



LOCAL AGENCY FORMATION COMMISSION

POLICY MANUAL 2013

Imperial LAFCO
Jurg Heuberger, Executive Officer
April 2013

GUIDE

TO THE

POLICIES, STANDARDS, AND PROCEDURES

to Implement the

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

(2013 Edition)

IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO)

Adopted (original) by the LAFCO on the 10th day of January, 1991
(See Page III for revisions and updates.)

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LAFCO GUIDE

(Stand alone User's Guide)

EXECUTIVE OFFICERS STATEMENT

This **Guide** was adopted by the Imperial Local Agency Formation Commission (LAFCO) pursuant to the requirements of AB2838 (Hertzberg). The 2000 law revised the Cortese-Knox Reorganization Act of 1985.

The purpose of this Guide is to establish clear PROCEDURES and POLICIES by which the Imperial LAFCO conducts business. Furthermore, it also serves as a general guide for the public and the various governmental agencies. While it is also 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). Definitions of terms used may be found in the Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act commencing with Government Code Section 56000 et. seq. These documents are available at the Imperial LAFCO Office and most local public libraries.

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 Secretary. In addition, contact may be made by e-mail by sending to jurgh@iclaftco.com.

This Guide has been updated repeatedly to reflect changes in the law and local conditions. In addition, this manual now has a supplement (stand alone document) to serve as a procedural guide. The most significant recent change to this guide was to incorporate the requirements of AB2838.

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 IID Board Room, however the Commission may hold meetings at various points in the County for the convenience of surrounding land owners to proposed projects.

Please visit our web site for up to date information.

Thank you!

JURG HEUBERGER, AICP, CEP
Executive Officer to LAFCO

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 I through VI of the LAFCO Policies, Standards and Procedures Manual (LAFCO Manual) provides the detailed procedures and policies by which the Imperial LAFCO conducts its business. Chapter's VII through IX provide information on 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 California County 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 organization occurring within Imperial County.

The most significant recent changes are 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 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:

- A city incorporation;
- A district formation;
- An annexation to, or detachment from, a city or district;
- A disincorporation of a city;
- A district dissolution;
- A consolidation of cities or special districts;
- A merger or establishment of a subsidiary district;
- 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
- A reorganization involving two or more of the above-listed changes of organization.

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

- A school district or community college district;
- A special assessment district;
- An improvement district;
- A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982;
- A permanent road division formed pursuant to Section 1160 of the Streets and Highways Code;
- An air pollution control district or an air quality maintenance district;
- A 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:

- A unified or union high school library district;
- A bridge or highway district;
- A joint highway district;
- A transit or rapid transit district;
- A metropolitan water district; or
- A 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," conducting authority proceedings are held in accordance with the principal act that established the agency:

- A flood control district;
- A flood control district and floodwater conservation district;
- A flood control district and water conservation district;
- A conservation district;
- A water conservation district;
- A water replenishment district;
- The Orange County Water District;
- A California water storage district;
- A water agency; or
- A county water authority or a water authority.

B. LAFCO COMPOSITION

The Imperial LAFCO consists of a five-member commission each of whom serves a four (4) year term. 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 public member, chosen by the other members of the LAFCO Commission. In addition, each category of membership 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

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

These steps are suggested:

1. Call for an appointment to schedule a pre-application meeting with the Executive Officer;

B. Bring the following information to the appointment:

- Assessor's parcel number for individual lots or project map for complex proposals;
- General Plan and zoning designations; and
- Development plans. Imperial LAFCO requires 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, it cannot be demonstrated that services are required. 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.

C. LAFCO staff will review the proposal, the information requirements, verify if the project is located within a jurisdiction with an approved Sphere of Influence (SOI) and Service Area Plan (SAP) and fees with applicant; and

D. The applicant should obtain the current application forms and ascertain what environmental documentation will be necessary.

E. 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 material 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 application.

1. 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;
 - 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; and
 - i. Request that proceedings be taken for the proposal.+
 - j. Tax Sharing Certificate
2. 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. *NOTICE: Refer to revised Government Code per AB2838.*
- 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 (Government Code 56700 & 56800 et seq). An approved Service Area Plan must be on file with Imperial LAFCO (LAFCO Guide Chapter IV(G).)
- B. One copy of a “meets-and-bounds” legal description of the perimeter of the subject property. Details of the legal description requirements can be found in Section IX, Exhibit B of the LAFCO Manual.

- C. A 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. The size of the map shall not exceed 18" x 26" unless a variation is approved by the Executive Director prior to submittal. Maps shall be stamped and (wet) signed by the preparer. Maps shall be prepared in a current version of AutoCAD unless a variation is approved in writing by the Executive Officer prior to submittal.
- D. Two copies of a vicinity map of the subject property.
- E. One copy of any environmental documents (pursuant to CEQA) associated with the project; however, if an environmental impact report (EIR) associated with the subject property was prepared, 10 copies of the certified EIR must be submitted with the application. Only one copy of the EIR appendices is required.
- F. If the proposal includes annexation to a city, indication that the annexing city has pre-zoned the property, such as the city council resolution approving the pre-zoning.
- G. Processing fee (See Fee Schedule Section IX, Exhibit 'A').
- H. All documents must also be submitted in "digital" form. Most such documentation can be in "PDF" format; however, the Executive Officer also requires CAED files and/or "word" documents. Any application that does not provide an electronic version will not be accepted.
- I. Similar to other public agencies, Imperial LAFCO is required to comply with the California Environmental Quality Act (CEQA) for the purposes of considering the environmental impact of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decision. For a detailed discussion of environmental requirements please refer to Chapter V, subsection E, of the LAFCO Guide.

3. LAFCO Proceedings

- A. The proponent delivers to the Executive Officer a completed application (LAFCO Guide Chapter II, Subsection A and Government Code Sections 56652, 56653 and 56700).
- 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 reject the application(s).

2. LAFCO is to be the lead agency for the environmental review. If so, then the review is undertaken by LAFCO. In the alternative a City/District may be the lead and LAFCO act as “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 that all property tax agreements are on file) 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 (LAFCO Manual Chapter II, and Government Code Section 56828).
 3. The Executive Officer may issue a conditional Certificate of Filing in cases where the only document remaining is the CEQA by a City, and for one tax certificate.
- D. The Executive Officer requests review of any information for the proposal from affected county departments, affected agencies, and other affected counties’ LAFCO’s (Government Code Section 56828).
- E. As an option, proponents and/or LAFCO staff conduct a public meeting with affected residents and/or landowners to give information and receive comments on the proposal.
- F. At least twenty-one (21) days prior to the date set for hearing the Executive Officer gives notice by at least two of the following:
1. Publication in a newspaper of general circulation;
 2. Posting at 1122 State Street Office and;

3. Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, chief petitioner(s), persons requesting notice, each city within three miles, and the county in the case of incorporation or formation, all owners of parcels directly affected and surrounding landowners

Note: Some commission actions can be made without notice and hearing, such as annexations and detachments with written consent of all landowners. Notice and opportunity to request a public hearing must be given to agencies whose boundaries are affected (Government Code Section 56837).

4. Listing on the Web page.

- G. The Executive Officer reviews the application and any comments received and prepare the staff report for the commission. The report provides a staff recommendation and a review of pertinent factors and policies, spheres of influence, and general plan and specific plans.
- H. The Executive Officer mails the report at least twenty-one (21) days prior to the hearing to each commissioner, each person named in the application to receive a report, each affected local agency requesting a report, each agency whose boundaries or sphere of influence will be changed, and the Executive Officer of the LAFCO of any other affected county (Government Code Section 56833).
- I. The Commission hears the proposal on the noticed date and time. The hearing may be continued for up to 70 days (maximum). The Commission must consider a number of factors and policies in compliance with State law. Among the factors considered by Imperial LAFCO in making its determination are: (Government Code Section 56666)
 1. Population, density, land area and land use, per capita assessed valuation, topography, natural boundaries, drainage basins, proximity to populated areas, likelihood of significant growth during next ten years;
 2. Need for organized community services, present cost and adequacy of government services and controls, probable future needs, probable effect of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas;
 3. The effect of the proposed action or alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county;

4. Conformity of the proposal to Commission policies on providing planned, orderly, efficient patterns of urban development, and with state policies and priorities on conversion of open-space uses;
 5. Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open-space uses;
 6. Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries;
 7. Conformity with appropriate city or county general and specific plans; and
 8. The sphere of influence of any agency which may be applicable to the proposal being reviewed (see Section III for more about the adoption of spheres of influence).
- J. At the hearing or within 35 days of the hearing the Commission will adopt a resolution of determination taking the following actions:
1. Approve or deny with or without conditions or revisions to the proposal. If denied, no new proposal can be made for one year unless waived by LAFCO. If the proposal included incorporation or consolidation of a city, no new proposal can be made for two years unless waived by LAFCO (Government Code Sections 56851, 56855 & 57090);
 2. Determine if the territory is inhabited or uninhabited (inhabited territory means territory within which there reside 12 or more registered voters);
 3. Assign a short-term designation; and
 4. Authorize proceedings without notice, hearing, or an election, if there is 100% consent and only annexations, detachments, and CSA formations (Government Code Section 56837).
- K. The Executive Officer sends the Commission's resolution to the chief petitioners if any, each agency whose boundaries will be changed:
1. The subject area is uninhabited.

2. All of the owners of land within the affected territory have given their written consent to the change of organization or reorganization.
 3. All affected local agencies that will gain territory as a result of the change of organization or reorganization have consented in writing to a waiver of conducting authority proceedings.
- L. 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. (Government Code Section 56133)
1. Specified Project(s)
 - a. 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 four (4) or fewer connections.
 - b. 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 four (4) or fewer connections.
 - c. Extension of solid waste service by a city/district a city or district within the Sphere of Influence of the city/district limit and provided there are four (4) or fewer users.
 - d. Modification to justification of roadways to “clean-up” jurisdiction issues on road locations issues.
 - e. Projects not meeting the above criteria shall only be considered by the full Commission.
 2. Applications are required for the above types of projects.

4. Completion and Effective Date

- A. The Executive Officer issues a **Certificate of Completion**, which completes the proceedings. The certificate is recorded with the County Recorder. If no effective date is specified in the Commission resolution, the recordation date is the effective date. A statement of boundary change or creation is issued by the Executive Officer and filed, with the appropriate fees, with the State Board of Equalization and County Assessor. (Government Code Section 57200). Property tax resolutions, if any, are forwarded to the County Auditor for property tax transfer (Revenue and Taxation Code, Section 99).

- B. In order for the Certificate of Completion to be issued, all documents must be in possession of LAFCO, including but not limited to:
1. Commission's Resolution.
 2. Tax Sharing Agreement Resolution (original certified copy) from both the City and County, specific to the area parcels being annexed.
 3. Resolutions (certified) from the city on all land use actions, such as: General Plan Amendment, Zone Change, Tract/Parcel Maps, Special Use Permits and CEQA documents.
 4. Copies of all applications, including all supporting documents on file with the Land Use Agency.
 5. Copies of all staff reports to the Planning Commission and Council by the Land Use Agency.
 6. Final (recordable) annexation map.
 7. State Board of Equalization fees.
 8. Payment of all LAFCO costs.
 9. A digital copy of all of the above.
- C. The Executive Officer gives the notice of completion and effective date to the affected jurisdictions or agencies whose boundaries are affected, and affected county departments.
- D. The affected agencies recognize completion of the jurisdictional change: property and sales tax transfers, police and fire protection responsibilities, planning and inspection controls, etc.

CHAPTER I:

INTRODUCTION

*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, (see Appendix "I") 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 CHK 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 in order 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 general 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 to 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 for 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 which 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 which 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 which 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 for consolidation of the three laws. The subcommittee spent three years rewriting the law. In February 1984, Assemblyman Cortese agreed to introduce legislation, which 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 carrying out 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.

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

1. A school district or community college district;
2. A special assessment or improvement district;
3. An air pollution control district or an air quality maintenance district;
4. A bridge or highway district;
5. A transit or rapid transit district;

6. A water agency;
7. A metropolitan water district;
8. A community facilities district formed pursuant to the Mello-Ross Community Facilities Act; or
9. 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 perspective 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, which 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 II:

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 Imperial Irrigation District's Board Chambers, located at 1285 Broadway, El Centro, CA. The Commission may hold its meetings at various locations through 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.
- 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) In the event 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 Chairman.
- 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 Chairman 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. (Reference Appendix II for a resolution adopted pursuant to AB 2838.)

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 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 assure 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 element 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 Imperial Irrigation District'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 Holtville Tribune, 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 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 improvements 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:
 - a. *Retirement/Resignation:* Voluntary retirement/resignation offered by the Executive Officer provided such notice is provided at least 30 days in advance of the final working day to the Chairman of the Commission;

- 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 a 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 in excess of 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 increase 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.

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CHAPTER III

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. 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 seq. (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(h))

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(e))
- 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(g))
- 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 (20) twenty 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 56833):
 - 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. (Government Code Section 56133 (d))

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 56151-56160);
 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 10 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(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 determination 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 \$100,000.00 in the contingency.
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:
 1. The Board of Equalization;
 2. The County Assessor;
 3. The County Auditor;
 4. The County Surveyor; and

5. The Secretary of State, if the LAFCO action involves a change of organization or reorganization of a city. (Government Code Section 57205)
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 Recorders Office, of the Certificate of Completion.

D. SUMMARY OF PROCESS (annexation to a city)

1. Pre-application meeting or consultation with Executive Officer. (Optional).
2. Application is filed with Executive Officer either concurrent with or prior to filing with the 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 IV

GENERAL POLICIES OF LAFCO

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 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 V

GENERAL STANDARDS

*The Imperial LAFCO has established general standards for the evaluation of proposals and the actions of the Commission. The LAFCOs **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. 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 lands 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 nearly 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 assures 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 decision involved.

LAFCO will act as Lead Agency in reviewing and revising Sphere of Influence boundary adjustments, city incorporation's 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 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, maybe 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 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 VI

SPECIFIC STANDARDS 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:
 - 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 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 VII

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.

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A. AIRPORT DISTRICT

(Section 22001-22979, 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 8890-9225, 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 8950-8950.3).

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 8961-8969.5).

Formation

The formation process is initiated by a petition, signed by 50 or more citizens who own land within the proposed district, and filed with the LAFCO of the County in which a majority of the acreage of the proposed district is situated.

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 protested by 10% of the registered voters living within the district or protested by the owners of more than 10% of the total assessed valuation of the land; or order the election. (The registered voter protest is based upon obtaining 10% of the number of votes cast for the Office of Governor at the last preceding gubernatorial election [Health and Safety Code Section 8925 - 8930]).

If the election is called and two-thirds of the qualified voters of the district vote in its favor, the district shall be formed (Health and Safety Code Section 8938).

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 (Health and Safety Code Section 8890).
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 9025). 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 61102.5, 61200).

Functions

The specific powers that the board of directors may exercise are (Section 20681 of the Public Contract Code):

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 (Government Code Section 61710).

After formation, should the district's board of directors determines 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 61601).

Formation

The formation process is initiated by presenting a petition, signed at least 10% of the registered voters within the proposed district, to LAFCO. 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 61100-61103).

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 61114, 61127).

If the board of supervisors determines that 80% of the registered voters within the proposed district have signed the petition, and no protests have been received or offered at the hearing, the board may order the formation without an election and declare the district duly organized, describe its boundaries and designate the members of the board of directors. If one or more written or oral protests are made at the conducting authority hearing, the board of supervisors shall review the protest(s) and determine if there should be an election or if they should declare the district is formed without an election. (The board shall not waive election when the proposed district would encompass territory in more than one county) (Government Code Section 61114).

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 61800). 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 4715).

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

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 25210.4[a] - 25210.4[c]):

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.

In Imperial County, these services include street lighting only at this time.

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 10% of the registered voters residing 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 25210.11).

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, 25210.14).

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 55330-55336):

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 (Water Code Section 55331);
2. Acquisition, purification, treatment, and reclamation of saline water or sewage, or both (Water Code Section 55335); and
3. Construction, maintenance, and operation of sewage collection and treatment facilities (Water Code Section 55335.5).

Formation

The formation process is initiated by presenting a petition to LAFCO signed by not less than 25% of the residents within the district or not less than 25% of the landowners resident and non-resident including not less than 15% of such resident landowners (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 13801-13999, Health and Safety Code)

Governing Body

The governing body, which is established bylaw 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. The supervising is the governing body (the Board of Supervisors is the supervising authority unless the district consists wholly of incorporated territory, in which case the City Council, or in the case of two cities, the City Council of the city with largest population is the supervisory authority);
2. The governing body may be a five-member Board of Directors appointed by the supervising authority;
3. A five or eleven-member board of directors appointed by and from the Board of Supervisors and the City Council included within the district; or
4. An elected Board of Directors composed of three or five members.

The elected board may be increased from three to five members in the following manner:

1. If by unanimous resolution of the Board, it is proposed to increase the number of Directors from three to five, the district must call a special election (Health and Safety Code Section 13833); or
2. If by petition of 50 or more voters, it is proposed to increase the number of Directors, the Board must do one of the following;
 - a. Call a special election; or
 - b. Publish a notice and call a public hearing, transmit the petition to the Board of Supervisors with the Directors' recommendation, then the Board of Supervisors may make an order appointing the new Directors (Health and Safety Code Section 13834).

Election by Division

Where the Board of a fire protection district is elected, it may, by resolution, be submitted to the voters at any district election the question of whether Directors shall be elected by divisions. Establishment of divisions shall be determined by population and each Director shall be resident of the division from which he or she is elected (Health and Safety Code Sections 13841.7, 13841.8).

Functions

The specific powers that the Board of Directors or its appointees may exercise are (Health and Safety Code Section 13854, 13869, 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 (Health and Safety Code Section 13853); and
4. Establish, equip, maintain, and operate rescue and first-aid services inside and outside the district (Health and Safety Code Section 13854).

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 13825):

1. A resolution of intention is adopted by the supervising authority;
2. Presentation to LAFCO of a petition signed by the register voters in the proposed district equal to at least 25% of all the votes cast for governor at the last gubernatorial election;
3. A petition of 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);
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 13825);
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 the public interest, it shall call for an election (Health and Safety Code Section 13825); 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 13825).

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 13821 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 13822).

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 13821 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 49100-49195, 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 49120).

Functions

The specific powers that the Board of Supervisors may exercise are the following (Public Resources Code Section 49120):

1. The collection and disposal of garbage and other refuse matter in the district (Public Resources Code Section 49017); and
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 49120-49131 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 49111).

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 - 32490.9, 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 (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 - 32137 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; acquire and operate an airport or aviation school; 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 - 22825).

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 Sections 20700, 20820 - 20822).

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 library district, a Board of Trustee 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 Section 19400).

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 Section 2020 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):

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 10% 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 100% 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.

Any territory in one or more counties, having a population of a least 100 inhabitants, may be organized as a mosquito abatement district (Public Utilities Code Section 2210).

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 Section 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 71589 - 71689.27)

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 12817, 12850, 12851).

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 15736, 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 5780.2 5781.4)

For appointment made by the Board of Supervisors, the procedures concerning the nature of the territory, or the number of cities involved, see Section 5781.4 of the Public Resource Code.

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 5782 - 5782.24 of the Public Resource Code. A district with all of the powers of a recreation and park district, except the power of eminent domain, may also be formed (Public Resources Code Section 5790).

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 in the last general election for governor. The Board of Supervisors or the City Council of each city proposed to be included within the district, or both, or the supervising authority, may request a feasibility report from the Director of Parks and Recreation (Public Resources Code Section 5781.3).

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 5781.2):

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 - 9962, Public Resources Code)

Governing Body

The governing body of a resource conservation district may be appointed or elected and is composed of five members (Public Resources Code Sections 9182, 9242).

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 of landowners. The petition shall describe the boundaries of the proposed district and shall propose a name for the district (Public Resources Code Section 9181). The petition must contain the signatures of not less than 100 landowners, or not less than a majority of the landowners if there are less than 200 landowners in the proposed district (Public Resources Code Section 9183). 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 9181).

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 order formation of the district without an election if the Commission finds that (1) a majority of the landowners owning a majority of private lands in the proposed district have signed the initiating petition, and (2) it is in the public interest to form the district (Public Resources Code Section 9183). Otherwise, the Commission shall order the conducting authority to call an election in the proposed district on the question of formation and for the election of the first Board (Public Resources Code Section 9241).

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 9255).

The following territory may be included within the proposed boundaries of a resource conservation district. (Public Resources Code Section 9152):

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 (Public Resources Code Section 9152).

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 9481).

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 - 6550.1):

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 - 6550.1 of the Health and Safety Code.

Formation

The formation process is initiated only by a petition filed with LAFCO and signed by 25 persons living in the proposed district. If more than one county is included in the proposed district, 15 signers must live in the principal county and 10 signers from those living in the other county(ies) (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:

1. Contiguous territory in one or more counties (Health and Safety Code Section 6830).
2. Incorporated and/or unincorporated territory.

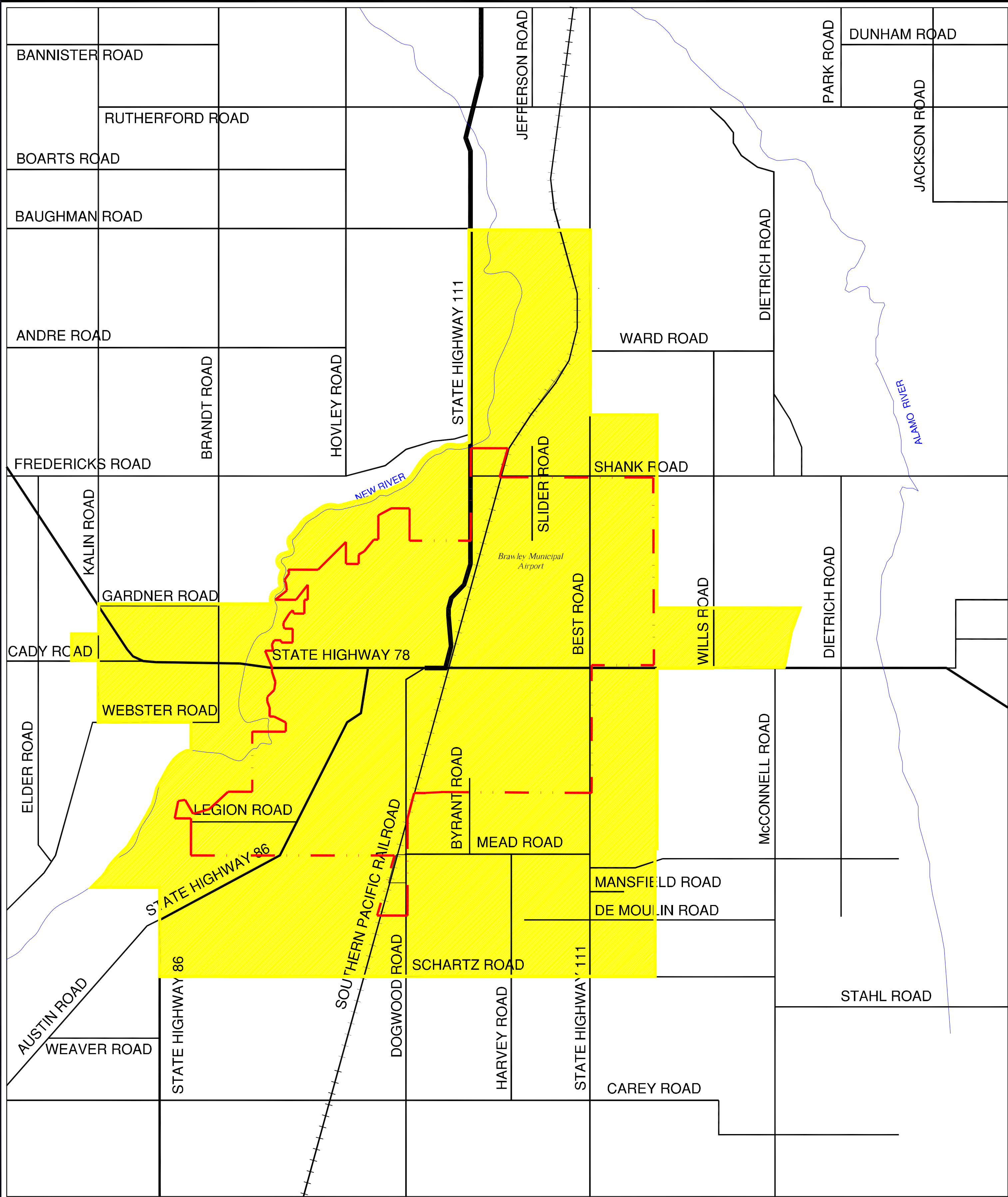
Annexation

After the district has been formed, the boundaries of the district may be altered and outlying incorporated or unincorporated, 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.

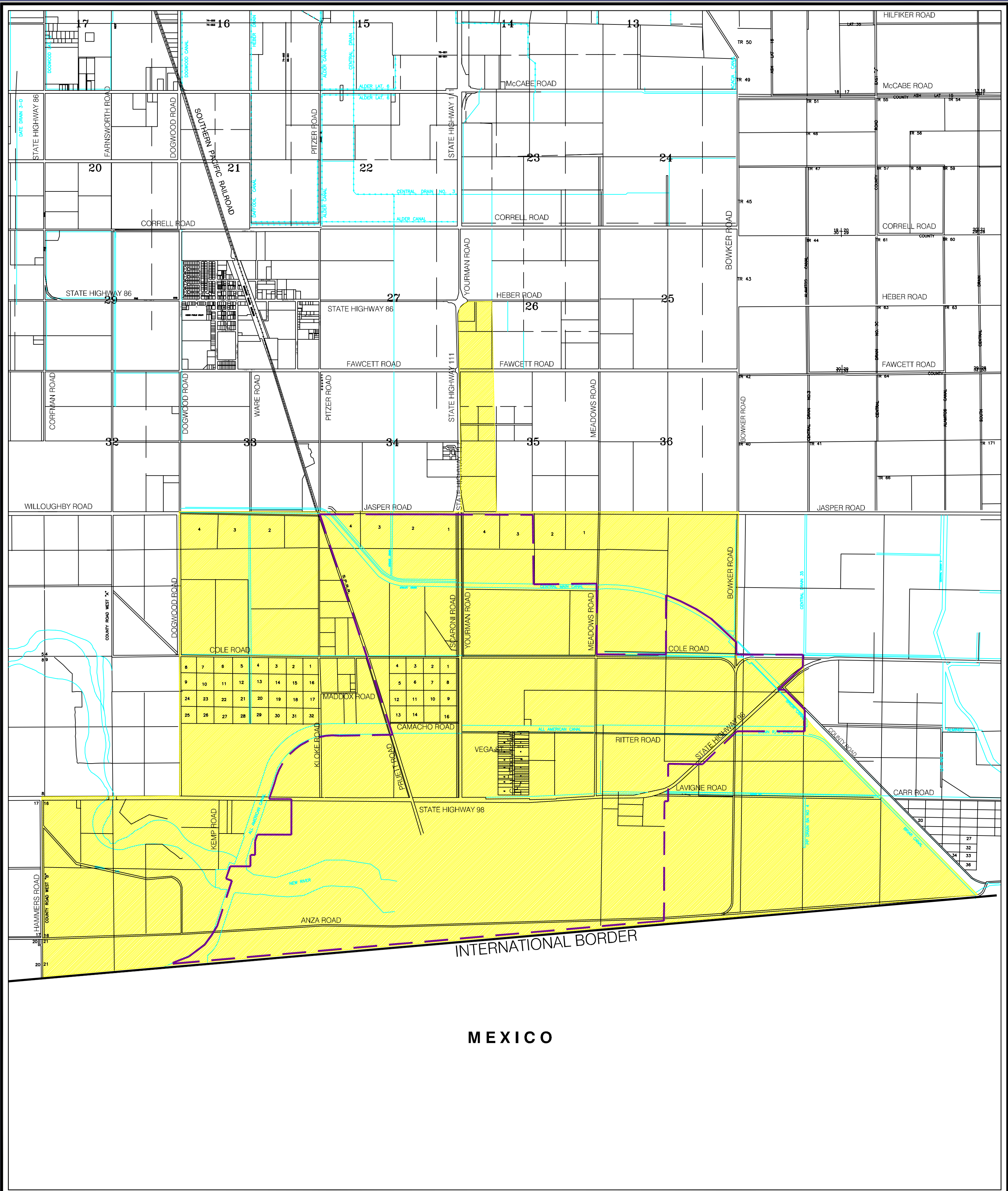
CHAPTER IX

CITY SPHERE OF INFLUENCE BOUNDARIES

For maps please contact the Executive Officer to LAFCO, Jurg Heuberger by e-mail at jurgh@iclafco.com or the Clerk to LAFCO, Danielle Bruce at (760) 353-4115 or by e-mail at danielleb@iclafco.com.

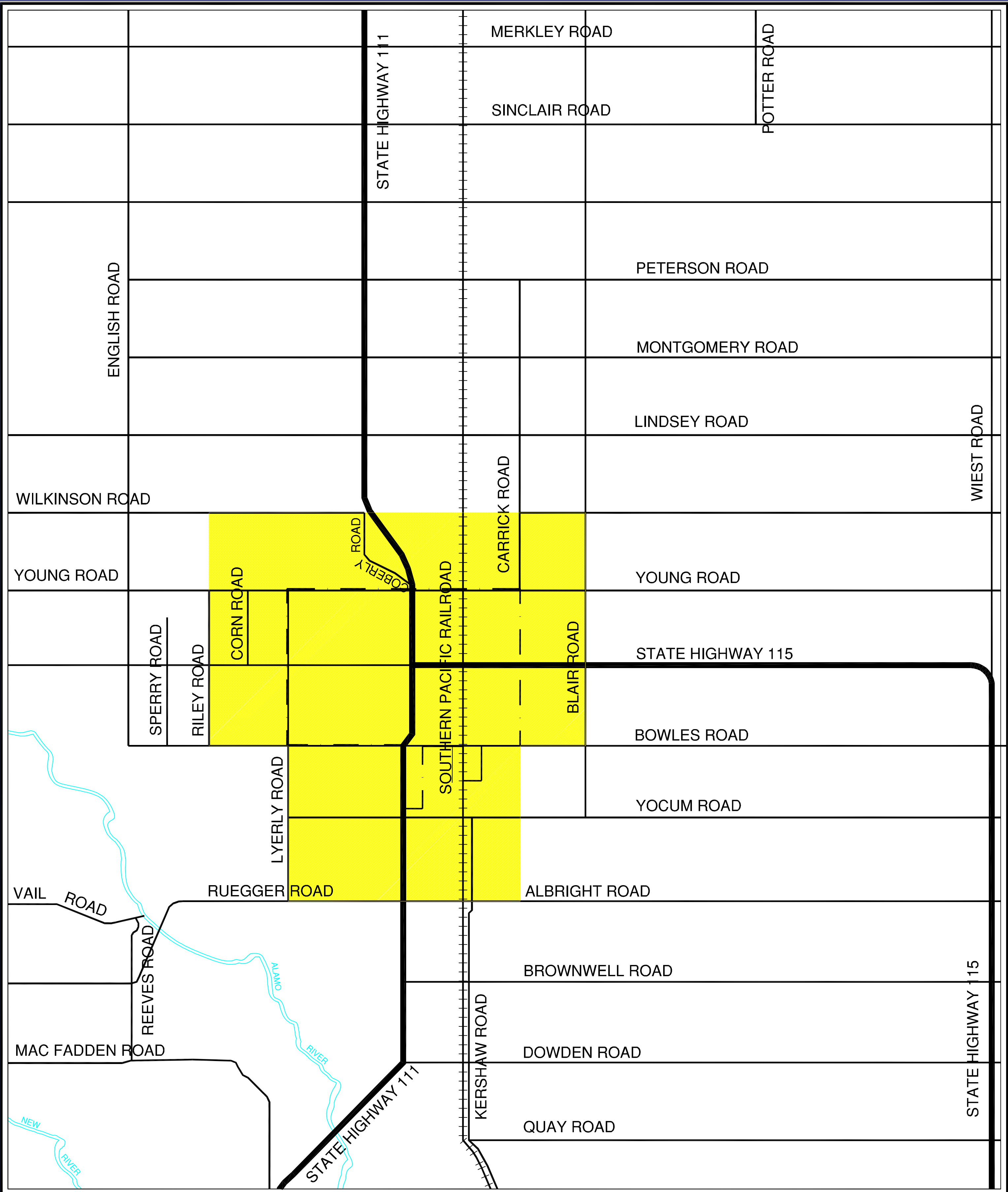


Brawley Sphere of Influence
local agency formation commission



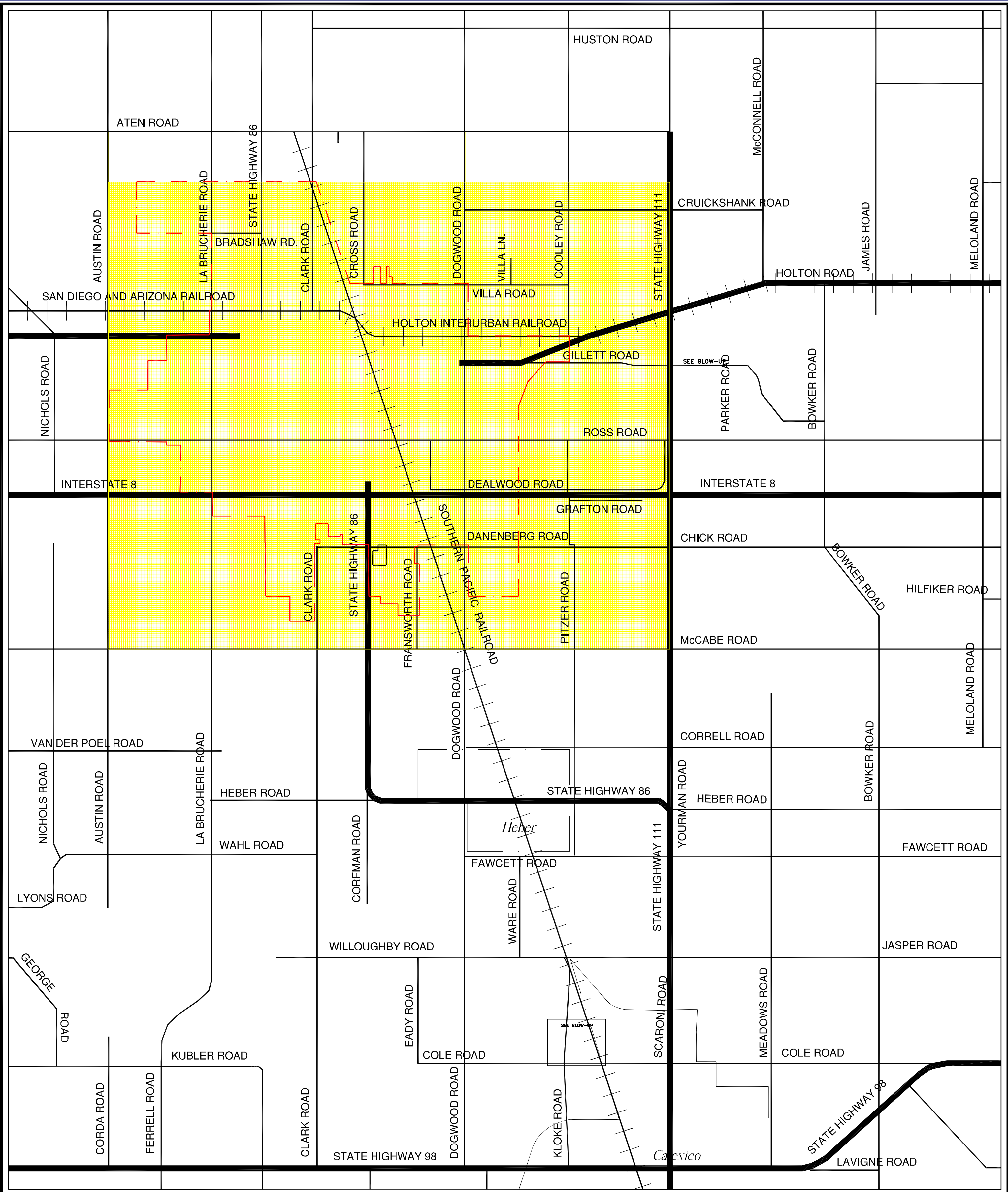
Calexico Sphere of Influence
local agency formation commission

EXHIBIT B



Revised Calipatria Sphere of Influence
local agency formation commission

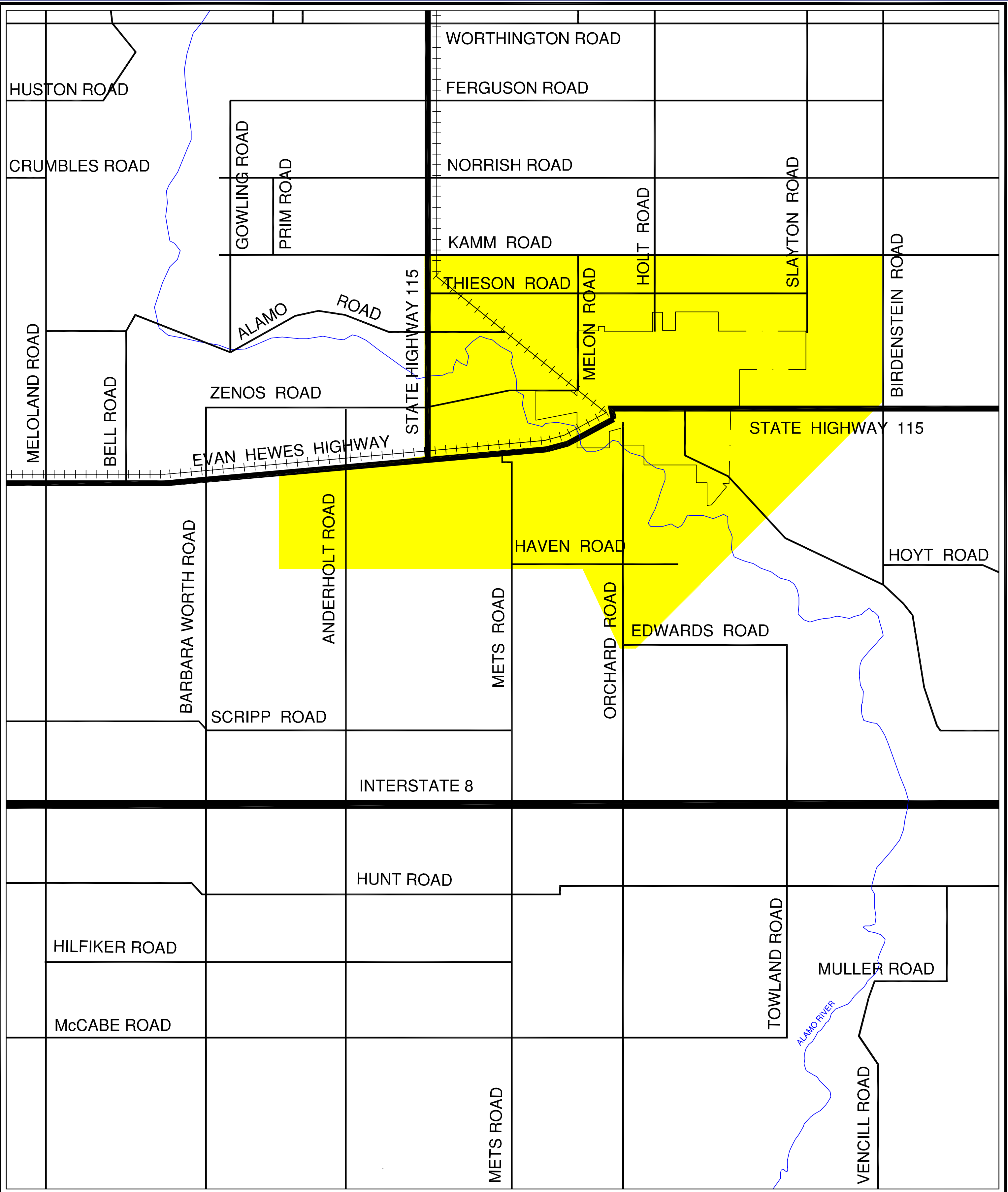
EXHIBIT C



El Centro Sphere of Influence
local agency formation commission

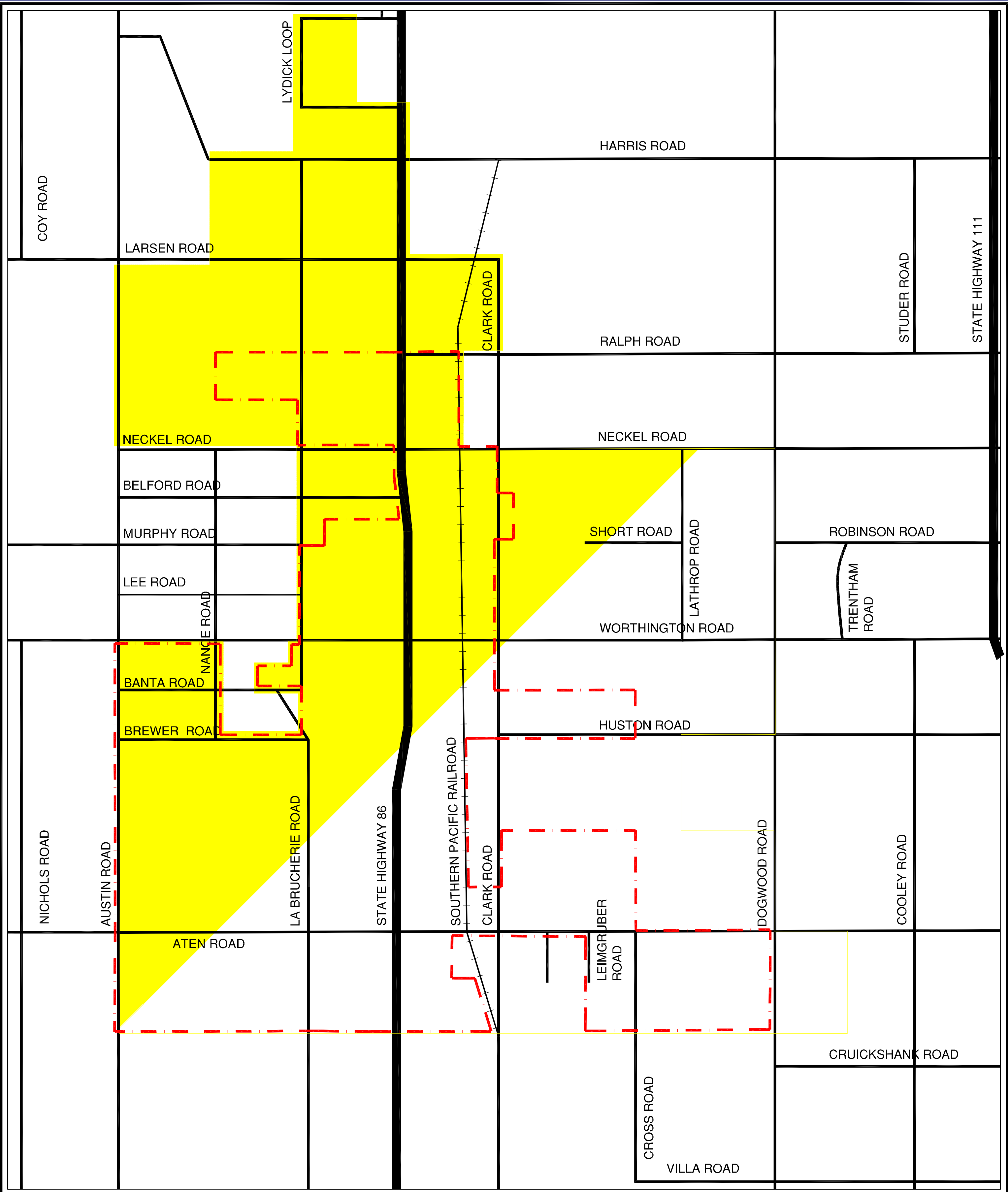
- City Limits
- Sphere of Influence

EXHIBIT D



Holtville Sphere of Influence
local agency formation commission

EXHIBIT E

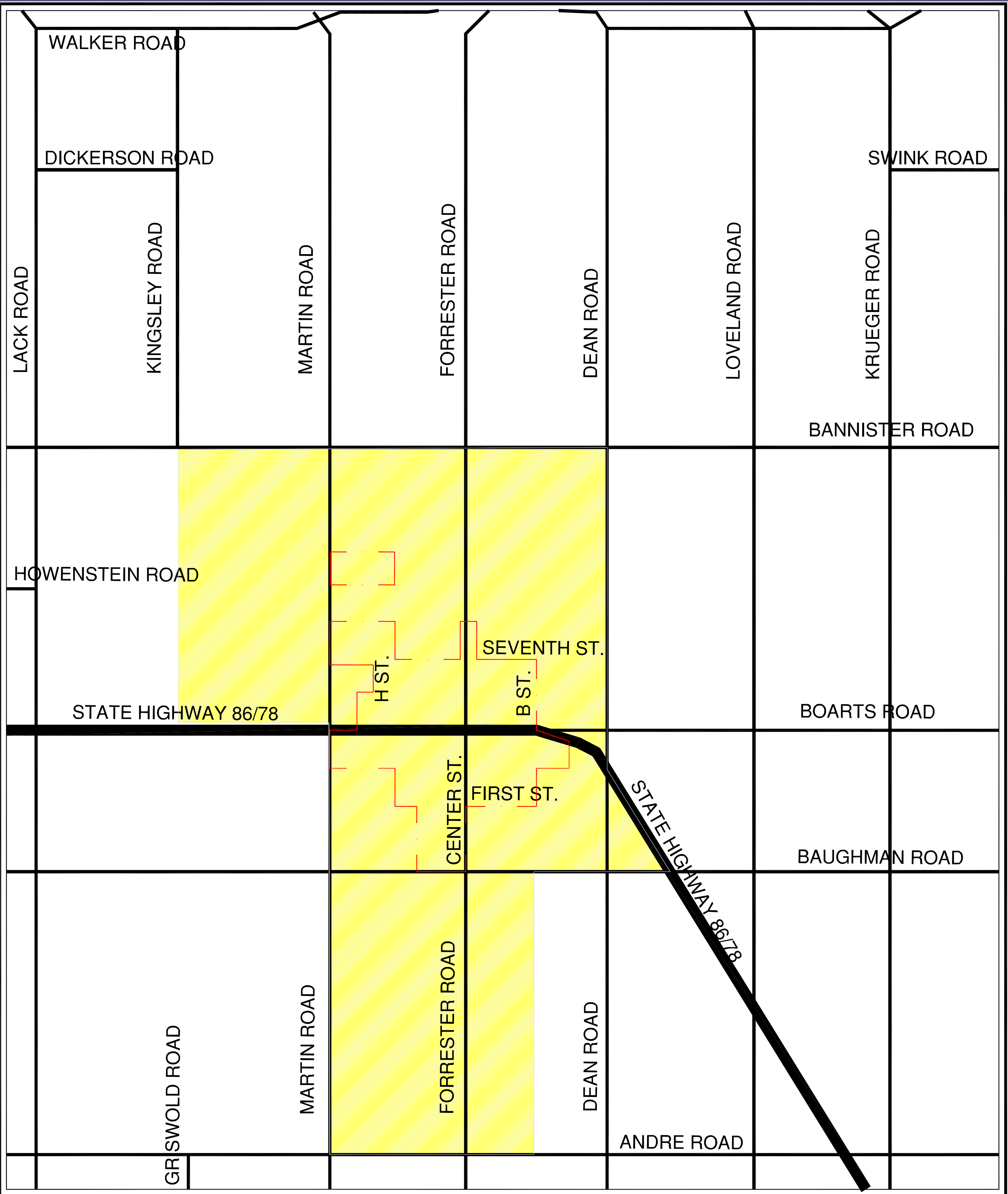


City of Imperial Sphere of Influence
local agency formation commission

Approved: June 26, 2008

- City Limits
- Sphere of Influence

EXHIBIT F



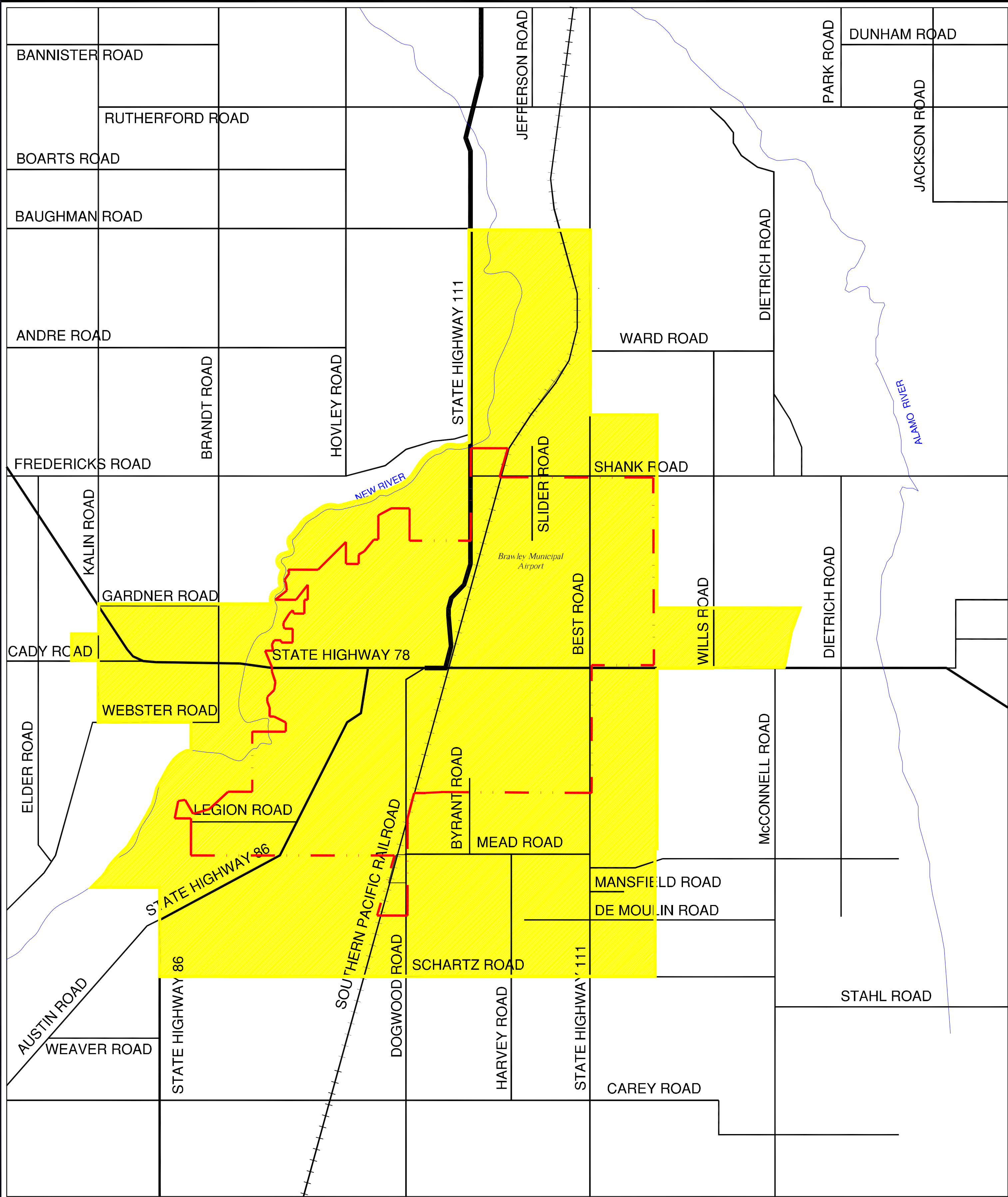
Westmorland Sphere of Influence
local agency formation commission

EXHIBIT G

CHAPTER IX

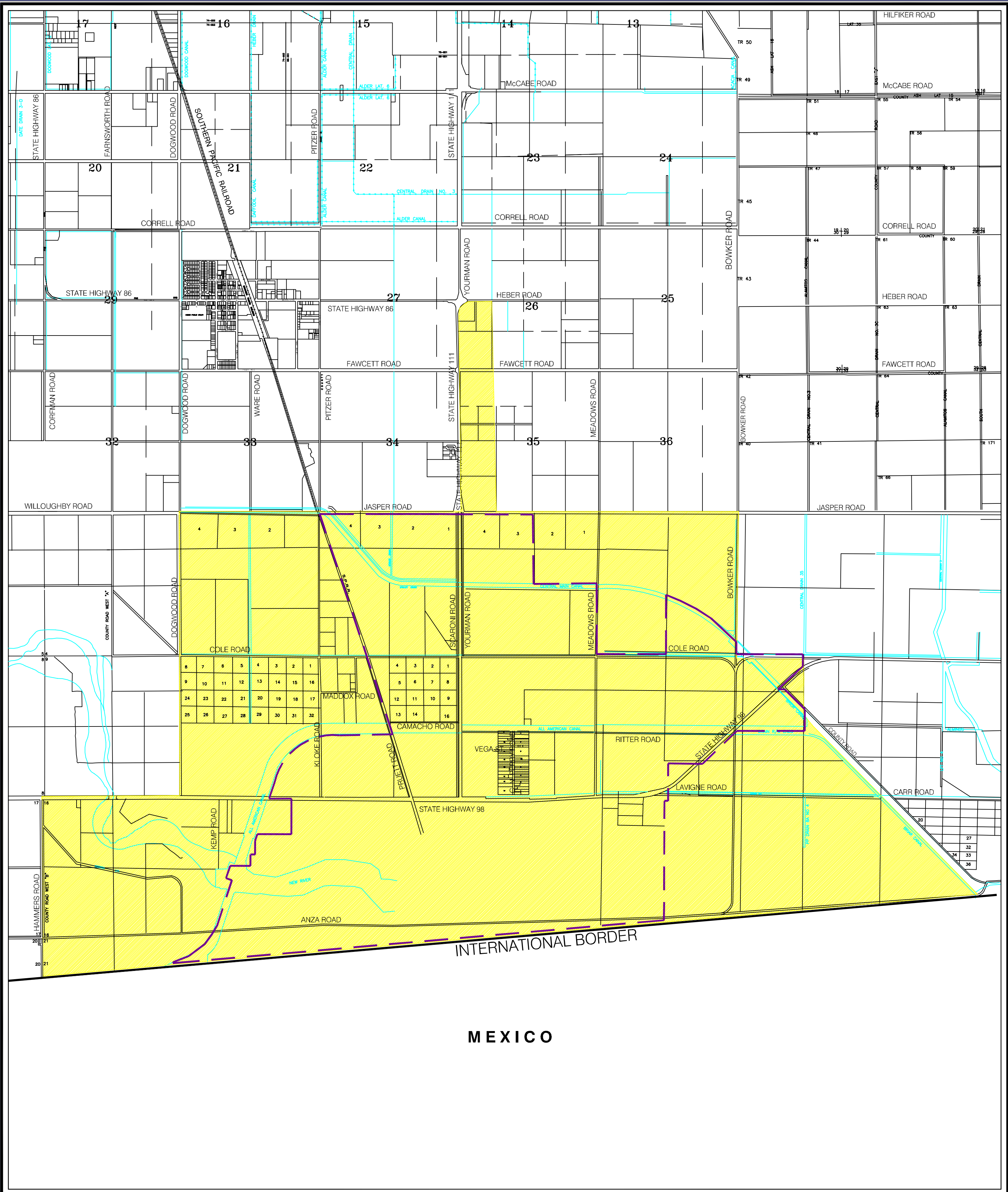
CITY SPHERE OF INFLUENCE BOUNDARIES

For maps please contact the Executive Officer to LAFCO, Jurg Heuberger by e-mail at jurgh@iclafco.com or the Clerk to LAFCO, Danielle Bruce at (760) 353-4115 or by e-mail at danielleb@iclafco.com.



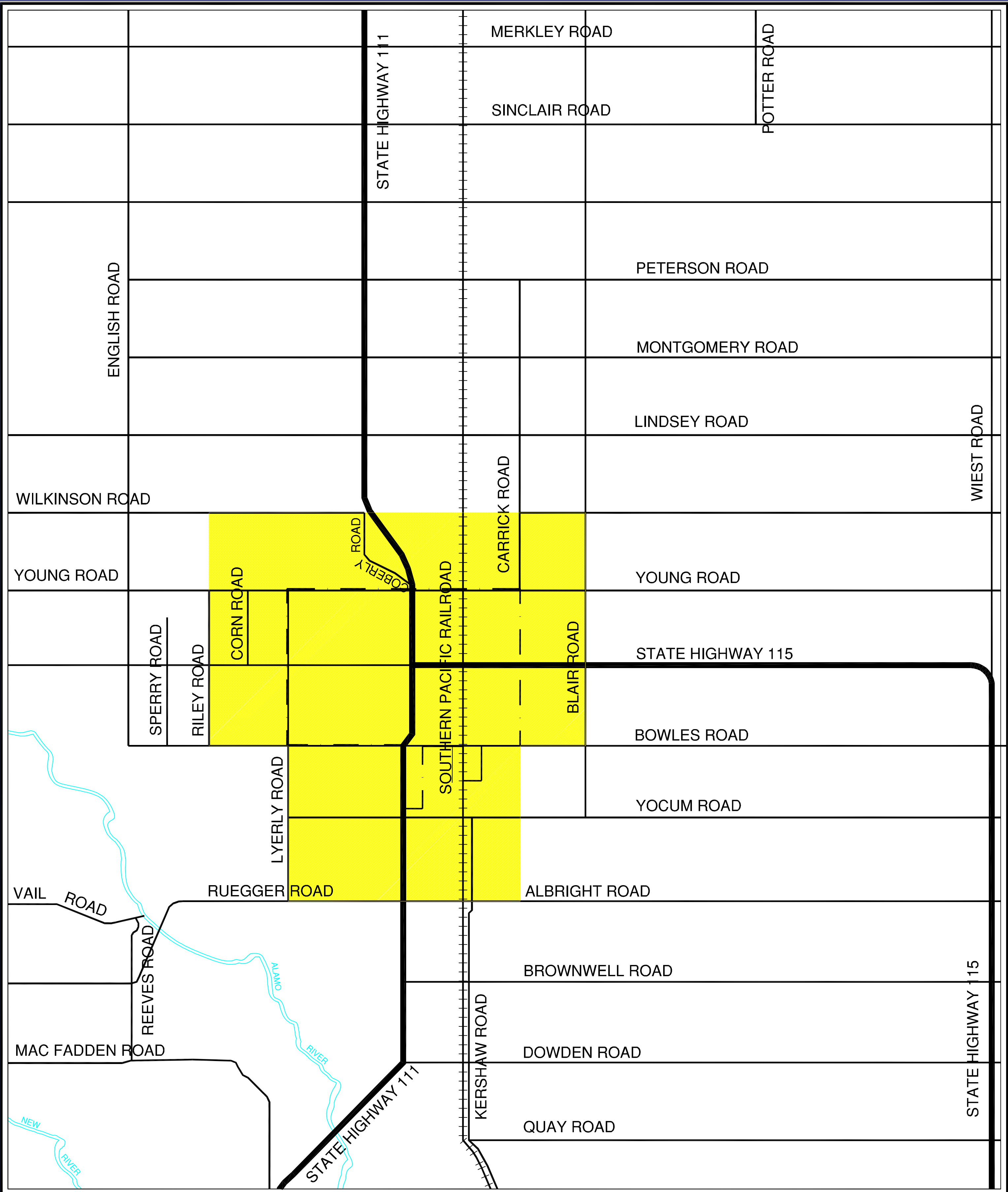
Brawley Sphere of Influence
local agency formation commission

EXHIBIT A



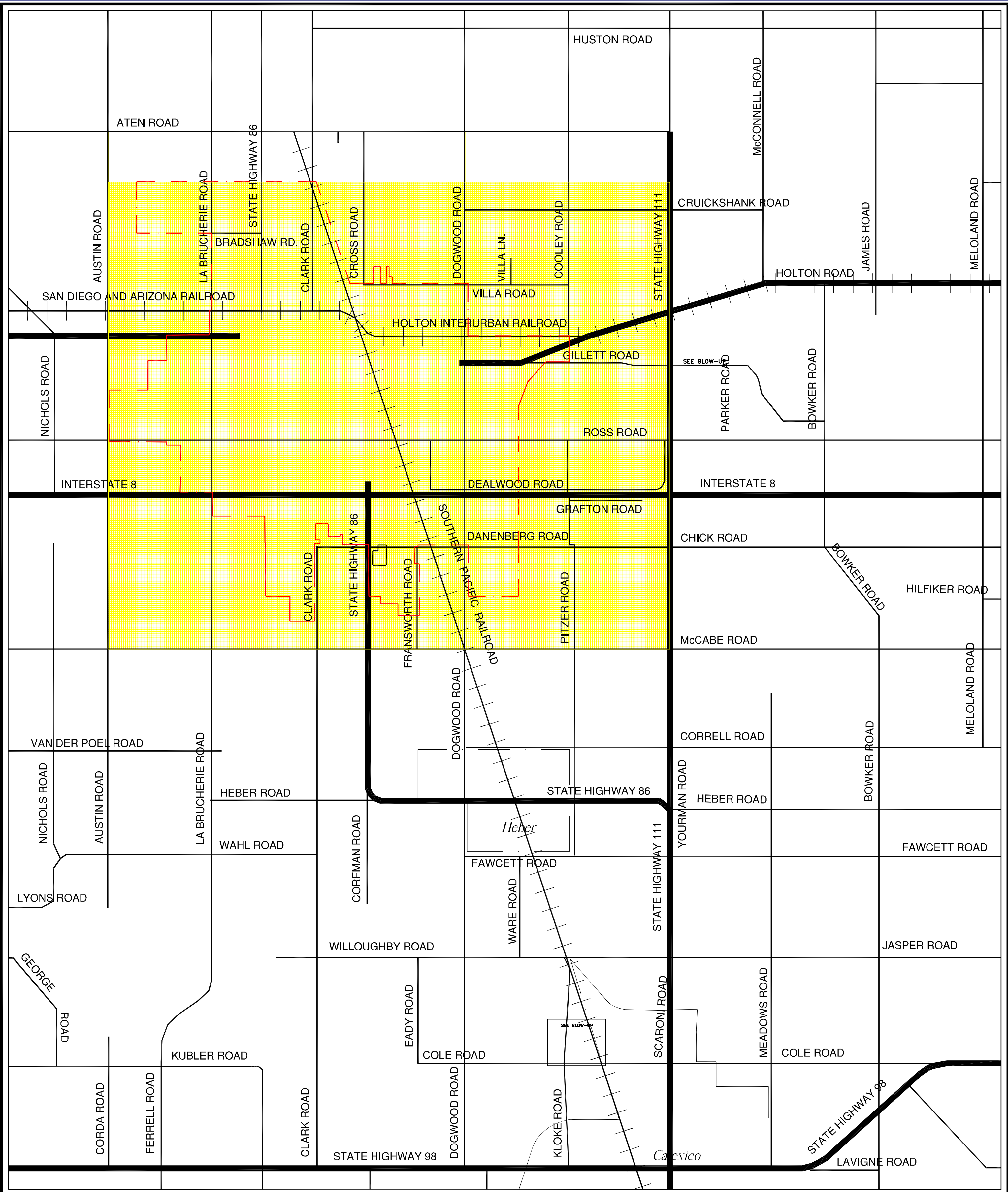
Calexico Sphere of Influence
local agency formation commission

EXHIBIT B



Revised Calipatria Sphere of Influence
local agency formation commission

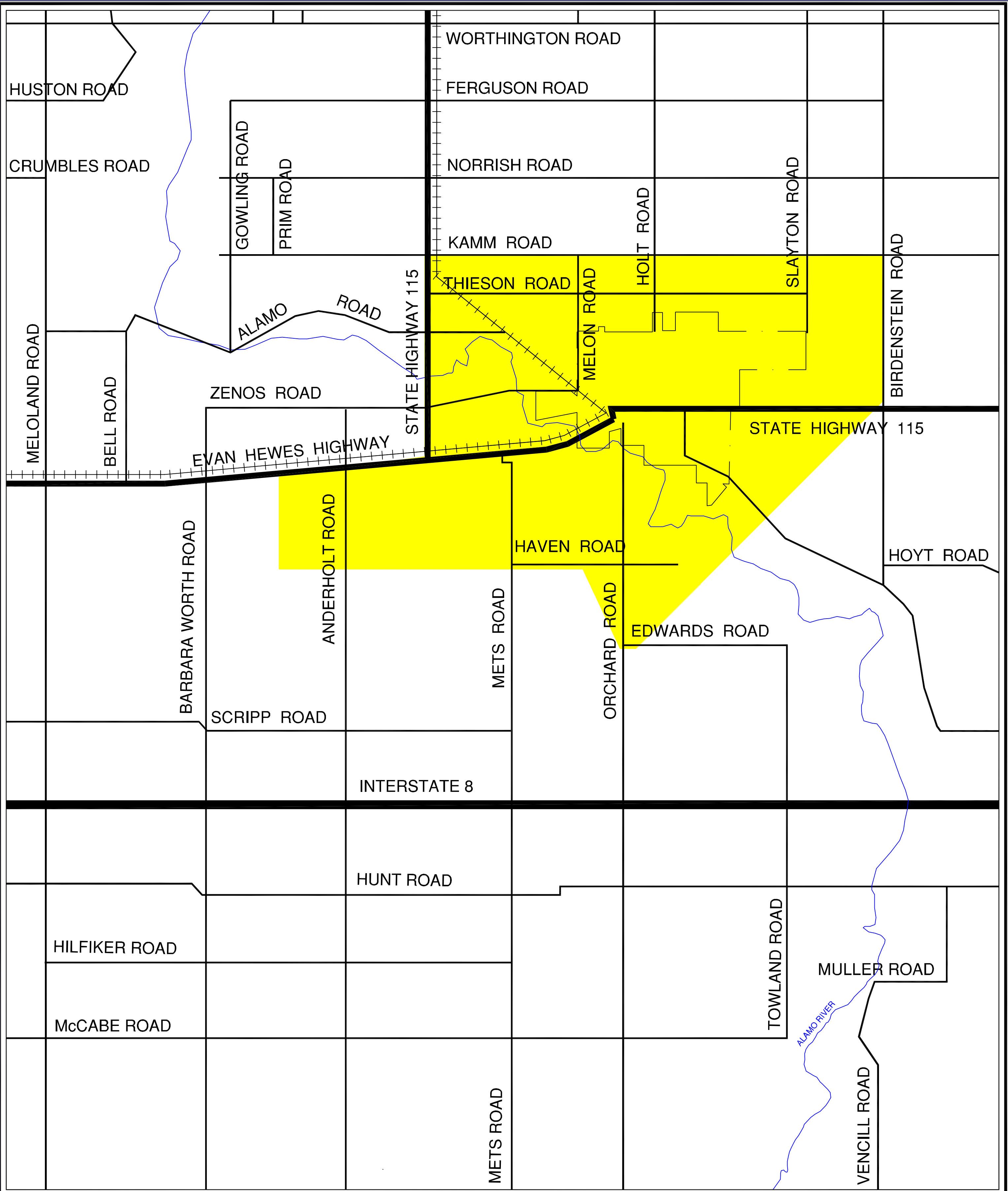
EXHIBIT C



El Centro Sphere of Influence
local agency formation commission

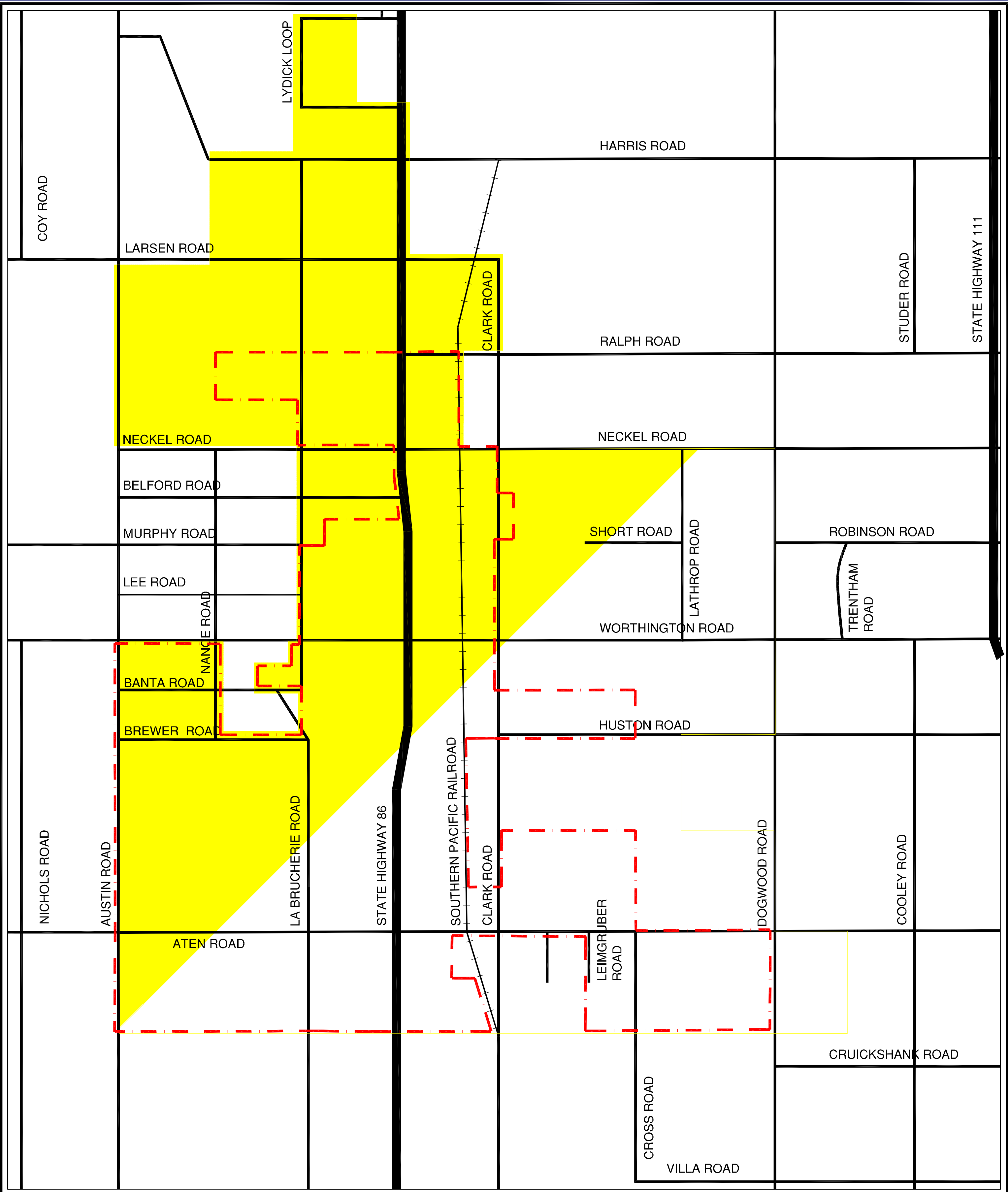
- City Limits
- Sphere of Influence

EXHIBIT D



Holtville Sphere of Influence
local agency formation commission

EXHIBIT E

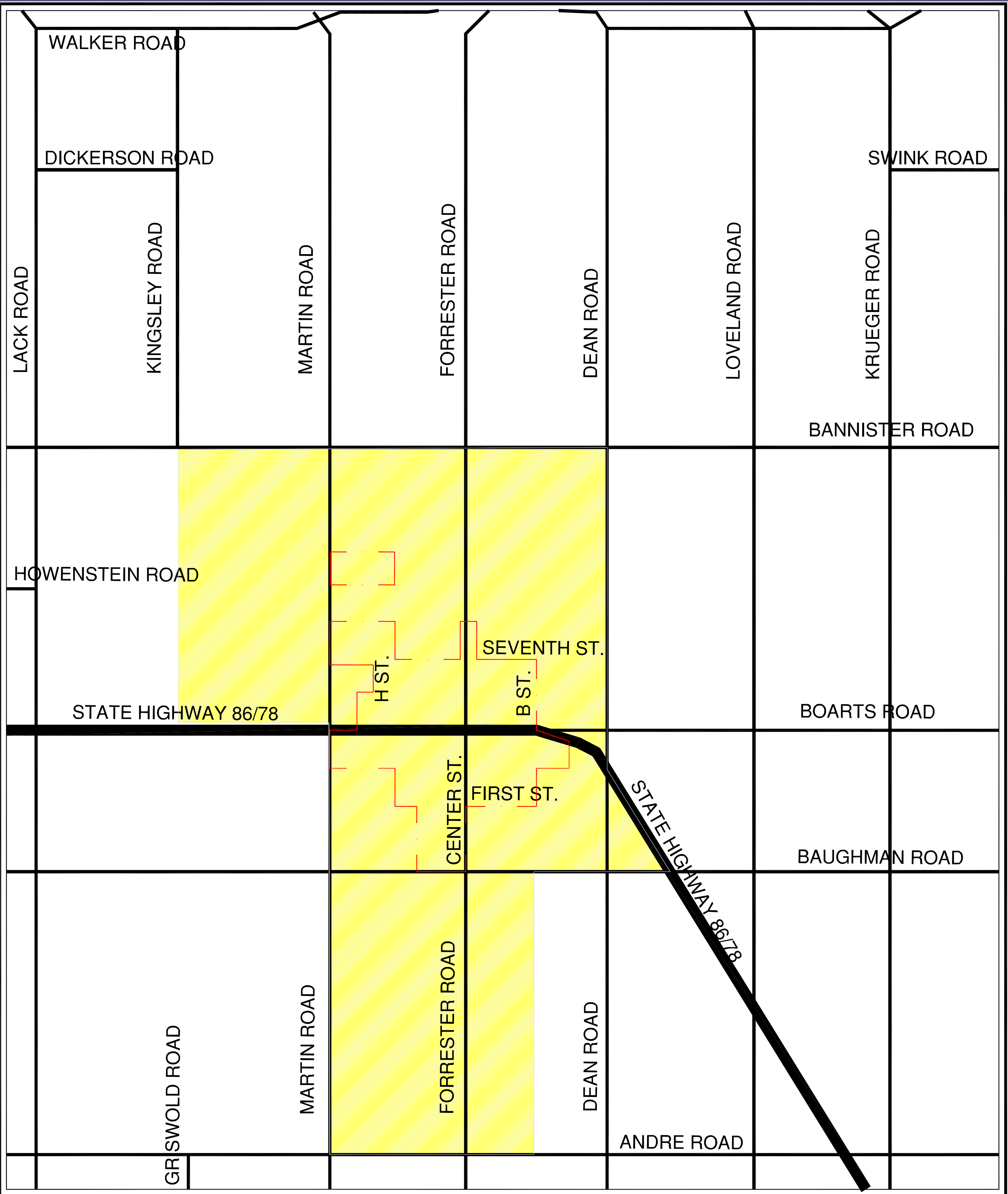


City of Imperial Sphere of Influence
local agency formation commission

Approved: June 26, 2008

- City Limits
- Sphere of Influence

EXHIBIT F



Westmorland Sphere of Influence
local agency formation commission

EXHIBIT G

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.

LAFCO FILING & PROCESSING FEES

I: LAFCO PROCESSING FEES: (1)

___ (a)	Processing fee for annexation(s) of uninhabited territory to a city or district (Less than 1 acre).	\$2,000.00
___ (b)	Processing fee for annexation(s) of uninhabited territory to a city or district (1-10 acres).	T/M
___ (c)	Processing fee for annexation(s) of uninhabited territory to a city or district (>10 acres).	T/M
___ (d)	Processing fee for annexation(s) of inhabited territory to a city or district (Less than 1 acre).	\$2,000.00
___ (e)	Processing fee for the annexation of inhabited territory to a city or district (1-10 acres).	T/M
___ (f)	Processing fee for annexation of inhabited territory to a city or district (>10 acres).	T/M
___ (g)	Processing fee for district reorganization.	T/M
___ (h)	Processing fee for formation of a district.	T/M
___ (i)	Processing fee for incorporation of new city.	T/M
___ (j)	Processing fee for sphere of influence change.	T/M
___ (k)	Public Works Department Fee: Map Review Fee.	\$500.00
___ (l)	Additional Cost incurred fee. (6)	T/M
___ (m)	Extension Services	\$2,000.00

II: CALIFORNIA ENVIRONMENTAL QUALITY ACT FEES:

___	Initial Study/NOP review (only if not lead or co-lead)	\$5,000.00
___	Review EIR as responsible agency.	T/M
___	Prepare contract administered EIR.	Actual Cost plus 5% contract admin.

III: STATE BOARD OF EQUALIZATION FEES: (2)

(Filing pursuant to Section 54900 to Section 54902 Government Code)

(a) Single Area Transactions (3,4)

<u>Acreage</u>	<u>Fee</u>	<u>Acreage</u>	<u>Fee</u>
Less than 1 acre	\$300.00	51 – 100	\$1,500.00
1 - 5	\$350.00	101 – 500	\$2,000.00
6 – 10	\$500.00	501 – 1,000	\$2,500.00
11 - 20	\$800.00	1,001 – 2,000	\$3,000.00
21 – 50	\$1,200.00	2,001 and above	\$3,500.00
(b)	Dissolutions or consolidations per district	\$300.00	
(c)	Entire District Transaction	\$300.00	
(d)	Dissolution or Name Change	\$ -0-	

IV: NOTE (S):

- These fees are effective March 2012 and are payable upon filing the LAFCO application. (State fees effective August 1, 2005)
- Set by State Law.
- Make check payable to State Board of Equalization, give to clerk or secretary after the LAFCO has adopted a resolution.
- Add 10% filing fee to 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 min. \$5,000 deposit.**
- Under "Additional Costs" the Executive Officer 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.

LAFCO 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 or reorganization, and stipulate(s) as follows:

APPLICANT'S NAME		DATE
CONTACT PERSON		TELEPHONE NUMBER
SITE ADDRESS		EMAIL ADDRESS
CITY	STATE	ZIP CODE
NAME OF PROPOSAL		
1.	THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
2.	<p>THE SPECIFIC CHANGE(S) OF ORGANIZATION PROPOSED IS/ARE:</p> <p> <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"/> INCORPORATION <input type="checkbox"/> FORMATION OF _____ </p>	
3.	<p>THE BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN,</p> <p>_____.</p>	
4.	<p>THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE:</p> <p> <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS RESIDE) <input type="checkbox"/> UNINHABITED </p>	
5.	<p>IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT(S).</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	

6.	<p>THE REASON(S) FOR THE PROPOSED _____ (ANNEXATION, DETACHMENT, REORGANIZATION, ETC.) IS/ARE: (DESCRIBE IN DETAIL - USE ATTACHED SHEET IF NECESSARY.)</p> <p>_____</p> <p>_____</p>
7.	<p>THE PROPOSED _____ IS REQUESTED TO BE MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
8.	<p>THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS:</p> <p><input type="checkbox"/> REGISTERED VOTERS OR <input type="checkbox"/> OWNERS OF LAND (CHECK ONLY ONE)</p>
9.	<p>WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF YES, PLEASE EXPLAIN.</p> <p>_____</p> <p>_____</p>
10.	<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 _____, _____, HERETOFORE INCORPORATED HEREIN.</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 style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> NO IN UNINCORPORATED AREAS? <input type="checkbox"/> YES <input type="checkbox"/> NO IN INCORPORATED AREAS? </p>
12.	<p>HOW MANY PARCELS ARE INCLUDED IN THE PROPOSAL? _____ LIST ALL ASSESSORS' PARCEL NUMBERS IN SUBJECT TERRITORY. _____</p>
13.	<p>DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY?</p> <p style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </p>
14.	<p>TOTAL LAND AREA: (ACRES) [NET] _____ [GROSS] _____</p>
15.	<p>WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
16.	<p>DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
17.	<p>SPECIFY ANY AND ALL EXISTING LAND USE(S). _____</p> <p>_____</p> <p>WHAT IS THE PROPOSED LAND USE(S)? _____</p> <p>(DESCRIBE YOUR PROJECT IN DETAIL) _____</p> <p>_____</p> <p>_____</p>
18.	<p>WHAT IS THE EXISTING COUNTY ZONING? _____</p> <p>WHAT IS THE PROPOSED COUNTY ZONING? _____</p>

19.	<p>HAS OR IS THE AREA BEEN/BEING PRE-ZONED? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>WHAT IS THE PRE-ZONING CLASSIFICATION? _____</p> <p>WHAT DATE WAS THIS PRE-ZONED? _____</p>										
20.	<p>WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>										
21.	<p>WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY.</p> <p>_____</p> <p>_____</p>										
22.	<p>IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL:</p> <p>(A) THE NAME PROPOSED FOR THE NEW CITY IS: _____</p> <p>(B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF:</p> <table border="0"> <tr> <td>(I) CITY MANAGER</td> <td><input type="checkbox"/></td> <td>YES</td> <td><input type="checkbox"/></td> <td>NO</td> </tr> <tr> <td>(II) THE CITY CLERK AND CITY TREASURER</td> <td><input type="checkbox"/></td> <td>YES</td> <td><input type="checkbox"/></td> <td>NO</td> </tr> </table>	(I) CITY MANAGER	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	(II) THE CITY CLERK AND CITY TREASURER	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
(I) CITY MANAGER	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO							
(II) THE CITY CLERK AND CITY TREASURER	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO							
23.	<p>IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS _____</p> <p>_____</p> <p>_____</p>										

APPLICANT SIGNATURE

DATE

THIS SECTION TO BE FILLED OUT BY LAFCO STAFF

APPLICATION RECEIVED BY

DATE

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 of Filing (COF) until such resolution is filed with LAFCO.

Please complete the names and addresses of persons who are furnished copies of the Agenda and Executive Officer's Report and who are to be given mailed notices of the hearing of this proposal.

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
-------------	----------------	------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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
--------------------	----------------------------

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.

APPLICATION FOR SPHERE OF INFLUENCE

Please print and provide all information requested.

1	CITY / DISTRICT TO BE AMENDED	
2	IF APPLICATION IS BY RESOLUTION	RESOLUTION NO. () DATE (____/____/____)
3	IF APPLICATION IS BY PETITION	CHIEF PETITIONER
4	CURRENT SPHERE (SIZE) AREA	PROPOSED INCREASE TO SPHERE AREA
5	CURRENT UNDEVELOPED LAND (AREA) WITHIN SPHERE	
6	OTHER DISTRICT (S)/CITY (S) AFFECTED	
7	REASON FOR REQUEST ----- -----	
8	DESCRIBE NEW BOUNDARY ----- -----	
9	DESCRIBE LAND USES WITHIN PROPOSED AREA ----- -----	
10	APPLICANT (S) NAME	APPLICANT (S) PHONE
11	APPLICANT (S) ADDRESS	
12	CITY/DISTRICT REPRESENTATIVE	CITY/DISTRICT PHONE
13	CITY/DISTRICT MAILING ADDRESS	

14 _____
 SIGNATURE (APPLICANT)

 DATE

15 _____
 SIGNATURE (CITY/DISTRICT)

 DATE

DATE RECEIVED
APPLICATION REJECTED
CERTIFICATE OF FILING DATE

RECEIVED BY
PREVIOUS AMENDMENT DATE
TENTATIVE HEARING DATE

RECEIPT NO.
FEE / DEPOSIT
LAFCO I.D.

JH\DEB\IS\Forms\2012 Forms\Sphere of Influence Application.doc

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

Local Agency Formation Commission (LAFCO) Imperial County

LAFCO through the Cortese/Knox Reorganizations Act and The Policy and Procedure Manual requires a Service Area Plan 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. Buildout 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 moneys 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 assure 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 page 2)

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 part 5. This part is divided into nine separate sections. 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 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 part 5:

Administrative Facilities

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

Drainage Facilities

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

Fire Facilities

- Performance Standards
- Facility Planning and Adequacy Analysis
 - Facility Inventory
 - Inventory of approved Facilities
 - Buildout demand for Facilities
 - Phasing
- Mitigation
- Financing

Law Enforcement

- Performance Standards
- Facility Planning and Adequacy Analysis
 - Facility and Service Inventory
 - Inventory of approved Facilities
 - Buildout 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
 - Buildout 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
 - Buildout demand for Parks & Recreational Facilities
 - Phasing
- Mitigation
- Financing

Transportation Facilities

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

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

NOTE: *For questions call the Executive Officer at (760) 353-4115 or by e-mail at jurgh@ivnet.org*

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

A request for the amendment or change for a "Sphere of Influence" (GOV. CODE SECTION 56076) to a City or a 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, minimums of three signatures are 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 SECTION(s) 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 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 alternative available or considered. Provide the same level of detail for the alternative(s) 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 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 affect 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 CITY (S)/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 on AUTOCAED format and a copy of the map must be provided in AUTOCAED rel 13 formats along with ten "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 farm land
- e) show amount & location of State wide significant farm land
- 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 adjoining other 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.

XXI. COST (S):

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 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 EXECUTIVE OFFICER, 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@iclafco.com

J:\DEB\IS\Forms\2012 Forms\Sphere of Influence Guidelines.doc

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.

Local Agency Formation Commission: (LAFCO)

RULES AND REGULATIONS TO IMPLEMENT CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS AMENDED

(PUBLIC RESOURCES CODE 21000 et. seq.)

prepared by

Local Agency Formation Commission
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Executive Officer
to
LAFCO
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APPROVAL TRACKING

AMENDED CEQA RULES AND REGULATIONS

<u>ACTION:</u>	<u>DATE</u>	<u>LAFCO Resolution</u>
Approved	09/26/02	Y
Approved	12/04/03	Y

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TRANSMITTAL RECORD

- o County Planning/Building Department
- o Cities (all)

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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 Local Agency Formation Commission (LAFCO) "Rules and Regulations to Implement CEQA". These regulations shall be applicable to all Agencies that have responsibilities under CEQA as either a "Lead Agency" or a "Responsible Agency".

These rules may also serve as the "Rules" for other agencies, provided said agency adopts this manual by reference within its regulations.

In the event this manual is adopted by reference, whenever the term "LAFCO" or "COUNTY" is used, it shall be substituted by the appropriate agency name.

Section 1: POLICY

- a) The policy of the 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) It is the policy of LAFCO that in the case of substantial projects, in order to have a coordinated and legally defensible CEQA document, that the City/District/Agency and LAFCO will process the project on a "co-lead" basis.

FINDINGS: The LAFCO finds that where it 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 coordinated and well prepared CEQA document.

The LAFCO therefore finds that under the format of "co-lead" preparation of environmental documentation is desirable, particularly in large or complex projects.

Section 2: PURPOSE

These Rules are designated to implement the California Environmental Quality Act of 1970 (CEQA) 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 Rules shall apply to any project for which the LAFCO, or any District, Agency, and Department, which is governed by the LAFCO is the lead 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 and phrases used in these 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 public sponsored as well as private projects.
- (B) **“Clerk”** shall refer to the Clerk to LAFCO.
- (C) **“Decision-making body”** shall refer to the Local Agency Formation Commission (LAFCO)
- (D) **“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.
- (E) **“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.
- (F) **“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.
- (G) **“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.
- (H) **“Lead Agency”** means the public agency (LAFCO where LAFCO is the first or only agency to act, more generally it will be a City or District), which has the principal responsibility for carrying out or approving a project. The Lead Agency will 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. If LAFCO is not the “lead” the LAFCO shall be consulted by the “lead” before a final decision on a project environmental process is made.
- (I) **“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.

- (J) **“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.
- (K) **“Mitigation Measures”** include:
- (a) Avoiding the impact altogether by not taking a certain 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.
- (L) **“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 an EIR.
- (M) **“Notice of Completion”** refers to a brief notice filed with OPR by a lead agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.
- (N) **“Notice of Determination”** refers to a brief notice filed by a public agency after it approves or determines to carry out a project, which is subject to CEQA.
- (O) **“Notice of Preparation”** 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.
- (P) **“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.
- (Q) **“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.
- (R) **“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, which have discretionary approval power over the project.
- (S) **“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:
 - (1) 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.
 - (2) The State Land Commission with regard to state owned "sovereign" lands such as the beds of navigable water and state school lands.
 - (3) The State Department of Parks and Recreation with regard to units of the State Park System.
 - (4) 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 or City 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 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 Applicant, or at Applicant's request, to review the project proposal.

- (2) The Executive Officer shall provide the Applicant with the application package, and the fee schedule.
- (3) The Executive Officer shall give general guidance in application procedures and identify necessary information and materials to be provided by the Applicant.
- (4) The Executive Officer shall meet with the City or District or County to establish which projects needed to be prepared on a "co-lead" basis.
- (5) The City or 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 which may include an "Owner's Affidavit", but shall include an "Indemnification Agreement", and all other supporting documentation requested by the County.
- (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 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.
- (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.

Statutory Exemptions Continued

- (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.

**Statutory
Exemptions
Continued**

- (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.
- (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:** For 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 as to 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:** The establishment or operation of a large family day care home, which provides in-home care for up to twelve (12) children, as defined in the Health and Safety Code, Section 1596.78.
- (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.

**Statutory
Exemptions
Continued**

- (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.
- (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) **Housing For Agricultural Employees:** CEQA does not apply to any development project which consists of the construction, conversion, or use of residential housing for agricultural employees, as defined in Guidelines, Section 15279.
- (20) **Low-Income Housing Projects:** CEQA does not apply to any development project, which consists of the construction, conversion, or use of residential housing of not more than 45 units in an urbanized area, as defined in Guidelines, Section 15280.
- (21) **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 390533 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.
- (22) **Other Statutory Exemptions:** CEQA does not apply to the "Other Statutory Exemptions" (a) through (w) as defined in Guidelines, Section 15282.

**Statutory
Exemptions
Continued**

- (23) **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.
- (24) **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.
- (25) **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.

Categorical Exemptions Continued

- (b) 32 Categorical Exemptions, CEQA Guidelines, Sections 15300 - 15332.
 - (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.

**Categorical
Exemptions
Continued**

- (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.

**Categorical
Exemptions
Continued**

- (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 & 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 or archaeological resources, further defined in Guidelines, Section 15316.
- (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.

Categorical
Exemptions
Continued

**Categorical
Exemptions
Continued**

- (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.

**Categorical
Exemptions
Continued**

- (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 31 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature thermal desorption, 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,

**Categorical
Exemptions
Continued**

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.

Note: For a complete explanation of the Categorical Exemptions listed above review the CEQA Guidelines, Sections 15300 – 15332 or as amended.

- (2) Imperial County Categorical Exemptions are as follows:

- (1) **Clearing or Leveling of Agricultural Land:** Clearing or leveling of land for agricultural use; (This does not include any grading or excavating not directly related to agriculture field leveling).
- (2) **Geothermal Temperature gradient wells:** Installation and operation of temperature gradient wells for locating geothermal resources. This does not preclude other aspects of geothermal operations from CEQA review.
- (3) **Mining Test Boring:** Test boring to determine the type of material for future mining activities. However, it must meet SMARA threshold for minimum surface disturbance, i.e. one acre or less.
- (4) **Monitoring wells:** Installation of and operation of monitoring wells (for example vadose) for groundwater monitoring. The installations of such wells are exempt from CEQA, however the project's, which typically necessitate installation

and operation of monitoring wells, may not be exempt from CEQA review.

- (5) **Certificate of Compliance:** Where a project requesting a Certificate of Compliance is consistent with the Subdivision Map Act and does not result in a change in the physical layout of the area, which would potentially result in an adverse effect the environmental.
- (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 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/
PROCEDURE FOR ENVIRONMENTAL EVALUATION COMMITTEE
(EEC)**

- (A) **Initial Study:**
 - (1) All Applicants for discretionary project or approval of an application, including (including such agencies as LAFCO) and projects, subject to CEQA, shall submit a completed "Applicant's Environmental Information Form" to the Executive Officer as part of the application package. Upon ACCEPTANCE (not receipt) 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, 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 Guidelines Section 15378;
 - (b) Determine whether the project is exempt from CEQA, pursuant to Guidelines, Section 15061;
 - (c) Determine whether the project is ministerial, pursuant to 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 Guidelines, Section 15300.2;
 - (e) Determine whether or not the project is an emergency project, 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, 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, found in Appendix B of these Rules and in Appendix G of the 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 seeks 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.
 - (e) Major 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 the 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 the 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) Review by the Environmental Review Committee (ERC): The LAFCO Executive Officer may but is not required to, use the services of the ERC of the County. If such is used, the ERC shall consist of the following:
- (1) **Composition and Role of ERC:** The Environmental Review Committee is a committee consisting of a five (5) member panel. The members of the ERC shall be the following Officials, or their designees. A listing of the authorized "designees" shall be on file with the LAFCO.
 - (a) Director, Department of Health Services/Environmental Health Services Division, for the County of Imperial
 - (b) Fire Chief & Coordinator, Office of Emergency Services/Fire Protection:
 - (c) Air Pollution Control District;
 - (d) Director, Department of County Public Works; and,
 - (e) Executive Officer to LAFCO
 - (2) **Staffing:** The Executive Officer shall act as staff for the ERC. The Executive Officer shall Chair the ERC.
 - (3) **Voting:** A quorum shall be a minimum of 3 of the 5 representatives. An affirmative vote shall require a minimum of (3) "yes" votes.
 - (4) **Legal Advice:** The LAFCO legal Counsel shall be legal advisor to the ERC.
 - (a) Technical assistance and advice is available to the ERC, when requested by the committee, from any other department of the County or outside agencies or individuals. Only the Department Head or the designee assigned to the ERC shall have the authority to discuss and impose any mitigation measures based upon the application under review.
 - (b) The Executive Officer shall be the LAFCO's agent with principal responsibility for the implementation of CEQA, the State Guidelines, and the intent of these "Rules and Regulations to Implement CEQA".
 - (5) **ERC Meeting:** The ERC shall meet to make an environmental determination on the project proposal within thirty (30) days after an application has been found to be complete. The determination period may be extended for 15

days if Applicant, or submitting Department and Executive Officer mutually agree, in writing. The ERC can also have "special" meetings to be scheduled on a case-by-case basis with any related costs to be borne by the requesting Applicant after required notice has been given.

- (6) **Notice of ERC Meeting:** ERC meetings will be duly noticed and be open to the public. For notification purposes, the Master ERC Calendar shall be posted and published in the newspaper at least two (2) times per year and the Applicant shall be sent notice of the hearing date. The Executive Officer may cause a specific project to be noticed more extensively than required herein, if said project is determined to be of significant interest or have potential significant impact.

(C) PROCEDURES FOR ERC MEETINGS:

- (1) The Executive Officer shall insure that the ERC meeting is properly recorded, via tape recording, or other appropriate device.
- (2) There will be an "introduction" with the date, time and outline of the various Initial Study(ies) to be reviewed at the ERC meeting. For the record, those present will be identified who are sitting as the ERC with those absent also noted for the record.
- (3) Transcription of any hearing, or a copy of the tape, will be made available to anyone upon receipt of a written request filed with the LAFCO. The cost of preparation of a transcription shall be paid by the person(s) requesting said transcription.
- (4) The Agenda Items may be handled in whatever sequence determined to be appropriate by the Chairperson of the ERC.
- (5) Each individual Initial Study, Project Description, will be read and if appropriate, the person who prepared the Initial Study will be present to answer any questions. The project's location on the overhead projector will be shown as well as any aerial photos needed of the area surrounding the project.
- (6) The Applicant will have an opportunity to present the project and to answer any questions from or by the ERC members. The public may also comment and question the Applicant and/or the ERC on the project.
- (7) The ERC will go over each page and/or question of the Initial Study individually or as a group and appropriate changes made with a motion, second and vote on each change to the marks, and/or any mitigation measure proposed by the particular ERC Department imposing the measure.

(D) DECISION BY THE ERC:

- (1) At the conclusion of the Initial Study review, if there are no further questions, then the Chairperson shall ask for the ERC's decision, on the three mandatory findings of significance, determine type of environmental document needed, and a motion, second and deciding vote will be called for and each ERC member shall fill out their voting sheet on that particular project under review and submit it to the Chairperson.
- (2) By their deciding vote, the ERC shall determine whether a Negative Declaration, Mitigated Negative Declaration, an EIR, or other CEQA document is necessary, based on the mitigation measures imposed, if any.
- (3) The Applicant is advised of when the LAFCO will hear the project **subject to the required notice having been given**, or as determined by the project's schedule, unless the project is "appealed". The Applicant, or any interested party, can appeal the ERC's decision to the LAFCO within ten (10) days with the appropriate letter(s) and fees included. See Section (D) for appeal procedure.
- (4) The ERC will then proceed with the next Initial Study until all of the Agenda Items are completed. At this time the ERC meeting will be adjourned until the next regularly scheduled ERC meeting, or unless a special ERC meeting is scheduled.
- (5) Notice of ERC actions shall be regularly published in a newspaper of greatest circulation in Imperial County, or as otherwise determined appropriate by the Executive Officer.
- (6) If the ERC determines that "no further documentation is necessary because of a previous environmental document", the regular published notice must include the following statement; "This activity is within the scope of an earlier approved document which adequately describes the activity for CEQA purposes", or words to that effect. The earlier document is to be cited.

(E) Appeal:

The Applicant or any member of the public may appeal to the LAFCO on the CEQA determination by the ERC. 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 decision. When filing an appeal clearly state the reason(s) for the appeal, and provide all information necessary to the Executive Officer of the ERC'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 Environmental Review Committee, the Executive Officer shall fix 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 one time publication in a newspaper of greatest circulation at a minimum of ten (10) 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 both the Courthouse and Administration Center at least ten (10) days prior to hearing.
- (4) The decision, on appeal, by LAFCO shall be deemed final.
- (E) Preparation of a Negative Declaration (ND)/ Mitigated Negative Declaration (MND):
 - (1) When the ERC 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 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 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 105 days of the completed application 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 at the ERC meeting, 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 at the ERC meeting that changes the project description, then the project shall go back to the ERC 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 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 ERC, 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 ERC and/or Planning Commission.

- (B) Documentation Source: When the ERC 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 include 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 determine 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 Commissions 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 at least 10 (or as 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 24 hours of receipt.

- (5) The public review period for a draft EIR should not be less than 30 days nor longer than 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 45 days, unless a shorter period, not less than 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 CEQA or 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 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 subject project.
- (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 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 LAFCO, 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.

After the 10 day appeal period has passed, 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 Imperial County 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)**.
(Formal RFP means an RFP sent to a number of consultants seeking a response for a given project based on the "project description provided. The response will include the full profile of the company, project description, implementation, and cost. This process generally takes between 45 and 75 days.)
(Informal RFP means the Executive Officer can fax a copy of the project description to 3 – 5 qualified consultants and seek only a cost estimate. The Executive Officer can then select from the respondents but is not required to select the lowest bid.)
- (B) The consultant shall provide the Executive Officer, upon request, one copy of a work/contract proposal containing:
 - (1) The personnel to be assigned;
 - (2) Wage scales;
 - (3) Time to complete Draft EIR and Final EIR;
 - (4) Total costs to provide a specified number of Draft EIR's;
 - (5) Total costs to provide a specified number of Final EIR's;
 - (6) Summation of total costs to provide described services in a "not to exceed cost" format; and,
 - (7) 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 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 reports or documents filed pursuant to these Rules shall be available for public inspection and copies may be purchased at the rate set by the 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 a "non-LAFCO" agency that is not a "co-lead" may however affect the LAFCO, 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.
- (3) Any notice for an NOP or request for response to the Executive Officer shall be copied to each Commissioner, the County Administrative Office, County Counsel, the applicant, and any affected city or district, and any other department determined applicable.

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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.

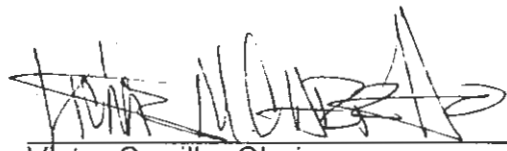
PASSED, ADOPTED AND APPROVED this 23rd day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSTAIN: None

ABSENT: None



Victor Carrillo, Chairman

APPENDIX III

APPOINTMENT OF EXECUTIVE OFFICER

RESOLUTION #2012-02 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND APPROVING POLICIES FOR APPOINTMENT AND SERVICE OF THE EXECUTIVE OFFICER.

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 section 56380 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, for approximately 26 years LAFCO has appointed its own staff including the Executive Officer; and,

WHEREAS, LAFCO requires one individual to be responsible for the day-to-day operations of the office and therefore LAFCO recognizes the need to employ an Executive Office and desires to do so on a contract-basis.

WHEREAS, now that LAFCO is fiscally independent, the LAFCO Executive Officer has now been under contract for the past 4 years; and

WHEREAS, the current Executive Office has performed the duties of the Executive Officer for over 26 years, is extremely knowledgeable in the LAFCO regulations and laws, and is more than capable of continuing to serve as Executive Officer. It is the desire of LAFCO to continue to contract with Jurg Heuberger as its Executive Officer, subject to an established salary as specified in the Policy Manual and the annual budget, and including but not limited to, the provisions and personnel rules of appointment contained in the policies, standards and procedures guide; and,

WHEREAS, the Executive Officer shall at all times work as independent staff to LAFCO.

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

- a. The Executive Officer shall at all times be directly responsible to the LAFCO, and shall at all times exercise judgment in the interest of the LAFCO, and in keeping with LAFCO regulations.
- b. The Executive Officer is granted authority and responsibility for the day-to-day operations for LAFCO and has such other authority as may be provided by resolution, minute order or contained in the LAFCO Policy Guide.
- c. Jurg Heuberger, AICP, CEP is hereby re-appointed to serve a four-year term as Executive Officer to LAFCO.

- d. The appointment of the Executive Officer shall be under the provisions of the policy, procedures and standards as adopted by LAFCO. The appointment is as a part-time position.

LAFCO finds that:

1. The appointment is the interest of complying with AB 2838.
2. The appointment is of an individual knowledgeable, experienced and capable of providing the requisite direction under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. The appointment is of a person that has 26 years of experience as an 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 Heuberger, Executive Officer

APPENDIX IV

RESOLUTION FOR EXECUTIVE OFFICER AUTHORITY

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.

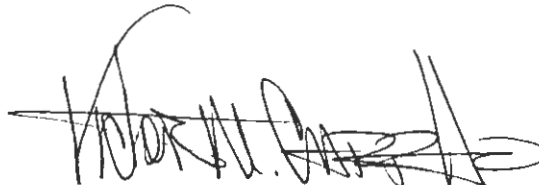
PASSED, ADOPTED AND APPROVED this 23rd_day of October, 2008 by the following roll call votes:

AYES: Maruca, Snively, Carrillo, Ludwig

NAYES: None

ABSTAIN: None

ABSENT: None


Victor Carrillo, Chairman

APPENDIX V

RESOLUTION TO CONTRACT FOR LEGAL COUNSEL

RESOLUTION #2012-03 OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION AND APPROVING POLICIES FOR LEGAL SERVICES TO LAFCO BY CONTRACT WITH PRIVATE LAW FIRM

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, 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 reviewed and prepared a report for legal services upon which a private law firm was then selected by the Commission on February 24, 2011; and

WHEREAS, LAFCO intends to function in compliance with AB 2838 as an independent agency, while minimizing the costs of independence; and,

WHEREAS, LAFCO contracted for legal services, with the office of Childers & Associates for fiscal year 2010/2011; and,

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

- a. The Executive Officer shall at all times work with and provide the necessary information to the legal representative, Childers & Associates.
- b. Childers & Associates shall function as LAFCO's independent legal advisor, and to that extent shall provide the necessary services to the LAFCO through and in conjunction with the Executive Officer.
- c. Ryan Childers of Childers & Associates shall be available to provide the required service to the Executive Officer as needed and shall be available for all public hearings of the Commission. Ryan Childers shall also be available to attend CALAFCO and other LAFCO workshops and training seminars as may be appropriate.
- d. Childers & Associates agrees to provide these services at a fixed retainer of \$5,000 per year maximum for the basic legal services.
- e. Childers & Associates shall have a 3 year contract for legal services commencing on July 1, 2012 through June 30, 2015.

LAFCO finds that:

1. The procedures are in the interest of complying with AB 2838.
2. The procedures establish a business-like approach to the functions of LAFCO.

3. The procedures allow flexibility, responsibly and accountability to rest with the Executive Officer, whom is under review by the Commission on a regular basis.

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

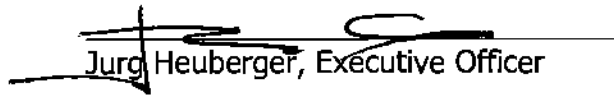
AYES: Snively, Kelley, Ludwig, Terrazas

NAYES: None

ABSTAIN: None

ABSENT: None

Ed Snively, Chairman


Jurg Heuberger, Executive Officer

APPENDIX 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:

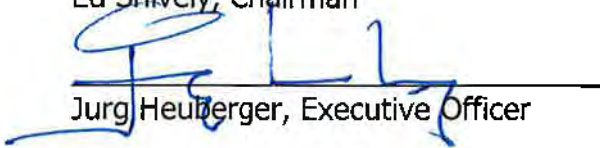
AYES: Snively, Kelley, Ludwig, Terrazas

NAYES: None

ABSTAIN: None

ABSENT: None

Ed Snively, Chairman


Jurg Heuberger, Executive Officer

APPENDIX VII

RESOLUTION OF THE CEQA 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 OFFICER APPROVAL 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

RESOLUTIONS 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:

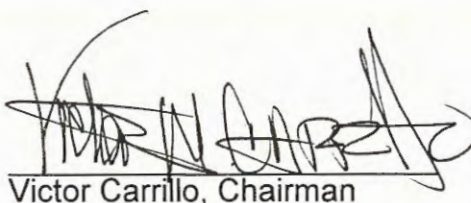
LAFCO adopts the motion made by Commissioner Maruca to accept and approve the Executive Officer recommendations. The Executive Officer may approve annexations of rights-of way, roads, canals and other public infrastructure by administrative review. This shall occur only after public notice to the contiguous 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

T H A N K Y O U !

For any questions regarding the information contained within this document, please contact the LAFCO Office at the following information:

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El Centro, CA 92243
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**Last revision:
April 2013**