE FOR ANNEXATIONS OF UNINHABITED TERRITORY TO A CITY OR DISTRICT	LESS THAN 1 ACRE	\$2,000
PROCESSING FEE FOR ANNEXATIONS OF UNINHABITED TERRITORY TO A CITY OR DISTRICT	1-10 ACRES	T/M
PROCESSING FEE FOR ANNEXATIONS OF UNINHABITED TERRITORY TO A CITY OR DISTRICT	MORE THAN 10 ACRES	T/M
PROCESSING FEE FOR ANNEXATIONS OF INHABITED TERRITORY TO A CITY OR DISTRICT	LESS THAN 1 ACRE	\$2,000
PROCESSING FEE FOR ANNEXATIONS OF INHABITED TERRITORY TO A CITY OR DISTRICT	1-10 ACRES	T/M
PROCESSING FEE FOR ANNEXATIONS OF INHABITED TERRITORY TO A CITY OR DISTRICT	MORE THAN 10 ACRES	T/M
DISTRICT REORGANIZATION		T/M
FORMATION OF A DISTRICT		T/M
INCORPORATION OF A NEW CITY		T/M
SPHERE OF INFLUENCE CHANGE		T/M
EXTENSION OF SERVICES		\$2,000
ADDITIONAL COST INCURRED FEE		T/M
PUBLIC WORKS DEPARTMENT FEE: MAP REVIEW FEE		\$500
RECORDER'S OFFICE FEES		\$2

***FEES EFFECTIVE MARCH 2012*

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FEES		
INITIAL STUDY/NOP REVIEW (ONLY IF NOT LEAD OR CO-LEAD)		\$5,000
EIR REVIEW AS RESPONSIBLE AGENCY		T/M
PREPARE CONTRACT ADMINISTERED EIR	ACTUAL COST PLUS 5% CONTRACT ADMIN.	

III. STATE BOARD OF EQUALIZATION FEES (FILING PURSUANT TO SECTION 54900 – 54902 OF THE GOVERNMENT CODE)			
SINGLE AREA TRANSACTIONS			
ACREAGE	FEE	DISSOLUTIONS OR CONSOLIDATIONS	\$300
LESS THAN 1 ACRE	\$300		
1 - 5	\$350	ENTIRE DISTRICT TRANSACTION	\$300
6 - 10	\$500		
11 - 20	\$800	DISSOLUTION OR NAME CHANGE	\$ 0
21 - 50	\$1,200		
51 - 100	\$1,500		
101 - 500	\$2,000		
501 - 1,000	\$2,500		
1,001 - 2,000	\$3,000		
2,001 AND ABOVE	\$3,500		

***THESE FEES REQUIRE A SEPARATE CHECK PAYABLE TO THE STATE BOARD OF EQUALIZATION*

***FEES EFFECTIVE AUGUST 1, 2005. FEES SET BY STATE LAW.*

IV. NOTES	
FEES ARE PAYABLE UPON FILING THE LAFCO APPLICATION. CHECKS ARE THE ONLY FORM OF PAYMENT ACCEPTED.	
MAKE SEPARATE CHECKS PAYABLE TO: LAFCO OF IMPERIAL COUNTY AND STATE BOARD OF EQUALIZATION .	
ADD 10% FILING FEE TO THE STATE BOARD OF EQUALIZATION IF FILED IN DECEMBER	
T/M PROJECTS SHALL BE COMPUTED AT FULLY BURDENED RATE AS CALCULATED FOR EQUIVALENT COUNTY POSITION WITH A MINIMUM \$5,000 DEPOSIT	
CURRENT T/M BILLING RATES AS FOLLOWS: EXECUTIVE OFFICER \$191 P/H ANALYST/ACCOUNTANT \$75 P/H CLERK \$50 P/H COPIES AND OTHER CHARGES: ANNEXATION MAP 24"X36" \$10 COPIES ON CD \$10 COPIES (PAPER) \$2 FIRST PAGE \$0.20 EACH PAGE AFTER PUBLIC NOTICE AND POSTAGE - ACTUAL COSTS ***RATES/CHARGES MAY BE ADJUSTED ANNUALLY	
UNDER "ADDITIONAL COSTS" THE EXECUTIVE OFFICERS SHALL HAVE THE ABILITY TO CHARGE T/M AGAINST A PROJECT WHERE THE PROCESSING COST HAS EXCEEDED 150% OF THE APPLICATION FEE, FOR FIXED FEE PROJECTS.	

EXHIBIT B

[APPLICATION FOR CHANGE OF ORGANIZATION]

The following is a typical application for requesting a change in organization such as an annexation, etc. Please consult with the Executive Officer to obtain a copy of the most current application forms.



APPLICATION

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
PROJECT INFORMATION	
NAME OF PROPOSAL	DATE
PROJECT ADDRESS	APN(S)
CITY, STATE, ZIP	TOTAL LAND AREA (ACRES)
THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
1	PROPOSED CHANGE(S) OF ORGANIZATION: <input type="checkbox"/> ANNEXATION <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> OTHER <input type="checkbox"/> DETACHMENT <input type="checkbox"/> CONSOLIDATION <input type="checkbox"/> EXTENSION OF SERVICES <input type="checkbox"/> INCORPORATION <input type="checkbox"/> FORMATION OF _____
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED

3	<p>THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.</p> <p><input type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED</p>
4	<p>PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (<i>EXCEPT THOSE ALREADY REQUIRED BY LAFCO</i>).</p> <p>_____</p> <p>_____</p>
5	<p>THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: <input type="checkbox"/> UNINHABITED <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS)</p>
6	<p>CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: <input type="checkbox"/> DEVELOPED <input type="checkbox"/> UNDEVELOPED</p>
7	<p>IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
8	<p>PLEASE DESCRIBE IN DETAIL THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC.). USE ATTACHED SHEET IF NECESSARY.</p> <p>_____</p> <p>_____</p>
9	<p>THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:</p> <p>_____</p> <p>_____</p>
10	<p>WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF YES, PLEASE EXPLAIN.</p> <p>_____</p> <p>_____</p>
11	<p>IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS?</p> <p>IN UNINCORPORATED AREAS? <input type="checkbox"/> YES <input type="checkbox"/> NO IN INCORPORATED AREAS? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>ESTIMATED ADDITIONAL POPULATION: _____</p>
12	<p>WHAT IS THE EXISTING ZONING? _____</p> <p>WHAT IS THE PROPOSED ZONING? _____</p>

22	<p>IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL:</p> <p>(A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE:</p> <p>_____</p> <p>_____</p> <p>(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE:</p> <p>_____</p> <p>_____</p> <p>(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS _____ INCORPORATED HEREIN.</p>
23	<p>THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS: <i>(CHECK ONLY ONE)</i></p> <p style="text-align: right;"><input type="checkbox"/> REGISTERED VOTERS</p> <p style="text-align: right;"><input type="checkbox"/> OWNERS OF LAND</p>
24	<p>AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION:</p> <p><input type="checkbox"/> DEPOSIT <input type="checkbox"/> LEGAL DESCRIPTION</p> <p><input type="checkbox"/> INDEMNIFICATION AGREEMENT <input type="checkbox"/> ANNEXATION MAP (10 COPIES)</p>

APPLICANT SIGNATURE

DATE

*Please complete the names and addresses of **additional** persons (**not including** the owner/applicant previously listed at the beginning of the application) who are requesting to have furnished copies of the agenda and Executive Officer's Report and/or mailed notices of the hearing of this proposal. Please attach additional pages if necessary.*

PERSON 1	REQUESTS: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE HARD COPY <input type="checkbox"/> HEARING PACKAGE ON CD
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS

PERSON 2	REQUESTS: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE HARD COPY <input type="checkbox"/> HEARING PACKAGE ON CD
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS

NOTICE:

*Prior to the effective date of any jurisdictional change (i.e., annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

FOR LAFCO USE ONLY

APPLICATION RECEIVED BY

DATE RECEIVED

CHECK THE DOCUMENTS SUBMITTED WITH THE APPLICATION:

- | | |
|--|---|
| <input type="checkbox"/> DEPOSIT | <input type="checkbox"/> LEGAL DESCRIPTION |
| <input type="checkbox"/> INDEMNIFICATION AGREEMENT | <input type="checkbox"/> ANNEXATION MAP (10 COPIES) |

PROJECT NO. ASSIGNED

DATE ACCEPTED

EXHIBIT C

[APPLICATION FOR SPHERE OF INFLUENCE CHANGE]

The following is a copy of a Sphere of Influence application. Please consult with the Executive Officer for the most current application form.



SPHERE OF INFLUENCE APPLICATION

Please print and provide all the information requested.

1	CITY / DISTRICT TO BE AMENDED	
2	IF APPLICATION IS BY RESOLUTION	RESOLUTION NO. _____ DATE (____/____/____)
	IF APPLICATION IS BY PETITION	CHIEF PETITIONER
3	CURRENT SPHERE AREA (SIZE)	PROPOSED INCREASE TO SPHERE AREA (SIZE)
4	CURRENT UNDEVELOPED LAND AREA WITHIN SPHERE	
5	OTHER DISTRICT(S)/CITY(IES) AFFECTED	
6	REASON FOR REQUEST _____ _____	
7	GENERAL DESCRIPTION OF NEW BOUNDARY _____ _____	
8	DESCRIBE THE LAND USES WITHIN PROPOSED AREA _____ _____	
9	APPLICANT CONTACT INFORMATION	
	APPLICANT NAME	COMPANY
	APPLICANT ADDRESS	CITY, STATE, ZIP
	APPLICANT EMAIL	APPLICANT PHONE

10	CITY/DISTRICT REPRESENTATIVE CONTACT INFORMATION	
	CITY/DISTRICT REPRESENTATIVE	CITY/DISTRICT NAME
	MAILING ADDRESS	CITY, STATE, ZIP
	EMAIL	PHONE

APPLICANT SIGNATURE

DATE

CITY/DISTRICT SIGNATURE

DATE

FOR LAFCO USE ONLY

APPLICATION RECEIVED BY

DATE RECEIVED

DEPOSIT AMOUNT SUBMITTED

RECEIPT NO.

PROJECT ID NO.

PREVIOUS AMENDMENT DATE

CERTIFICATE OF FILING DATE

HEARING DATE

DATE OF APPROVAL/DENIAL

EXHIBIT D

[SERVICE AREA PLAN GUIDELINES]

The following is a copy of the Service Area Plan Guidelines. These guidelines are intended to assist applicants in preparing adequate service area plans. Please consult with the Executive Officer for questions regarding the need and information for an adequate service area plan.



Service Area Plan Guidelines

Service Area Plans (SAPS) are also commonly referred to as Municipal Service Reviews (MSRS)

Through the Cortese-Knox-Hertzberg Reorganization Act of 2000 and The LAFCO Policy & Procedure Manual, LAFCO requires a Service Area Plan to be approved prior to approval of a Sphere of Influence amendment and/or annexation. The plan shall provide enough detail for LAFCO to ascertain that there will be sufficient public facilities within the requested Sphere of Influence or annexation.

An acceptable Service Area Plan provides a detailed description and analysis of how facilities will be provided in the proposed Sphere of Influence. The plan should be divided into six parts. The following sections should be included in a service area plan.

1. Summary

This section should focus on how the facilities will be financed. The conditions proposed by the plan should also be highlighted. A table shall be included in this section that will summarize the various facilities, their costs, and anticipated methods of financing.

2. Introduction

This section could be called the “how to use this plan” section. It also provides an introduction to the format and the content of the plan.

3. Build Out Projections

The potential development within the City’s/District’s existing limits along with itemizing existing, developing, and future land uses. Anticipated development within the proposed sphere limits along with itemizing future land uses.

4. Phasing Projections

This section attempts to project the how and when development will be phased. The intent of this section is to provide an additional tool that will allow a City/District to anticipate future public facility needs and to budget money for their improvement.

5. Requirements for Public Services

A complete description and analysis is provided of when and how each facility will be provided and financed based upon build-out projections and phasing assumptions. These services include but are not limited to: Administration, Drainage, Fire, Law Enforcement, Library, Parks & Recreation, Schools, Transportation, Wastewater Treatment, Sewer, and Water.

In some instances (i.e., schools) the City may not have any jurisdiction over a particular service provider. In these instances, LAFCO needs to be assured that the affected service provider will be able to accommodate the projected growth within an amended Sphere of Influence. The proposed Service Area Plan should include an agreement between the City/District and the affected service provider on when and how facilities and or services will be provided. (*See outline section on the next page.*)

6. Financing

This section provides a summary of the financial alternatives available to fund each facility and a discussion of the potential sphere development impact on City finances.

7. Appendices

Technical materials shall be provided that were used in the preparation of this plan.

The most detailed part of the plan is SECTION 5: REQUIREMENTS FOR PUBLIC SERVICES. Each section shall describe an individual public service and related facilities. If a service or facility does not conform with the adopted performance standard, there shall be a discussion describing the situation, a description of mitigation measures or alternatives, and a financing discussion. In addition, each section will conclude with a "Finding of Adequacy" that will summarize whether the public service and related facility conforms with the adopted performance standard.

The following is an outline of SECTION 5: REQUIREMENTS FOR PUBLIC SERVICES

The plan shall address at a minimum each of the following:

- ♦ The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- ♦ Infrastructure needs or deficiencies
- ♦ Growth and population projections for the affected area
- ♦ Financial ability of the agency to provide the services including financing constraints and opportunities
- ♦ Cost avoidance opportunities
- ♦ Opportunities for rate restructuring
- ♦ Status of and opportunities for shared facilities
- ♦ Accountability for community service needs, including governmental structure and operational efficiencies, including advantages and disadvantages of consolidation or reorganization of service providers
- ♦ Evaluation of management efficiencies
- ♦ Present and planned land uses in the area
- ♦ Present and probable need for public facilities in the area
- ♦ Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence
- ♦ Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

❖ Administrative Facilities

- ♦ Performance Standard (Demand for Square Feet)
- ♦ Facility Planning and Adequacy Analysis
- ♦ Inventory of existing facilities
- ♦ Inventory of approved facilities
- ♦ Build out demand for facilities
- ♦ Phasing of facilities
- ♦ Mitigation
- ♦ Financing

❖ Drainage Facilities

- ♦ Performance Standards
- ♦ Drainage Planning and Adequacy Analysis
- ♦ Facility Inventory
- ♦ Inventory of approved Facilities
- ♦ Build out demand for Drainage Facilities
- ♦ Phasing
- ♦ Mitigation
- ♦ Financing

❖ Fire Facilities

- ♦ Performance Standards
- ♦ Facility Planning and Adequacy Analysis
- ♦ Facility Inventory
- ♦ Inventory of approved Facilities

- ◆ Build out demand for Facilities
- ◆ Phasing
- ◆ Mitigation
- ◆ Financing

❖ **Law Enforcement**

- ◆ Performance Standards
- ◆ Facility Planning and Adequacy Analysis
- ◆ Facility and Service Inventory
- ◆ Inventory of approved Facilities
- ◆ Build out demand for Facilities and Services
- ◆ Phasing
- ◆ Mitigation
- ◆ Financing

❖ **Library Facilities**

- ◆ Performance Standard (Demand for Square Feet)
- ◆ Library Planning and Adequacy Analysis
- ◆ Inventory of Library facilities
- ◆ Inventory of approved Libraries
- ◆ Build out demand for Library facilities and services
- ◆ Phasing of facilities
- ◆ Mitigation
- ◆ Financing

❖ **Park & Recreational Facilities**

- ◆ Performance Standards
- ◆ Park Planning and Adequacy Analysis
- ◆ Park Inventory
- ◆ Inventory of approved Parks
- ◆ Build out demand for Parks & Recreational Facilities
- ◆ Phasing
- ◆ Mitigation
- ◆ Financing

❖ **Transportation Facilities**

- ◆ Performance Standards
- ◆ Transportation Planning and Adequacy Analysis
- ◆ Facility Inventory
- ◆ Inventory of approved Facilities
- ◆ Build out demand for Facilities
- ◆ Phasing
- ◆ Mitigation
- ◆ Financing

❖ **Wastewater Treatment and Sewer Facility Capacity**

- ◆ Performance Standard
- ◆ Facility Planning and Adequacy Analysis
- ◆ Inventory of facilities
- ◆ Inventory of approved facilities
- ◆ Build out demand for facilities and services
- ◆ Phasing of facilities
- ◆ Mitigation
- ◆ Financing

❖ **Water Facilities**

- ◆ Performance Standards

- ◆ Facility Planning and Adequacy Analysis
- ◆ Facility Inventory
- ◆ Inventory of approved Facilities
- ◆ Build out demand for Facilities
- ◆ Phasing
- ◆ Mitigation
- ◆ Financing

❖ Other Services

Availability of Services Not Provided (by this City/District)

NOTE: For questions, please call the Executive Officer at (760) 353-4115 or by e-mail at pg@iclafco.com.

EXHIBIT E

[SPHERE OF INFLUENCE GUIDELINES]

The following is a copy of the Sphere of Influence Guidelines. This document is intended to assist applicants in preparing an adequate application for a request to the modification of a Sphere of Influence. Please consult with the Executive Officer prior to preparing a request for a change in the Sphere of Influence.



SPHERE OF INFLUENCE GUIDELINES

SPHERES OF INFLUENCE (SOIs) MAY ONLY BE UPDATED SIMULTANEOUSLY WITH SERVICE AREA PLANS (SAPs)

A request for the amendment or change of a "Sphere of Influence" (GOV. CODE SECTION 56076) to a City or District requires specific general information and applicable technical information. These guidelines are intended to provide a basic outline of the minimum requirements. These guidelines are intended to serve as a basic road map and are not to limit additional information that may be required by the Executive Officer during the review of an actual application.

I. APPLICATION FILING

A request for a change in the Sphere of Influence may be filed in one of three ways:

- a) A RESOLUTION by the governing board of the City or District. Two certified copies of the resolution containing all of the information as shown under Section II: RESOLUTION must be shown.
- b) A PETITION signed by all of the landowners whose property would be affected for applications with three or fewer parcels. Where the number of parcels exceeds four, a minimum of three signatures is required.
- c) A PETITION concurrent with an ANNEXATION with all property owners' signatures. Where the parcels to be affected exceed four or more, only three signatures are required.

II. RESOLUTION

If the application is made by resolution, (City/District) the resolution shall be made by the public agency in the form of a public hearing and shall contain all of the information shown under PETITION in section III.

III. PETITION

If an application is filed in the form of a PETITION, the petition shall include all of the following information: (reference also GOV. CODE SECTIONS 56425 - 56428)

- 1) State the full name of the person(s) filing the application.
- 2) State the address and phone number of the person(s) filing the application.
- 3) State the nature of the proposal.
- 4) State the reason for the proposal.
- 5) State that the proposal is made pursuant to the applicable government code section.
- 6) State proposed terms or conditions.
- 7) State whether the petition is signed by registered voters or landowners.
- 8) Enclose all of the information requested under the CORTESE/KNOX REORGANIZATION ACT, the Policies, Standards and Procedures Manual for the Imperial LAFCO, and as outlines within these guidelines.
- 9) State name and address for all parties to whom notice is to be provided.

IV. PROJECT DESCRIPTION

The proposed modification shall clearly be described in the form of a "project description", which at a minimum shall detail the reasons for the request, by whom the request is made, why the configuration of the request, explain why the current sphere is not adequate, explain why the proposed should be the size and configuration requested. The description should provide substantive reasoning or needs. It must also contain sufficient background on necessity versus desirability.

V. BOUNDARY DESCRIPTION (PROPOSED)

The boundary may be described in two ways:

- a) In the form of a legal description. If this is the case, the legal description must be done by a licensed Engineer, properly licensed in the State of California.
- b) A "geographic features" description, in which case, the description must use center line of existing roads plus Row, center line of canals plus Row, RR right of ways, and other similar geographic features which are not susceptible to ready change. In this form, legal parcel boundaries may not be divided.

The boundary shall use recognized geographic features and there shall **not** be a mix of geographic and legal descriptions.

VI. BOUNDARY DESCRIPTION (EXISTING)

The existing boundary shall be described in the same format as the proposed boundary. If the existing is in the form of a legal description then the proposed must likewise be in the form of a legal description.

Please verify the existing boundary configuration with the Executive Officer prior to preparing the proposed boundary.

VII. BOUNDARY ANALYSIS

The existing versus the proposed boundary is to be analyzed in terms of existing versus proposed size, area, configuration, and relationship to the actual City/District limits. Alternatives must also be included in this analysis. If a proposal is to one side, or two sides of an existing City/District only, or if the configuration is unusual in shape or size, clearly describe why this version is desired.

VIII. AREA ANALYSIS

A clear description of the area is to be provided. This should include existing land uses, private versus public land areas, public transportation corridors and systems, protected land, agricultural land, agricultural land classification, etc.

IX. LAND USE PLANNING

Provide an analysis of the existing planned land uses versus the proposed planned land uses. Describe how land uses will be considered for development purposes if land is not immediately annexed. Explain the process the City intends to use to coordinate land uses within the sphere with the County. Describe how adjacent land uses will be affected.

X. ALTERNATIVES

Explain in detail the alternatives available or considered. Provide the same level of detail for the alternatives as for the proposed in terms of information.

XI. SERVICE AREA PLAN

Provide a comprehensive analysis of the services to be provided to this area and how they would be provided. This plan must include the capacity of existing systems, proposed systems, cost projections, financing methods. If applicable, show phasing for proposed improvements. Show all services provided by the City/District, and how they will be provided. If you intend to form a financing system please provide details. Provide the necessary technical studies to show the methodology, engineering solutions, design alternatives, etc., to show how and where services may be provided.

XII. LAND USE INVENTORY

Provide a comprehensive land use inventory of all land uses currently within the City/District, versus the amount of same to be provided within the new sphere of influence. Provide this data in terms of acres and percentages. Provide a detailed accounting of existing vacant land within the City/District and areas that could be increased in density by rehabilitation etc.

XIII. FISCAL IMPACT STATEMENT

Provide a fiscal impact statement to show how you, the applicant, perceive the financial affects of the proposal; would this affect the distribution of current or future taxes and how so? Describe why this proposal should be financially beneficial to affected agencies.

XIV. GROWTH PROJECTIONS

Provide supporting documentation to show anticipated growth projections for the area(s) requested. Utilize standard accepted figures and methodologies. Also include an analysis of growth inducement this may cause.

XV. UNIQUE FEATURES

If there are unusual geographic or topographic features within the area, such as hazardous or sensitive features, please describe. Are there any unique social or economic communities of interest within the area? If so, describe.

XVI. OTHER CITIES/DISTRICTS AFFECTED

List and describe how this proposal could affect other agencies, particularly adjoining districts, cities and the County.

XVII. MAP

The mapping to be provided should be prepared in AUTOCAED format and a copy of the map must be provided in AUTOCAED rel 13 formats along with ten (10) "hard" copies. At a minimum the maps must contain the following information:

- a) show existing City/District boundary
- b) show existing City/District Sphere
- c) show proposed City/District Sphere
- d) show amount & location of prime farmland
- e) show amount & location of Statewide significant farmland
- f) show all geologic hazard areas
- g) show all flood zone areas
- h) show location of other City/District within 5 miles
- i) show location of major utility corridors
- j) show location of primary waterways
- k) show location of unusual scenic or topographic features
- l) show location of existing and proposed police stations
- m) show location of existing and proposed fire stations
- n) show location of existing and proposed hospitals
- o) show location of existing and proposed schools/colleges

XVIII. NO ACTION ALTERNATIVE

Describe clearly the affects if no action is taken by LAFCO to approve either the requested or any alternate sphere.

XIX. LAND USE COMPATIBILITY

Describe how this proposed boundary would affect adjoining lands not within other adjoining City/District. Describe methods to mitigate adverse impacts.

XX. CEQA

For purposes of any sphere amendment LAFCO is the "lead agency" to prepare the necessary CEQA analysis. LAFCO will determine if the project proceeds with a Negative Declaration, a Mitigated Negative Declaration, or a full Environmental Impact Report (EIR).

XXI. COSTS

Sphere of Influence applications are considered to be a Time and Materials (T/M) cost, and as such applicant will be billed on a monthly basis for actual costs incurred. LAFCO does utilize the services of outside third-party consultants to assist in the review and processing of applications. Generally, these costs are equal to or less than if done by the Executive Officer. Costs are carefully monitored by the Executive Officer.

XXII. CONSULTATION

Prior to a formal submittal being delivered to the LAFCO, the proponent should consult with the Executive Officer and, if necessary, be prepared to present the proposal in the form of a "pre-application meeting".

NOTE: FOR QUESTIONS, PLEASE CONTACT THE EXECUTIVE OFFICER AT (760) 353-4115 OR BY E-MAIL AT jurgh@iclafeo.com.

EXHIBIT F

[RULES TO IMPLEMENT CEQA]

The following document represents a copy of the Rules to Implement the California Environmental Quality Act (CEQA), as adopted by the County of Imperial. It is LAFCO's policy to use the latest version of the Rules as adopted by the County of Imperial.

RESOLUTION #2018-01

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND ADOPTING THE REVISED RULES AND REGULATIONS TO IMPLEMENT CEQA.

RESOLVED, by the Local Agency Formation Commission of Imperial, State of California, that

WHEREAS, the Commission was provided an update to the Rules and Regulations to Implement the California Environmental Quality Act (CEQA); and

WHEREAS, state law requires all "Projects" comply with CEQA; and

WHEREAS, state law requires that each agency adopt rules to implement CEQA. The revised rules provided to the Commission reflect minor and non-substantive changes to reflect changes in state law and legal cases.

WHEREAS, the Commission approved the updated CEQA with a 5-0 vote.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED AS FOLLOWS:

- I: Adopt the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA) as attached as Exhibit A.
- II. Distribute the updated CEQA to all Cities and County Planning/Building via (CD).

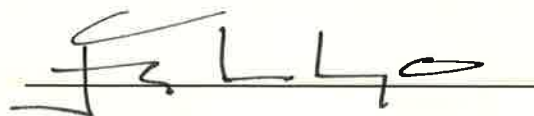
PASSED, ADOPTED AND APPROVED this 25th day of **January 2018** by the Local Agency Formation Commission and the following roll call votes:

AYES: Froelich, Jackson, Kelley, Castillo, West

NAYS: None

ABSENT: None

Maria Nava-Froelich, Chair



Jurg Heuberger, Executive Officer



***RULES AND REGULATIONS TO IMPLEMENT THE
California Environmental Quality Act (CEQA)***

**Source:
California Environmental Quality
Act (CEQA) (PUBLIC RESOURCES
CODE 21000 et. seq.)
Guidelines**

Prepared by:

Imperial Local Agency Formation
Commission (LAFCO)
1122 State Street
Suite D
El Centro, CA 92243
760-353-4115

Jurg Heuberger,
Executive Officer to
LAFCO

**APPROVAL
TRACKING**

***CEQA RULES AND REGULATIONS
AMENDMENT APPROVAL DATES***

ACTION:	DATE
Approved	09/26/2002
Amended	12/04/2003
Amended	03/22/2012
Amended	01/25/2018

Note: This document is not copyright protected. Any Agency that desires to adopt, use, adopt by reference, either in whole or in part, etc. is welcome to do so without obtaining written permission from the LAFCO. However, the LAFCO makes no warranty either express or implied as to the documents compliance with state laws.

TRANSMITTAL RECORD (by CD only)

- o County Planning/Building Department 2003
- o Cities (All) 2003
- o County Planning/Building Department 2013
- o Cities (All) 2013
- o County Planning/Building Department 2018
- o Cities (All) 2018

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INTRODUCTION

State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act (CEQA).

This manual therefore, is the Imperial Local Agency Formation Commission (I.C. LAFCO) "Rules and Regulations to Implement CEQA". These regulations shall be applicable to all projects.

Section 1: POLICY

- a) **General:** The policy of the I.C. LAFCO and any adopting agency shall be the same as, and in support of, those policies defined by the State Legislature in the California Environmental Quality Act (Division 13, Public Resources Code, (PRC), 21000 et. seq.) as may be amended by Legislative Act.
- b) **Co-Lead:** It is the policy of I.C. LAFCO that in the case of substantial projects, in order to have a coordinated and legally defensible CEQA document, that the County/ City/District/Agency and I.C. LAFCO will process to the extent possible the project on a "co-lead" basis.

FINDINGS: The LAFCO finds that where it (I.C. LAFCO) is a responsible agency only and the lead agency has not prepared an environmental document that meets the minimum standards expected under LAFCO rules, or under the CEQA statutes or guidelines, that it is in the interest of all parties including the applicant to have a well prepared CEQA document, LAFCO would therefore have to prepare its own, if it finds the lead agency document to be inadequate.

Section 2: PURPOSE

These CEQA Rules are designated to implement the California Environmental Quality Act and the Guidelines thereto, which are contained in Title 14, Chapter 3 of the California Administrative Code, now cited as the CALIFORNIA CODE OF REGULATIONS (CCR) (commencing with Section 15000).

These CEQA Rules shall apply to any project for which the LAFCO is the lead agency or "responsible agency". The provisions contained herein are not intended to replace either the terms of CEQA or the terms of the accompanying Guidelines. In the event that any of the following rules or procedures conflict with the provisions of CEQA or the Guidelines, the provisions of CEQA or the Guidelines shall control.

Section 3: DEFINITIONS

The words or phrases used in these CEQA Rules shall have the meaning as used in CEQA and Guidelines, except for the following:

- (A) **"CEQA Compliance & Implementation"** The LAFCO Executive Officer is the "officially" designated environmental compliance designee and shall be responsible for the proper and effective implementation of the California Environmental Quality Act (CEQA). This shall apply for all sponsored as well as all private projects.
- (B) **"Analyst/Clerk"** shall refer to the I.C. LAFCO person whose title and job duties

are shared under this category.

- (C) **“Co-Lead Agency”** means two agencies acting in partnership to prepare a CEQA document. One of the two agencies may have some greater responsibility, however to the extent possible the two agencies act as one. The intent is to streamline and coordinate the environmental review process particularly where both agencies are required to consider permitting or approving a project. For example, LAFCO and the City could be co-lead agencies for an annexation. Co-lead does not apply to I.C. LAFCO initiated projects, SOI, or MSR’s projects.
- (D) **“Decision-making body”** shall refer to the LAFCO Commission.
- (E) **“Discretionary Project”** means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.
- (F) **“EIR” or “Environmental Impact Report”** refers to a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
- (G) **“Guidelines”** shall refer to the State Guidelines for implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Division 6, Chapter 3) and as thereafter amended.
- (H) **“Initial Study”** refers to the preliminary analysis prepared by the lead agency (*LAFCO, where LAFCO is lead*) to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant effects to be analyzed in an EIR.
- (I) **“Intermediate Project”** refers to any project with a project value of less than \$1,000,000 and not classified as a minor project.
- (J) **“Lead Agency”** means the public agency (LAFCO, where LAFCO is the first or only agency to act, more generally it will be a City, County, or District) which has the principal responsibility for carrying out or approving a project, or reviewing projects from another agency, and which has primary responsibility to determine or decide whether an EIR, Mitigated Negative Declaration, or Negative Declaration, is required for the project and will cause the appropriate document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in the Guidelines, Section 15051. See *also* “co-lead” agency.
- (K) **“Ministerial”** describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Law is applied to the facts as presented, but no special discretion or judgment is employed in reaching a decision.
- (L) **“Mitigated Negative Declaration”** refers to a Negative Declaration prepared for a project when the initial study has identified potentially significant effects

on the environment, but mitigation measures will be adopted in order to reduce the impacts on the environment to less than significant.

- (M) **“Mitigation Measures”** may include, but are not limited to:
- (a) Avoiding the impact altogether by not taking a certain action ***or parts of an action.***
 - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 - (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - (e) Compensating for the impact by replacing or providing substitute resources or environments.
- (N) **“Negative Declaration”** refers to a written statement by the lead agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore will not require ***the preparation of*** an EIR.
- (O) **“Notice of Completion” (NOC)** refers to a brief notice filed with Office of Planning & Research (aka) State Clearinghouse by a lead agency as soon as it has completed a Mitigated Negative Declaration (MND) or Draft EIR and is prepared to send out copies for review.
- (P) **“Notice of Determination” (NOD)** refers to a brief notice filed by a public agency after it approves or determines to carry out a project, which is subject to ***the requirements of*** CEQA.
- (Q) **“Notice of Preparation” (NOP)** refers to a brief notice sent by a lead agency to notify the responsible agencies, trustee agencies, and involved federal agencies that the lead agency plans to prepare an EIR for the project.
- (R) **“Executive Officer”** shall mean the Executive Officer to LAFCO as appointed by LAFCO. The Executive Officer may delegate CEQA compliance responsibility to staff or consultant(s) on a case by case basis; however, the Executive Officer shall have the final approval.
- (S) **“Project”** shall mean the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
- (a) An activity directly undertaken by any public agency.
 - (b) An activity undertaken by a person which is supported, in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
 - (c) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

- (T) **“Responsible Agency”** means a public agency, which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR, Mitigated Negative Declaration, or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency or the “Co-Lead Agency” which have discretionary approval power over the project.
- (U) **“Trustee Agency”** means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include:
- (a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and the game refuges, ecological reserves, and other areas administered by the department.
 - (b) The State Land Commission with regard to state owned "sovereign" lands such as the beds of navigable water and state school lands.
 - (c) The State Department of Parks and Recreation with regard to units of the State Park System.
 - (d) The University of California with regard to sites within the Natural Land and Water Reserves System.

Section 4: GENERAL RESPONSIBILITIES OF THE LAFCO

- (A) The Executive Officer shall be responsible for reviewing each project application submitted to or by the County, City, Special District, or Private entity, to determine the appropriate action to be taken under the standards and conditions set by CEQA and these Rules. This shall also include making a determination on a project-by-project basis whether to seek co-lead status with the City/District.
- (B) The Executive Officer shall be responsible for assuring that the mandated time periods as prescribed by CEQA and this document are met.
- (C) The Executive Officer shall be responsible and have the sole discretion for accepting and determining completeness of all applications for projects received by the LAFCO.

Section 5: APPLICATION PROCEDURES

- (A) Initial Discussion:
- (1) The Executive Officer may meet with the Applicant, or at Applicant's request, to review the project proposal. This is referred to as a Pre-Application Meeting. This is strongly encouraged.
 - (2) The Executive Officer shall provide the Applicant with the application

package, fee schedule, and indemnification agreement.

- (3) The Executive Officer shall give general guidance in the application procedures and identify necessary information and materials to be provided by the Applicant.
- (4) The Executive Officer shall meet with the City, District, or County to establish which projects need to be prepared on a “co-lead” basis.
- (5) The City, District, or County shall notify the Executive Officer of any pending application for a land use project that will concurrently seek an annexation or boundary change.

(B) Determination of Completeness:

- (1) The Applicant shall provide to the LAFCO: a check for all required fees, all information shown on the forms provided by the LAFCO, and a completed, signed, and dated application, including an “Indemnification Agreement”, and all other supporting documentation requested by LAFCO.
- (2) The Executive Officer shall:
 - (a) Review the application and all supporting data for completeness, and whether the appropriate fees have been submitted.

Note: Depositing the check does not constitute acceptance.
 - (b) Forward a copy of each such application to all interested parties or agencies;
 - (c) Inform the applicant of any “known” potential environmental impacts; and,
 - (d) Make a determination of completeness within thirty (30) days of receipt of application forms, supporting documentation and necessary fees from Applicant.

(C) Application Found Incomplete:

- (1) If the Executive Officer determines the application to be incomplete, the Executive Officer shall inform the Applicant in writing, by Letter of Transmittal and advise the Applicant what is necessary to make the application complete. A copy of the Letter of Transmittal shall be placed in the file indicating this action was taken.
- (2) The Applicant must provide the LAFCO with the additional and/or revised information needed. Upon submission of the requested additional or revised information, the Executive Officer shall determine the completeness of the application in accordance with (B) above.
- (3) If after 60 days from date of rejection finding the project incomplete and

the Applicant has not supplied the necessary information to complete the application, the application and supporting documentation shall be returned to the applicant along with all unused fees, and the project file closed. The Executive Officer shall refund only those fees not already used in the processing of the application. The Executive Officer may extend this time as he/she determines appropriate.

- (4) On any project that is returned, pursuant to provisions of paragraph (3) above, the Applicant shall file a new application with full (new) fees.

Section 6: EXEMPTIONS

- (A) **Determination of Exemption:** The Executive Officer shall make a determination as to whether the project is exempt from CEQA and these Rules.
- (B) **Project Type:** The following projects are exempt from the requirements contained in these Rules:
 - (1) CEQA Guidelines exemptions as follows
 - (a) 25 Statutory Exemptions, CEQA Guideline, Sections 15260 - 15285. (as amended)
 - (1) **Ongoing Projects;** Only applies to projects that were carried out by a public agency prior to 11/23/70. Additionally, this exemption does not apply if project has a significant amount of unused funds and it is still feasible to modify the project to mitigate potentially adverse environmental effects or in the event the public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.
 - (2) **Feasibility and Planning Studies:** A project involving only feasibility or planning studies for possible future actions which the decision-making body has not approved, adopted, or funded, it does require consideration of environmental factors.
 - (3) **Discharge Requirements:** The State Water Resources Control Board and the regional boards are exempt, when adopting waste discharge requirements, except as defined in the Federal Water Pollution Control Act.
 - (4) **Timberland Preserves:** Adoption of timberland preserve zones under Government Code Sections 51100 et seq.

- (5) **Adoption of Coastal Plans and Programs:** CEQA does not apply to activities and approvals pursuant to the California Coastal Act, (PRC, Sections 30000, et seq).
- (6) **General Plan Time Extensions:** CEQA does not apply to time extensions granted by the Office of Planning and Research for the preparation and adoption of one or more elements of the County General Plan.
- (7) **Financial Assistance to Low or Moderate Income Housing:** CEQA does not apply to actions taken by the Department of Housing and Community Development to provide financial assistance for such developments, as defined by Health and Safety Code, Section 50093. The residential project which is the subject of the application for financial assistance will be subject to CEQA when approvals are granted by another agency.
- (8) **Ministerial Projects:** Ministerial permits are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. Further defined by Guidelines, Section 15268.
- (9) **Emergency Projects:** Emergency projects as defined by Guidelines, Section 15269 are exempt from the requirements of CEQA.
- (10) **Projects Which Are Disapproved:** Projects that are rejected prior to the initiation of the CEQA process are exempt from said process, provided the project is not later resubmitted.
- (11) **Early Activities Related to Thermal Power Plants:** CEQA does not apply to actions taken by a public agency, relating to the expenditure, obligation, or encumbrance of funds, by said public agency for planning, engineering, or design purposes or for "conditional" sale or purchase of equipment, fuel, water (except groundwater) steam or power. However the thermal power plants will be subject to CEQA and any documentation prepared for the thermal power plant or site or facility will include the environmental impact of the

early activities.

- (12) **Olympic Games:** CEQA does not apply to the activities or approvals necessary to the bidding for hosting and funding or carrying out of Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic Games.
- (13) **Rates, Tolls, Fares, and Charges:** The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, which are for the following purposes: meeting agency operating expenses, including, wages, benefits; purchasing or leasing of supplies or equipment, materials; meeting financial reserves; funding for capital projects necessary to maintain public services or obtaining funds for intra-city transfers. However rate increases to fund capital projects for the “expansion” of a system are subject to CEQA .
- (14) **Family Day Care Homes:**
 - a. The establishment or operation of a large family day care home, which provides in-home care for up to fourteen (14) children, as defined in the Health and Safety Code, Section 1596.78.
 - b. Under the Health and Safety Code, local agencies cannot require use permits for the establishment or operation of a small family day care home, which provides in-home care for up to eight children, and the establishment or operation of a small family day care home is a ministerial action which is not subject to CEQA.
- (15) **Specified Mass Transit Projects:** The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. Facility extensions not to exceed four (4) miles in length, which are required for transfer of passengers to or from exclusive public mass transit guideway or busway public transit services.
- (16) **Transportation Improvement and Congestion Management Programs:** The development and adoption of a regional transportation improvement

program or the state transportation program, however individual projects developed pursuant to these programs are subject to CEQA review.

- (17) **Projects Located Outside California:** CEQA does not apply to any project or portion thereof which is located outside of the State of California. Said projects may still be subject to National Environmental Policy Act or the state in which the project is located if adopted environmental regulations exist. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to

CEQA where a California public Agency has authority over the emissions or discharges.

- (18) **Application of Coating:** CEQA does not apply to a discretionary decision by an Air Quality Management District for a project consisting of the application of coatings within an existing facility at an automotive manufacturing plant provided the district makes the applicable findings in Guidelines, Section 15278.

- (19) **Air Quality Permits:** CEQA does not apply to the issuance, modification, amendment, or renewal of any permit by an Air Pollution Control District or Air Quality Management District pursuant to Title V, as defined in the Health and Safety Code, Section 39053.3 or pursuant to the Air District Title V program established under the Health and Safety Code, Section 42301.10, 42301.11 and 42301.12, unless the issuance, modification, amendment, or renewal authorized is a physical or operational change to a source or facility.

- (20) **Other Statutory Exemptions:** CEQA does not apply to the "Other Statutory Exemptions" (a) through (w) as defined in Guidelines, Section 15282.

- (21) **Housing Needs Allocation:** CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county, pursuant to Government Code, Section 65584.

- (22) **Pipelines:** CEQA does not apply to any project consisting of the inspection, maintenance, repair, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly

attached to the pipeline, as defined in Guidelines, Section 15284.

- (23) **Transit Agency Responses to Revenue Shortfalls:** CEQA does not apply to actions taken on or after July 1, 1995 to implement budget reductions made by a publicly owned transit agency as a result of a fiscal emergency caused by the failure of agency revenues to adequately fund agency programs and facilities, as defined in Guidelines, Section 15285.

Note: For a complete explanation of the Statutory Exemptions listed above review the CEQA Guidelines, Sections 15260 – 15285 or as amended.

- (b) 32 Categorical Exemptions, CEQA Guidelines, Sections 15300 - 15333.
- (1) **Existing Facilities:** Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, as defined in Guidelines, Section 15301.
- (2) **Replacement or Reconstruction:** Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, as defined in Guidelines, Section 15302.
- (3) **New Construction or Conversion of Small Structures:** Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, as defined in Guidelines, Section 15303.
- (4) **Minor Alterations to Land:** Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve removal of healthy, mature, scenic trees, except for forestry and

agricultural purposes, as defined in Guideline, Section 15304.

- (5) **Minor Alterations in Land Use Limitations:** Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any change in land use or density, such as lot line adjustments, variances, lot mergers, reversion to acreage as per the Subdivision Map Act

(State of California Government Code, Section 66410-66499.58), or the issuance of minor encroachments, further defined in Guideline, Section 15305.

- (6) **Information Collection:** Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These are strictly for information gathering purposes, or as part of a study leading to an action, which a public agency has not yet approved, adopted or funded.

- (7) **Actions by Regulatory Agencies for Protection of Natural Resources:** Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

- (8) **Actions by Regulatory Agencies for Protection of the Environment:** Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and reclamation of standards allowing environmental degradation are not included.

- (9) **Inspections:** Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

- (10) **Loans:** Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm

and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions, further defined in Guidelines, Section 15310.

- (11) **Accessory Structures:** Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities, such as on-premise signs, small parking lots, or the placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in publicly owned parks, stadiums, or other facilities designed for public use.
- (12) **Surplus Government Property Sales:** Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern identified in Guidelines, Sections 15206 (b) (4) & 15312.
- (13) **Acquisition of Land for Wildlife Conservation Purposes:** Class 13 consists of acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under the Fish and Game Code, Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.
- (14) **Minor Additions to Schools:** Class 14 consists of minor additions within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.
- (15) **Minor Land Divisions:** Class 15 consists of the division of property in “urbanized areas” zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20%.

- (16) **Transfer of Ownership of Land in Order to Create Parks:** Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical archaeological resources, and either;
- (a) The management plan for the park has not been prepared, or
 - (b) The management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.
- (17) **Open Space Contracts or Easements:** Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interest in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.
- (18) **Designation of Wilderness Areas:** Class 18 consists of the designation of wilderness areas under the California Wilderness System.
- (19) **Annexations of Existing Facilities and Lots for Exempt Facilities:** Class 19 consists of only the following annexations: (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency whichever is more restrictive, provide, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; (b) Annexations of individual small parcels of the minimum size for facilities exempted by Guidelines, Section 15303 "New Construction or Conversion of Small Structures."
- (20) **Changes in Organization of Local Agencies:** Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised such as the

establishment of a subsidiary district, consolidation of two or more districts having identical powers or the merger with a city of a district lying entirely within the boundaries of the city.

- (21) **Enforcement Actions by Regulatory Agencies:** Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency, as defined in Guidelines, Section 15321.
- (22) **Educational or Training Programs Involving No Physical Changes:** Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures such as changes in curriculum or training methods, or change in the grade structure in a school which does not result in changes in student transportation.
- (23) **Normal Operations of Facilities for Public Gatherings:** Class 23 consists of the normal operations of existing facilities for public gathering facilities for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purpose of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three (3) years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but not be limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.
- (24) **Regulation of Working Conditions:** Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate, employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work.
- (25) **Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions:** Class 25 consists of the transfer of ownership in interests of land

in order to preserve open space, habitat, or historic resources as defined in Guidelines, Section 15325.

- (26) **Acquisition of Housing for Housing Assistance Programs:** Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.
- (27) **Leasing New Facilities:** Class 27 consists of leasing of a newly constructed or previously unoccupied privately-owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA and meets the standards as defined in Guidelines, Section 15327.
- (28) **Small Hydroelectric Projects at Existing Facilities:** Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where the capacity of the generating facility is 5 megawatts or less and defined in Guidelines, Section 15328. The operation of the generating facilities will not change the flow regime in the affected stream, canal or piping.
- (29) **Cogeneration Projects at Existing Facilities:** Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in Guidelines, Section 15329.
- (30) **Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances:** Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, or the relocation of residences or businesses, or the actions involves the potential release into the air of

volatile organic compounds as defined in the Health and Safety Code, Section 25123.6 or as further defined in Guidelines, Section 15330.

- (31) **Historical Resource Restoration/Rehabilitation:** Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995).
- (32) **In-Fill Development Projects:** Class 32 consists of projects characterized as in-fill development meeting the following conditions:
- (a) The project is consistent with the County's General Plan designation and policies as well as with the County's Land Use Ordinance and Zoning.
 - (b) The proposed project occurs within the County limits on a site of no more than five acres substantially surround by urban uses.
 - (c) The project site has no value as habitat for endangered, rare or threatened species.
 - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - (e) The site can be adequately served by all required utilities and public services.
- (33) **Small Habitat Restoration Project:** Class 33 consist of projects not to exceed five acres in size to assure that maintenance, restoration, enhancement, or protection of habitat for fish, plant or wildlife provided that:
- (a) There would be no significant adverse impact or endangered, rare or threatened species or their habitat pursuant to section 15065.
 - (b) There are not hazardous materials at or around the project site that may be disturbed or removed, and
 - (c) The project will not result in impacts that significant when viewed in connection with the effects of past project, the effects of other current project, and the effects of probable future projects.

(d) Examples of small restoration projects may include, but are not limited to:

- (1) Revegetation of disturbed area with native plant species;
- (2) Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
- (3) Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
- (4) Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment;
- (5) Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
- (6) Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Note: For a complete explanation of the Categorical Exemptions listed above review the CEQA Guidelines, Sections 15300 – 15333 or as amended.

(C) Exceptions to Exemptions: Projects that are located in sensitive environments; would result in cumulative impacts; have a significant effect on the environment; affect scenic highways; affect historical resources, and/or are hazardous waste sites do not qualify as exemptions, pursuant to CEQA Guidelines Section 15300.2.

(D) Notice of Exemption:

- (1) When the Executive Officer determines that a project is exempt from CEQA and after the project is approved, a Notice of Exemption may be filed. The Notice shall include: (1) a brief description of the project; (2) a finding that the project is exempt from CEQA, including a citation to the Guidelines section or statute under which it is found to be exempt; and (3) a brief statement of reasons to support the finding.
- (2) The Notice of Exemption may be filed with the County Clerk/Recorder within five working days of the project's approval. Copies of such notice shall be made available for public inspection and a list of such notices shall be posted by the Office of the Clerk and shall remain posted for a

period of thirty (30) days.

- (3) The appeal procedure shall be to the full Commission, the Applicant, Submitting Department, or interested party may appeal by submitting appropriate fees.

Section 7: INITIAL ENVIRONMENTAL ASSESSMENT PROCEDURE

(A) Initial Study:

1. All Applicants for discretionary project or approval of an application and projects, subject to CEQA, shall submit a completed application to the Executive Officer. Upon acceptance (not receipt). If the Executive Officer determines that the proposal is complete within 30 days of receipt of the application, and it does not require that the application be sent to a City, the application shall be deemed **ACCEPTED** for filing, only if the Commission is the Lead Agency pursuant to CEQA, and only if a "tax sharing agreement" has been reached between agencies. If the Commission is not the lead agency, then only a conditional Certificate of Filing will be issued.

- (1) pursuant to Section 5, the Executive Officer shall transmit a copy of the full application package to each interested agency.
- (2) Fees for the Initial Study shall be charged in accordance with the adopted LAFCO regulations, or as later amended.
- (3) The LAFCO, as Lead Agency or Co-Lead, shall review all project applications subject to CEQA and make the following determinations based on the type of project under review:
 - (a) Determine whether the particular activity is a "project" subject to CEQA, as defined in these Rules and as defined by CEQA Guidelines Section 15378;
 - (b) Determine whether the project is exempt from CEQA, pursuant to CEQA Guidelines, Section 15061;
 - (c) Determine whether the project is ministerial, pursuant to CEQA Guidelines, Section 15268;
 - (d) Determine whether or not the project is categorically exempt, pursuant to Guidelines, Article 19, Section 15300 et. seq. However, all Class exemptions are inapplicable when the activity is listed as an Exception, pursuant to CEQA Guidelines, Section 15300.2;
 - (e) Determine whether or not the project is an emergency project, CEQA Guidelines, Section 15269;
 - (f) Determine on a case-by-case basis those activities which fall

within an existing EIR, Mitigated Negative Declaration, or Negative Declaration that is adequate to cover a project, and,

- (g) CEQA does not apply to projects which a Lead Agency has rejected or disapproved after an initial screening based on the merits of the project, CEQA Guidelines 15270.
- (4) The Executive Officer shall consult with responsible agencies, trustee agencies, and others responsible for any natural resources affected by the project to determine the environmental concerns for each agency involved in the project application as appropriate. These concerns may be addressed in the Initial Study, and at LAFCO.
- (5) The Initial Study shall be prepared using the current Environmental Checklist Form, attached as Appendix B of these Rules and as Appendix G of the CEQA Guidelines, or as amended.
- (6) Applications cannot be amended without permission of the reviewing body, i.e. the Lead Agency. If the Applicant requests an amendment to an application, the Lead Agency may require, as a condition of permission to substantially amend an application, that the applicant withdraw the original application and reapply, with or without a new filing fee, or agree to a new filing date sufficiently subsequent to the original filing date to permit the staff and reviewing agencies additional time required to review non-substantial changes as appropriate.
- (7) All public and private applications that seek a LAFCO action or entitlement must contain a "project description" from which it can be determined whether the project may have a significant effect on the environment. The application itself may indicate sufficient data from which any significant, adverse environmental impacts may be assessed. The project description shall include:
 - (a) A detailed map showing the precise location and boundaries of the proposed project.
 - (b) A statement of the objectives sought by the proposed project, including the purpose of the project.
 - (c) A general description of the project's technical, economic, and environmental characteristics.
 - (d) Analysis to determine consistency with the Imperial County General Plan, and if appropriate, with a City's General Plan.
 - (e) Some projects, may require more than the usual information required of the Applicant, including statistical data such as demographics, etc.
- (8) On ALL projects, all Initial Study marks shall be documented in writing, as to why they were so marked.
- (9) Initial Studies may be prepared by a consultant hired by the Executive Officer (LAFCO) with consultation with applicant and with the Applicant

paying all costs for such an Initial Study prepared by the consultant. The LAFCO shall require independent verification through its own efforts, or by contract, of any information submitted by an Applicant to be paid by the Applicant.

- (10) After the Initial Study has been completed by the LAFCO, the Applicant may modify the project to mitigate any significant, adverse environmental impacts of the project. These mitigations will be noted as "Mitigation Measures" in the LAFCO agenda package. A Mitigation measure shall be monitored by LAFCO pursuant to a "Mitigation/Monitoring program".
- (11) Copies of Initial Studies shall be available for public review at the LAFCO office upon request. The person requesting the copy shall pay the cost of the copy of the Initial Study.
- (12) Projects Initial Study(s) shall be published in a newspaper of greatest circulation within the County at a minimum of ten (10) days prior to the final decision by an Executive Officer. The Executive Officer will direct mail notice to the applicant and any party having requested a notice in writing and be paid any Time and Materials.

(B) Appeal:

The Applicant or any member of the public may appeal to the I.C. LAFCO on the CEQA determination by the Executive Officer. Such appeal must be accompanied by a fee established by the LAFCO. Any such appeal must be filed as follows:

- (1) Filed with the Executive Officer to LAFCO within ten (10) calendar days of the date of the decision. When filing an appeal, clearly state the reason(s) for the appeal, and provide all information necessary to the Executive Officer of the Executive Officer's determination.
- (2) When so filed, the appeal shall stay further processing of the application, and shall stay all applicable time frames.
- (3) Prior to hearing any appeal of the Executive Officer's decision, the Executive Officer shall set a time and place of hearing thereon. No less than 10 days prior to the date of hearing, notice of the date, time and place of hearing, location of the property and the substance of the appeal shall be given by the following methods:
 - (a) A onetime publication in a newspaper of greatest circulation at a minimum of twenty-one (21) days prior to hearing date, and
 - (b) Direct mail notice to applicant, all parties of record interest, all parties having filed a written request to receive notices, all contiguous property owners; and, one of the following:
 - 1) In the R-1, R-2, R-3, R-4 Zones, all adjacent property owners' whole property is within 500 feet of the exterior boundary of the subject parcel,

- 2) In the A-1, A-2, A-3 and R-A Zone, all adjacent property owners whose property is within 1/2 mile of the exterior boundary of the subject parcel,
 - 3) In all zones, except as specified in "1" and "2" above, all adjacent property owners whose property is within 1,000 feet of the exterior boundary of subject parcel.
- (c) Posting the Commission agenda at the LAFCO Office.
 - (d) Posting to the I.C. LAFCO website.
- (4) The decision, on appeal, by I.C. LAFCO shall be deemed final.
- (C) Preparation of a Negative Declaration (ND)/ Mitigated Negative Declaration (MND):
- (1) When the Executive Officer determines that preparation in the manner specified by the Guidelines of a Negative Declaration, or Mitigated Negative Declaration, is appropriate, the Executive Officer shall:
 - (a) Prepare and transmit a Notice of Intent that the LAFCO has decided to prepare a Negative Declaration, or Mitigated Negative Declaration, to each Responsible, Trustee, and other affected agencies pursuant to the Guidelines Section 15072, as appropriate;
 - (b) Mail a Notice of Intent (*NOI*) to adopt a Negative Declaration to the last *known* name and address of all organizations and individuals who have previously requested such notice in writing;
 - (c) Publish a Public Notice of Proposed Negative Declaration, or Mitigated Negative Declaration (This Notice shall indicate that interested parties have ten (10) calendar days from the date of decision to appeal the Negative Declaration, or Mitigated Negative Declaration determination);
 - (d) The County Clerk shall post such notices in the Office of the County Clerk within 24 hours of receipt for a period of at least twenty (20) days;
 - (e) Advise the applicant of the proposed Negative Declaration, or Mitigated Negative Declaration; and,
 - (2) Where one or more state agencies will be a Responsible or Trustee Agency for the project or have jurisdiction by law over natural resources affected by the project, the Executive Officer shall appropriately file sufficient copies of the proposed Negative Declaration, or Mitigated Negative Declaration with the State Clearinghouse for distribution to these agencies. The public review period for the State Clearinghouse distribution is 30 (thirty) days unless shortened by the State Clearinghouse.

- (3) The LAFCO shall consider the Negative Declaration or Mitigated Negative Declaration within 180 days of the application being deemed complete (180 days starts with a final Certificate of Filing) and prior to the project being approved or disapproved.
- (4) If the LAFCO, after reviewing the project substantially changes or deletes any of the "mitigation" measures that the Applicant has agreed to, then the LAFCO shall do one of the following:
 - (a) Make specified "Findings" for each change or modification based on substantial evidence on the record; or,
 - (b) If a "mitigation" measure is deleted from the conditions agreed to by the Applicant that changes the project description, then the project shall go back to the Executive Officer for another environmental assessment due to the change in the project description by the decision-making body. The decision-making body shall act within the CEQA time frames and shall, if necessary deny a project to meet State-mandated time frames, unless applicant agrees to legally extend the mandated time limit.
- (5) The Executive Officer shall file a Notice of Determination within five (5) working days, once a final decision approving a project subject to CEQA by the decision-making body is made, with the County Clerk/Recorder and the appropriate State Office as required by the Guidelines.
- (6) The filing of a Notice of Determination and subsequent posting starts a 30-day statute of limitations for court challenge to the approval under CEQA.

Section 8: PREPARATION OF THE ENVIRONMENTAL IMPACT REPORTS (EIR)

- (A) In the event that the "project" has been found to have a significant effect on the environment, as determined by the Executive Officer, and not appealed by the Applicant, then an EIR shall be prepared. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the local decision-making body shall respond to the information found in the prepared environmental documentation by one of the following methods:
 - (1) Altering the proposed project;
 - (2) Imposing conditions on the approval of the project;
 - (3) Choosing an alternative way of meeting the same need;
 - (4) Disapproving the project;
 - (5) Make the finding that changing or altering the project is not feasible; or,
 - (6) Make the finding and Statement of Overriding Considerations that the unavoidable significant environmental damage is acceptable

(Guidelines, Section 15093).

The EIR may be in the form of a focused EIR, a subsequent EIR, a supplement to an EIR, an addendum to an EIR, staged EIR, program EIR, or other type of EIR pursuant to Article 11, Guidelines, Section 15160, et. seq. as determined appropriate by the Executive Officer.

- (B) Documentation Source: When the Executive Officer determines that preparation of Environmental Impact Report is appropriate and no appeal is filed within ten (10) days, the Executive Officer shall:
- (1) Prepare a letter to Applicant outlining fees, CEQA procedures and may require a meeting with the approved consultant(s) and/or project proponent, if necessary, pursuant to Section 9 of these Rules;
 - (2) Notice of Preparation. Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to each responsible agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project.
 - (3) The notice of preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response.
 - (4) The notice of preparation shall include a description of the project, the location of the project, and the probable environmental effects of the project.
 - (5) Prepare, or cause to be prepared, a Draft and Final EIR in the manner specified by the CEQA Guidelines, and these County Rules.
- (C) Private Projects:
- (a) The Executive Officer shall have the authority from the LAFCO to authorize preparation of the Environmental Impact Report by contract, and shall attempt to do so within 45 days of the Executive Officers determination, or on appeal to the Commission within 45 days of the Commission's decision.
 - (b) Fees for (A) and (B) are established by LAFCO.
- (D) Draft EIR (DEIR):
- (1) The Draft EIR shall be prepared in accordance with these Rules and State Guidelines.
 - (2) The LAFCO shall determine if the Draft EIR is complete. When the Draft EIR is satisfactorily completed, a Notice of Completion (NOC), via Transmittal Form, shall be filed with the appropriate State Office along with the required copies of the DEIR.

- (3) A Public Notice indicating public availability of the Draft EIR for review shall be published as required by the Guidelines Section 15087, and shall include a brief description of the project, its proposed location, an address where copies of the DEIR are available for public review/comment, and the period during which comments will be received.
 - (4) The notice required under this section shall be posted in the office of the county clerk for a period of at least thirty (30) days. The county clerk shall post such notices within twenty-four (24) hours of receipt.
 - (5) The public review period for a draft EIR should not be less than forty- five (45) days nor longer than sixty days 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than forty-five (45) days, unless a shorter period, not less than thirty (30) days, is approved by the State Clearinghouse
 - (6) Comments received after the deadline need not be evaluated or considered, but may be forwarded to the decision-making body for consideration.
 - (7) The NOC and Draft EIR shall also be circulated to the same persons and agencies receiving the Notice of Preparation (NOP).
 - (8) The Draft EIR shall be sent to all respondents to the NOP.
- (E) Recirculation of the DEIR prior to Certification
- (1) The Executive Officer shall recirculate the DEIR when significant new information is added to the DEIR after notice is given of the availability of the DEIR for public review, but before certification by the decision-making body. As used in this Section the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to the DEIR is not "Significant" unless the DEIR is changed in a way that deprives the public of the meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.
 - (2) "Significant new information" requiring recirculation shall be as defined by the Guidelines Section 15088.5.
 - (3) The recirculation of the DEIR requires the same noticing and comment period as established under Section (D) "Draft EIR" above.
- (F) Final EIR (FEIR):
- (1) After evaluating the comments received from persons who have reviewed the Draft EIR, the Executive Officer shall prepare, or cause to be prepared, a Final EIR. The contents of the Final EIR shall be as required by the Guidelines Section 15132.

- (2) Upon completing the Final EIR, the FEIR shall be submitted to the appropriate decision-making body. The FEIR certification shall be made within one year from the date of the application being accepted as complete.
 - (3) The Final EIR is sent to each person or agency commenting on the Draft EIR at least fifteen (15) days prior to public hearing held on the project subject.
 - (4) The review of a Final EIR should focus on the responses to comments on the draft EIR. The "Response to Comments" can be a separate section in the FEIR or a revision to the DEIR.
- (G) Action of the Decision-Making Body:
- (1) The decision-making body shall mean, the I.C. LAFCO to the extent that said body has legal authority by ordinance, or state law, to render a final decision. The decision-making body shall, if appropriate, certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines and that the information contained therein has been reviewed and considered in the decision on the project.
 - (2) Notwithstanding the above, no public agency shall approve or carry out a project for which an EIR has been completed which identified one or more significant effects of the project unless the public agency makes one or more written findings specified by the Guidelines for each of those significant effects, accompanied by a statement of the facts supporting each finding.
 - (3) If the required findings for a "certified" FEIR are made according to PRC, Section 21081(a), and a monitoring and/or reporting program is adopted which includes changes to the project approval, the monitoring/reporting program shall be designed to ensure compliance during project implementation.
- (H) Notice of Determination (NOD):

When the I.C. LAFCO, or the Executive Officer, has made a final decision concerning a project for which an EIR has been prepared and certified, the Executive Officer shall file, within five (5) working days, a Notice of Determination. The NOD shall be filed with the County Clerk and/or appropriate State Office as required by the Guidelines, and local regulations.

Projects subject to CEQA, which have an adverse impact on fish and wildlife resources, and for which a "Notice of Determination" has been filed with the County Clerk's Office, a fee may be required made payable to I.C. LAFCO if an Environmental Impact Report was prepared and certified by the decision-making body (PRC 21089(b)).

Section 9: EIR PREPARATION UNDER LAFCO CONTRACT

When an EIR is required the following procedures shall be followed;

- (A) The Executive Officer may prepare a Request for Qualifications (RFQ) to be sent out to various consulting firms and establish a listing of qualified

consultants from which to choose a consultant. The Executive Officer has the option of sending out a formal or an informal "Request for Proposal" (RFP).

- (B) The consultant shall provide the Executive Officer, upon request, one copy of a work/contract proposal containing:

The personnel to be assigned;

Wage scales;

Time to complete Draft EIR and Final EIR;

Total costs to provide a specified number of Draft EIR's;

Total costs to provide a specified number of Final EIR's;

Summation of total costs to provide described services in a "not to exceed cost" format; and

Any additional information requested.

- (C) All proposals shall be reviewed and analyzed by the Executive Officer, for the awarding of a contract to a particular bidder.
- (D) The Applicant has thirty (30) days from the date of notification to make payment of the above-described funds. At the end of the thirty (30) days, if the Applicant has not paid said funds, the project application will be closed out and returned to the Applicant.
- (E) When the cost of preparing an EIR by LAFCO contract exceeds the Applicant's deposit, the Applicant shall pay the LAFCO the additional sum prior to submission of the EIR to the appropriate decision-making body.
- (F) If the cost of the EIR being prepared is less than the estimated cost and Applicant's deposit, the amount of over payment shall be refunded to the Applicant.
- (G) The environmental documentation developed under Contract by the consultant shall be submitted to the Executive Officer only, for review and approval. (An EIR is a LAFCO document and as such it is to be clear to the Applicant and/or consultant that the selected/approved consultant works for the LAFCO although paid for by the Applicant).
- (H) The Executive Officer shall review the submitted documentation and determine whether it meets all requirements of CEQA and Section 8 of these Rules.

Section 10: PUBLIC INSPECTION

All final reports or final documents filed pursuant to these Rules shall be available for public inspection and copies may be purchased at the rate set by Executive Officer.

Section 11: FEES

All reports or documents filed in pursuant to these Rules shall be subject to the fees authorized by LAFCO.

- (A) When the EIR is prepared by a consultant under contract to the LAFCO, the Applicant shall pay a fee to the LAFCO established by LAFCO.
- (B) Large projects may require the hiring of an independent, third-party consultant acceptable to and directed by the Executive Officer to evaluate the suitability of the environmental documentation submitted. The Executive Officer shall have the discretion to determine when a project would need this LAFCO-retained consultant on a case-by-case basis and be approved by the LAFCO. The cost of this third-party consultant shall be borne by the Applicant.

Section 12: LAFCO AS A RESPONSIBLE AGENCY

To assure that the LAFCO is properly involved and responsive to any environmental document being prepared by another agency, the following procedures are herewith established:

- (1) The LAFCO Executive Officer shall respond on behalf of LAFCO with or without the approval of the Commission and as such represents the Commission.
- (2) If the Executive Officer determines that a project is a "major project" or a project of "significance" or a "controversial project", the LAFCO Executive Officer may present such a project/response to the LAFCO. Due to time constraints, the Executive Officer may send his/her response noting that the Commission has not reviewed same and may have additional comments.
- (3) Any notice for an NOP or request for response to the Executive Officer shall be copied to each Commissioner.
- (4) Where a lead agency prepares a CEQA document that was done without LAFCO action as Co-Lead and such document is inadequate as determined by LAFCO, the Commission may:
 - (a) Refuse to certify the document and deny the application.
 - (b) Prepare a new CEQA document with applicant paying all costs.
 - (c) Litigate the CEQA document.

ENVIRONMENTAL CHECKLIST

1. **Project Title:** **Date:**

2. **Lead Agency:** Imperial Local Agency Formation Commission

3. **Contact Person:** Jurg Heuberger, Executive Officer

4. **Phone Number:** (760) 353-4115

5. **Project Location:**

7. **Project Sponsor:**

8. **Sponsor's Address:**

9. **General Plan Designation:**

10. **Zoning:**

11. **Description of Project:** *(See Page 3)*

12. **Surrounding Land Uses and Setting:** *(See Attached)*

13. **Other Agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
 - a)
 - b)
 - c)

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- 1) Found that the proposed project COULD NOT have significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- 2) Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- 3) Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- 4) Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a potentially impact or potentially significant unless mitigated. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- 5) Found that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standard and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Jurg Heuberger, AICP, CEP, Executive Officer to LAFCO

PROJECT SUMMARY

LOCATION:

PROJECT:

GENERAL PLAN ANALYSIS:

LOCATION MAP

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) A "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more potentially "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) A "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, earlier Analyses may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).
 - a. Earlier Analyses Used. Identify and state where they are available for review
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measure. For effects that are "Less than Significant" describe the mitigation measure which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

OFFICIAL CHECKLIST:

	<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
--	---	---	--	-------------------------------

I. AESTHETICS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	<i>(PSI)</i>	<i>(PSUMI)</i>	<i>(LTSI)</i>	<i>(NI)</i>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutants concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local polices or ordinances Protecting biological resource, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:
 - 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.?
 - 2) Strong Seismic ground shaking?
 - 3) Seismic-related ground failure, including liquefaction?
 - 4) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined of the latest Uniform Building Code, creating substantial risk to life or property?

	<i>(PSI)</i>	<i>(PSUMI)</i>	<i>(LTSI)</i>	<i>(NI)</i>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(PSI)

(PSUMI)

(LTSI)

(NI)

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage patterns of the site, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood area structures which would impede or redirect the flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(PSI)

(PSUMI)

(LTSI)

(NI)

IX. LAND USE AND PLANNING -- Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

X. MINERAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

XI. NOISE -- Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	<i>(PSI)</i>	<i>(PSUMI)</i>	<i>(LTSI)</i>	<i>(NI)</i>
e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Subsidence of the land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(PSI)

(PSUMI)

(LTSI)

(NI)

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1) Fire protection?
- 2) Police protection?
- 3) Schools?
- 4) Parks?
- 5) Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIV. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

XV. TRANSPORTATION / CIRCULATION -- Would the proposal result in:

a) Cause an increase in traffic which is substantial in relations to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

	<i>(PSI)</i>	<i>(PSUMI)</i>	<i>(LTSI)</i>	<i>(NI)</i>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs Supporting alternative transportation (e.g., bus Turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the proposal:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(PSI)

(PSUMI)

(LTSI)

(NI)

VI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable?
(Cumulatively considerably means that the Incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

APPENDICES

APPENDIX I :
ADOPTION OF THIS GUIDE

RESOLUTION #2012-04 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL FOR THE ADOPTION OF THE REVISED POLICY, STANDARDS AND PROCEDURES GUIDE PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000 (AB2838)

RESOLVED, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that

WHEREAS, AB2838 as authored by Assembly Speaker Hertzberg and as signed into law by Governor Davis, required the Commission to adopt a set of written policies and procedures under which LAFCO shall conduct business; and

WHEREAS, the Executive Officer reviewed the requirements of AB2838; reviewed the previously adopted version of the "Policy, Standards and Procedures Guide" ("Guide"); and made suggested changes to "update" the Guide to meet the requirements of AB2838.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED as follows:

LAFCO hereby adopts this revised, 2012 version of the Policy, Standards and Procedures Guide.

LAFCO makes the following finding:

This Guide is categorically exempt from the California Environmental Quality Act ("CEQA")

PASSED, ADOPTED AND APPROVED this 22nd day of **March, 2012** by the following roll call votes:

AYES: Snively, Kelley, Ludwig, Terrazas

NAYES: None

ABSTAIN: None

ABSENT: None

Ed Snively, Chairman


Jurg Heuberger, Executive Officer

APPENDIX II :
ADOPTION OF DISCLOSURE REQUIREMENTS

RESOLUTION #A102308 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL ("LAFCO") MAKING A DETERMINATION AND APPROVING POLICIES FOR THE DISCLOSURE AND REPORTING REQUIREMENTS OF THE COMMISSIONERS:

RESOLVED, by the **LOCAL AGENCY FORMATION COMMISSION** of the County of Imperial, State of California, that

WHEREAS, AB 2838 known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, in particular Government Code sections 56100. and 56300, require LAFCO to address public disclosure of contributions, lobbying, conflict of interest, and other similar activities by each Commissioner; and

WHEREAS, the Executive Officer of LAFCO reviewed and prepared a report on said process; and

WHEREAS, LAFCO held a public hearing pursuant to the mandate of Government Code section 56300 et. seq.; and,

WHEREAS, LAFCO wants to conduct its business in an open, honest and forthright process, allowing individuals an equal opportunity to present their points of view; and,

WHEREAS, ex-parte communications with Commissioners should be discouraged so that all information necessary to reach a decision on a particular project is be presented at a public hearing. Meetings or lobbying efforts by the applicants shall not influence a Commissioners' decision prior to the public hearing; and,

WHEREAS, if in the opinion of the individual Commissioner a conflict exists, the Commissioner shall abstain from voting on the proposal and, if available, allow the alternate to be seated during such hearing.

WHEREAS, if a Commissioner knows in advance that he/she has a conflict, then the Commissioner shall notify the Executive Officer to determine if the alternate Commissioner may be available to be seated.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED as follows:

- a. LAFCO shall require each Commissioner, immediately after introduction of a hearing item, but prior to any presentations being made, to clearly disclose any prior or ex-parte discussions or meetings that the Commissioner participated in that were in any way related to the matter being heard.

- b. Each Commissioner may discuss or obtain legal advice regarding any such disclosure from his or her own legal counsel. LAFCO Counsel should be advised in advance to preserve the integrity of the LAFCO process and assure compliance within AB2838.
- c. Failure to disclose a conflict of interest shall not invalidate any public hearing decision; however it shall be grounds for a party to seek a rehearing of the item before LAFCO if such a rehearing is requested upon clear and convincing evidence that the disclosure could have altered the decision of LAFCO

LAFCO finds that:

- 1. The procedures are in the interest of complying with AB 2838.
- 2. The procedures are in the best interest of good government.
- 3. The procedures in no way restrict ex parte communication only that they be properly disclosed, prior to a decision on a project.
- 4. If there is a "conflict of interest" the Commissioner shall abstain from participation in the hearing and the appropriate alternate Commissioner for that category shall be seated in his or her place.

PASSED, ADOPTED AND APPROVED this 23rd day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSTAIN: None

ABSENT: None



Victor Carrillo, Chairman

APPENDIX III :
APPOINTMENT OF THE EXECUTIVE OFFICER



IMPERIAL LOCAL AGENCY FORMATION COMMISSION

RESOLUTION #2023-18

October 4, 2023

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION ON THE APPOINTMENT OF THE EXECUTIVE OFFICER OF LAFCO.

RESOLVED by the Imperial Local Agency Formation Commission of Imperial, State of California, that

WHEREAS the Commission at the October 4, 2023 hearing discussed the applicants for the new Executive Officer position; and

WHEREAS the Commission voted unanimously to appoint Paula Graf, Sr. Analyst to the position of Executive Officer.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED AS FOLLOWS:

Appoint Paula Graf as the Executive Officer of LAFCO starting January 1, 2024.

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted by the IMPERIAL LOCAL AGENCY FORMATION COMMISSION at the meeting thereof held on October 4, 2023.

AYES: FROELICH, WEST, MORENO, MICHAEL KELLEY, RYAN E. KELLEY
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Maria Nava-Froelich, Chair

A handwritten signature in blue ink, appearing to read "J. Heuberger", is written over a horizontal line.

Jurg Heuberger, Executive Officer

APPENDIX IV :
RESOLUTION FOR AUTHORITY OF EXECUTIVE OFFICER

RESOLUTION #A102308 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND APPROVING POLICIES FOR THE DAY-TO-DAY OPERATIONS OF THE LAFCO AS AN INDEPENDENT AGENCY.

RESOLVED, by the **IMPERIAL COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO")** of the County of Imperial, State of California, that

WHEREAS, AB 2838 known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et. seq, requires LAFCO to make provisions for its own quarters, services and staff; and

WHEREAS, the Executive Officer of LAFCO has reviewed and prepared a report on said process; and,

WHEREAS, LAFCO has in the past utilized the services of Imperial County, including but not limited to, Imperial Auditor-Controller, Purchasing Department, and County Counsel, and County space, including but not limited to, the Board of Supervisor's hearing chambers and office space; and,

WHEREAS, LAFCO intends to function in compliance with AB 2838 as an independent agency, while still minimizing the cost of independence; and,

WHEREAS, LAFCO relies on the services of the Executive Officer for its day-to-day operations, which include the procurement of staffing, services, supplies, equipment and office space; and,

WHEREAS, the Executive Officer shall use independent judgment on how best to secure such staffing, services, supplies and equipment; and,

WHEREAS, LAFCO desires to utilize services in the most fiscally responsible manner, including services available through Imperial County or any city; and,

WHEREAS, LAFCO recognizes that services, supplies, or equipment may be procured more readily and at lower cost through the private sector and therefore desires that the Executive Officer has the flexibility within which to operate subject to the limitations contained within the LAFCO Policy Guide, and/or direction of the Commission; and,

WHEREAS, LAFCO desires to be accountable and will have, at a minimum, a bi-annual independent audit performed and presented to LAFCO.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED as follows:

- a) The Executive Officer shall at all times be directly responsible to LAFCO. The Executive Officer may exercise his independent judgment but at all time his actions shall be in conformity with LAFCO regulations and in the interest of LAFCO.
- b) The Executive Officer shall have full authority and responsibility for the day-to-day operations and such other authority as may be granted to the Executive Officer by resolution, minute order or contained in LAFCO Policy Guide.

- c) The Executive Officer shall have the ability to secure staffing, services, supplies and equipment (either directly or through the processes available with Imperial County or any city), provided that it is the most efficient and cost-effective method. Nothing contained in this Resolution or the LAFCO Policy Guide shall be deemed to grant the County or any other jurisdiction the ability to direct or control the actions of the Executive Officer in the performance of his duties.
- d) Since the LAFCO now owns its own quarters, and since such building has available space for rent, the Executive Officer has the authority to lease any such office space at market rates or comparables. The Executive Officer also has the authority to perform or cause to be performed the necessary repairs, and/or maintenance.
- e) The Executive Officer shall remain within the budget limitations as adopted by LAFCO and shall first secure approval for expenditures that would increase the budget limits from LAFCO
- f) The Executive Officer shall prepare an annual (or as deemed necessary) report to LAFCO on the status of the budget.

LAFCO finds that:

1. These day-to-day procedures are in the interest of complying with AB 2838.
2. These day-to-day procedures establish a business-like approach for LAFCO functions.
3. These procedures allow flexibility, responsibility and accountability to rest with the Executive Officer and at the same time to be reviewed by LAFCO on a regular basis.

PASSED, ADOPTED AND APPROVED this 23rd_day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig
NAYES: None
ABSTAIN: None
ABSENT: None



Victor Carrillo, Chairman

APPENDIX V :
RESOLUTION TO CONTRACT FOR LEGAL COUNSEL

RESOLUTION #2021-13

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL AND DIRECTING STAFF TO NEGOTIATE AN AGREEMENT WITH WALKER & DRISKILL PROFESSIONAL LAW CORPORATION FOR LEGAL SERVICES.

RESOLVED, by the Local Agency Formation Commission of Imperial, State of California, that

WHEREAS, an RFP for legal services was circulated on March 15, 2021; and

WHEREAS, (1) one response to the RFP was received; and

WHEREAS, Walker & Driskill Professional Law Corporation submitted a response to the RFP on March 23, 2021; and

WHEREAS, the Commission at it's regular hearing on May 27, 2021 directed the Executive Officer to negotiate an agreement with Walker & Driskill Professional Law Corporation.

NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED AS FOLLOWS:

- I: Negotiate an agreement with Walker & Driskill Professional Law Corporation for legal services.

PASSED, ADOPTED AND APPROVED this 27th day of May 2021 by the Local Agency Formation Commission and the following roll call votes:

AYES: FROELICH, KELLEY, CASTILLO, WEST, MORENO
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Michael W. Kelley, Chair



Jurg Heuberger, Executive Officer

APPENDIX VI :
RESOLUTION FOR APPROVAL OF CEQA PROCESS/GUIDELINES

RESOLUTION #2012-01 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND APPROVAL OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") PROCESS AND CEQA GUIDELINES

WHEREAS, LAFCO has reviewed the proposed CEQA Guidelines (attached); and

WHEREAS, State law requires each agency to implement CEQA by having "Rules to Implement"; and

WHEREAS, LAFCO had previously used the County's Rules and has now prepared its own.

NOW THEREFORE BE IT RESOLVED, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that:

LAFCO hereby adopts the Rules to Implement CEQA as presented by the Executive Officer;

PASSED, ADOPTED AND APPROVED this 22nd day of **March, 2012** by the following roll call votes:


AYES: Snively, Kelley, Ludwig, Terrazas

NAYES: None

ABSTAIN: None

ABSENT: None

Ed Snively, Chairman



Jurg Heulerger, Executive Officer

**APPENDIX VII:
RESOLUTION OF THE CO-LEAD PROCESS**

RESOLUTION #A102308 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL ("LAFCO") MAKING A DETERMINATION AND APPROVAL OF THE CEQA CO-LEAD PROCESS

WHEREAS, LAFCO conducted a full public hearing on the above-referenced project; and,

WHEREAS, LAFCO directed the Executive Officer to meet with the city managers/staff to review the California Environmental Quality Act ("CEQA") process; and,

WHEREAS, LAFCO directed the Executive Officer to request a special LAFCO meeting if it is determined that the Lead Agency's certified CEQA document is not adequate, thereby allowing LAFCO time within which to challenge the CEQA documentation, if necessary; and,

WHEREAS, LAFCO directed the Executive Officer to appear before a city council prior to the certification of a CEQA document in an effort to arrive at a mutually acceptable document without having to take a subsequent adversarial position and /or without jeopardizing the project at a later LAFCO hearing.

NOW THEREFORE BE IT RESOLVED, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that:

LAFCO adopts a motion made by Commissioner Maruca to accept and approve that LAFCO can on a case-by-case basis ask to be co-lead with a city and work with its staff to assure that the CEQA documentation is being prepared by the Lead Agency to meet the needs of LAFCO as a Responsible Agency. The motion carried on the affirmative roll call vote of all Commissioners present.

PASSED, ADOPTED AND APPROVED this 23rd day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSENT: None



Victor Carrillo, Chairman

**APPENDIX VIII:
RESOLUTION FOR THE EXECUTIVE OFFICE TO INCLUDE
PROPERTY**

RESOLUTION #A102308 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL ("LAFCO") MAKING A DETERMINATION AND APPROVING DIRECTION OF THE EXECUTIVE OFFICER'S REQUEST TO INCLUDE PROPERTY

WHEREAS, LAFCO conducted a full public hearing on the above-referenced issue; and

WHEREAS, the Executive Officer informed LAFCO that the Cortese-Knox-Hertzberg Reorganization Act of 2000 requires that LAFCO follow certain statutes as well as local policies when it comes to annexing land to a city or special district. One of the requirements is that "islands" of unincorporated territory not be created by any proposed new annexation. Another policy is that annexations produce "clear" lines of jurisdictional boundaries, and;

WHEREAS, the Executive Officer explained that because of landowner opposition we still have some minor problem areas where "pockets" of land exist that essentially prevent nearby property from annexing in the future; and,

WHEREAS, the Executive Officer informed LAFCO that there have been several proposed annexations submitted that create complex and irregular boundaries. Although the Executive Officer accepted the annexation applications he has required that certain additional steps be taken by both the developer and the city; and;

WHEREAS, it is proposed that the Executive Officer have the authority to request any applicant for an annexation to include additional property, as an alternative proposal, and that the Executive Officer has the additional authority to request that the annexing city include the land in its pre-zoning.

NOW THEREFORE BE IT RESOLVED, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that:

LAFCO adopts the motion made by Commissioner Maruca to accept and approve the Executive Officer's recommendation. The Executive Officer will have the authority to request any applicant for an annexation to include additional property when in the opinion of the Executive Officer; the application creates an irregular boundary or an island which is not consistent with the intent of the Cortese-Knox- Hertzberg Reorganization Act. The applicant may be requested to either amend the proposed annexation boundaries or prepare a dual application with two parts (i.e. - Part A - the applicant's proposal or Part B - the Executive Officer's proposed boundary). At the request of the Executive Office the city shall include the additional land in its "pre-zoning" and "CEQA" process. The motion carried on the affirmative roll call vote of all Commissioners present.

PASSED, ADOPTED AND APPROVED this 23rd day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSENT: None



Victor Carrillo

**APPENDIX IX:
RESOLUTION OF MINOR ANNEXATIONS WITH RIGHT-OF WAYS**

RESOLUTION #A102308 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL ("LAFCO") MAKING A DETERMINATION AND APPROVING DIRECTION OF THE MINOR ANNEXATIONS DEALING WITH RIGHTS-OF-WAYS

WHEREAS, LAFCO conducted a full public hearing on the above-referenced issue; and

WHEREAS, the Executive Officer informed LAFCO that a number of years ago the Commission adopted a policy to require that all annexations include the full width of every contiguous right-of-way, easement, road, and/or canal. Prior to that policy some annexations excluded contiguous rights-of-ways and;

WHEREAS, the Executive Officer explained that in some cases when a development project occurs contiguous to a city, and the County acquires the right-of-way for future roads, there is no mechanism to give that right-of-way to the city as "incorporated" property when annexation occurs; and;

WHEREAS, the Executive Officer proposes that LAFCO consider authorizing this type of "annexation" to be allowed under the administrative heading of the Executive Officer, much like the ability to extend via administrative procedure, water and sewer services.

NOW THEREFORE BE IT RESOLVED, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that:

LAFCO adopts the motion made by Commissioner Maruca to accept and approve the Executive Officer recommendations. The Executive Officer may approve annexations of rights-of way, roads, canals and other public infrastructure by administrative review. This shall occur only after public notice to the contiguous land owners and affected agencies. The motion carried on the affirmative roll call vote of all Commissioners present.

PASSED, ADOPTED AND APPROVED this 23rd day of October, 2008, by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSENT: None



Victor Carrillo, Chairman

For any questions regarding the information contained within this document, please contact the LAFCO Office at the following information:

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