

2024

Commissioners

Chair

Matt Gourley
Public Member

Vice Chair

Kimbley Craig
City Member

Mary Adams
County Member

Wendy Root Askew
County Member

Mike Bikle
Public Member, Alternate

David Kong
Special District Member, Alternate

Mary Ann Leffel
Special District Member

Chad Lindley
*Special District Member
(Pending Swearing In)*

Chris Lopez
County Member, Alternate

Ian Oglesby
City Member

Anna Velazquez
City Member, Alternate

Counsel

Reed Gallogly
General Counsel

Executive Officer

Kate McKenna, AICP

132 W. Gabilan Street, #102
Salinas, CA 93901

P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838

www.monterey.lafco.ca.gov

**AGENDA
LOCAL AGENCY FORMATION
COMMISSION
OF MONTEREY COUNTY**

**Regular Meeting
Monday, May 20, 2024
3:00 P.M.**

**Monterey Room
Second Floor
Monterey County Government Center
168 West Alisal Street,
Salinas, California**

This meeting will be conducted in person at the Monterey County Government Center, Salinas. The Public may attend the meeting, participate by Zoom app, or view the meeting on LAFCO's YouTube channel.

Instructions for Remote Public Participation

1. **To Participate in the Meeting:** Use the Zoom app on your smart phone, laptop, tablet or desktop and click on this link: <https://montereycty.zoom.us/j/98228893780>

The meeting ID is: [982 2889 3780](https://montereycty.zoom.us/j/98228893780). There is no password. To make a public comment, please “Raise your Hand.” Please state your first and last name before addressing the Commission.
2. **To View this Meeting:** Please click on the following link to the LAFCO of Monterey County YouTube site: <https://www.youtube.com/channel/UCIF6pPx2hn3Ek94Wg0UI7QA>.

Then click on the Live Stream of the scheduled meeting.
3. **To Participate by Phone:** Please call: +1 669 900 6833
Enter the meeting ID: [982 2889 3780](https://montereycty.zoom.us/j/98228893780) when prompted. There is no participant code – just enter the meeting id and the pound sign # after the recording prompts you. To make a public comment by phone, please push *9 on your phone keypad. Please state your first and last name before addressing the Commission.
4. **To Make Public Comments Via Email:** Written comments can be emailed to the Clerk to the Commission at: malukis@monterey.lafco.ca.gov. Please include the following Subject Line: “Public Comment – Agenda Item #__”. Written comments must be received by noon on day of the meeting. All submitted comments will be provided to the Commission for consideration, compiled as part of the record, and may be read into the record.

PLEASE NOTE: If all Committee Members are present in person, public participation by Zoom is for convenience only and is not required by law. If the Zoom feed is lost for any reason, the meeting may be paused while a fix is attempted but the meeting may continue at the discretion of the Chairperson.

AGENDA

REGULAR COMMISSION MEETING

Monday, May 20, 2024

Call to Order

Roll Call

Pledge of Allegiance

General Public Comments

Anyone may address the Commission briefly about items not already on the Agenda.

Special Business

1. [Consider a Resolution Declaring the 2024 Selection Results of the Independent Special District Selection Committee for a LAFCO Regular Member Representative \(pg. 7\).](#)
Recommended Action: Adopt a Resolution Declaring the Results of a Process to Select a Regular Special District Member Representative to serve on LAFCO.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
2. [Administer the Oath of Office for Regular Special District Member Commissioner Chad Lindley for a Term ending on the First Monday in May 1, 2028 \(pg. 9\).](#)
Recommended Action: It is recommended that Chair Gourley administer the Oath of Office to Commissioner Lindley.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
3. [Select the LAFCO Chair and Chair Pro Tempore for a Period Ending in May 2025 \(pg. 11\).](#)
Recommended Action: Conduct the Selection Process and select the Chair and Chair Pro Tempore for a one-year period ending on May 5, 2025.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Consent Agenda

All items on the Consent Agenda will be approved in one motion and there will be no discussion on individual items, unless a Commissioner or member of the public requests a specific item to be pulled from the Consent Agenda for separate discussion.

4. [Approve Draft Minutes from the April 22, 2024 Regular LAFCO Commission Meeting \(pg. 13\).](#)
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
5. [Approve Draft Notes from the May 6, 2024 LAFCO Budget & Finance Committee Meeting \(pg. 17\).](#)
Recommended Action: Approve notes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
6. [Approve the Draft Financial Statements for Period Ending March 31, 2024 \(pg. 22\).](#)
Recommended Action (By Budget & Finance Committee): Accept the financial statements.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

7. [Accept the April 30, 2024 Draft Balance Sheet and Income Statement \(pg. 23\).](#)
Recommended Action: Accept statements for information only.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
8. [Resolution Declaring the 2024 Selection Results of the Independent Special District \(pg. 28\) Selection Committee of a Special District Representative to the Countywide Consolidated Oversight Board.](#)
Recommended Action: Adopt a Resolution Declaring the Results of a Process to Select a Special District Representative to serve on the Countywide Oversight Board.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
9. [Approve Transfer of Remaining Funds from Temporary Professional Services \(Fire Consultant\) Encumbered Funds to the Unreserved Fund Balance \(pg. 32\).](#)
Recommended Action (By Budget & Finance Committee): Adopt a Resolution transferring all remaining funds from Temporary Services Encumbered Funds to the Unreserved Fund Balance.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
10. [Accept Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies \(pg. 35\).](#)
Recommended Action: Accept report for information only.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
11. [Accept Report on Activities of the California Association of Local Agency Formation Commissions \(pg. 39\).](#)
Recommended Action: Accept report for information only.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

New Business

12. [Consider a Draft of a Comprehensive Policies and Procedures Manual \(pg. 40\).](#)
Recommended Actions (By Budget & Finance Committee):
 1. Receive a report from Executive Officer and Staff;
 2. Receive public comments;
 3. Provide for questions or follow-up discussion by the Commission; and
 4. Consider adoption of a resolution (Attachment 1) adopting a Comprehensive Policies and Procedures Manual.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
13. [Consider Business Items for the 2024 Annual Conference of the California Association of Local Agency Formation Commissions \(CALAFCO\) \(pg. 210\).](#)
Recommended Actions:
 - (1) Receive the Executive Officer's Report;
 - (2) Authorize attendance of three staff, one general counsel, and all Commissioners who express interest in attending the Annual CALAFCO Conference in Yosemite on October 16 – 18, 2024;
 - (3) Designate Regular and Alternate Delegates to represent LAFCO of Monterey County at the Conference;
 - (4) Nominate Supervisor/Commissioner Wendy Root Askew for election to the CALAFCO Board Coastal Region County Representative seat, and
 - (5) Nominate Monterey LAFCO for two of the CALAFCO Achievement Awards Categories:
 - a) The Commission for the Mike Gotch Excellence in Public Service Award for the Protection of Agricultural and Open Space Lands and Prevention of Sprawl; and
 - b) The Executive Officer for the Lifetime Achievement Award.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Public Hearings

14. [Continued Public Hearing from February 22, 2021 to Consider Resolution on Dissolution of the Fort Ord Reuse Authority \(FORA\), \(LAFCO File No. 18-06\)\(pg. 213\)](#)
Recommended Actions (By the Budget & Finance Committee):
 1. Receive the Executive Officer's Report;
 2. Reopen the public hearing and receive any public comments;
 3. Provide for questions or follow-up discussion by the Commission;
 4. Close the public hearing; and
 5. Consider and adopt a resolution (Attachment 1) making written Commission determinations relating to FORA dissolution.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

15. [Consider an Amendment to LAFCO's Schedule of Fees and Deposits \(pg. 218\)](#)
Recommended Actions (By Budget & Finance Committee):
 1. Receive the Executive Officer's Report;
 2. Open the public hearing and receive any public comments;
 3. Provide for questions or follow-up discussion by the Commission;
 4. Close the public hearing; and
 5. Consider and adopt a resolution (Attachment 1) to amend LAFCO's Schedule of Fees and Deposits.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer's Communications

The Executive Officer may make brief announcements about LAFCO activities, for information only.

Commissioner Comments

Individual Commissioners may comment briefly on matters within the jurisdiction of LAFCO. No discussion or action is appropriate, other than referral to staff or setting a matter as a future agenda item.

Public Comments on Closed Session Items

Closed Session

16. (1) [The Commission will conduct a review of the Public Employee Annual Performance Appraisal Program in closed session, pursuant to Code Section 54957. Position: LAFCO Executive Officer \(pg. 229\).](#)
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
- (2) [Pursuant to Government Code Section 54956.9 \(d\)\(1\), the Commission will confer with legal counsel regarding existing litigation: Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County; Commissioners of the Local Agency Formation Commission of Monterey County; and DOES 1 through 20, \(Monterey County Superior Court Case No. 22CV000925\) \(pg. 229\).](#)
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

The Commission Recesses for Closed Session Agenda Item

Closed Session may be held at the conclusion of the Commission's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Commission. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Reconvene on Public Agenda Items

Roll Call

Read Out from Closed Session by LAFCO General Counsel

Read out by General Counsel will only occur if there is reportable action (s).

Adjournment to the Next Meeting

The next regular LAFCO Meeting is scheduled for Monday, June 24, 2024 at 3:00 p.m. at the Monterey County Government Center.

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the meeting.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the LAFCO of Monterey County website at www.monterey.lafco.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA): All regular and special meeting agendas and associated reports are available at www.monterey.lafco.ca.gov. Any person with a disability under the ADA may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations must be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Kate McKenna, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Resolution Declaring the 2024 Selection Results of the Independent Special District Selection Committee – Regular Special District Member

SUMMARY OF RECOMMENDATION:

It is recommended that the Commission adopt a Resolution (Attachment 1) declaring the 2024 results of a process by the Independent Special District Selection Committee to select a Regular Member Representative on LAFCO.

EXECUTIVE OFFICER’S REPORT:

Attached is a Resolution declaring the results of an Independent Special District Selection Committee election that ended on April 26, 2024. Chad M. Lindley, Board Member of the Monterey County Regional Fire District, was elected to a Regular Special District Member Commissioner position on LAFCO. The term of this seat is four years and will expire on May 1, 2028.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachment: Draft Resolution

cc: Kathleen Lee, President, Independent Special District Association of Monterey County
Carl Miller, Vice President, Independent Special District Association of Monterey County
Jeff Cecilio, Secretary/Treasurer, Independent Special District Association of Monterey County

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24-XX

INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE –
LAFCO REGULAR MEMBER SELECTION RESULTS
FOR A TERM ENDING ON THE FIRST MONDAY IN MAY 2028

WHEREAS, an election for one Regular Special District Member Commissioner to serve a four-year term of office on the Commission was called as required by law, and the election was completed on April 26, 2024; and

WHEREAS, the Executive Officer provided a report to the Commission on the results of that election; and

WHEREAS, it is now necessary and appropriate for the Commission to declare the results of the election, and for that elected Member to take an oath of office and be seated with the Commission.

NOW THEREFORE, BE IT RESOLVED, by the Local Agency Formation Commission of Monterey County, that the report of the Executive Officer regarding the results from the election for a Regular Special District Member Commissioner to serve on the Commission is hereby accepted.

BE IT FURTHER RESOLVED, that the results of the election are hereby declared as follows:

- Chad M. Lindley (Monterey County Regional Fire District) 23 votes;
- Russell Jeffries (Moss Landing Harbor District) 09 votes;

BE IT FURTHER RESOLVED, that Chad M. Lindley is hereby declared to be elected to a position of Regular Special District Member Commissioner pursuant to the above declared election results.

UPON MOTION OF Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May by the following vote:

AYES: Commissioners:
 NOES: Commissioner:
 ALTERNATES: Commissioners:
 ABSENT: Commissioner:
 ABSTAIN: Commissioner:

By: _____
 Matt Gourley, Chair
 Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 20th day of May 2024

By: _____
 Kate McKenna, AICP, Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Kate McKenna, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Oath of Office – Independent Special District (Regular) Member Commissioner

SUMMARY OF RECOMMENDATION:

It is recommended that Chair Gourley administer the Oath of Office to Commissioner Chad M. Lindley.

EXECUTIVE OFFICER’S REPORT:

On April 26, 2024, the Independent Special District Selection Committee selected Commissioner Lindley to serve as a Regular Special District representative for a four-year term ending on May 1, 2028. A Resolution certifying the election results is provided as Agenda Item No. 1.

Article 20, Section 3 of the California Constitution and Government Code Section 1360 requires the taking of an oath upon entering office or being re-appointed to office.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

cc: Kathleen Lee, President, Independent Special District Association of Monterey County
Carl Miller, Vice President, Independent Special District Association of Monterey County
Jeff Cecilio, Secretary/Treasurer, Independent Special District Association of Monterey County

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Oath of Office

Commissioner Chad M. Lindley

Do you, Chad M. Lindley, solemnly swear that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties upon which you are about to enter?

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE McKENNA, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Selection of Chair and Chair Pro Tempore

SUMMARY OF RECOMMENDATION:

It is recommended that the Commission select the Chair and Chair Pro Tempore for a one-year period ending on May 5, 2025.

EXECUTIVE OFFICER’S REPORT:

LAFCO *Rules and Regulations for the Orderly and Fair Conduct of Hearings* provide that the Commission shall annually, by majority vote, select from its regular members one to serve as Chair and one to serve as Chair Pro Tempore of the Commission until the following May. Any Chair or Chair Pro Tempore selected under the provision of this section shall continue to act as Chair or Chair Pro Tempore until their successors are seated on the Commission.

Currently, Public Member Commissioner Matt Gourley serves as the Chair and City Member Commissioner Kimbley Craig serves as the Chair Pro Tempore.

The *Rules and Regulations* provide that the Commission shall rotate the positions of Chair and Chair Pro Tempore from among Commissioners according to the following schedule:

<p><u>Chair</u></p> <p>→ 2024-25 City Member</p> <p>2025-26 County Member</p> <p>2026-27 Special District Member</p> <p>2027-28 Public Member</p>	<p><u>Chair Pro Tempore</u></p> <p>County Member</p> <p>Special District Member</p> <p>Public Member</p> <p>City Member</p>
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Respectfully Submitted,

Kate McKenna, AICP
Executive Officer

Attachment: Section 12. Chair and Chair Pro Tempore from LAFCO *Rules and Regulations for the Orderly and Fair Conduct of Hearings*

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24-02

**RULES AND REGULATIONS FOR THE ORDERLY AND FAIR
CONDUCT OF HEARINGS OF THE LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY**

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Section 12. CHAIR AND CHAIR PRO TEMPORE

At its first meeting in the month of May, or June if its May meeting is canceled, the Commission shall by majority vote, select from its regular members one to serve as Chair and one to serve as Chair Pro Tempore of the Commission until the following May. Any Chair or Chair Pro Tempore selected under the provisions of this section shall continue to act as Chair or Chair Pro Tempore until the selection of their successors.

Beginning in May 2020, the positions of Chair and Chair Pro Tempore will be rotated among Commissioners according to the following schedule, and then repeated:

	<u>Chair</u>	<u>Chair Pro Tempore</u>
Year 1	City Member	County Member
Year 2	County Member	Special District Member
Year 3	Special District Member	Public Member
Year 4	Public Member	City Member

...

2024

Commissioners

Chair

Matt Gourley
Public Member

Vice Chair

Kimbley Craig
City Member

Mary Adams

County Member, Alternate

Wendy Root Askew
County Member

Mike Bikle

Public Member, Alternate

David Kong

Special District Member, **INTERIM**

Mary Ann Leffel

Special District Member

Chris Lopez

County Member, Alternate

Ian Oglesby

City Member

VACANT

Special District Member

Anna Velazquez

City Member, Alternate

Counsel

Reed Gallogly

General Counsel

Executive Officer

Kate McKenna, AICP

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www.monterey.lafco.ca.gov

Regular Meeting DRAFT MINUTES
**LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY**
Scheduled for Adoption May 20, 2024

Monday, April 22, 2024

All Commissioners and public participated in the meeting on Monday, April 22, 2024 in person or by Zoom video conference.

Call to Order

The Local Agency Formation Commission was called to order by Chair Gourley at 3:07 p.m.

Roll Call

Commissioner Adams

(attending by Zoom – Just Cause)

Commissioner Root Askew

Commissioner Bikle

Commissioner Kong

Commissioner Leffel

Commissioner Oglesby

Commissioner Velazquez

Vice Chair Craig

Chair Gourley

Members Absent (Excused Absence)

Commissioner Lopez

Staff Present

Kate McKenna, AICP, Executive Officer

Darren McBain, Principal Analyst

Jonathan Brinkmann, Senior Analyst

Safarina Maluki, Clerk to the Commission/Office Administrator

Also Present

Reed Gallogly, General Counsel

Pledge of Allegiance

The Commissioners participated in the Pledge of Allegiance.

General Public Comments

Anyone may address the Commission briefly about items not already on the Agenda.

There were no public comments.

Consent Agenda

All items on the Consent Agenda will be approved in one motion and there will be no discussion on individual items, unless a Commissioner or member of the public requests a specific item to be pulled from the Consent Agenda for separate discussion.

1. Approve Draft Minutes from the March 25, 2024 Regular LAFCO Commission Meeting (pg. 6).
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
2. Accept the March 31, 2024 Draft Balance Sheet and Income Statement (pg. 12)
Recommended Action: Accept statements for information only.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
3. Accept Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies (pg.17).
Recommended Action: Accept report for information only.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
4. Accept Report on Activities of the California Association of Local Agency Formation Commissions (pg. 21)
Recommended Action: Accept report for information only
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

There were no public or commissioner requests to pull items for separate discussion.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Craig, the Commission approved Consent Agenda Items #1 – #4 by a Roll Call Vote.

Motion Carried (Roll Call Vote):

AYES:	Commissioners: Adams, Root Askew, Kong, Leffel, Oglesby, Vice Chair Craig, Chair Gourley
NOES:	Commissioners: None
ALTERNATES:	Commissioners: Bikle, Velazquez (Non-Voting)
ABSENT:	Commissioners: Lopez
ABSTAIN:	Commissioners: None

Public Hearing

5. Conduct a Public Hearing to Consider the Draft Final Annual Budget for Fiscal Year 2024-2025 (Second Hearing). (pg. 22).

Recommended Actions:

- (1) Receive the Executive Officer's Report;
- (2) Open the second public hearing and receive public comments;
- (3) Provide for questions or follow-up discussion by the Commission;
- (4) Close the second public hearing;

- (5) Discuss and adopt a Resolution (Attachment 1) to adopt the Final Budget for Fiscal Year 2024 – 2025; and
- (6) Direct the Executive Officer transmit the Adopted Final Budget to the County, Cities and Independent Special Districts for apportionment of the net operating expenses pursuant to the requirement of Government Code Section 56381 (b) (1).
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna and Principal Analyst McBain presented the report.

There were no comments from members of the public.

Commissioner Leffel affirmed that the Budget & Finance Committee fully supported the draft 2024-2025 budget.

Commissioner Action:

Upon motion by Commissioner Leffel , seconded by Commissioner Adams, the Commission approved and adopted the 2024-2025 budget by the following roll call vote:

Motion Carried (Roll Call Vote):

- AYES: Commissioners: Adams, Root Askew, Kong, Leffel, Oglesby, Vice Chair Craig, Chair Gourley
- NOES: Commissioners: None
- ALTERNATES: Commissioners: Bikle, Velazquez (Non-Voting)
- ABSENT: Commissioners: Lopez
- ABSTAIN: Commissioners: None

Executive Officer’s Communications

The Executive Officer may make brief announcements about LAFCO activities, for information only.

- 6. Communications (pg. 30)
 - a. 132 W. Gabilan Street, Salinas.

Executive Officer McKenna reported on the purchase of 132 W. Gabilan Street by California Coastal Rural Development Corporation.

Commissioner Comments

Individual Commissioners may comment briefly on matters within the jurisdiction of LAFCO. No discussion or action is appropriate, other than referral to staff or setting a matter as a future agenda item.

There were no comments from the Commissioners.

Public Comments on Closed Session Items

There were no public comments.

Closed Session

- 7. (1) The Commission will conduct a review of the Public Employee Annual Performance Appraisal Program in closed session, pursuant to Code Section 54957. Position: LAFCO Executive Officer (pg. 31).

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

- (2) Pursuant to Government Code Section 54956.9 (d)(1), the Commission will confer with legal counsel regarding existing litigation: Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County; Commissioners of the Local Agency Formation Commission of Monterey County; and DOES 1 through 20, (Monterey County Superior Court Case No. 22CV000925) (pg. 31).

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

The Commission Recesses for Closed Session Agenda Items

Closed Session may be held at the conclusion of the Commission's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Commission. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

The Commission ADJOURNED to Closed Session at 3:14 p.m.

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 3:22 p.m.

Read Out from Closed Session by LAFCO General Counsel

Read out by General Counsel will only occur if there is reportable action (s).

General Counsel Reed Gallogly advised that there were no reportable items.

Adjournment to the Next Meeting

Chair Gourley adjourned the meeting at 3:23 p.m.

The next Regular LAFCO Meeting scheduled for Monday, May 20, 2024 at 3:00 p.m. at the Monterey County Government Center (168 W. Alisal Street, Salinas).

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the LAFCO of Monterey County website at www.monterey.lafco.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA): All regular and special meeting agendas and associated reports are available at www.monterey.lafco.ca.gov. Any person with a disability under the ADA may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.

**2024
Committee**

Chair

Mary Ann Leffel
Special District Member

Chris Lopez
County Member, Alternate

Ian Oglesby
City Member

Counsel

Reed Gallogly
General Counsel

Executive Officer

Kate McKenna, AICP

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Salinas, CA 93901

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Salinas, CA 93902

Voice: 831-754-5838

www.monterey.lafco.ca.gov

Draft Meeting Notes
**LAFCO Budget & Finance Committee
Meeting**

Scheduled for Approval on May 20, 2024

**Monday, May 6, 2024
2:00 p.m. – 3:00 p.m.**

**LAFCO OFFICE
132 W. Gabilan Street, Suite #102
Salinas, California**

Or

**District 3 Office
599 El Camino Real
Greenfield, CA 93927**

Senior Analyst Jonathan Brinkmann presented the report. There were no Committee or public comments.

Committee Action:

Upon motion from Commissioner Lopez, seconded by Commissioner Oglesby, the Committee recommended that the full Commission approve the transfer of remaining funds.

Motion Carried. (Roll Call Vote):

AYES: Commissioners Lopez, Oglesby, Leffel
NOES: None.
ALTERNATES: None.
ABSENT: None
ABSTAIN: None.

3. **Consider Adoption of a Comprehensive Policies and Procedures Manual.**

Recommended Action: Discuss and recommend that the Commission approve a Resolution adopting a comprehensive LAFCO of Monterey County Policies and Procedures Manual.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Jonathan Brinkmann presented the staff report. Michael Youril, Partner (Liebert, Cassidy and Whitmore) answered questions from the Committee. There were no public comments.

Committee Action:

Upon motion from Commissioner Lopez, seconded by Commissioner Oglesby, the Committee recommended full Commission approval with direction to:

1. Make no changes to the existing Policies & Procedures for the Disclosures of Contributions and Expenditures in support of and opposition to proposals;
2. Include in the introduction an annual review/update process due to new laws and policies;
3. Provide an updated draft Policies and Procedures Manual to the Committee Chair for a final review.

Motion Carried (Roll Call Vote):

AYES: Commissioners Lopez, Oglesby, Leffel
NOES: None.
ALTERNATES: None.
ABSENT: None
ABSTAIN: None.

4. **Consider a Status Report and Action Items on Final Dissolution of the Fort Ord Reuse Authority (FORA), (LAFCO File No. 18-06) (pg. xx).**

Recommended Action: Discuss and recommend Commission approval of a Resolution on Dissolution of FORA, including the planned disbursement of FORA funds now held by LAFCO to five land use jurisdictions.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Jonathan Brinkmann presented the report and answered Commissioner questions. There were no public comments.

Committee Action:

Upon motion from Commissioner Oglesby, seconded by Commissioner Lopez, the Committee recommended full Commission approval of a Resolution of Dissolution and the planned disbursement of FORA funds to five land use jurisdictions.

Motion Carried (Roll Call Vote):

AYES: Commissioners Lopez, Oglesby, Leffel
NOES: None.
ALTERNATES: None.
ABSENT: None
ABSTAIN: None.

5. **Consider an Amendment to LAFCO's Schedule of Fees and Deposits.**

Recommended Action: Discuss and recommend that the Commission conduct a public hearing and consider approval of a Resolution amending LAFCO's Schedule of Fees and Deposits. (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Jonathan Brinkmann presented the report and answered Commissioner questions. There were no public comments.

Committee Action:

Upon motion from Commissioner Lopez, seconded by Commissioner Oglesby, the Committee recommended full Commission approval of a Resolution amending LAFCO's Schedule of Fees and Deposits.

Motion Carried (Roll Call Vote):

AYES: Commissioners Lopez, Oglesby, Leffel
NOES: None.
ALTERNATES: None.
ABSENT: None
ABSTAIN: None.

Executive Officer Announcements

The Executive Officer may provide oral or written announcements about current LAFCO activities, for information only.

None

Adjournment

Chair Leffel adjourned the meeting at 2:59 PM.

The next Budget & Finance Committee Meeting is scheduled for **Monday, September 12, 2024 – 2:00 PM at the LAFCO Office, 132 W. Gabilan Street, Suite #102, Salinas, CA.**

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the LAFCO of Monterey County website at www.monterey.lafco.ca.gov.

***AMERICANS WITH DISABILITIES ACT (ADA):** All regular and special meeting agendas and associated reports are available at www.monterey.lafco.ca.gov. Any person with a disability under the ADA may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.*

DRAFT

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

KATE McKENNA, AICP
Executive Officer

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Draft Financial Statements for Period Ending March 31, 2024
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378.

SUMMARY OF RECOMMENDATION:

The Budget and Finance Committee recommends that the Commission approve the quarterly financial statements for the period ending March 31, 2024

EXECUTIVE OFFICER'S REPORT:

This matter was reviewed by the Budget and Finance Committee on May 6, 2024.

Attached are draft financial statements for the third quarter of the fiscal year. Prepared by CliftonLarsonAllen, LLP, the statements show that overall revenue and expenditures are generally as anticipated for this period.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachment: Financial Statements for Period Ending March 31, 2024, CliftonLarsonAllen, LLP

LAFCO of Monterey County
Balance Sheet
 As of April 30, 2024

	Apr 30, 24
ASSETS	
Current Assets	
Checking/Savings	
1100 · Petty Cash	300.00
1007 · Wells Fargo Checking	223,440.30
1010 · Cash Co. Treasury	
1012 · Designated Cash Litigation Resv	274,155.30
1013 · Designated Cash - Accrued Leave	86,716.36
1014 · Designated Cash-Post Retirement	75,064.00
1015 · Designated Cash-Contingency	276,614.00
1020 · Resticted Cash-FORA Litigation	351,655.94
1010 · Cash Co. Treasury - Other	246,467.33
Total 1010 · Cash Co. Treasury	1,310,672.93
Total Checking/Savings	1,534,413.23
Other Current Assets	
1400 · Prepaid Insurance	3,326.30
1405 · Prepaid Expenses	3,782.40
Total Other Current Assets	7,108.70
Total Current Assets	1,541,521.93
Fixed Assets	
1500 · Equipment	2,185.00
1525 · Computer Equipment	15,099.37
1530 · Office Furniture	40,517.62
1550 · Accumulated Depreciation	-56,542.69
Total Fixed Assets	1,259.30
Other Assets	
1800 · Deferred Outflows-PERS Contrib.	59,328.29
1805 · Deferred Outflows-Actuarial	243,400.87
1810 · Deferred Outflows-OPEB Contrib	1,800.00
1815 · Deferred Outflow-OPEB Actuarial	5,754.00
1900 · Operating Right of Use Asset	130,390.48
Total Other Assets	440,673.64
TOTAL ASSETS	1,983,454.87
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts Payable	1,601.15
Total Accounts Payable	1,601.15
Other Current Liabilities	
2220 · Accrued Leave	86,716.36
2410 · Post Retirement (GASB 75)	75,064.00
2200 · Payroll Liabilities	168.00
2380 · Dissolution of FORA Legal Liab.	351,655.94
2381 · Dissolution of FORA Admin Liab.	53,750.00
2601 · Current Portion Lease Obligat.	26,357.52
Total Other Current Liabilities	593,711.82
Total Current Liabilities	595,312.97

LAFCO of Monterey County
Balance Sheet
As of April 30, 2024

05/15/24

Accrual Basis

	<u>Apr 30, 24</u>
Long Term Liabilities	
2400 · Net Pension Liability/(Asset)	57,558.59
2500 · Deferred Inflow-GAB68 Actuarial	40,784.66
2505 · Deferred Inflows-OPEB Actuarial	56,930.00
2600 · Operating Lease Liability	105,693.06
	<hr/>
Total Long Term Liabilities	260,966.31
	<hr/>
Total Liabilities	856,279.28
Equity	
3700 · Invested in Capital Assets	1,259.30
3710 · Encumbered Funds	70,749.02
3800 · Reserve for Litigation	274,155.30
3810 · Reserve for Contingency	276,614.00
3850 · Unreserved Fund	506,741.41
Net Income	-2,343.44
	<hr/>
Total Equity	1,127,175.59
	<hr/>
TOTAL LIABILITIES & EQUITY	1,983,454.87
	<hr/> <hr/>

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LAFCO of Monterey County
Profit & Loss
 July 2023 through April 2024

05/15/24
 Accrual Basis

	Jul '23 - Apr 24
Ordinary Income/Expense	
Income	
4000 · Fees	
4005 · Project	29,874.04
4007 · Project Fees CY Refunded	-4.75
	29,869.29
Total 4000 · Fees	29,869.29
4205 · County Contributions	363,784.00
4210 · City Contributions	363,783.99
4220 · District Contributions	363,785.00
4249 · FORA Admin Revenue	598.50
4300 · Interest	14,546.36
	1,136,367.14
Total Income	1,136,367.14
Expense	
7300 · Depreciation	3,192.00
6000 · Employee Salaries	
6002 · Regular Earnings	482,466.70
6004 · FORA Admin Earnings	966.43
	483,433.13
Total 6000 · Employee Salaries	483,433.13
6100 · Employee Benefits	
6013 · Post Retirement Healthcare	1,534.00
6010 · Accrued Leave	6,297.04
6007 · Management Expense Allowance	
6011 · Management Car Allowance	4,000.00
6007 · Management Expense Allowance - Other	500.00
	4,500.00
Total 6007 · Management Expense Allowance	4,500.00
6102 · Worker's Compensation Insurance	2,145.42
6101 · Payroll Expenses	8,388.79
6103 · Employee Memberships	374.00
6104 · Deferred Comp Plan Contribution	29,972.98
6105 · PERS Retirement	208,880.73
6110 · PERS Health	
6111 · Med ER Non-Ele	6,136.00
6112 · Med ER Pre Tax	86,888.54
6110 · PERS Health - Other	351.96
	93,376.50
Total 6110 · PERS Health	93,376.50
6130 · Insurance	
6139 · STD	920.60
6131 · LIFE	1,252.00
6132 · ADD	82.10
6133 · Dental	7,679.00
6134 · Vision	1,238.00
6135 · LTD	3,980.90
	15,152.60
Total 6130 · Insurance	15,152.60
7294 · Accrued Leave Reserve	16,121.60
6100 · Employee Benefits - Other	4,750.00
	391,493.66
Total 6100 · Employee Benefits	391,493.66

LAFCO of Monterey County

Profit & Loss

July 2023 through April 2024

05/15/24

Accrual Basis

	Jul '23 - Apr 24
7000 · Postage and Shipping	4,703.16
7010 · Books and Periodical	770.72
7030 · Copy Machine	5,008.95
7060 · Office Supplies	3,613.72
7080 · Computer Hardware/Peripherals	1,160.37
7085 · Computer Support Svc Fixed Cost	11,942.50
7090 · Computer Support Svc Variable	800.00
7100 · Computer Software	559.85
7105 · Meeting Broadcast Services	7,250.00
7110 · Property and Gen Liability Ins	6,982.70
7140 · Travel	3,572.56
7150 · Training, Conferences & Wrkshps	11,695.64
7160 · Vehicle Mileage	164.14
7170 · Rental of Buildings	28,510.10
7200 · Telephone Communications	3,548.05
7242 · Outside Prof Svc-Accounting	54,500.01
7242 A · Gen Admin Svcs & HR Assistance	4,000.00
7248 · Outside Prof Svc-Annual Audit	20,000.00
7245 · General Legal Services	25,209.60
7250 · Miscellaneous Office Expense	724.92
7260 · Legal Notices	1,975.00
7280 · LAFCO Memberships	9,839.00
7290 · Litigation Reserve	54,060.80
	1,138,710.58
Total Expense	
	1,138,710.58
Net Ordinary Income	-2,343.44
Net Income	-2,343.44

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LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

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KATE McKENNA, AICP
Executive Officer

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Resolution Declaring the 2024 Selection Results of the Independent Special District Selection Committee of a Special District Representative to the Countywide Consolidated Oversight Board.
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATION:

It is recommended that the Commission adopt a Resolution declaring the 2024 results of a process by the eligible districts from the Independent Special District Selection Committee to select a Primary Member Representative to serve on the Countywide Oversight Board.

EXECUTIVE OFFICER'S REPORT:

LAFCO has completed the election process for selecting a special district representative to the Countywide Consolidated Oversight Board. Interested board members from 18 eligible districts had an opportunity to submit nomination forms by the May 10th deadline. LAFCO received one nomination form from Board Member David Kong (Greenfield Recreation and Cemetery Districts). According to state law, Mr. Kong has been appointed as the special district primary representative.

Selection Process

Government Code Section 56332(f)(2) states that "At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed." Therefore, no mail-in ballot election is required. LAFCO encouraged the selection of an alternate, however, state law does not require the appointment of an alternate member for this new board. Furthermore, LAFCO did not receive any nomination forms for the alternate position.

Board Member Duties & Responsibilities

Mr. Kong, as one of the seven countywide oversight board members, will have a fiduciary responsibility to the holders of legally enforceable debt of the former redevelopment agencies and to the taxing entities that will benefit from the wind down of the agencies. Duties of the Countywide Consolidated Oversight Board will include a detailed review of the Recognized Obligation Payment Schedule and directing the successor agencies to dispose of unencumbered assets. State law does not describe terms of office for members of the Countywide oversight board. Each member of the Countywide Oversight Board shall serve at the pleasure of the entity that appointed such member. In addition, oversight board members shall serve without compensation or reimbursement for expenses.

The attached resolution will officially declare the results of the selection process. If approved, the adopted resolution will then be distributed to the 18 eligible districts, the Special Districts Association of Monterey County, the Monterey County Auditor-Controller Office, and the State of California's Department of Finance.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachment: Resolution declaring the 2024 Selection Results of the Independent Special District Selection Committee of a Special District Representative to the Countywide Consolidated Oversight Board.

cc: Department of Finance – State of California (Redevelopment Agency)
Jennifer Forsyth, Monterey County Auditor-Controller's Office
Patty Ruiz, Monterey County Auditor-Controller's Office
Kathleen Lee, President, Independent Special District Association of Mo. County
Carl Miller, Vice President, Independent Special District Association of Mo. County
Jeff Cecilio, Secretary/Treasurer, Independent Special District Association of Mo. County

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24 – xx

INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE – COUNTYWIDE
CONSOLIDATED OVERSIGHT BOARD SPECIAL DISTRICT REPRESENTATIVE
SELECTION RESULTS

WHEREAS, Senate Bill No. 107 guides the final technical steps in the dissolution of local redevelopment agencies. The legislation called for counties with multiple oversight boards to be consolidated into only one oversight board by July 1, 2018; and

WHEREAS, the former 10 oversight boards in Monterey County were consolidated into one countywide oversight board and staffed by the county auditor-controller in 2018; and

WHEREAS, Health & Safety Code Section 34188 specifies that independent special districts that are part of the successor agency property tax roll and receive residual payments from the Redevelopment Property Tax Trust Fund are eligible for nomination and election; and

WHEREAS, LAFCO coordinated with the Auditor-Controller Office to determine the number of independent special districts within each former oversight board. Of the 10 former oversight boards in Monterey County, 18 independent special districts were eligible for nomination and election; and

WHEREAS, Health and Safety Code Section 34179(j) grants the 18 eligible members of the Independent Special District Selection Committee authority to appoint one special district representative to the countywide consolidated oversight board; and

WHEREAS, if the 18 eligible members of the Independent Special District Selection Committee fail to act within 60 days of a vacancy, the Governor will make the appointment on the Committee's behalf; and

WHEREAS, LAFCO was identified to administer an election process for selecting the special district representative to the countywide consolidated oversight board; and

WHEREAS, the Executive Officer determined that a meeting of the Independent Special District Selection Committee, for the purpose of selecting the Special District Primary Member, was not feasible; and

WHEREAS, on March 11, 2024, the Executive Officer called for nominations to be submitted in writing within 30 days in accordance with State law and procedures adopted by the Independent Special District Selection Committee of Monterey County; and

WHEREAS, the Executive Officer extended the deadline for nominations by 30 days to May 10, 2024; and

WHEREAS, as of May 10, 2010, one qualified candidate, David Kong from the Greenfield Recreation and Cemetery Districts, was nominated for the vacant seat; and

WHEREAS, Government Code section 56332(f)(2) states that if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings; and

WHEREAS, it is now necessary and appropriate for the Commission to declare the results of this selection.

NOW THEREFORE, BE IT RESOLVED, by the Members of the Local Agency Formation Commission of Monterey County, that the report of the Executive Officer regarding the results from the election for the special district representative on the countywide consolidated oversight board is hereby accepted.

BE IT FURTHER RESOLVED, that David Kong is hereby declared to be selected to the position of Special District Member (Primary) to the countywide redevelopment agency oversight board.

UPON MOTION OF Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May, 2024 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ALTERNATES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.
Witness my hand this 20th day of May, 2024.

By: _____
Kate McKenna, AICP, Executive Officer

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

LOCAL AGENCY FORMATION COMMISSION
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KATE McKENNA, AICP
Executive Officer

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
PREPARED BY: Jonathan Brinkmann, Senior Analyst
SUBJECT: Transfer of Remaining Balance from Temporary Professional Services
(Fire Consultant) Encumbered Funds to the Unreserved Fund Balance.
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATION:

The Budget and Finance Committee recommends that the Commission adopt a Resolution (Attachment 1) transferring all remaining funds from Temporary Professional Services Encumbered Funds to the Unreserved Fund Balance.

EXECUTIVE OFFICER'S REPORT:

This matter was reviewed and recommended for approval by the Budget and Finance Committee on May 6, 2024.

Background

In March 2019, the Commission adopted a resolution to authorize expenditure and encumber funds up to \$75,000 for Temporary Professional Services (hiring of a fire consultant) to assist staff in preparing LAFCO's Fire Study. LAFCO selected and entered into a professional services agreement, not to exceed \$25,000, with Fire Consultant Mike McMurry (retired Fire Chief) who was hired in April 2019 for this purpose. The Commission adopted the Fire Study in 2020.

The Monterey County Board of Supervisors expressed interest in exploring some of the recommendations in the LAFCO fire study. In support of that interest, LAFCO executed two additional professional services agreement amendments with Fire Consultant Mike McMurry to facilitate follow-up discussions with the Board of Supervisors Fire and Emergency Medical Services Ad Hoc Committee (Ad Hoc Committee). The amendments increased the authorized billable amount under the agreement from \$25,000 to \$40,000 and extended the agreement term through April 2022. The Ad Hoc Committee explored several options to improve the resiliency of fire services in unincorporated areas of the county during 2020 and 2021. After holding discussions with several fire districts and reviewing information regarding costs of potential improvements provided by the fire consultant, the Ad Hoc Committee concluded its work and dissolved in January 2022.

Discussion

Since the remaining encumbered funds are no longer needed, staff recommends a close-out of the Temporary Professional Services Encumbered Funds line item by transferring all remaining funds (\$46,975.00) to the Unreserved Fund Balance. This would be accomplished prior to June 30, 2024.

Fiscal Impact

The recommended action will have a positive impact by removing an encumbered designation and increasing funds available for general purposes.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Kate McKenna". The signature is written in a cursive style with a large initial "K" and "M".

Kate McKenna, AICP
Executive Officer

Attachment: Resolution transferring all remaining funds from Temporary Professional Services Encumbered Funds to the Unreserved Fund Balance.

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY
RESOLUTION NO. 24-xx

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING TRANSFER OF ALL REMAINING FUNDS FROM TEMPORARY
PROFESSIONAL SERVICES ENCUMBERED FUNDS TO THE UNRESERVED FUND BALANCE

WHEREAS, these proceedings are taken in conformance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 et seq. of the Government Code; and

WHEREAS, on March 25, 2019, the Local Agency Formation Commission of Monterey County encumbered \$75,000 in funds for Temporary Professional Services to assist staff in preparing a LAFCO-initiated countywide fire protection services and emergency medical services study; and

WHEREAS, using the Temporary Professional Services Encumbered Funds, the Local Agency Formation Commission of Monterey County hired Fire Consultant Mike McMurry (retired Fire Chief) to assist staff in preparing the 2020 Fire Study and to facilitate follow-up discussions with the Board of Supervisors Fire and Emergency Medical Services Ad Hoc Committee (Ad Hoc Committee); and

WHEREAS, the Local Agency Formation Commission of Monterey County prepared and adopted a countywide study of fire protection services and emergency medical services on June 22, 2020 as part of its statutory responsibility to evaluate services and spheres of influence; and

WHEREAS, the Ad Hoc Committee concluded its work and dissolved in January 2022 and Fire Consultant Mike McMurry’s services are no longer needed; and

WHEREAS, the Budget & Finance Committee of the Local Agency Formation Commission of Monterey County met on May 6, 2024 to consider and recommend transfer of all remaining Temporary Professional Services (fire consultant) Encumbered Funds to the Unreserved Fund Balance.

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does **HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. Authorize transfer of all remaining Temporary Professional Services Encumbered Funds (\$46,975) to the Unreserved Fund Balance and close-out of the Temporary Professional Services Encumbered Funds line item.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May 2024 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ALTERNATES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

By: Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 20th day of May 2024.

By: _____
Kate McKenna, AICP, Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE McKENNA, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
PREPARED BY: Jonathan Brinkmann, Senior Analyst
SUBJECT: Anticipated Future Agenda Items and Progress Report on Special Studies
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378.

SUMMARY OF RECOMMENDATION:

Accept report for information only.

EXECUTIVE OFFICER’S REPORT:

Following are current work priorities and a partial list of items that the Commission may consider in coming months. It is organized by applications on file, potential applications under discussion, and LAFCO-initiated studies.

Part I: Items Currently on File and In Progress

- 1. **City of Greenfield** – Annexation proposal with two separately owned parcels – an existing elementary school site and a vacant parcel now owned by the City – on Apple Avenue west of the existing city limits. The application status is incomplete.

This application has been on file since 2017, in part due to the need for a property tax transfer agreement with the County. The intended use of the vacant parcel has changed from residential to a community center. City and LAFCO staff are coordinating to update, complete and bring the application to a hearing this year.

- 2. **Fort Ord Reuse Authority Dissolution:** Status is pending. The Fort Ord Reuse Authority (FORA) ceased operations after June 2020. LAFCO had statutory authority to oversee the FORA dissolution and holds administrative and legal funds for that purpose. Oversight responsibilities are coming to a close. Please see related Agenda Item 14 in the May 20 LAFCO meeting packet for a report and recommended actions.

- 3. **Mission Soledad Rural Fire Protection District:** Sphere amendment and annexation of Paraiso Springs Resort (portion). Application status is incomplete.

The County approved the Paraiso Springs project in 2019, and a portion of the site needs to be annexed to the local fire district to comply with a County condition of approval. LAFCO received the District’s application in 2022 and determined that the application is incomplete. The application is inactive, although the District did re-engage in 2023 to address items in the completeness letter.

Part 2: Potential Agenda Items under Discussion

1. **City of Gonzales: Vista Lucia, Puente del Monte and D'Arrigo Projects.** Status is pre-application.
 - (a) Vista Lucia and Puente del Monte projects: Annexation of some or all of an approximately 1,300-acre area placed in the City's sphere in 2014. In total, the two projects would approximately double the existing City limits.

City and LAFCO staff met in April 2024 to confer about LAFCO's comment letter on a Draft Environmental Impact Report (EIR) for the Vista Lucia project (Fanoë-owned lands of approximately 768 acres). The City anticipates submitting an annexation application for the Vista Lucia project by the end of 2024.

The City is also working on a specific plan and an EIR for the Puente del Monte project (Jackson- and Rianda-owned lands, approximately 547 acres). There is no anticipated timeline for receiving an annexation application.
 - (b) D'Arrigo Brothers farmworker housing: The property owners are proposing a 137-unit farmworker housing project designed to accommodate up to 1,096 agricultural employees. One possible site, on Fanoë Road north of Johnson Canyon Road, is adjacent to the city limits and within the City's designated sphere of influence. Provision of city water and sewer services to this unincorporated site would require the Commission's approval of either an annexation to the City or an out-of-agency service extension. An alternative site is already in the City limits and would not require any new LAFCO approvals. Staff participated in meetings with City and County staff in 2023.
2. **City of Greenfield: Potential Apple Avenue area annexation of approximately 6.2 acres** (the same area received an out-of-agency service extension to six existing single-family houses in 2019). Status is pre-application.

In May 2019, in response to a documented threat to public health and safety due to drinking water contamination, LAFCO approved extension of water and wastewater services by the City to six existing single-family houses west of the city limits. The approximately 6.2-acre area is located at the northwest and southwest corners of Apple Avenue and 13th Street and within the City's sphere of influence. The area includes only existing residences and none of the surrounding agricultural lands. Annexation will help to ensure that city boundaries encompass the developed areas that receive city services.
3. **Monterey Peninsula Airport District:** Detachment from the City of parcels owned by the Monterey Peninsula Airport District. Status is pre-application.

Most Airport District-owned parcels are in the unincorporated County. Several outlying parcels along Highway 68 are in the City of Monterey. The District is interested in detaching these parcels from the City to eliminate a split in underlying city-county jurisdictions as the airport develops new facilities according to its master plan. LAFCO staff are participating in coordination meetings with Airport, City, and County representatives, most recently in January 2024.
4. **Marina Coast Water District:** Potential annexation of MCWD's Armstrong Ranch property (north of the Marina Municipal Airport) and sphere of influence amendment/annexation of portions of the Bureau of Land Management (BLM) Fort Ord National Monument and Fort Ord Dunes State Park near existing MCWD boundaries. Status is pre-application.

In 2010, MCWD acquired approximately 231 acres of Armstrong Ranch land, located north of the City of Marina and south of the Monterey One Water facilities. The Armstrong Ranch property is within

MCWD's existing sphere of influence. MCWD seeks to annex this property since it currently maintains water-augmentation infrastructure for its Regional Urban Water Augmentation Project and Monterey One Water's Pure Water Monterey Project on this property. MCWD currently maintains existing water infrastructure within the BLM Fort Ord National Monument, and water and wastewater infrastructure within Fort Ord Dunes State Park. Staff met with MCWD representatives in February 2024 and are working with them to refine the scope of the proposal area.

5. **Aromas Water District:** Potential sphere of influence amendment/out-of-agency service extension of three sites, operated by Driscoll's, seeking to connect to the District's water system. Current status is pre-application.

All three sites where Driscoll's has requested water service are north of the District's existing boundaries. One site is along Kortright Lane and two sites are along Buehler Road. The three sites consist of existing agricultural support buildings currently served by private wells. Preliminary coordination among Aromas Water District, the County, and property owner representatives is underway.

6. **City of Salinas:** Target Area "K" (proposed Ferrasci Business Center project) sphere amendment and annexation of approximately 140 acres at the northeast corner of Harrison Road and Russell Road. Status is pre-application.

The site, just north of Salinas and designated as Target Area K in the City's approved Economic Development General Plan Element, is planned for business park, retail, and mixed-use (commercial and residential) development. Informal pre-application discussions have been underway with County staff, City staff and property owners since January 2020, most recently in May 2023. In June 2023, LAFCO staff provided comments on the City's Notice of Preparation of a Draft Environmental Impact Report as a CEQA Responsible Agency.

7. **City of Marina:** Annexation of California State University Monterey Bay (CSUMB) East Campus housing areas (Schoonover and Frederick Park neighborhoods between Reservation Road and Imjin Road), and detachment from Monterey County Regional Fire District. Status is pre-application.

Both CSUMB housing areas are in Marina's sphere of influence and have a combined population of about 3,000. Among other considerations, LAFCO's review will include the proposal's potential effect on fire and emergency medical service delivery models and related revenues to the affected agencies. Initial discussions with the parties occurred in 2019 and restarted in February 2024. There is currently no specific schedule for the City to submit an application.

8. **City of Soledad:** Hacienda Apartments farmworker housing: Initial discussions regarding a potential out-of-agency service extension to provide City wastewater and/or water services to an existing apartment complex. Status is pre-application.

Hacienda Apartments is an existing 24-unit farmworker housing apartment complex located approximately three miles northwest of Soledad in unincorporated Monterey County. The apartment complex is currently served by a failing septic system and a water system that exceeds the maximum contaminant level for nitrates. In 2023, the Soledad City Council received a presentation from consultants regarding the Hacienda Apartments' water system's needs assessment, and the identified preferred feasible option for a water system consolidation.

The City Council expressed concerns about the condition of the property and ensuring that the City was made whole in terms of costs. The County of Monterey would need to complete a significant amount of work for potential City extension of services to move forward. Since the apartments to be served are in the County's jurisdiction, the County will need to take the lead. As a result, the City has no plans to move forward with an out-of-agency extension of services application to LAFCO until the County prepares the

necessary documents. LAFCO staff participated in an initial meeting of City, County, Central Coast Water Board, and Rural Community Assistance Corporation (RCAC) staff in 2023.

Part 3: Other LAFCO-Initiated Studies

A Municipal Services Review/Sphere of Influence study for three Soledad area special districts is underway and is targeted for Commission action by June 2024.

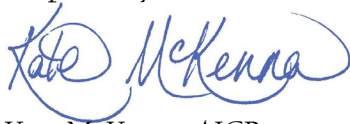
LAFCO staff are following up on recommended actions from the 2023 Greenfield area Municipal Services Review/Sphere of Influence study. Staff met with Deputy County Counsel representing the Greenfield Memorial, Recreation, and Cemetery Districts in April to review progress by the three districts to complete corrective measures for compliance with state legal requirements and best practices. The three districts are all making progress to complete the corrective measures. After the districts adopt budgets and get audits underway, LAFCO staff will schedule a meeting with the districts and City to explore potential City-District integration – and other service model options – for improving service delivery to the Greenfield community through a feasibility study funded by the three districts.

Staff is initiating a Municipal Services Review/Sphere of Influence study for the seven Monterey Peninsula cities. As a first step, we held a coordination meeting with the City of Marina staff in October 2023. This study will be completed by summer 2024.

A Municipal Services Review/Sphere of Influence study for the City of Gonzales will be prepared to coincide with that City's anticipated Vista Lucia annexation application (see page 2 of this report). The timing will depend upon when we receive the application with information needed for the study.

Other studies will be undertaken per the adopted annual work program for FY 2024-25.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE MCKENNA, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
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DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
PREPARED BY: Jonathan Brinkmann, Senior Analyst
SUBJECT: Report on Activities of the California Association of Local Agency Formation
Commissions (CALAFCO)
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378.

SUMMARY OF RECOMMENDATION:

Accept this report for information only.

EXECUTIVE OFFICER'S REPORT:

This report provides an update on two items.

Legislative Committee Activities

Supervisor/Commissioner Wendy Root Askew serves on the CALAFCO Board and Legislative Committee as a Coastal Region representative and is supported by staff. The Legislative Committee met on May 10 to discuss:

- Status of the CALAFCO-sponsored bill SB 1209 (Cortese) that would give LAFCOs the explicit authority to require indemnification (supported by Monterey LAFCO);
- Potential modifications to the 56133 Legislative Proposal that would address lack of reporting/involvement of LAFCO in out-of-agency service extensions by some cities and special districts. Consistent with our LAFCO's concerns and recommendations, the Committee is currently building a consensus to recommend addressing the issue at the local level rather than proposing a change in State law; and
- Monitoring of introduced bills.

Annual Conference

CALAFCO will hold its 2024 Annual Conference at Tenaya Lodge in Yosemite from October 16 to 18. Program and registration details will be available in July. Please see Agenda Item 13 of the May 20 LAFCO meeting packet for CALAFCO Conference Business action matters.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

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KATE McKENNA, AICP
Executive Officer

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
PREPARED BY: Jonathan Brinkmann, Senior Analyst
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: **Comprehensive Policies and Procedures Manual**
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission:

1. Receive a report from the Executive Officer and Staff;
2. Receive public comments;
3. Provide for questions or follow-up discussion by the Commission; and
4. Consider adoption of a resolution (Attachment 1) adopting a Comprehensive Policies and Procedures Manual.

EXECUTIVE OFFICER’S REPORT:

This matter was reviewed and recommended for approval by the Budget and Finance Committee on May 6, 2024.

Overview

Over the past 20 or more years, the Commission adopted various individual policies regarding its administrative and financial functions. The Commission also adopted a complete set of Human Resources Policies and Procedures in December 2018 and amended its Spheres of Influence and Changes of Organization Policies and Procedures in February 2024, adopting new Ag Mitigation Guidelines. The proposed Comprehensive Policies and Procedures Manual combines all four chapters (Administrative, Financial, Human Resources, and Spheres of Influence and Changes of Organization Policies and Procedures) into one resource document regarding LAFCO’s operations, responsibilities, and functions.

Dual purposes of this effort are to: 1) compile, organize, and update LAFCO’s Administrative, Financial, and Human Resources Policies and Procedures, and 2) combine them with LAFCO’s existing Spheres of Influence and Changes of Organization Policies (no changes proposed) into a comprehensive Policies and Procedures Manual.

Background

LAFCO's adopted annual work program includes tasks to conduct a review of policies and procedures for all LAFCO administrative and human resources functions and to compile financial policies into its own chapter.

To accomplish these work program tasks, LAFCO engaged the special legal services of Liebert, Cassidy, and Whitmore (LCW) to review the first three of the four compiled chapters (Administrative, Financial, and Human Resources) to incorporate best practices and legal requirements. The only changes to the fourth chapter (Spheres of Influence and Changes of Organization) are formatting changes for consistent numbering of chapters and sections. Previously, LAFCO entered into an on-call special legal services agreement with LCW in 2018 to complete comprehensive Human Resources Policies and Procedures.

LAFCO staff and LCW updated sections of the Administrative, Financial, and Human Resources chapters to meet new state law requirements and complete any gaps in policies and procedures. To facilitate review of the Draft LAFCO's Policies and Procedures Manual (Attachment 2), revisions and additions to policies and procedures are shown in tracked changes (underline and blue font).

Budget & Finance Committee Review

Staff presented a working draft of the Policies and Procedures Manual to the Budget & Finance Committee on May 6, 2024 for review and consideration. After consultation with General Counsel, staff presented three options for the Committee to consider regarding existing Section 1.3 Policies and Procedures for Disclosures of Contributions and Expenditures in Support of and Opposition to Proposals (adopted by the Commission in 2001). The options included: 1) making no changes to the existing policy; 2) repealing the policy; or 3) harmonizing the policy with the Levine Act.

The Budget & Finance Committee recommended Commission approval of the draft Policies and Procedures Manual after providing the following direction::

- 1) Proceed with option number one – making no changes to existing Section 1.3 regarding disclosures;
- 2) Include in the introduction an annual review/update process due to new laws and policies; and
- 3) Coordinate with the Budget & Finance Committee Chair for a final review of revisions and additions to the Draft Policies and Procedures Manual.

Staff revised the Draft Policies and Procedures Manual as directed by the Committee. The changes have been reviewed with the Committee Chair. LCW Partner Michael Youril will be in attendance at the May 20 Commission Meeting to help answer questions.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachments:

1. Draft Resolution Adopting a Comprehensive Policies and Procedures Manual.
2. Draft Policies and Procedures Manual. (Revisions and additions to adopted policies are shown in tracked changes.)

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24-xx

ADOPTING A COMPREHENSIVE POLICIES AND PROCEDURES MANUAL

WHEREAS, each Local Agency Formation Commission is empowered pursuant to Government Code Sections 56000 et seq. to adopt written policies and procedures; and

WHEREAS, the Local Agency Formation Commission of Monterey County (LAFCO) wishes to provide one unified, current, and comprehensive resource document in the form of a Policies and Procedures Manual to inform Commissioners, staff, public agencies, and members of the public about the operations, responsibilities, and functions of LAFCO; and

WHEREAS, the Local Agency Formation Commission has considered the Draft Policies and Procedures Manual at a public meeting on May 20, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Monterey County finds that the Policies and Procedures Manual and updates to the Administrative, Financial, and Human Resources Policies therein (Exhibit A) are not subject to environmental analysis because they constitute organizational and administrative activities of government that will not result in direct or indirect physical changes in the environment and are therefore not a "project" for purposes of CEQA.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of Monterey County adopts the attached Policies and Procedures Manual and the document is effective immediately.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May 2024 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ALTERNATES:	Commissioners:
ABSTAIN:	Commissioners:

By: _____
Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that this resolution is a true and complete record of said Commission's actions.

Witness my hand this 20th day of May 2024.

By: _____
Kate McKenna, AICP, Executive Officer

Exhibit A

Due to size (158 pages in length), the Draft LAFCO Policies and Procedures Manual (clean version) is available at the following link:

www.countyofmonterey.gov/home/showpublisheddocument/131941/638512924843646494

ATTACHMENT 12.2

Draft Policies and Procedures Manual as recommended by the LAFCO Budget and Finance Committee on May 6, 2024

Revisions and additions to policies and procedures are shown in tracked changes as underlined text with blue font.

Local Agency Formation Commission of Monterey County
 DRAFT Policies and Procedures Manual
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INTRODUCTION

The Local Agency Formation Commission of Monterey County's (LAFCO) governing statute, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires that each LAFCO adopt written policies and procedures. Since its formation in 1963, LAFCO has adopted individual policies and procedures over the years as required by State law and at the request of the Commission.

The purpose of the LAFCO Policies and Procedures Manual is to provide one unified, current, and comprehensive resource document to inform LAFCO Commissioners, staff, public agencies, and members of the public about the operations, responsibilities, and functions of LAFCO. Through this effort, staff and consultants have compiled, organized, and updated LAFCO's Administrative, Financial, and Human Resources Policies and Procedures, most of which were adopted or amended by the Commission on an individual basis previously. These policies and procedures were combined with LAFCO's existing Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization (only formatting changes proposed for consistent numbering) into this comprehensive Policies and Procedures Manual. To facilitate review of this draft of the Policies and Procedures Manual, revisions and additions to policies and procedures are shown in tracked changes as underlined text with blue font.

For ease of reference, the LAFCO Policies and Procedures Manual is organized into four chapters. Chapter 1, Administrative Policies and Procedures, contains LAFCO's administrative functions ranging from adopted Bylaws to the Emergency Action Plan. Chapter 2, Financial Policies and Procedures, is a compilation of LAFCO's financial functions, including budget, fund balances, accounting, payroll, and purchasing. Chapter 3, Human Resources Policies and Procedures, sets forth LAFCO's employment functions in compliance with all public employment laws and regulations. Chapter 4, Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization, establishes LAFCO's functions in the processing of applications from cities and special districts in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended. The beginning of each chapter or section lists, as applicable, the years of adoption or amendment by the Commission.

The LAFCO Policies and Procedures Manual is reviewed and updated annually by the Commission to incorporate any changes in Federal, State, or local laws and policies. As needed, staff will insert a brief memo into the manual describing policy changes during the year in preparation for an annual update.

CHAPTER 1 – Administrative Policies and Procedures

SECTION 1.1 – Rules and Regulations (“Bylaws”) for the Orderly and Fair Conduct of Hearings of the Local Agency Formation Commission of Monterey County

Amended: 2002, 2008, 2011, 2020, 2022, 2023, and 2024

1.1.0 – General Application

The Local Agency Formation Commission of Monterey County hereby declares that its procedures, and the procedures of its standing committees, shall be governed by the California Open Meeting Law, also known as the “Ralph M. Brown Act” or “Brown Act” (California Government Code section 54950 *et seq.*), and the regulations hereinafter set forth together with such other administrative regulations as may from time to time be prescribed by the Commission or its Executive Officer. Should these regulations conflict with the requirements of the Brown Act, the provisions of the Brown Act shall control. For purposes of these rules and, unless otherwise specified, the term “Commissioner” shall refer to regular members of the Commission, and the term “Alternate” shall refer to alternate members.

1.1.1 – Authority

The conduct of the Local Agency Formation Commission of Monterey County is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code sections 56000 *et seq.*, as amended and hereinafter referred to as the “CKH Act.” The provisions of these bylaws are not intended to preempt state law. In the event of a conflict between the provisions set forth in these bylaws and those set forth in the CKH Act, the provisions of the CKH Act shall prevail.

1.1.2 – Regular Meetings

Regular meetings of the Commission shall be held on the fourth Monday of each month commencing at the hour of 3:00 p.m., or as may be otherwise determined as part of the adoption of the annual calendar. If such a meeting falls upon a legal holiday, the regular meeting shall be held on the preceding or succeeding Monday that does not fall on a holiday as set forth in the annual calendar. If no matters have been filed, no other matters remain from previous meetings, or there is otherwise no business to transact, the Chair may cancel the regular meeting, directing the Executive Officer to so notify the members of the Commission.

1.1.3 – Agendas of Regular Meetings

At least 72 hours before a regular meeting, an agenda shall be posted at the Commission’s regular place of posting that contains a brief description of each item of business to be transacted or discussed at the meeting. The agenda will include a period of time on the agenda to receive public comment on items within the jurisdiction of the Commission. The Commission will not make a final determination on any issue raised during the public comment period that is not included on the agenda. The Commission may refer the item to staff or schedule action for a future agenda.

1.1.4 – Items Not on the Posted Agenda

No action is to be taken on items not set forth on the posted agenda unless:

- a. By a majority vote the Commission determines that an emergency situation exists (emergency situation means work stoppage or other activity which severely impairs health, safety, or both, or a crippling disaster which severely impairs public health, safety, or both);
- b. By a determination of two-thirds of the Commissioners, or if less than two-thirds of the Commissioners are present then by unanimous vote of the Commissioners present, that the need to take action arose subsequent to the agenda being posted; or
- c. By the item being continued from a prior meeting held less than five days previously at which time the item was posted.

1.1.5 – Special Meetings

Special meetings may be ordered at any time by the Chair, or by a majority of Commissioners calling for such a meeting in writing. Notice of a special meeting must be delivered to each Commissioner personally, or by mail, and to each local newspaper of general circulation, and any radio or television stations requesting notice in writing. Such notice must be received at least 24 hours before the time of such special meeting as specified in the notice. The order shall specify the time, date, and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission. The call and notice shall be posted at least 24 hours prior to the special meeting at the Commission's regular place of posting. The written notice may be dispensed with as to any Commissioner who at or prior to the time the meeting convenes files with the Executive Officer a written waiver of notice. The waiver may be given by email. The written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes.

1.1.6 – Emergency Meetings

An emergency meeting may be held without compliance with the 24 hour notice or posting requirement as provided in Section 1.1.5 when an emergency situation exists, as defined in Section 1.1.4(a). The Executive Officer shall notify by phone at least one hour prior to such meeting any media which has requested notice of special meetings. Any action taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

1.1.7 – Adjourned Meetings

The Commissioners may continue any item to another meeting specified in the order of continuance, may adjourn any meeting without specifying a new meeting date, and may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so continue an item or adjourn a meeting. If all members are absent from any meeting, the clerk or secretary may so adjourn the meeting, and shall provide notice of any new meeting date and time as required by law.

1.1.8 – Location of Meetings

Unless otherwise particularly ordered by the Commission, all meetings shall be held in the Board of Supervisors Chambers, Monterey County Government Center, 168 West Alisal Street, First Floor, Salinas, California. Additionally, if consistent with state law, the Commission may by majority vote decide to conduct its meetings virtually, or in a hybrid manner where certain Commissioners attend a meeting from a physical location while others attend virtually.

1.1.9 – Composition

The Commission shall consist of seven regular members and four alternate members (Government Code sections 56325 and 56332). All Commissioners must be residents of Monterey County.

1.1.10 – Selection/Appointment of Members

- A. County: The County Board of Supervisors shall appoint two regular Commissioners and one alternate Commissioner from the Board’s membership to serve on the Commission (Government Code section 56325).

- B. City: The City Selection Committee shall appoint two regular Commissioners and one alternate Commissioner to serve on the Commission, each of whom shall be a mayor or city council member from one of the County’s incorporated communities (Government Code section 56325). Such appointments shall be made in accordance with the procedure established by the City Selection Committee and described in the rules and regulations of that body.

- C. Special Districts: The Special Districts Selection Committee shall appoint two regular Commissioners and one alternate Commissioner from the special districts within the County (Government Code section 56332). Such appointments shall be made in accordance with the procedure established by the Special Districts Selection Committee and described in the rules and regulations of that body. The Independent Special Districts Selection Committee serves as the Special Districts Selection Committee and is comprised of one representative from each independent special district in Monterey County. The Independent Special Districts Selection Committee makes Special District Member appointments to LAFCO through elections in accordance with its Commissioner Selection Process and Criteria.

- D. Public Member: The public member and one alternate public member are appointed by a majority vote of the Commission in accordance with Government Code section 56325(d) and in the manner detailed in Section 1.1.13 of these bylaws.

1.1.11 – Chair and Chair Pro Tempore

At its first meeting in the month of May, or in June if its May meeting is canceled, the Commission shall by majority vote, select from its regular members one to serve as Chair and one to serve as Chair Pro Tempore of the Commission until the following May. Any Chair or Chair Pro Tempore selected under the provisions of this section shall continue to act as Chair or Chair Pro Tempore until the selection of their successors.

Beginning in May 2020, the positions of Chair and Chair Pro Tempore will be rotated among Commissioners according to the following schedule, and then repeated:

	<u>Chair</u>	<u>Chair Pro Tempore</u>
Year 1	City Member	County Member
Year 2	County Member	Special District Member
Year 3	Special District Member	Public Member
Year 4	Public Member	City Member

The Chair shall be the parliamentarian of the Commission, upon consultation with the General Counsel, and shall have the powers, and perform the duties necessary, to preserve order and decorum, and to ensure the orderly discharge of the Commission's business.

In the event of a disruption or disturbance, the Chair is authorized, in consultation with General Counsel, to take all appropriate steps, including calling a recess, and to curtail behavior which substantially impairs the conduct of the meeting.

1.1.12 – Temporary Chair Pro Tempore

In the absence of the Chair or Chair Pro Tempore at any meeting, the Commissioners present and constituting a quorum may, by majority vote, select a Commissioner to serve as temporary Chair Pro Tempore to serve in the absence of the Chair or Chair Pro Tempore.

1.1.13 – Appointment of Regular and Alternate Public Members

Immediately upon the vacancy or tendered resignation of the Commission's regular or alternate public member, the Executive Officer shall prepare a press release and distribute it to the various newspapers circulated within the county and shall mail to each person on the LAFCO agenda distribution list, or other such interested persons requesting a copy, a notice of such vacancy. Said notice shall request that interested persons submit to the Executive Officer by a specified date a letter of interest and resume. Said letters of interest and resumes shall be provided to each regular and alternate city, district and county LAFCO Commissioner. The Commission shall review the qualifications of all interested persons by reviewing the submitted letters of interest and resumes and may determine to hold interview sessions with the most qualified applicants. The Commission may appoint an ad hoc committee to review applications, interview candidates, and present recommendations to the full Commission. Selection of the regular and alternate public member shall be subject to the affirmative vote of at least one of the Commissioners selected by each of the appointing authorities of the cities, the districts and the county. The Commission shall make such appointments by the confirmation of at least four votes of those Commissioners qualified to vote on the matter.

The Commission may appoint a person to any vacant public member position who is currently an officer or an employee of the County, or of any city or district with territory in the County, conditional upon receiving written verification that the person has resigned from the local agency position that causes the conflict of interest.

If the position of regular public member becomes vacant prior to the expiration of a term, the Commission may appoint the alternate public member to fill the unexpired term. If either position becomes vacant prior to the expiration of a term, the Commission may appoint a qualified candidate who has applied in the previous 12 months in response to a notice of vacancy for either position. These alternate application procedures can be implemented following a 21-day public notice of the vacancy.

1.1.14 – Alternate Members

In each member category, the alternate member shall serve and vote in place of a regular member who is absent or who disqualifies herself or himself from participating on a specific matter before the Commission at a regular/special Commission meeting or in closed session. Alternate members shall be entitled and encouraged to attend all meetings of the Commission, even if the regular member(s) is (are) present. Alternate members may attend and participate in closed session meetings of the Commission.

1.1.15 – Terms of Office

The terms of office of Commissioners and Alternates shall be four years unless otherwise prescribed by law. If a Commissioner leaves the Commission prior to the completion of his/her term, the appointment of his/her successor shall be for the remainder of the unexpired term of his/her predecessor.

1.1.16 – Compensation

Commissioners attending CALAFCO functions (e.g., conferences, workshops, executive board meetings) shall be compensated for the expenses associated with conference registration, accommodations, parking, mileage, and car rental. Commissioners shall not receive a LAFCO stipend for attending such functions.

1.1.17 – Committees of the Commission

The Commission may establish committees from time to time. The composition of committees should be at least two Commissioners, but no more than three Commissioners, and may include Alternates. The Commission may establish standing committees which have broad and continuing subject matter, such as the Budget & Finance Committee, or ad hoc committees which are formed for a specific purpose and a limited time, such as the Executive Officer Evaluation and Compensation Review Committee.

Committees may be appointed by any of the following methods:

- a. Nominations from the floor (open nominations) with viva voce election;
- b. Nominations by the chair (with confirmation by voice vote);
- c. Appointment by the chair; and
- d. Appointment by adoption of a motion naming members of a committee.

1.1.18 – Quorum

Four Commissioners, including any Alternate in attendance in the place and stead of any absent or disqualified Commissioner, shall constitute a quorum for the transaction of any business of the Commission. Any resolution or minute order shall be adopted by the affirmative votes of at least four Commissioners, including any such Alternate(s). In the absence of a quorum, the Executive Officer may adjourn the meeting to a stated time and place in accordance with Section 54955 of the Government Code.

1.1.19 – Majority

Actions of the Commission shall be by a majority vote of Commissioners present and voting on the issue. If a Commissioner is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700 *et seq.*) or Government Code section 1090 *et seq.*, the Commissioner shall leave the dais and the chambers, and his or her presence shall not be counted towards a quorum. If the recusal of a Commissioner on a certain item will upset the quorum, such item shall be trailed to the end of the meeting and continued to a future meeting when a quorum can be obtained. The presence of any Commissioner who otherwise abstains from voting shall be counted for purposes of determining a quorum, but the vote of such abstaining Commissioners shall not be counted either for or against a measure in determining whether a majority vote has been obtained.

1.1.20 – Meeting Procedure

All meetings of the Commission shall be open to the public. If a Commissioner appears after any public testimony or presentations have been given during a public hearing, such Commissioner shall abstain from

voting unless the matter is continued to another meeting. If the public hearing is continued, the Commissioner may participate after reviewing all recordings and materials of the proceedings missed.

Unless otherwise ordered by the Chair, the business shall be taken up for consideration and disposition in the following order:

- a. Roll Call
- b. Pledge of Allegiance
- c. Public Comment
- d. Closed Session
- e. Consent Agenda
- f. Continued Matters
- g. New Matters
- h. Other Matters
- i. Executive Officer’s Report
- j. Commissioner Comments
- k. Adjournment

1.1.21 – Suspension of Regular Order of Business

The regular order of business may be suspended at the discretion of the Chair, unless a majority of the Commission is opposed thereto.

1.1.22 – Rosenberg’s Rules of Order

Except as may otherwise specifically be provided in these regulations, all meetings of the Commission shall be conducted pursuant to Rosenberg’s Rules of Order, revised.

1.1.23 – Code of Conduct and Rules of Decorum

Commissioners and staff will adhere to the following principles:

1. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments.
2. Provide fair and equal treatment for all persons.
3. Avoid making negative or offensive comments about Commissioners, staff, and members of the public.
4. Inform the Chair of the desire to speak and be acknowledged by the Chair before speaking.
5. Work together to preserve order and decorum during meetings.
6. Not delay or interrupt the proceedings or the peace of the Commission, nor disturb any Commissioner while speaking, by conversation or otherwise.

1.1.24 – Voting

Except upon demand of a Commissioner or voting Alternate, roll need not be called upon voting on a motion, order, or resolution. All members shall vote audibly either “aye” or “nay” as the case may be.

1.1.25 – Public Participation at Meetings

- a. Each agenda of the Commission shall provide an opportunity for members of the public to address the Commissioners on any agenda item of interest to the public, before the Commissioners’ consideration of the item. The Chair may limit the time allowed for each person to speak.
- b. Each agenda for regular meetings will include a regular time near the beginning of the agenda to receive public comment on items that are within the jurisdiction of the Commission but are not on the agenda.

Directors are not required to respond to any issues raised during the public comment period and may not take any action on such issues other than to refer the item to Staff or schedule action for a future agenda.

1.1.26 – Hearings

All hearings shall be conducted by the Chair in the manner provided by law. All hearings of the Commission will be considered open for public participation. When a proposal is being considered by the Commission, the public hearing will be considered open when the item is referred to on the agenda by the Chair. The sequence of events relating to a proposal shall be as follows:

- a. By reference to agenda, the Chair announces the proposal to be heard or considered.
- b. The Executive Officer will present the “Executive Officer’s Report” to the Commission.
- c. The Executive Officer will present or summarize any additional messages or communications regarding the proposal.
- d. The Chair inquires if Commissioners have any questions of staff.
- e. The Chair asks if there are any proponents in the audience who wish to be heard.
- f. Following the proponents’ remarks, the Chair asks for opponents to be heard.
- g. The Chair may permit a brief period for rebuttal from proponents following all opponents being heard.
- h. The Chair shall receive public comments.
- i. After the public has been heard, the Chair may entertain a motion to close the public hearing.
- j. Following the successful passage of the motion to close the public hearing, the discussion would be limited to the Commission level and culminates in an action to approve or deny the proposal by resolution adopted by a vote of the Commission.
- k. The Chair may alter the order specified above, if the Chair believes such change in the order would facilitate the hearing process.

1.1.27 – Records of Proceedings

All proceedings of every meeting of the Commission shall be reported in writing and shall be permanently maintained in an appropriate Minute File. Minutes of the Commission meetings shall be presented to the Commission at its next regularly scheduled meeting and shall be approved by a majority of Commissioners present, but in no instance shall the affirmative vote be less than four. All orders of the Commission with reference to its final action upon any application or proposal resolutions will be maintained in full in the Minute File. The Executive Officer of the Commission shall keep a Resolution File in which all resolutions shall be entered in full. References in the Minute File to resolutions shall be made by number and name.

1.1.28 – Proponent

As used herein the term “proponent” shall refer to any person, firm, private corporation, or any local agency making application to or filing any proposal with the Commission.

1.1.29 – Forms

In any proceeding with reference to which the Commission provides an established printed form, the application or proposal or other filing shall be made upon the particular form so provided. When any such printed form is so provided, all information and exhibits required by regularly adopted regulation of the Commission, except that upon finding good cause the Executive Officer may waive submission of certain of the information. In no instance shall waiver be given for submission of any information required by law. The Executive Officer may decline to receive any document or paper not complying with these regulations or the Commission may decline to proceed in the matter until such time as compliance is had with these regulations.

1.1.30 – Filings Requested

A proponent shall file an original and 15 copies of any application/petition form, map and legal description. When an application consists of a petition, only two copies of the signature pages need be submitted. All filing shall be made with the Executive Officer or such designated person.

1.1.31 – Additional Statements

Any application or proposal shall contain such data and information or maps or plats as may be required by any rule or regulation of the Commission, including Standards for the Evaluation of Proposals, and such additional data as may be required by the Executive Officer and which pertains to any of the matters or factors which may be considered by the Commission. Such additional statements, maps, plats and rezoning may be required and shall be furnished upon demand of the Executive Officer at any time either at the time of or subsequent to the initial filing of any application or proposal. The Executive Officer may decline to receive for filing any document or paper that does not comply with the requirements of this section. In the event any such additional data is required after an initial filing is made, further proceedings may be held in suspense pending the presentation of additional data.

1.1.32 – Identification of Proposal

The Executive Officer shall establish a file for each application or proposal and shall establish a LAFCO file number and distinctive name or title for each proposal.

1.1.33 – Supersession

These Rules and Regulations shall supersede any and all rules of procedure previously adopted by the Commission.

SECTION 1.2 – Conflict of Interest Code of the Local Agency Formation Commission of Monterey County

Amended: 1979, 1994 and 2020

The Political Reform Act of 1974, Government Code section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard Conflict of Interest Code that can be incorporated by reference in an agency's code. After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of Title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Local Agency Formation Commission of Monterey County (hereinafter "LAFCO").

Individuals holding designated positions shall file their statement of economic interests with their agency. Upon receipt of the statement of the LAFCO Commissioners, the agency shall make and retain copies and forward the original of the statements to the code reviewing body, the Monterey County Board of Supervisors, by providing the documents to the office of the Monterey County Clerk to the Board. Statements for all other designated positions shall be retained by the agency.

- Attachments: Appendix A: Designated Positions
Appendix B: Disclosure Categories

APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions¹</u>	<u>Assigned Disclosure Categories</u>
LAFCO Commission Members and Alternate Members	1 ²
LAFCO Executive Officer	1
LAFCO Principal Analyst	1
LAFCO Senior Analyst	1
Consultants ³	1

¹ Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interest pursuant to Government Code section 87200. Therefore, those positions are listed under Designated Positions for information purposes only.

² Designated positions who are required to file statements of economic interests under any other agency’s conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated position as if it were an original. See Government Code section 81004.

³ For purposes of this Code, “consultant” has the same meaning as set forth in section ~~18700.318701~~ (a)(2) of Title 2 of California Code of Regulations as follows:

“Consultant” means an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 1. Approved a rate, rule, or regulation;
 2. Adopt or enforce a law;
 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. Grant agency approval to a plan, design, report, study, or similar item;
 7. Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof, or
- (B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s Conflict of Interest Code.

Consultants to LAFCO shall be subject to disclosure under Category 1, subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant, although a “Designated Position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the LAFCO Executive Officer may designate a different disclosure requirement. Such determination must be made in writing and shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the consultant’s disclosure requirements. Such determination by the LAFCO Executive Officer is a public record and shall be retained for public inspection in the same manner and location as LAFCO’s Conflict of Interest Code.

APPENDIX B: DISCLOSURE CATEGORIES

General Provisions

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below if it is located within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by LAFCO.

When an individual who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of LAFCO is the County of Monterey.

Category 1

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

Category 2

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments.

Category 3

A designated position in this category must report all interests in real property.

Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before LAFCO.

Category 5

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by LAFCO.

Category 6

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through LAFCO.

SECTION 1.3 – Policies and Procedures for the Disclosures of Contributions and Expenditures in Support of and Opposition to Proposals

Adopted: 2001

1.3.0 – Effective Date

This policy and procedures shall apply to all applications for a change of organization or reorganization submitted for filing after April 1, 2001.

1.3.1 – Policy

The Commission finds that the public interest would be served by adoption of procedures for the public disclosure of contributions and expenditures relating to Commission proposals, and further finds that adopting the process which applies statewide to local initiative measures to the extent possible would be the appropriate and most efficient means of carrying out such disclosure. Unless otherwise provided, definitions of the terms used herein shall be those adopted by the Fair Political Practices Commission.

1.3.2 – Applicability

These policies and procedures are applicable to changes of organization and reorganization as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 when applications for same are submitted for filing with the Executive Officer.

1.3.3 – General Requirements of Disclosure

It is required that a person or group of persons publicly disclose contributions, expenditures, and independent expenditures of \$1,000 or more which that person or group of persons has made in support of or in opposition to a proposal for a reorganization or change of organization that has been submitted to the Local Agency Formation Commission of the County of Monterey, or that has been authorized by the County of Monterey LAFCO for election proceedings pursuant to the Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000. The Commission intends that the specific procedures for accomplishing the disclosure shall be those set out by state law and administrative regulations for the disclosure of contributions and expenditures to support and oppose local initiative measures under the Political Reform Act (Government Code Sections § 81000 et seq.)

1.3.4 – Filing Office

Disclosures required hereunder shall be filed at the County of Monterey Elections Department, 1441 Schilling Place, Salinas, CA 93901, phone number (831) 796-1499. Filings shall be in the form specified by the County of Monterey Elections Office.

1.3.5 – Filing Schedule

Prior to a County of Monterey LAFCO decision by resolution on an application, any required disclosures shall be filed with the County of Monterey Elections Department at least twenty days before the noticed date of the public hearing on the proposal at LAFCO. The period covered by this report shall be from any prior filing period to twenty-five days preceding the LAFCO hearing date. Additionally, contributions and expenditures for the period commencing twenty-four days before the LAFCO hearing and ending one day before the LAFCO hearing shall also be filed with the County of Monterey Elections Department no later than 24 hours before the LAFCO hearing begins. Should the LAFCO hearing be continued to additional dates, or be accepted for reconsideration, the foregoing periods shall apply for expenditures or contributions received after the initial date and prior to the subsequent dates.

LAFCO of Monterey County – Draft Policies and Procedures Manual

After a final LAFCO decision by resolution and until the completion of protest and election proceedings, the filing schedule for disclosures shall conform to the schedule required for local initiative measures as adopted by the Fair Political Practices Commission and carried out by the County of Monterey Elections Officer pursuant to the Political Reform Act.

1.3.6 – Notice

The following notice shall be added to the Commission's application forms for change of organization or reorganization, the resulting notices of public hearing, the agenda of each meeting, and the Commission's website:

Pursuant to Government Code sections 56100.1, 56300(b), 56700.1, and 81000 et seq., and Monterey County LAFCO's Policies and Procedures for the Disclosures of Contributions and Expenditures in Support of and Opposition to proposals, any person or combination of persons who directly or indirectly contribute \$1,000 or more or expend \$1,000 or more in support of or opposition to a proposal or election for a change of organization or reorganization that has been submitted to Monterey County LAFCO must comply with the disclosure requirements of State law which apply to local initiative measures. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the County of Monterey Elections Department, 1441 Schilling Place, Salinas, CA 93901, phone number (831) 796-1499.

1.3.7 – Amendment

These policies and procedures may be amended from time to time by the County of Monterey LAFCO following a noticed public hearing pursuant to State law.

1.3.8 – Enforcement

Enforcement and penalties for violation of these policies and procedures shall be the same as for violations of the Political Reform Act of 1974 and its corresponding regulations, to the extent permitted by law.

SECTION 1.4 – Environmental Review – California Environmental Quality Act (CEQA)

Amended: 1986

1.4.0 – General Application

LAFCO shall operate in accordance with the CEQA and the regulations of the California Resources Agency, which establishes the guidelines for its implementation. Furthermore, whenever an agency other than the Commission is involved in the approval of a project, the Commission prefers that the other agency be designated as the “Lead Agency.” For annexations and/or reorganizations involving annexation to a city, the city shall act as the Lead Agency under CEQA for the proposal. LAFCO hereby adopts revised LAFCO Guidelines for implementation of the California Environmental Quality Act incorporating amendments to the State CEQA Guidelines adopted by the Secretary for Resources on December 31, 1985, attached hereto and incorporated herein as Exhibit “A.”

SECTION 1.5 – RECORDS MANAGEMENT POLICY

Adopted: 2014

1.5.0 – General Provisions

The purpose of this policy is to establish a program of responsible and efficient recordkeeping in accordance with applicable law.

Definitions

“Records” means material that must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code Section 56382 within the Cortese-Knox-Hertzberg Act. For purposes of compliance with Government Code §56382 and implementation of the Commission's Records Retention Schedule as set forth in section 1.5.2 Exhibit A, "records" include the following:

1. Meeting Minutes
2. Resolutions
3. Documents related to LAFCO proposals such as the:
 - Application, Petition or other initiating documents
 - Map and Legal Description
 - Certificate of Filing
 - Project-related correspondence
 - Environmental Review/CEQA documents
 - Notices
 - Executive Officer Report(s)
 - Certificate of Completion
 - Statement of Boundary Change
4. The following financial management-related documents:
 - Adopted Annual Budget
 - General Ledger
 - Final Audit Report
5. Policies and Procedures adopted by LAFCO of Monterey County
6. LAFCO General Counsel legal opinions (note: not a public record for purposes of the Public Records Act)

“Non-record documents” means material in original, photographic, or electronic form that is not included in the definition of records.

Documents that are not herein defined as “records” are not records pursuant to Government Code section 56382, and will be retained for specific periods and then disposed of according to the Records Retention Schedule under section 1.5.2 in Exhibit A. If a document is not included in the Records Retention Schedule, then it has no minimum legal retention period.

“Retention Period” means the length of time a record or document must be retained to fulfill its administrative, fiscal, and/or legal function.

After the retention period of a document has passed, the document should be disposed of as soon as possible in accordance with this policy.

To the extent allowed by law, LAFCO will create, receive, and maintain its records and documents in electronic rather than paper form. After meeting holding periods required by state law for original paper records, LAFCO will image the record for permanent preservation and then dispose of the original paper version. For documents with minimum legal retention periods and all other documents kept in original paper form, LAFCO will image the documents, dispose of the original paper versions, and retain electronic forms of such documents for the minimum legal retention period as listed in the Commission's Records Retention Schedule (section 1.5.2 of this policy).

The Commission authorizes destruction of original paper versions of permanent records more than two years old, and other, non-permanent, "non-record" LAFCO documents before their specified retention period has expired, provided that the paper records or documents to be discarded have first been reformatted into an electronic medium (i.e. "imaged") and archived in accordance with all applicable requirements and standards as specified in Government Code section 56382. Such records or documents shall be considered permanently retained pursuant to the Records Retention Schedule.

1.5.1 – Electronic Mail (“email”) Communications

It is the Commission's policy that LAFCO email and email systems are intended to be a medium of communication. LAFCO email systems are not intended to be, and may not be used for, electronic storage or maintenance of LAFCO records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Email messages and attachments comparable to hard copy documents that would be retained under this policy should be retained as follows: The document must be categorized in the appropriate record series and converted to the appropriate electronic format or printed in hard copy and retained for the required time period as outlined in LAFCO's Records Retention Schedule. Regardless of the form in which the record is retained, proper procedures as outlined in this Policy must be followed prior to the destruction of any record.

Routine email messages are comparable to telephonic communications and are non-records. They are not intended to be retained in the ordinary course of LAFCO business, and the informational content of such communications is neither necessary nor intended to be preserved for future LAFCO use or reference. Each user will have the responsibility to remove such non-records from folders within LAFCO's email system on a regular basis. This includes items in "inbox" and "sent" folders as well as any folders set up by individual users. Upon removal from the system, the non-records will be destroyed in LAFCO's ordinary course of business. An email is considered destroyed as soon as it has been deleted from a user's inbox or other folder, even though it may be temporarily stored in a "trash/recycled items" folder before being purged from the email system.

Each email user will be trained in the application and implementation of this policy. This policy does not prohibit employees from maintaining temporary working files or folders to allow for quick reference to recent emails.

1.5.2 – Records Retention Schedule

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
1. Application Processing Functions			
LAFCO Proposals- Annexations, Reorganizations, or other proposals	Application forms, Petition/Resolution of initiation, Map and Legal Description, Certificate of Filing, Project-related correspondence, Environmental Review/CEQA documents, Notices, Executive Officer Report(s), Certificate of Completion, Statement of Boundary Change	GC 34090 GC 60201(d)(I), CEQA Guidelines	Permanent*
2. Special Studies			
LAFCO-Prepared Special Studies	Municipal Service Reviews, Sphere of Influence Studies; Retain selected documents for historic value	GC 34090	Current+ 2 years (keep selected items of significance permanently)
3. Government and Community Relations			
Correspondence (General)	General correspondence, including email correspondence; various files not otherwise specifically covered by the retention schedule or related to a specific LAFCO proposal file; Referrals from other public agencies	GC 34090	While current; until relevant issues have been completed or resolved
Educational, informational, marketing, and promotional materials	Brochures, newsletters, documents prepared for public presentations, etc.	GC 34090	2 years
Political Support/Opposition	Related to legislation	GC 34090	2 years
4. Commission and Committee Functions			
Affidavits of Publication/ Posting	Proof of publication of legal notices for public hearings	GC 34090	2 years
Agenda Packets	Agendas, agenda packets, staff reports and	GC 34090 GC 34090.5	2 years

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	related attachments, supplemental items and documentation submitted by staff or public in relation to agenda items.		(keep selected items of significance permanently)
Minutes	Meeting minutes	GC 34090	Permanent*
Notices	Public notices for regular and special meetings	GC 34090	2 years
Recordings - audiotapes or videotaped meetings of legislative bodies	Taped recordings of Commission meetings for preparation of meeting minutes	GC 34090 64 Ops.Atty.Gen 317; GC 54953.5	Until no longer required for preparation of minutes (i.e., after Commission approval of minutes)
Resolutions	Meeting resolutions	GC 34090	Permanent*
5. Administrative and Human Resources Management			
A. General Administration			
Agreements/ Contract	Original contracts and agreements and back-up materials, including leases, rentals and any amendments	CCP 337, CCP 337.2	4 years after termination/ completion
Economic Interest Statements - Form 700	Originals of statements	GC 81009(c), (g)	7 years (can image after 2 years)
Ethics Training Compliance	Note: records should contain date of training and name of training provider	GC 53235.2	5 years after receipt of training
Forms	Applications and other administrative - blank		Until superseded
Grants Federal, State, or other grants	Grants, applications, and all supporting documents	24 CFR 570.502 24 CFR 85.42	Until completed +4 years
Insurance Certificates and Other Insurance Policy Documents	Liability, performance bonds, employee bonds, property	GC 34090	10 Years
Insurance, Risk Management Reports	Federal OSHA forms; loss analysis report; safety reports; actuarial studies	29 CFR 1904.44 GC 34090	5 years (Federal) 2 years (State)
Oaths of Office	Elected and public officials -commissioners	GC 34090 29 USC 1113 Secretary of State Guidelines	Current plus 6 years

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Policies & Procedures	All policies and procedures adopted by the Commission; directives rendered by the agency not assigned a resolution number; Commission Bylaws	GC 34090	Permanent*
Procedure Manuals	Administrative	GC 34090	Current+ 2 years
Public Records Requests	Requests from the public to inspect or copy public documents	GC 34090	2 years
Records Retention Schedules		GC 34090	Current+ 2 years
Requests for Qualifications (RFQs); Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses	GC 34090	Current+ 2 years
B. Human Resources Related			
Deferred Compensation Reports	Records of employee contributions and agency payments	29 CFR 516.5 29 CFR 1627.3	Until terminated+ 5 years
Employee Information, Confidential	May include commendations, disciplinary actions, terminations, evaluations, pre-employment screening (Not a public record)	29 CFR 1627.3 GC 12946	Length of employment + 43 years
Employee Information, General	Name, address, date of birth, occupation	GC 12946 29 CFR 1627.3 LC 1174	Length of employment + 43 years
Employee Information, Payment	Rate of pay and weekly compensation earned	GC 60201	7 years
Employment Eligibility Verification (1-9 Forms)	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a (b)(3) Pub. Law 99-603	43 years after date of hire, or 1 year after date of termination, whichever is later
Payroll - Federal/State Reports	Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports	GC 60201	Until audited+ 4 years
Payroll Deductions/ Authorizations	Finance	29 CFR 516.6(c) GC 60201	Until audited+ 6 years

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Payroll, registers	Labor costs, by employee	29 CFR 516.5(a) GC 60201	Until audited+ 6 years
Payroll, time cards/sheets		GC 60201	Until audited+ 6 years
Personnel Records	Other records (not payroll) containing name, address, date of birth, occupation, etc., including records relating to promotion, demotion, transfer, lay-off, termination	29 CFR 1627.3	43 years
Recruitment	Records relating to hiring, examination materials, examination answer sheets, job bulletins; Applications submitted for existing or anticipated job openings	GC 12946 GC 34090 29 CFR 1602 et seq. 29 CFR 1627.3	Current+ 42 years
Recruitment/Employment – Surveys and Studies	Includes classification, wage rates, surveys of other agencies	GC 12946 GC 34090 29 CFR 516.6	2 years
Unemployment Insurance Records		IRC 3301-3311	4 years
Workers Compensation Files	Work-injury claims (including denied claims); claim files, reports	8 CCR 10102 8 CCR 15400.2	Until settled+ 5 years
6. Financial Management			
Accounts Payable/Receivable	Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, checks (Includes payroll, canceled and voided checks), check requests, receipt books, etc.	CCP 337; 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines Recommendation s; GC 34090; 26 CFR 31.6001-1(e)(2)	Until audited+ 4 Years
Audit Reports	Financial services; internal and/ or external reports; independent auditor analyses	" "	Permanent*
Bank Account Reconciliations	Bank statements, receipts, certificates of deposit, etc.	26 CFR 31.6001-1(e)(2)	Until audited + 4 years;
Budget, Annual	Adopted budget	GC 34090	Permanent*

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Deposits, Receipts	Receipts for deposited checks, currency	GC 34090, CCP 337	Until audited+ 4 years
General Ledgers	All annual financial summaries	GC 34090, CCP 337, Sec. of State Local Gov't. Records Retention Guidelines	Permanent*
Warrant Register/Check Register	Record of checks issued; approved by legislative body (copy is normally retained as part of agenda packet information)	GC 34090	Until audited + 2 years
Other Records/ Documents			
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)	GC 34090	Permanent*
Litigation	Case files, including matters in mediation and/ or arbitration		10 years after completion

* After 2 years, records may be imaged for permanent preservation and original destroyed.
 CCP Code of Civil Procedure (CA)
 GC Government Code (CA)
 GFR Code of Federal Regulations

SECTION 1.6 – Clerk to the Commission/Office Administrator and Analyst Procedures

1.6.0 – Purpose

The purpose of maintaining internal procedures for the Clerk to the Commission/Office Administrator and Analyst is to guide performance of the basic tasks expected of these positions. These procedures are not intended to be complete summations of all job procedures for these positions. These positions must also obtain guidance from the Cortese-Knox-Hertzberg Act, enabling legislation for local agencies, LAFCO's Policies and Procedures Manual, and other statutes and regulations.

1.6.1 – Authority

The LAFCO Executive Officer has overall authority for maintaining and ensuring satisfactory performance of the Clerk to the Commission/Office Administrator and Analyst Procedures.

SECTION 1.7 – Disposal of Surplus Property Policy

1.7.0 – Purpose

The purpose of this policy is to establish guidelines for disposal of surplus LAFCO property. Surplus property is tangible property that is no longer of use to LAFCO because it is obsolete, uneconomical to repair, or valued only for its base contents. Surplus property may include, but is not limited to, furniture, computers, other office equipment and office supplies.

1.7.1 – Policy

It is the policy of LAFCO to dispose of surplus property through: (1) disposal of surplus property to the Contracts/Purchasing Office of the County of Monterey, or (2) donation to a non-profit organization. This equipment will be disposed of without any support or warranty and will not have any software installed. The purchase and installation of software and any type of support is the responsibility of the receiving institution.

The non-profit organization receiving surplus property shall sign a release when receiving the equipment, which stipulates that the receiving agency:

- a. Frees LAFCO of any guarantees and liability; and
- b. Commits to disposing of the equipment in a manner compliant with Environmental Protection Agency standards.

SECTION 1.8 – Emergency Action Plan

The Emergency Action Plan and its subsections on the COVID-19 Prevention Program and Workplace Violence Prevention Program reside at the end of the Policies and Procedures Manual under APPENDIX A.

CHAPTER 2 – Financial Policies and Procedures

SECTION 2.1 – Budget Policies

Amended: 2005, 2009, 2014, 2022

2.1.0 – Budget and Finance Committee

LAFCO establishes a Budget and Finance Committee, which is directed to provide quarterly budget and financial review and report to the full Commission.

2.1.1 – Open, Collaborative Process

LAFCO encourages an open, collaborative process in the development and approval of its budget, and efforts to equitably apportion or reapportion the cost of its budget. LAFCO encourages cooperation and collaborative efforts among agencies in order to reduce the costs of special projects, studies and state mandates.

2.1.2 – Authority to Develop and Adopt the Budget

Each year, following noticed public hearings, the Commission adopts proposed and final budgets. In accordance with the CKH Act, the proposed budget must be adopted by May 1 and the final budget by June 15. The budget is based on a July 1 to June 30 fiscal year.

2.1.3 – Annual Work Program

As a part of the budget development process, LAFCO will annually review and adopt a work program to fulfill the purposes and programs of state law and local policy, including requirements for service reviews, sphere of influence updates and other mandated functions. The work plan will guide the development of the budget based on a July 1 to June 30 fiscal year.

2.1.4 – Annual Budget Schedule

LAFCO establishes the following annual budget schedule:

- February - Appoint Budget & Finance Committee.
- April - Adopt preliminary budget by Commission (with required public notice and distribution).
- May - Adopt final budget by Commission (with required public notice and distribution).
- ~~July~~~~October~~ - County Auditor-Controller to invoice the County of Monterey, cities, and special districts pursuant to Cortese-Knox-Hertzberg Act of 2000.

2.1.5 – Zero-Based Budget Program

LAFCO establishes a ~~zero~~-based budget program, meaning a strategic budgeting approach in which all expenses must be justified for a new period or year starting from zero, versus starting with the previous budget and adjusting it as needed.

2.1.6 – Executive Officer’s Authority to Approve Transfers Between Budget Line Items

The Executive Officer shall have the authority to transfer up to \$2,000 from a budget line item within the Services and Supplies category to another line item within that category for urgent and unanticipated needs, provided that there are compensating savings available and the transfer does not increase the overall budget. The Executive Officer shall report any transfers between line-item budgets to the Budget and

Finance Committee immediately, and to the Commission at its next meeting in the form of a budget amendment.

2.1.7 – Apportionment of the Commission’s Net Operating Costs

The County Auditor is responsible for apportioning the Commission’s net operating costs to the County, the cities and the independent special districts according to a formula established pursuant to Government Code Section 56381 and pursuant to the “LAFCO Cost Allocation Formula for Independent Special Districts in Monterey County” approved by independent special districts on May 30, 2014, as described below. Apportionment procedures are further described under Financial Policies Section 2.3.0 Contributions from County, Cities and Special Districts (Receipts).

LAFCO Cost Allocation Formula for Independent Special Districts in Monterey County

The independent special district (district) share of the Monterey County Local Agency Formation Commission (LAFCO) cost will be allocated according to the following provisions:

1. In accordance with the intent of AB 2838, the costs will be allocated in proportion to each district’s total revenues, as reported in the most recent edition of the “Special Districts Annual Report” published by the State Controller. The total revenues for each district will be determined annually as follows:
 - For Non-Enterprise Activities, Total Revenues as reported in the table titled “General Purpose Transactions” less intergovernmental revenue (Table 10 in the Fiscal Year 2011-12 Report).
 - For Enterprise Activities, Total Operating and Non-Operating Revenue less intergovernmental revenue (Tables 2-8 for Various Districts in Fiscal Year 2011-12 Report).
 - For Districts not included in the most recent State Controller’s report, 90% of the total revenues as published in the most recent annual audited financial statements. The 90% amount is specified to provide an inflation adjustment due to late publishing schedule of State Controller’s reports.
2. If the above specified allocation methodology results in an allocation of more than 25% of the total special district share of LAFCO costs to a single district, then the district’s allocation shall be reduced to 25% of the total. The 25% limit is established to avoid any single district bearing a disproportionate amount of the costs. In such case, the remaining portion of the total cost will be re-allocated to all other districts based on the methodology specified in item 1 above.
3. In order to account for Health Care District revenue being reported in the Special Districts Annual Report as Enterprise Activities, and the inability to back out intergovernmental revenue as allowed for Non-Enterprise Activities, Health Care Districts that do not receive the benefit of the 25% limitation on contributions specified in paragraph 2 shall not be apportioned any share of LAFCO’s cost where Operating Income is reported as a Loss in the Special Districts Annual Report for the prior fiscal year.

2.1.8 – Annual Contribution to LAFCO’s Net Operating Expenses Policy

Payment of Annual Contribution

It is the policy of the Commission that all Contributing Entities make the Annual Contribution no later than August 31 of the corresponding fiscal year for that contribution. If such Contributing Entity has not made its Annual Contribution on or before August 31 of each fiscal year, the Commission shall consider all available remedies pursuant to Section 56381 (c) of the Act for collection of the Annual Contribution, including a request to the County Auditor to forward to the Commission the Transfer Amount, or

litigation, unless the Contributing Entity timely applies for and receives relief from the Commission as set forth below. The Commission’s Executive Officer is authorized to request that the County Auditor forward the Transfer Amount for any Contributing Entity that has not made a timely payment of its Annual Contribution at any time after August 31 but no later than December 31 of any year.

Relief for Extraordinary Fiscal Circumstances

If a Contributing Entity is experiencing extraordinary fiscal circumstances such that payment of its Annual Contribution would present a severe hardship to the Contributing Entity and significantly impact the ability of the Contributing Entity to provide necessary health and safety services to its constituents, the Contributing Entity may apply to the Commission for relief as follows:

- a. The Contributing Entity shall submit a letter (“Application”) to the Executive Officer no later than August 31 requesting relief for that fiscal year. The Application shall detail the extraordinary fiscal circumstances the Contributing Entity is experiencing, and how those circumstances present a hardship to the Contributing Entity and significantly impact the ability of the Contributing Entity to provide necessary health and safety services to its constituents. The Application must state that it has been approved by the Contributing Entity’s legislative body.
- b. The Contributing Entity must forward to the Commission prior to August 31 of that fiscal year an amount equal to at least fifty percent (50%) of the Contributing Entity’s Annual Contribution (“Deposit”).
- c. If the Executive Officer determines that the Application is complete, and verifies that the Deposit has been made, the Executive Officer is authorized to negotiate for an agreement with the Contributing Entity that provides that the Contributing Entity may make regular payments, no less frequently than the beginning of every remaining quarter of the fiscal year, on the balance of its Annual Contribution (“Payment Plan”). Full payment shall be made by the end of that fiscal year. Any agreement must be finalized no later than September 30 of the fiscal year.
- d. If an agreement is finalized, the Executive Officer shall cause the matter to be placed on the agenda for the next available Commission meeting for approval. The Commission may approve, approve with modifications, or disapprove the Application. If approved or approved with modifications, the Commission must find, based on substantial evidence in the record, that: i) the Application was timely; ii) the Application was approved by the Contributing Entity’s legislative body; iii) the Contributing Entity is experiencing extraordinary fiscal circumstances such that without relief its ability to provide necessary health and safety services to its constituents will be significantly impacted; and, iv) granting the requested relief will not jeopardize the ability of the Commission to undertake its statutorily mandated duties nor cause unfair or disparate treatment amongst all Contributing Entities.
- e. If an Application is approved by the Commission but the corresponding Contributing Entity fails to make the required payments, in addition to any other available relief, the Executive Officer is authorized to immediately request the County Auditor to make the Transfer payment for the unpaid balance of the Annual Contribution.

2.1.9 - Processing and Filing Fee Schedule

Amended: 2002, 2008, 2020, 2022

General Provisions

Government Code section 56383 permits LAFCO to establish a schedule of fees and schedule of service charges, including, but not limited to, filing and processing applications, proceedings of the Commission, amending or updating a sphere of influence, and reconsideration of a resolution making determinations. It

[is LAFCO's policy to periodically review and adopt updates to its Processing and Filing Fee Schedule in accordance with applicable laws.](#)

Applicants will be charged fees that equal the actual cost of preparation for all applications submitted to the Local Agency Formation Commission (LAFCO) of Monterey County according to the following processing and filing fee schedule. A check for the initial deposit made out to LAFCO shall be provided to the Executive Officer with the filing of an application. No action shall be taken and no Certificate of Filing will be issued for any proposal until the deposit is provided to LAFCO. Pass through fees intended for other agencies will be collected upon approval of the application by the Commission. For requests that include multiple actions or multiple changes in organization, a deposit for each requested change of organization or Sphere of Influence amendment will be provided to LAFCO.

Procedures for Cost Tracking, Monthly Invoices, and Replenishment of Deposits

LAFCO will track staff time spent on each application and send monthly invoices for the actual cost of all staff, legal, consultant and other expenses incurred in processing the application from the time of formally receiving the application and initial deposit through to completion. Requests will be made for additional payments if necessary to replenish the application's account and keep payments current with the remaining work required for an application.

Work will stop if payments stop. If an application has been deemed complete and set for a public hearing, and payments have stopped, a denial recommendation will be prepared for the application. Any balances due must be current before LAFCO issues a Certificate of Filing or a Certificate of Completion.

The Executive Officer may exercise discretion in adjusting monthly or final invoices to reflect administrative credits for staff training and similar circumstances that warrant a reduction in billable costs. Any excess funds not needed to cover the actual cost of preparation will be refunded to applicant at the end of the process.

Waiver

The Commission may waive or reduce LAFCO fees upon a finding that the proposed action would be in the public's best interest and/or is necessary for public health and safety reasons. A request for waiver must be submitted in writing to the Commission. Fees may also be waived for applications filed in response to a condition imposed by the Commission or in response to a recommendation made by the Commission.

Pre-Application Coordination and Other Services

[LAFCO has a longstanding practice of providing pre-application review and coordination at no direct cost to applicants. Additionally, the Executive Officer's time is not a direct cost to applicants. A significant portion of the Executive Officer's time is related to carrying out governmental relations in support of the Commission's directives to build and maintain informal, effective working relationships that promote the public purposes of LAFCO. These services promote open communication and resolution of issues prior to Commission decisions.](#)

2.1.10 – Monthly Financial Review

LAFCO's procedure for review of monthly financial reports is to receive unaudited balance sheets and profit and loss statements on a monthly basis.

2.1.11 – Quarterly Budget and Financial Review

The LAFCO Budget and Finance Committee will review quarterly budget [reports](#) and financial statements and will provide the quarterly financial statements to the Commission along with any comments and recommendations.

2.1.12 – Annual Audit

It is the policy of LAFCO to arrange for an annual audit of its financial statements to be conducted by an independent accounting firm (auditor). The auditor shall present a draft audit report to the LAFCO Budget and Finance Committee prior to presentation of the final audit report to the Commission. In addition, members of the Commission may initiate communication directly with the auditor.

Audited financial statements, including the auditor's opinion thereon, will be submitted to the Commission by the auditor and the financial statements will be presented for consideration by the Commission at a regular meeting. A Request for Proposals process for selection of an auditor will be conducted every five years to ensure competitive pricing and a high quality of service.

SECTION 2.2 – Fund Balance Policies

Amended: 2006, 2007, 2011

[The purpose of LAFCO's Fund Balance Policies is to ensure that sufficient funds be retained by LAFCO to provide a stable financial base at all times. To retain this stable financial base, LAFCO needs to maintain an unrestricted fund balance sufficient to fund cash flows and to provide financial reserves for unanticipated expenditures and/or revenue shortfalls.](#)

2.2.0 – Contingency Reserve

LAFCO's funding target for the Contingency Reserve is to maintain a reserve equal to 25 percent of LAFCO's annual budget. [The purpose of the Contingency Reserve is to ensure stability in times of need, such as unanticipated emergencies or periods of negative cash flow.](#)

2.2.1 – Litigation Reserve

LAFCO's funding target for the Litigation Reserve is to maintain a reserve equal to \$300,000. [The purpose of the Litigation Reserve is to fund expenditures resulting from litigation.](#)

2.2.2 – Accrued Leave Reserve

LAFCO's funding target for the Accrued Leave Reserve is to maintain a reserve equal to the amount of LAFCO's Accrued Leave Liability. [The purpose of the Accrued Leave Reserve is to cover the balance of all employees' vested time off \(vacation and sick leave\).](#)

2.2.3 – Other Post-Employment Benefits (OPEB) Cash Account

LAFCO's funding target for the OPEB Cash Account is to maintain funds equal to the amount of LAFCO's OPEB Liability. [The purpose of the OPEB Restricted Cash Account is to cover the balance of LAFCO's OPEB Liability.](#)

2.2.4 – Carryover Funds

At the end of each fiscal year, any Carryover Funds will be used to maintain established reserve funds, maintain cashflows, and to respond to other emerging needs.

SECTION 2.3 – Accounting and Payroll Procedures

Amended: 2009 and 2019

2.3.0 – Contributions from County, Cities and Special Districts (Receipts)

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the law that governs LAFCO, provides details of the guidelines associated with the LAFCO budget and billing procedures - Government Code Section 56381. The following is a summary of the procedures for determining fiscal year contribution proportions for the County, cities, and Special Districts, billings to these entities, and documentation of payment transactions as they relate to LAFCO of Monterey County:

Fiscal year contributions to LAFCO for each entity (County, cities, and Special Districts) are determined by taking the total adopted Fiscal Year budget less any projected revenues and dividing it equally by three. Each entity contributes a full one-third of the total amount to be contributed to LAFCO. However, the cities and Special Districts do not contribute their portions equally between themselves. A cost allocation spreadsheet which includes a formula, based upon revenues, is used to determine the contribution amount for each of the 12 cities and 43 Special Districts.

The Cities' cost allocation spreadsheet is updated each fiscal year with each city's previous fiscal year's revenue data and with the Cities' 1/3 contribution amount to LAFCO for that particular fiscal year.

Special Districts' contributions are calculated similarly. However, per instructions of the Independent Special Districts, the cost allocation spreadsheet is updated once every five years using revenue data provided in the "Special Districts Annual Report" published by the State Controller during the fiscal year when the update is to take place. The most recent revenue formula update with approval of the Special Districts for the cost allocation spreadsheet was completed May 30, 2014. As with the Cities', the Special Districts' cost allocation spreadsheet is updated each fiscal year with the Special Districts' 1/3 contribution amount to LAFCO for that particular fiscal year.

As is allowed in the Cortese-Knox-Hertzberg Act, the Independent Special Districts in Monterey County adopted a local cost allocation formula which limits contributions from one single district to a maximum of 25% in order to avoid any district bearing a dis-proportionate amount of costs.

The County of Monterey Auditor-Controller's office submits invoices to each of the contributing entities following adoption of the LAFCO Fiscal Year Budget. As payments are received, information including which entity submitted the payment, payment amount, and the date it was received are entered into a spreadsheet by the County Auditor Controller's office. LAFCO's accounting firm receives the County Treasury Report on a monthly basis from the County and includes that information in the LAFCO monthly financial statements.

2.3.1 – Check Receipts

When revenue is received in the form of a check for project, pass-through (State Board of Equalization or Consultant fees), or other fees, LAFCO staff will follow check receipt and deposit procedures as described in the internal Clerk to the Commission/Office Administrator procedures.

2.3.2 – Application of Project Fee Revenue

Project fee revenue is applied as revenue in the same fiscal year in which the fees are received by LAFCO, consistent with standard accounting practice and as recommended by the Auditor.

2.3.3 – Petty Cash and Cash Receipts

LAFCO of Monterey County no longer keeps cash in the office. Incidental charges are either paid with the LAFCO Visa Credit Card or, if paid for directly by staff, are processed with receipt and documentation by LAFCO's accounting firm and reimbursed by check.

2.3.4 – Accounts Payables

LAFCO strives to maintain efficient business practices and sound cost control. A well-managed accounts payable function assists in accomplishing this goal from the purchasing decision through payment and check reconciliation.

The primary objective for accounts payable and cash disbursements is to ensure that:

1. Disbursements are properly authorized.
2. Invoices are processed in a timely manner.
3. Invoice charges do not exceed the LAFCO contract amount.

LAFCO staff and LAFCO's accounting firm will follow the accounts payable procedures described in the internal Clerk to the Commission/Office Administrator procedures.

2.3.5 – Credit Cards

The LAFCO of Monterey County credit card is kept securely in the LAFCO office. Credit card use is limited to purchases that would be difficult to process through the normal invoicing process. Examples of authorized situations that would require usage of a credit card are LAFCO travel expenses such as booking of a flight or hotel for a conference, purchase of an item for LAFCO from a company that requires a credit card for payment such as downloadable software, etc., or purchase of an item for LAFCO at a physical store such as Kinko's or Office Depot, etc. LAFCO has one credit card. The Executive Officer is an authorized user on the LAFCO credit card with a credit limit of \$20,000. If there is a balance on a credit card, the invoice is processed and paid in full with the next accounts payable cycle. As with all expenses/payables, credit card invoices are reviewed for accuracy and supporting documentation is attached prior to coding by the Clerk to the Commission/Office Administrator. The Executive Officer pays the credit card invoice online and provides all documentation to the Clerk to the Commission/Office Administrator for reconciling and coding. The documentation is then submitted to LAFCO's accounting firm.

2.3.6 – Fixed Assets (Equipment Purchases)

The threshold for capitalizing equipment/assets is \$2,000 for assets with a life expectancy of more than one year. If the purchase of equipment, for the LAFCO office, is anticipated prior to budget preparation for the next fiscal year, it is included as part of the annual budget process and approved or disapproved as part of that process.

If the need to purchase equipment arises that was not anticipated, as part of the current year's budget and it is an item that the LAFCO office needs in order to conduct its normal business, per LAFCO Resolution #09-07, the Executive Officer has authority to transfer up to \$2,000 from budget line items within the Services and Supplies category to another line item within that category for urgent and unanticipated needs, provided that there are compensating savings available and the transfer does not increase the overall budget. The Executive Officer reports any transfers between line item budgets to the Budget and Finance

Committee immediately, and to the Commission at its next meeting in the form of a budget amendment. All other unanticipated equipment purchases require review and approval from the LAFCO Budget and Finance Committee and Commission.

Assets are generally held within the LAFCO office which is locked while vacant and has an alarm code that is given to employees of LAFCO and other tenants in the building, only. Keys are provided to employees of LAFCO. LAFCO's monthly financial statements summarizes the fixed assets and tracks their depreciation.

2.3.7 – Payroll

LAFCO operates on a bi-weekly payroll. LAFCO staff and LAFCO's accounting firm will follow the payroll procedures described in the internal Clerk to the Commission/Office Administrator procedures.

2.3.8 – Bank Statements/Reconciliation

Hard copies of the bank statements are received and filed by the LAFCO office. A copy is provided to LAFCO's accounting firm by email and included with the Accounts Payables for that period. Review of and reconciliation of bank statements is conducted by LAFCO's accounting firm. Monthly, a list of checks that have been issued is generated by LAFCO's accounting firm. In addition, a general ledger listing all accounts transactions for the fiscal year is also provided by LAFCO's accounting firm. These are reviewed by the LAFCO Office. Online banking (for review of account transactions and balance) may be accessed by the LAFCO Executive Officer and reviewed by the LAFCO Clerk to the Commission and a designated representative from LAFCO's accounting firm.

2.3.9 – QuickBooks

QuickBooks records are kept by LAFCO's accounting firm. Financial statements as well as a general ledger of all accounts are issued by LAFCO's accounting firm and are reviewed by the LAFCO office monthly. The LAFCO Budget and Finance Committee also reviews the financial statements typically on a quarterly basis.

2.3.10 – Cash in County Treasury and Wire Transfers

Reports from the County of Monterey are received and reconciled by LAFCO's accounting firm.

Wire transfer requests are requested when the LAFCO's local bank account reaches approximately \$75,000. At that time, LAFCO's accounting firm notifies the LAFCO Clerk to the Commission that a wire transfer request in the amount of \$150,000 needs to be submitted to the County of Monterey. The request is printed and signed by the LAFCO Executive Officer.

The signed request is then scanned into the computer by the LAFCO Clerk to the Commission, saved in the Wire Transfer file by the request date, and emailed to designated contact for LAFCO wire transfer requests at the County Auditor-Controller's Office with a request for verification of receipt of the request. Designated additional contacts at the County Auditor Controller's Office are copied on the email to help ensure the request is received. Funds are generally transferred by the County Auditor-Controller's office and available in the LAFCO's local bank account within two business days.

SECTION 2.4 – Purchasing Policies and Procedures

Amended: 2022

2.4.0 – Overview

The policies and procedures described in this section apply to all purchases of goods and services made by LAFCO.

It is the policy of LAFCO to follow a practice of ethical, responsible, and reasonable procedures related to purchasing, agreements and contracts, and related forms of commitment. The policies in this section describe the principles and procedures that all staff will adhere to in the completion of their designated responsibilities.

2.4.1 – Executive Officer’s Purchasing and Signing Authority Policy

The Executive Officer’s purchasing and signing authority is authorized up to a level of \$30,000 within the scope of the annual budget expenditures for services and supplies, with no net change in the annual overall budget.

2.4.2 – Authorizations and Purchasing Limits

All purchases should adhere to the following guidelines:

<u>Dollar Limit</u>	<u>Minimum Number of Quotes</u>	<u>Required Communication</u>	<u>Approved by</u>
<u>Goods</u>			
<u>Under \$500</u>	<u>1</u>	<u>Verbal</u>	<u>Executive Officer</u>
<u>\$501 - \$30,000</u>	<u>1</u>	<u>Written</u>	<u>Executive Officer</u>
<u>\$30,000 and over</u>	<u>3</u>	<u>Written</u>	<u>Commission</u>
<u>Services</u>			
<u>Under \$500</u>	<u>1</u>	<u>Verbal</u>	<u>Executive Officer</u>
<u>\$501 - \$30,000</u>	<u>1</u>	<u>Written</u>	<u>Executive Officer</u>
<u>\$30,000 and over</u>	<u>3</u>	<u>Written</u>	<u>Commission</u>

Any contract or agreement for services greater than \$30,000 within a fiscal year shall be presented to the Commission for approval and authorization.

Any contract or agreement for which there are not sufficient funds contained in the appropriate line item of the LAFCO budget, regardless of the amount of the contract or agreement, shall be presented to the Commission for approval and authorization.

Any amendment to an existing contract or agreement for services which would cause the total amount of the contract or agreement to exceed \$30,000 in a fiscal year shall be presented to the Commission for approval and authorization.

Any amendment to an existing contract or agreement for services, which would modify the scope of work while not increasing the overall cost for services, shall be reported to the Commission, but does not require Commission approval and authorization.

2.4.3 – Solicitation of Quotations from Vendors and Consultants

Solicitations for goods and services (Requests for Proposals) should be used for goods or services with a cost of \$30,000 or more and should provide for all of the following:

1. A clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such a description shall not contain features, which unduly restrict competition.
2. Requirements which the contractor/offer must fulfill and all other factors to be used in evaluating proposals.
3. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
4. A description of the proper format, if any, in which proposals must be submitted, including the name of the LAFCO person to whom proposals should be sent.
5. The date by which proposals are due.
6. Required delivery or performance dates/schedules.
7. Clear indications of the quantity(ies) requested and unit(s) of measure.

2.4.4 – Special Purchasing Conditions

Emergencies:

Where equipment, materials, parts, and/or services are needed, quotations will not be necessary if the health, welfare, safety, etc., of staff and protection of organization property is involved.

Single Distributor/Source:

Where there is only one (1) distributor for merchandise needed and no other product meets the stated needs or specifications, quotations will not be necessary.

2.4.5 – Vendor Files and Required Documentation

The Clerk to the Commission/Office Administrator will create a vendor file for each new vendor from whom LAFCO purchases goods or services. Copies of purchase orders, contracts, and all vendor invoices will be maintained in the vendor file.

2.4.6 – Evaluation Process for Requests for Proposal (RFP)

When an RFP process is used to solicit vendors/consultants to provide a service or produce a specialized report for LAFCO, the Executive Officer shall develop a rating sheet to assist in the review of all submittals. The rating sheet shall include categories, specific to the service or report being requested, which comprehensively evaluates the individuals and/or firms competing for the LAFCO contract. The Executive Officer shall assign at least two (2) reviewers to participate in the review of the prospective vendors/consultants. Reviewers may include LAFCO staff and/or outside experts at the discretion of the Executive Officer.

Upon the Commission's final selection of a vendor/consultant in an open and competitive selection process, the final rating sheet (which averages the ratings of all individual reviewers) will be made available to the Commission and all competitors upon request.

CHAPTER 3 – EMPLOYMENT HR POLICIES & PROCEDURES

Amended: 2018

SECTION 3.1 – GENERAL EMPLOYMENT

Whenever the term “LAFCO” is used in these Policy and Procedure Guidelines, it shall mean “LAFCO of Monterey County.”

3.1.0 – At-Will Employment

All positions with LAFCO are at-will. Employees serve at the pleasure and direction of the LAFCO Executive Officer. Employees shall have no authority to enter into any contracts binding upon LAFCO or to create any obligation on the part of LAFCO, except as authorized by the Executive Officer [acting under the authority of the Commission](#) or by the Commission.

All employees at LAFCO are employed pursuant to an Employee Agreement. All employees should consult their individual Employee Agreement for further explanation of the terms and conditions applicable to their specific employment with LAFCO.

LAFCO will offer a position to a successful candidate contingent upon that candidate passing a LAFCO paid pre-employment background and reference check.

3.1.1 – Equal Employment Opportunity Policy

LAFCO is strongly committed to providing equal opportunity to all employees and applicants for employment. LAFCO prohibits discrimination and harassment against employees, officers, officials, contractors, applicants for employment, unpaid interns or volunteers on the basis of race [\(including traits historically associated with race\)](#), religious creed, color, national origins, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including transgender, pregnancy, and breastfeeding), gender, gender identity, gender expression, age, sexual orientation, [reproductive health decision-making](#), or military ~~and-or~~ veteran status, or any other basis protected by law. LAFCO will afford equal employment opportunity to all qualified employees, applicants and unpaid interns as to all terms and conditions of employment including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees, applicants, unpaid interns, volunteers, officers, officials or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provide in these personnel rules.

Employees, applicants, unpaid internes, volunteers, officers, officials or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately – preferably in writing, although a written complaint is not required – using the complaint procedure provided in these personnel rules at Section 3.1.3. Complaints should be as specific as possible and include names of individuals involved and the names of any witnesses. LAFCO will undertake a prompt, effective, thorough and objective investigation and will attempt to resolve the situation. If LAFCO determines that unlawful discrimination, harassment, or retaliation has occurred, effective remedial action will be taken to deter any future misconduct, including possible discipline and termination of the wrongdoer.

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Commitment Policy or the Policy Against Harassment, Discrimination, and Retaliation, or for honestly assisting in investigating such a complaint, even if the investigation produces

insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

3.1.2 – Disability Accommodation

LAFCO provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

Procedure:

1. Request for Accommodation

An employee who desires an accommodation in order to perform his or her essential job functions should make such a request, preferably in writing, to the Executive Officer. The request must identify:

- a) the job-related functions at issue; and
- b) the desired accommodation(s).

2. Reasonable Documentation of Disability

Following receipt of the request, LAFCO may require additional information such as reasonable documentation of the existence of a disability.

3. Fitness for Duty Examination

LAFCO may require an employee to undergo a fitness for duty examination at LAFCO's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. LAFCO may also require that a LAFCO approved physician conduct the examination.

4. Interactive Process Discussion

After receipt of reasonable documentation of disability and/or a fitness for duty report, LAFCO will arrange for a discussion, in person, [by video](#), or ~~via telephone conference~~ [by callphone](#), with the applicant or employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

5. Case-by-Case Determination

LAFCO determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the type of accommodation(s) to provide. LAFCO will not provide accommodation(s) that would pose an undue hardship upon LAFCO finances or operations, or that would endanger the health or safety of the employee or others. LAFCO will inform the employee of its decision as to reasonable accommodation(s) in writing.

3.1.3 – Policy Against Harassment, Discrimination & Retaliation

The purpose of this Policy is to: establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. LAFCO encourages all covered individuals to report-as soon as possible-any conduct that is believed to violate this Policy.

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LAFCO has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Harassment or discrimination against an applicant, unpaid intern, volunteer or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of race (including traits historically associated with race), religious creed, color, national origins, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including transgender, pregnancy, and breastfeeding), gender, gender identity, gender expression, age, sexual orientation, reproductive health decision-making, or military or veteran status, or any other basis protected by law~~(including traits historically associated with race), religion, sex (including gender, ancestry identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age (40 and over), sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as defined by state and federal law~~ will not be tolerated.

This Policy applies to all terms and conditions of employment, including but not limited to, hiring placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action or other appropriate sanction, up to and including termination, will be instituted for prohibited behavior as defined below. Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

Policy Coverage:

This Policy prohibits LAFCO, elected or appointed officials, officers, employees or contractors from harassing or discriminating against applicants, officers, officials, employees, unpaid interns, volunteers, or contractors because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

Definitions:

- a) Protected Classification: This Policy prohibits harassment or discrimination because of an individual's protected classification "Protected Classification" includes race (including traits historically associated with race), religious creed, color, national origins, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including transgender, pregnancy, and breastfeeding), gender, gender identity, gender expression, age, sexual orientation, reproductive health decision-making, or military or veteran status, or any other basis protected by law~~race (including traits historically associated with race), religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, age (40 and over), medical condition, genetic characteristics or information, physical or mental disability, or any other protected classification protected by law.~~
- b) Discrimination: This Policy prohibits treating individuals differently because of the individuals protected classification as defined in this Policy.

- c) Harassment: Harassment may include, but is not limited to, the following types of behavior that is taken because of a person’s protected classification. Note that harassment is not limited to conduct that employer’s employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public.
1. Speech, such as epithets, derogatory comments, or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or ace oriented stories and jokes.
 2. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
 3. Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
 4. Unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual’s work performance or create an intimidating, hostile, or offensive working environment.

Further Guidelines for Identifying Harassment: To clarify what constitutes harassment in violation of this Policy, use the following guidelines:

1. Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification, and which is taken because of the recipient’s protected classification.
2. It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
4. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
5. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed, or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

- d) Retaliation: Any adverse conduct taken because an applicant, employee, unpaid intern, volunteer, or contractor, has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. “Adverse conduct” includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process. Also, protected from retaliation is any person who lodges any complaint about possible illegal action to any person at LAFCO and has a good faith belief that said complaint constitutes a violation of the law.

Complaint Procedure:

- a) An employee, job applicant, unpaid intern, volunteer, or contractor who believes they have been subject to discrimination, harassment, or retaliation, need not follow the chain of command in reporting such behavior. They may make a complaint verbally or in writing to any of the following:
1. Immediate supervisor;
 2. Any supervisor or manager within LAFCO, including the Executive Officer;
 3. Clerk of the Commission;
 4. LAFCO general legal counsel; or
 5. Any elected official.
- b) Any supervisor or department head who receives a discrimination, harassment, or retaliation complaint must immediately notify any direct report manager or supervisor, including the Executive Officer, unless any such individual is the alleged wrongdoer.
- c) Upon receiving notification of a complaint, LAFCO shall:
1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: (a) the complainant; (b) the accused harasser; and (c) other persons who have relevant knowledge concerning the allegations in the complaint.
 2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred.
 3. Timely notify the complainant and the accused when the investigation has concluded and that any necessary corrective action will be taken in accordance with this policy. Any information about the imposition of discipline will not be disclosed to the complainant.
 4. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

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5. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.
 6. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- d) LAFCO takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
- e) Option to Report to Outside Administrative Agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

Confidentiality:

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation will be advised of the importance of confidentiality during the investigation in order to maintain the integrity of the investigative process. LAFCO will not disclose a completed investigation report except as it deems necessary to take disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities:

Managers and Supervisors are responsible for:

1. Informing employees of this Policy.
2. Modeling appropriate behavior.
3. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
5. Monitoring the work environment, and taking immediate, appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
7. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
8. Assisting advising, or consulting with employees regarding this Policy and Complaint Procedure.

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9. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with employer Personnel Rules, up to and including discharge.
10. Implementing appropriate disciplinary and remedial actions.
11. Reporting potential violations of this Policy of which he or she becomes aware, regardless of who made the complaint or whom the complaint concerns.
12. Participating in periodic training and scheduling employees for training

Each employee is responsible for:

1. Treating all employees and contractors with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training
4. Fully cooperating with LAFCO's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation LAFCO conducts by not disclosing the substance of any investigatory interview, except as authorized by law.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or Human Resources Director/representative.

Dissemination of Policy:

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time-to-time and redistributed.

Policy Against Retaliation:

It is the policy of LAFCO to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of LAFCO policy or state or federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and possibly including termination, will be taken against an employee or officer who is found to have violated this Policy. Any elected official or contractor who violates this Policy Against Retaliation will be subject to appropriate sanctions.

a) Policy Coverage: This Policy Against Retaliation prohibits Commission Members, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined below.

b) Definitions:

1. "Protected activity," includes but is not limited to any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency.
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of LAFCO regarding alleged unlawful activity.

- Testifying as a party, witness, or accused regarding alleged unlawful activity.
 - Associating with another employee who is engaged in any of the protected activities enumerated here.
 - Making or filing an internal complaint with LAFCO regarding alleged unlawful or illegal activity.
 - Providing informal notice to LAFCO regarding alleged unlawful activity.
 - Calling a governmental entity’s “Whistleblower hotline.”
 - Filing a written complaint under penalty of perjury that the agency has engaged in “gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety.”
2. “Adverse action” may include, but is not limited to any of the following:
- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity.
 - Refusing to hire an individual because of protected activity.
 - Denying promotion to an individual because of protected activity.
 - Taking any form of disciplinary action because of protected activity.
 - Extending a probationary period because of protected activity.
 - Altering work schedules or work assignments because of protected activity.
 - Condoning hostility and criticism of co-workers and third parties because of protected activity.
- c) Compliant Procedure: An applicant, employee, officer, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to LAFCO’s Harassment Complaint procedure so that the complaint can be resolved fairly and quickly.

3.1.4 – Performance Management

A review and discussion of each employee’s performance is conducted to enable the employee and the Executive Officer to discuss the employee’s performance relative to his/her goals and objectives in addition to those of LAFCO. The discussion of job performance and goals on an informal, day-to-day basis is strongly encouraged. Additional formal performance evaluations are conducted at the discretion of the Executive Officer. After receiving their review, an employee will be required to sign the evaluation report acknowledging that it has been presented and discussed between the employee and the Executive Officer.

The performance of all employees is generally evaluated according to a one-year cycle on or around the employee’s anniversary date. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.

Salary Increase and Promotion:

Based on the results of an employee’s annual performance evaluation, the executive officer, in his or her sole discretion, may grant adjustments to an employee’s basic salary. If an employee’s overall performance evaluation rating is “Meets Expectations,” the employee will be eligible for, but is not guaranteed, a cost-of-living adjustment. If an employee’s overall performance evaluation is “Exceeds Expectations,” the employee will be eligible for, but is not guaranteed, a merit pay increase not to exceed 5 percent of the employee’s then current annual salary. If an employee’s overall performance evaluation rating is “Below Expectations,” the employee will not be eligible for an upward salary adjustment of any type. (See Individual Employee Agreement for further explanation of salary increases.)

Merit-based pay adjustments are awarded by LAFCO in an effort to recognize truly superior employee performance. Positive performance evaluations do not always guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of LAFCO and depend on many factors in addition to performance. Positive performance evaluations will be tied to the accomplishment of specific established employee goals.

The Executive Officer’s performance shall be evaluated annually by the LAFCO Commission after which adjustments to the basic salary may be granted by the Commission in its sole discretion provided that the annual evaluation is satisfactory. The Executive Officer should refer to his or her individual Employee Agreement for a further explanation of potential salary adjustments.

LAFCO’s provision of performance evaluations does not alter the at-will employment relationship.

3.1.5 – Personnel Records

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of a LAFCO representative at a mutually convenient time. Employees may add written responses to any disputed item to their file.

LAFCO will attempt to restrict disclosure of personnel files to only authorized individuals within the organization. Any request for information from the file must be made to the Executive Officer or specific designee. Only the Executive Officer or specific designee is authorized to release information regarding current or former employees.

Disclosure of personnel information to outside sources will be limited to the extent allowed by law. However, LAFCO will cooperate with requests from authorized law enforcement or local state or federal agencies conducting official investigations, with validly issued subpoenas, and as otherwise required by law or legal proceeding concerning access to personnel files.

3.1.6 – Resignation and Termination

Voluntary Resignation:

An employee who voluntarily resigns his/her employment will be asked to prepare a written letter of resignation informing LAFCO at least fifteen (15) days prior to the resignation date in order to provide time to search for an adequate replacement if necessary and to ensure a smooth transition for your departure from LAFCO.

Job Abandonment:

An employee is deemed to have resigned from his/her position if he or she is absent for three (3) consecutive scheduled work days/shifts without prior authorization and without notification during the period of the

absence. The employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to LAFCO's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Executive Officer before final action is taken, to explain the unauthorized absence and failure of notification.

*Discharge:

Employees serve at the sole will and pleasure of the Executive Officer and may be removed from their positions at any time, with or without cause, and without notice or hearing. Generally, employees will be given fifteen (15) days written notice of their discharge, but such notice is not required.

The Executive Officer serves at the sole will and pleasure of LAFCO and may be removed from his or her position at any time with or without cause, and without notice or hearing. The Executive Officer should refer to their individual Employee Agreement for further terms and conditions related to their discharge.

*See Section 3.5 – Conduct and Problems and the Code of Conduct for a further explanation of employee conduct that may lead to discharge.

Exit Interview:

LAFCO may schedule exit interviews at the time of employment termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to LAFCO, or return of property owned by LAFCO. Suggestions, complaints, and questions are encouraged. Employees will receive their final pay in accordance with applicable state law.

At-Will Employee:

Because employment with LAFCO is based on mutual consent, both the employee and LAFCO have the right to terminate employment at will, with or without cause, at any time. Nothing in this termination policy changes the At-Will Employment policy of LAFCO.

Compensation at Termination:

When employment with LAFCO is terminated, either by discharge, resignation, retirement, or death, the employee or employee's estate (whichever is applicable) shall receive all wages or salary due to the employee up to the date of termination [on the next regularly scheduled pay date](#) and may be entitled to the monetary value of accrued vacation or other leave benefits. All accrued, vested benefits that are due and payable upon termination will be paid in accordance with applicable state and federal law. Employees should consult their individual Employee Agreement for further explanation of potential benefit payments due upon termination.

Benefits:

Employee benefits will be affected by employment termination in the following manner. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued, and of the terms, conditions and limitations of such continuance.

3.1.7 – Outside Employment

No Outside Employment Without Prior Approval

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with their LAFCO duties, functions, responsibilities, or that of the department in which they are employed at LAFCO. In order to avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain written approval from the Executive Officer or their designee prior to undertaking any outside employment as described in this policy

Authorization and Appeal Process

1. Written Request: Any employee who wants to undertake a paid outside employment, activity, or enterprise must submit a written request to the Executive Officer. The written request must include: (1) the work hours and/or time required; (2) job title or the nature of the activity; (3) the work location; and (4) the supervisor, manager and name of the employer or activity.

2. Analysis and Decision: The Executive Officer will determine if the outside employment, activity, or enterprise is compatible with the employee's employment with LAFCO. If the Executive Officer determines such activity is compatible, or would be if any conditions or restrictions applied, they will authorize the activity and specify the conditions/restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file.

3. One (1) Year Authorization: An outside employment authorization is valid only up to one (1) year. Should the employee continue the outside employment, activity, or enterprise for a longer duration, they must make another request following the process in this policy.

4. Appeal: If the Executive Officer denies an employee's outside employment request, the employee may submit a written notice of appeal to the Executive Officer within 10 days after the date of the denial. The decision on appeal will be put in writing, provided within 10 days after the receipt of the appeal, and will be final.

Prohibited Outside Activities

An employee's outside employment, activity, or enterprise may be prohibited if it:

1. Involves the use for private gain or advantage of LAFCO time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of LAFCO or employment with LAFCO;

2. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than LAFCO for the performance of an act which the employee would be required or expected to render in the regular course of their LAFCO employment;

3. Involves the performance of an act in other than their capacity as a LAFCO employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or

4. Involves time demands that would render the employee's performance of their regular LAFCO employment less efficient or dangerous to the employee.

Changes in Outside Employment Status

The employee must promptly report in writing to the Executive Officer of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

Revocation / Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this policy.

1. The employee's work performance declines; or
2. An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for LAFCO.

1204.6 - Use of LAFCO Equipment Prohibited

Under no circumstances may an employee use any LAFCO equipment, vehicles, tools, supplies, machines, or any other item that is LAFCO property while an employee is engaged in any outside employment, activity or enterprise.

~~No employee shall engage in any occupation or outside activity which is incompatible or in conflict with LAFCO employment. Any employee who proposes to engage in an occupation or outside employment for compensation shall inform the Executive Officer in advance of the nature of such employment. The Executive Officer, after making a determination whether or not such employment is in conflict with LAFCO employment, will notify the employee of such determination.~~

SECTION 3.2 – SALARY & WAGE ADMINISTRATION

3.2.0 – General – Salary & Wage

Definition of a Workweek:

The Workweek begins at 12:00 a.m. on Sunday and ends at 11:59 ~~a.m.~~ p.m. on Saturday, or as otherwise designated for employees on a flexible schedule.

Exempt/Nonexempt:

Each employee is designated as either Non-Exempt or Exempt from specific federal and state wage and hour laws, such as overtime compensation. An employee's Exempt or Non- Exempt classification may be changed only upon written notification by the Executive Officer.

Employment Categories:

In addition to the Exempt/Nonexempt categories, each employee will belong to one other employment category:

- a) Regular Full Time: Employees who are not in a temporary status and who are regularly scheduled to work LAFCO's full-time schedule. Generally, they are eligible for LAFCO's benefit package, subject to the terms, conditions, and limitations of each benefit program. Employees must work at a minimum of 32 hours weekly to be considered "regular full time." Regular full-time employees should refer to their individual Employment Agreement for an explanation of the benefits applicable to their LAFCO employment.
- b) Part Time: Employees who are not assigned to a temporary status and who are regularly scheduled to work less than 32 hours per week. While they do receive all legally mandated benefits (such as workers' compensation insurance), they may be ineligible for some of LAFCO's other benefit programs. Part-time employees should refer to their individual Employee Agreement for an explanation of the benefits applicable to their LAFCO employment.
- c) Temporary: Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing signed by the Executive Officer or designee. Temporary employees are entitled to all benefits required by state and federal law, such as paid sick leave, but are ineligible for any of the LAFCO provided benefits not mandated by state and federal law.

These categories and a designation of "exempt/non-exempt" do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and LAFCO.

3.2.1 – Pay Policies

Payment of Wages:

All employees are paid biweekly (every two weeks). There are 26 pay periods each year with paydays being every other Friday. In the event that the normal payday falls on a LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

Corrections to Payroll:

Errors arising from the payroll processing should immediately be brought to the attention of the Executive Officer, who will work with the payroll contact and the employee to correct any said error. Payment due to a correction will be processed in accordance with applicable federal and state laws.

“Overtime” Defined:

Overtime is all hours an overtime eligible employee actually works over 40 in his or her work week. Overtime is compensated at 1.5 times the Fair Labor Standards Act regular rate of pay. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay.

Prior Overtime Approval Required:

Overtime eligible employees are not permitted to work overtime except as authorized by the Executive Officer. Overtime eligible employees directed to work overtime must do so. It is misconduct for an employee to fail to record all time worked and for a supervisor to discourage an employee from recording all time worked. Any employee who believes that he or she is not able to record all hours worked shall immediately notify the Executive Officer in writing. Violations of this rule is grounds for discipline, up to an including termination of employment.

Work Hours:

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week, at the discretion of the Executive Officer.

Time Keeping:

Accurately recording time worked is the responsibility of every LAFCO employee. Federal and state laws require LAFCO to keep an accurate record of time worked in order to calculate Non-Exempt employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Altering, falsifying, tampering with time records, or recording time on another employee’s time record may result in disciplinary action, up to and including termination of employment.

It is the employee’s responsibility to sign their time records to certify the accuracy of time recorded. The Executive Officer will review and then sign the time record before submitting it for payroll processing.

Exempt employees shall also keep track of their hours on a timesheet to be provided by LAFCO.

Rest Periods:

Employees are allowed to take one ten (10) minute break for every four (4) hours worked. Breaks should be taken as close to the middle of the four (4) hour period as possible.

Lunch Break:

The normal lunch break is approximately 1 hour. Staffing needs and operational demands may necessitate variation in starting and ending time. Employees are responsible for taking their own meal period at the approximate mid-point of the shift, unless department rules indicate otherwise.

Commute Time:

Travel time to and from work is commute time, which is not compensable, even if the employee is asked to report to different work location on different days. Travel from home to the first work site of the day or from the last work site of the day to home is considered commute time.

Travel During the Workday:

Travel during the workday, after the employee has reported to work, is hours worked for LAFCO unless it is in connection with a bona fide meal break. However, travel from the employee's last work location to home is not compensable. Supervisor should not require employees who will be traveling during the work day to report to their normal work site at the start or the end of their shift unless it is truly necessary for the employee to report to such location.

Overnight Travel:

Overnight travel is considered hours worked by the employee if it occurs:

- 1) During regular work hours; or
- 2) On an off day during the employee's normal work hours; or
- 3) Outside of work hour, if the employee has to drive to the location.

If the employee travels on public transportation or as a passenger in an automobile, the time is non-compensable. Supervisors should schedule overnight travel for employees on public transportation outside of their normal work hours if possible. If the employee is offered public transportation for travel outside normal work hours and declines the offer, the agency will count as hours worked either the following, or whichever is less: (a) the time spent driving the car; or (b) the time that would have been hours worked if the employee had used public transportation.

Special One-Day Assignment Out-of-Town:

If an employee is required to travel out-of-town for a special, one-day assignment, and the time spent traveling is longer than the employee's normal commute, the longer portion of the travel time should be counted as hours worked. If the employee is driving to the location, only the time in excess of the employee's normal commute shall be considered as hours worked. If the employee is taking public transportation to the [location], the travel time shall be counted as hours worked, except for travel between the employee's home and the public transportation facility, such as an airport or train station. Travel to attend a training program that is a regular and contemplated part of an employee's position shall not be considered a special assignment.

SECTION 3.3 – BENEFITS

3.3.0 – Insurance & Other Benefits

The intent of this policy is to provide insurance and other benefits to all regular full-time and part-time employees of LAFCO. LAFCO-paid contribution amounts and insurance plans shall be determined in the annual budget adoption process. Coverage is effective the 1st day of the month following date of hire. The Commission will review and may change these benefits on an annual basis at its discretion. Insurance and other benefits may also be covered by individual employment agreements. Employees should refer to their individual Employment Agreement for further explanation of their insurance and benefits. The employee's Employment Agreement shall control if there is any conflict between this section and Employee's Agreement.

Health Insurance:

LAFCO provides Employee-Only or Employee-Dependent Health Care coverage to exempt and non-exempt employees. Employees should refer to their individual Employee Agreement for the specific terms and conditions applicable to their Employee Health Care coverage.

Dental/Vision Insurance:

LAFCO provides Employee-Only or Employee-Dependent Dental and Vision Health Care coverage to exempt and non-exempt employees. Employees should refer to their individual Employee Agreement for the specific terms and conditions applicable to their Employee Dental and Vision Health Care coverage.

Additional Benefits:

Additional benefits may include additional leave, life insurance, short-term, long-term disability insurance, and behavioral health benefits, as negotiated per the individual employee contract. Employees should refer to their individual Employee Agreement for an explanation of any additional benefits applicable to their employment.

Retirement Benefits for all employees:

LAFCO provides, through the California Public Employees' Retirement System (CalPERS), a retirement plan for eligible employees. ~~Existing employees hired before January 1, 2009, shall continue receiving all CalPERS benefits and allocation contributions they were receiving as of December 31, 2008. Employees hired on or after January 1, 2009 who are not defined as "new members" under the Public Employees' Pension Reform Act (PEPRA), shall pay the full employee share of the CalPERS member contribution, which is currently 7.0%. Employees who are defined as "new members" hired on or after January 1, 2013, are subject to the Public Employees' Pension Reform Act (under PEPRA) are subject to all PEPRA provisions, including that they pay 50% of the total normal cost of the retirement benefit, as determined by CalPERS.~~ The Commission will review and establish the benefits annually at its discretion, subject to the Public Employees' Retirement Law.

Additional Retirement Benefits for all Employees:

Employees should refer to their individual Employee Agreement for the specific terms and conditions applicable to the LAFCO deferred compensation (457(b) plan. ~~participate in a mandatory LAFCO deferred compensation (457 (b)) plan, in lieu of LAFCO participation in the federal Social Security program. Employee shall contribute at a rate that is equal to the prevailing Social Security employee tax rate. LAFCO shall contribute at a rate that is equal to the prevailing Social Security employer tax rate. Employee may opt to contribute at higher levels to the deferred compensation plan.~~

3.3.1 – Tuition Reimbursement

LAFCO encourages and supports efforts by its employees to improve their skills and educate themselves for advancement. LAFCO believes that assisting the employee in the pursuit of an educational agenda or to otherwise expand their work-related knowledge base will benefit both the employee and LAFCO. This policy shall apply only to courses requested by the employee in accordance with the criteria set forth below and submitted on a form to be provided by LAFCO and approved by the Executive Officer. Reimbursement will be provided only on a partial basis as set forth below.

Requirements for Reimbursement of Tuition:

- a) The requesting employee must be and have been in a regular full-time position with LAFCO for at least two (2) years prior to the start of the course in question.
- b) The subject matter of the course must be directly related to the employee's present position or to a position within LAFCO.
- c) The employee's attendance at the course will not interfere with his/her normal duties, responsibilities or work hours.
- d) The employee agrees in writing to repay LAFCO, upon separation of employment, any tuition reimbursement received from LAFCO within a twelve (12) month period prior to his/her termination.
- e) Requests for reimbursement shall be submitted to the Executive Officer and approved prior to the commencement of the course in question.

Limitations:

- a) In order for requests to be granted, funds for tuition reimbursement must be available for that purpose in the LAFCO budget.
- b) Reimbursement shall be available at the rate of fifty percent (50%) of actual costs of the tuition fee (does not include books, documents, other materials, mileage, travel costs, or other incidental expenses incurred by the employee).
- c) LAFCO may limit its reimbursement to the actual amount not reimbursed to the employee by some other source if such amount is less than fifty percent (50%) of the tuition fee.
- d) Nothing shall prohibit LAFCO from placing a reasonable dollar limit on tuition reimbursement which may be received by an employee in one fiscal year.
- e) To be eligible for reimbursement, the employee must present satisfactory proof of a final grade of "C" or better for the approved course and of the amount of tuition paid by the employee.

SECTION 3.4 – TIME OFF

3.4.0 – Sick Leave Benefits

The Commission will review and may change any of these sick leave benefit provisions on an annual basis at its discretion.

Since LAFCO employees may be entitled pursuant to their individual Employment Agreement to greater paid sick leave rights than those mandated by law, employees should refer to their individual Employee Agreement to determine whether their paid sick leave rights are greater than provided by this policy.

General Sick Leave Rules for All Employees:

The following rules apply to all LAFCO employees except where an employee's individual Employment Agreement provides greater sick leave rights than those set forth below:

~~Effective July 1, 2015,~~ California's Paid Sick Leave law requires LAFCO to provide sick leave to employees under the following conditions:

- a) An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the agency.
- b) An employee is only allowed to use up to a maximum of ~~3-5~~ days or ~~24-40~~ hours, whichever is greater, of paid sick leave in a 12-month period.
- c) An employee can only accrue paid sick leave up to a cap of ~~106~~ days or ~~48-80~~ hours, whichever is greater, ongoing. Any unused accrued paid sick leave carries over year to year while continuously employed.

In accordance with California's Paid Sick Leave law, an employee may use the first ~~3-5~~ days or ~~24-40~~ hours of accrued sick leave in a 12-month period for one of the following reasons:

- a) For the employee's own diagnosis, care or treatment of an existing health condition or preventative care.
- b) For the diagnosis, care or treatment of an existing health condition or preventative care for an employee's family member, including:
 - Child (including biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis).
 - Spouse or Registered Domestic Partner.
 - Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child).
 - Grandparent.
 - Grandchild.
 - Sibling.
 - Another designated person identified by the employee at or prior to the time the employee requests paid sick leave; an employee may designate only one such person in a 12-month period.

- c) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
- A temporary restraining order or restraining order.
 - Other injunctive relief to help ensure the health, safety, or welfare of themselves or their children.
 - To seek medical attention for injuries caused by domestic violence, sexual assault or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Notice:

An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

Other Rules for Sick Leave:

- An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.
- In the event that an employee or member of the employee's immediate family recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work, then such employee shall notify the appropriate immediate supervisor and be available to return to duty.
- Paid sick leave will not be granted to any employee to permit an extension of the employee's vacation.
- Supervisors shall have the discretion to place employees on sick leave when, in the judgement of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.
- If an employee separates from agency employment and is re-hired by the agency within one year of the date of separation, previously accrued and unused sick leave hours shall be reinstated. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the agency before any paid sick leave can be used.
- An employee shall be subject to disciplinary action for abuse of sick leave which is defined as a claim of entitlement to sick leave when the employee does not meet the requirement of sick leave as defined herein.

Pay for Sick Leave:

All sick leave payments will be based on an employee's regular pay rate in effect at the time such payments are made. These payments will be coordinated with applicable disability insurance payments of Workers' Compensation insurance benefit payments so that all such payments will not exceed the employee's normal weekly gross earnings.

Full or partial days off due to illness or injury in excess of accrued sick leave by non-exempt employees will be taken without pay. Exempt employees who have used all of their accrued sick leave benefits continue to receive their salary for an occasional illness that is less than a full day under this sick leave policy. The salary of exempt employees who have exhausted their sick leave will be deducted for absences of a full day or ore due to illness or disability.

Paid sick leave will not be considered hours worked for purposes of overtime calculation.

An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or separation from employment from the agency.

Sick Leave Certification:

Employees who are absent for ~~three (3)~~ **five (5)** or more consecutive workdays due to illness or injury will be required to submit a health care provider's certification to substantiate the use of sick leave. In addition, before an employee may return to work, LAFCO may require a health care provider's written certification that the employee is capable of resuming his/her job responsibilities. Employees are not expected to disclose any diagnosis or private health information, but any material misrepresentations regarding the use of sick leave (e.g., using sick leave for an unqualified absence) may result in corrective action, up to and including termination.

Return to Work:

Whenever an employee has been given a permanent and stationary rating by the Industrial Accident Commission of the State of California, return to the job must be based on the same medical information that the employee used in order to obtain the award. Unless these medical facts are very carefully considered, subsequent injuries or aggravations of the original injury can occur. It is LAFCO's policy that an employee return to duties he/she can perform safely without undue risk or further injury to other employees

It is, likewise, LAFCO's policy that if the employee cannot do so or if he/she is unable or unwilling to accept some other vacant position which the employee is psychologically and/or physically and otherwise qualified to perform, his/her employment may be terminated. The medical criteria presented to the Industrial Accident Commission by the employee and his/her doctor shall be obtained and utilized by LAFCO and interpreted in terms of specific job restrictions and limitations. The department director, or his/her designee, shall then interpret and apply such job restrictions and limitations to the specific physical and/or psychological requirements of the employee's position and make a recommendation to the Executive Officer.

A determination shall be made by the Agency as to whether or not the employee shall:

- Return to the job;
- Transfer to some other vacant position for which he/she is qualified based upon physical or psychological ability and experience; or
- Separate from employment.

3.4.1 – Vacation/Annual Leave

This policy applies to all regular full-time and part-time employees of LAFCO unless otherwise stated in a written Employee Agreement. The intent of this policy is to provide paid time off for employees as a means to rest and rejuvenate. LAFCO encourages employees to utilize this benefit every year. LAFCO believes personal time off is an important means to enable continuation of strong performance and positive contribution to LAFCO, as well as encourage a balanced and enriching life for employees.

The Commission will review and may change any of these vacation and annual leave benefit provisions on an annual basis at its discretion.

Full-time and part-time employees will accrue vacation or annual leave time according to the provisions of their employee contracts. Employees should refer to their individual Employee Agreement for the specific terms and conditions applicable to their vacation or annual leave accrual rate, maximum accrual, and potential for annual cash-out.

Active service for all regular employees commences with their first day of work and continues thereafter unless broken by an absence without pay or a leave of absence. The Executive Officer will consider the needs of LAFCO when evaluating the scheduling of vacation or annual leave requests.

Upon separation from LAFCO employment, an employee is eligible to be paid for accrued, unused vacation or annual leave days. In cases where an employee terminates employment with LAFCO, and has been permitted to take vacation or annual leave time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of un-accrued time off taken.

A holiday that falls during an employee's vacation or annual leave will be treated and paid as a holiday and not as a day of vacation or annual leave.

3.4.2 – Holiday

Holiday time off with pay will be granted to all regular full-time employees and may be granted to regular part-time employees. Employees should refer to their individual Employee Agreement for an explanation of their yearly paid holidays.

Full-Time Employees:

Paid Holidays: 11 regular and 1 floating per year. Unused Holiday Leave does not accrue.

Part-time Employees:

Part-time employees should refer to their individual Employee Agreement for an explanation of their yearly paid holidays.

3.4.3 – Family and Medical Leave

To the extent not already provided for under current leave policies and provisions, LAFCO will provide family and medical care leave for eligible employees as required by State and Federal Law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulation of the California Family Rights Act (“CFRA”). Unless otherwise provided by this section, “Leave” under this section shall mean leave pursuant to the FMLA and CFRA.

Definitions:

- a) “12-Month Period” means a 12-month period measured backwards from the date FMLA leave begins.
- b) “Single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA military caregiver leave and ends 12 months after that date.
- c) “Child” means a biological, adopted, foster or step-child, legal ward, or a child of a person standing in “loco parentis” (in place of a parent) who is a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (there is no age limit for military family/qualifying exigency leave).
- d) A child is “incapable of self-care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as, caring for grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- e) “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- f) “Spouse” means a husband or wife as defined or recognized under California State Law for purposes of marriage. “Spouse” also includes registered domestic partners and same-sex partners in marriage.
- g) “Domestic Partner” is defined by the California Domestic Partner Rights and Responsibilities Act (Family Code §§ 297 and 299.2) and shall have the same meaning as “Spouse” for purposes of CFRA Leave.
- h) “Designated Person” means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employee may designate only one such person per 12-month period for family care and medical leave.
- i) “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:
 - 1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or any subsequent treatment in connection with such inpatient care; A person is considered an “inpatient” when a health care facility formally admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
 - 2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment or recovery) of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by, a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
 - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it is not, by itself, sufficient to constitute a regimen of continuing treatment.
- B. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA Leave, but not CFRA Leave.) (The right to take Family & Medical Care Leave is separate from the right to take pregnancy disability leave. State law allows an employee to take up to four months of pregnancy disability leave. If an employee exhausts her pregnancy disability leave prior to the birth of the child, and her physician certifies that continued leave is medically necessary, the employee may use Family & Medical Care Leave prior to the birth of the child. The maximum possible combined leave for pregnancy disability/CFRA/FMLA is four months and 12 workweeks.)
- C. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts less than one day.
- D. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's disease, a severe stroke or the terminal stages of a disease.
- E. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or, kidney disease (dialysis).

h)j) “Health Care Provider” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or
2. Any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.
3. Others "capable of providing health care services" as determined by the U.S. Secretary of Labor include only:
 - A. Podiatrists, dentists, clinical psychologist, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law;
 - B. Nurse practitioners, nurse-midwives, physician’s assistants and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law;
 - C. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable state or local law or collective bargaining agreement.
 - D. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
 - E. A health care provider listed above who practices in a country other than the United States, who is performing within the scope of his or her practice as defined under such law and who is authorized to practice in accordance with the law of that country.
 - F. The phrase "authorized to practice in the state" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

j)k) “Qualifying Exigency” means a need to take military family leave arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. This is intended to assist families with non-medical needs such as:

1. Short-notice deployment
2. Military events and related activities (before or during deployment)
3. Childcare and school activities (e.g., arrange for alternate childcare)
4. Financial and legal arrangements
5. Counseling (non-medical for oneself, the service member, or child)

6. Rest and recuperation (up to 5 days for each)
7. Post-deployment activities (ceremonies or briefings)
8. Additional activities agreed to by the employer and employee

l)k) “Covered active duty” means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country, or
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

m)l) “Covered Servicemember” means

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

n)m) “Outpatient Status” means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either:

1. A military medical treatment facility as an outpatient; or
2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

o)n) “Next of Kin of a Covered Servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

p)o) “Serious Injury or Illness” means:

1. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
2. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty

in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Reasons for Leave:

Leave is only permitted for the following reasons:

- a) The birth of a child or to care for a newborn of an employee;
- b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- c) Leave to care for a child, parent, or spouse, or domestic partner who has a serious health condition;
- d) Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, parent-in-law, sibling, or any designated person, who has a serious health condition.
- e) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- f) Leave due to a qualifying exigency arising out of the fact that an employee's spouse, domestic partner, son, /daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status (under FMLA only, not CFRA);
- g) Under the CFRA only, leave due to a qualifying exigency arising out of the fact that an employee's domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation.
- h) Leave to care for an employee's spouse/domestic partner, son/daughter, parent, or next of kin who is a covered service member with a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces ("Military Caregiver Leave"). This leave can run up to 26 weeks of unpaid leave during a single 12-month period. (under the FMLA only, not the CFRA).

Employees who misuse or abuse FMLA leave may be disciplined up to and including termination. An employee who fraudulently obtains or uses CFRA leave is not protected by the CFRA's job restoration or maintenance of health benefits provisions.

Employees Eligible for Leave:

An employee is eligible for leave if the employee:

- a) Has been employed for at least 12 months; and
- b) Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Amount of Leave:

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks for military caregiver leave) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

Minimum Duration of Leave:

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, unless otherwise approved by the employee's department head, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for a duration of at least one day but less than two weeks on any two occasions.

If leave is requested to care for a child, parent, spouse, domestic partner or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

Intermittent and Reduced-Schedule Leave:

Leave because of a serious health condition or military caregiver leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours the employee works per work week or work day) if medically necessary. Qualifying exigency leave may also be taken intermittently or on a reduced-leave schedule.

Leave for bonding or the care of a new child must be taken in blocks of at least two weeks, but the employee is allowed two exceptions to this rule.

If leave is unpaid, LAFCO will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced-schedule leave, LAFCO may temporarily transfer the employee to an available alternative position that better accommodates his or her recurring leave and that has equivalent pay and benefits.

Parents Both Employed by LAFCO:

If both married parents of a child, adoptee, or foster child are employed by LAFCO and are entitled to bonding leave, each married parent is entitled to take 12 workweeks of CFRA leave during any 12-month period.

If both married parents of a covered service member are employed by LAFCO and are entitled to leave to care for a covered service member, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period. This limitation does not apply to any other type of leave under this policy. In any case in which both parents are employed by LAFCO and are entitled to leave, the aggregate number of workweeks of CFRA leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which a husband and wife both employed by LAFCO are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken for military caregiver leave under FMLA.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

Employee Benefits While on Leave

During an approved Family/Medical Leave, LAFCO will maintain the employee's health benefits as if he or she continued to be actively employed. If paid leave is substituted for unpaid Family/Medical Leave,

LAFCO will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, LAFCO will put the employee on a direct payment plan with CalPERS Health. CalPERS will bill the employee for his or her portion of the premium. The employee's healthcare coverage will cease if their premium payment is more than 30 days late. If the employee's payment is more than 15 days late, LAFCO will send the employee a letter to this effect.

Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after their leave entitlement has been exhausted or expires, LAFCO shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/ her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. LAFCO shall have the right to recover premiums through deduction from any sums due the employee (e.g. unpaid wages, sick, vacation pay, etc.).

During Family/Medical Leave, the employee will accrue benefits, such as sick and vacation days, only when paid leave is substituted for unpaid leave and only if the employee would otherwise be entitled to continuing accruing benefits. The use of family/medical leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

LAFCO will continue to make contributions to retirement (CalPERS) during a paid leave. Contributions are stopped if and when the leave becomes unpaid.

Substitution of Paid Accrued Leaves:

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, LAFCO may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA qualifying.

If an employee is receiving a paid benefit (e.g., State Disability Insurance or workers' compensation), the employee is not considered to be on an unpaid leave, and an employee may, at his/her option, coordinate the use of paid time off, sick leave, or accrued vacation up to his/her regular salary amount.

a) Employee Right to Use Paid Accrued Leaves Concurrently with FMLA/CFRA Leave

Where an employee has earned or accrued vacation, annual leave, floating holidays, or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee may elect or LAFCO may require an employee to use accrued sick leave only if:

1. The leave is for the employee's own serious health condition; or
2. The leave is for another reason mutually agreed upon between LAFCO and the employee.

If LAFCO and the employee do not "mutually agree" to allow use of accrued sick leave to care for a family member, LAFCO may still be required to allow the employee to use some sick leave for the employee to care for a family member with a serious health condition pursuant to the Protected Sick Leave law under Labor Code section 233 and the California Paid Sick Leave Law.

An employee receiving Paid Family Leave to care for the serious health condition of a family member or to bond with a new child is not on “unpaid leave.” Therefore, LAFCO may not require the employee to use the paid time off, sick leave, or accrued vacation.

b) LAFCO’s Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave

Employees who otherwise would be on an unpaid leave of absence must exhaust their accrued leaves (including accrued vacation, annual leave, sick leave, floating holidays, and compensatory time) concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave as noted above.

Medical Certification:

Employees who request leave for their own serious health condition or to care for a child, parent, spouse, or domestic partner who has a serious health condition, must provide written certification from the health care provider of the individual requiring care if requested by LAFCO.

If the leave is requested because of the employee’s own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of their position.

Employees who request military caregiver leave for a child, spouse, parent, or “next of kin” of the employee must provide written certification from a health care provider regarding the injured servicemember’s serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member’s active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member’s active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member.

a) Time to Provide a Certification

When an employee’s leave is foreseeable and at least 30 days’ notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to LAFCO within the time frame requested by LAFCO (which must allow at least 15 calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

b) Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, LAFCO may delay the taking of FMLA/CFRA leave until the required certification is provided.

c) Second and Third Medical Opinions

If LAFCO has reason to doubt the validity of a certification for an employee's serious health condition, LAFCO may require a medical opinion of a second health care provider chosen and paid for by LAFCO. If the second opinion is different from the first, LAFCO may require the opinion of a third provider jointly approved by LAFCO and the employee, but paid for by LAFCO. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

d) Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

Notice of Leave:

If the employee's need for FMLA leave is foreseeable, they must give LAFCO at least 30 days prior written notice. If this is not possible, the employee must give notice as soon as practicable (generally the same day or next business day after the employee learns of the need for leave, depending on the circumstances), and the employee must comply with LAFCO's usual and customary notice and procedural requirements for requesting leave (such as call-in procedures), absent unusual circumstances. Failure to provide such notice may be grounds for delay of leave. Additionally, if the employee is planning a medical treatment, he or she must consult with his or her supervisor regarding the dates of such treatment in order to minimize disruption to LAFCO operations.

For foreseeable leave, due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

If the employee's need for FMLA is not foreseeable, he or she must notify LAFCO as soon as practicable regarding the facts and circumstances of his or her situation.

When providing notice, the employee must include sufficient information for LAFCO to determine if the leave may qualify for FMLA/CFRA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform LAFCO if the requested leave is for a reason for which family and medical leave was previously taken or certified.

Reinstatement Upon Return From Leave:

a) Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and LAFCO, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

b) Employee's Obligation to Periodically Report on Their Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

c) Fitness for Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. This requirement does not apply to employees returning from an intermittent leave. Failure to provide such certification will result in denial of reinstatement.

Worker's Compensation and Family and Medical Care Leave Coordination:

Family and Medical Care Leave will be designated by LAFCO when an employee qualifies for such leave as a result of a LAFCO work-related injury or illness.

Required Forms:

Employees must fill out the applicable forms in connection with leave under this policy, and may receive all applicable forms through the LAFCO's HR department.

3.4.4 – Other Leave and Time Off

LAFCO provides:

- a) Family care and medical leave ~~for up to 12 weeks per year~~ as described in Section 3.4.3 above;
- b) Pregnancy Disability Leave for up to four months in accordance with the California Fair Employment and Housing Act;
- c) Disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act, or with a workplace injury;
- d) Paid Family Leave benefits provided under Section 3300, et seq., of the California Unemployment Insurance Code, and
- e) Leave for other legally required reasons as set forth below. Employees having any questions regarding LAFCO leave policies should contact the Administrative Services Director, or his or her designee.

Pregnancy Related Disability Leave or Transfer:

a) Eligibility and Duration:

1. Leave of Absence – Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related leave of up to four (4) months, in addition to

any family care or medical leave to which the employee may be entitled under the Family Care and Medical Leave Policy.

2. Temporary Transfer Before Childbirth – any employee affected by pregnancy is entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated.

b) Substitution of Paid Leave for Pregnancy-Related Disability Leave:

An employee taking pregnancy-related disability leave must substitute any available sick pay for her leave and may, at her option, substitute any accrued vacation/annual leave time for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

c) Leave's Effect on Benefits:

If an employee taking a pregnancy-related disability leave is also eligible for family care and medical leave under this policy, then the employee is entitled to LAFCO's continuation of benefits as described herein up to a maximum of twelve (12) weeks in a 12-month period.

d) Other Terms and Conditions of Leave:

1. The provisions of LAFCO's Family Care and Medical Leave policy regarding the leave's effect on pay and reinstatement also apply to all pregnancy-related disability leaves.
2. Employees taking Pregnancy Disability Leave will be treated the same as other similarly situated employees taking disability leave.
3. The employee returning from a Pregnancy Disability Leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority related benefits such as vacation.

Other Disability Leaves:

In addition to medical or pregnancy-related disability leaves, employees may take a temporary disability leave of absence, if necessary, to reasonably accommodate a workplace injury or an ADA-qualified disability. Any disability leave under this section may run concurrently with any medical leave to which the employee is entitled under this policy.

Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leaves, notice, and medical certification. For the purpose of applying these provisions, a disability leave will be considered to be a medical leave.

If a disability leave under this section extends beyond twelve (12) weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with the law, but in no event, shall the leave extend past the date on which an employee becomes capable of performing the essential function of his or her position, with or without reasonable accommodations.

Should an employee fail to return on the expected return date after family and medical leave absence or fail to remain employed for more than thirty (30) days after expiration of the leave, the employee may be required to reimburse LAFCO for the cost of benefits provided pursuant to the Act for the period of the leave.

Paid Family Leave:

Paid Family Leave under the State Disability Insurance (SDI) program is available for an employee who is under SDI coverage and provides up to six-eight weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Payment is made from the State under SDI funding under relevant provisions of the Unemployment Insurance Code.

Eligible employees participating in the PFL program may receive up to six-eight weeks of partial wage replacement when taking leave from work to bond with a new child or to care for a seriously ill parent, child, spouse, or registered domestic partner. The employee will be required to use up to two weeks of accrued, unused vacation/annual leave time before receiving PFL benefits, ~~one of which shall run concurrently with the one-week waiting period.~~

Jury Duty:

Employees who are summoned to serve on a jury must notify their supervisor or the Executive Officer as soon as possible after receiving notice of both possible and actual jury service in order to receive time off for the period of actual service required. During jury duty, an employee will be paid the difference between their regular salary and the amount of court pay received, except travel pay. The time spent on jury duty is not work time for purposes of calculating overtime compensation.

Subpoena:

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her LAFCO job duties will do so without loss of compensation. The time spent will be considered work time.

Exception for Employee-Initiated or Non-LAFCO Related Lawsuits:

An employee subpoenaed to appear in court in a matter unrelated to his or her LAFCO job duties or because of civil or administrative proceedings that he or she initiated does not receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use accrued vacation/annual leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

Military Duty:

Military leave will be granted in accordance with federal and state law. An employee requesting leave for this purpose shall promptly provide the Executive Officer with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, Executive Officer may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. Any eligible LAFCO employee ordered to serve on military duty for a period not to exceed thirty (30) calendar days within any calendar year shall receive his/her regular LAFCO salary during such service. Any compensation, other than subsistence, Basic Allowance for Quarters (BAQ), and per diem, must be turned in to LAFCO Finance Department. Service beyond thirty (30) days will be

~~honored and benefits provided according to the provisions of Sections 389-398 of the California Military and Veterans Code.~~

~~Health Insurance Benefits: Any employee on Military Leave may elect to continue health care coverage for himself/herself and any eligible dependents for a maximum of twenty four (24) months by paying the premium amount.~~

~~a) Leave Benefits~~

~~Employees on active duty are not entitled to accrue sick or vacation/annual leave with the exception that a National Guard member on active duty is entitled to accrue vacation/annual leave and holiday compensation for the first thirty (30) days of active duty.~~

~~b) Re-employment Rights of Employees Returning From Military Leave~~

~~1. Employees returning from Military Leave are entitled to re-employment to their previous position (or a position of similar seniority, status and pay) if:~~

~~A. The employee has given advance written or verbal notice of such military service to LAFCO;~~

~~B. The cumulative length of the absence and of all previous absences from a position of employment with LAFCO by reason of military service does not exceed five (5) years; and~~

~~C. The returning veteran reports to, or submits a re-employment application, to LAFCO in accordance with the notice provisions mandated by federal law. The amount of notice an employee must provide an employer of his or her intent to return to work depends on the amount of time the employee has been on Military Leave.~~

~~2. LAFCO may refuse reinstatement if:~~

~~A. LAFCO's circumstances have changed so much as to make the re-employment impossible or unreasonable;~~

~~B. Re-employment of the individual would impose an undue hardship on the LAFCO; or~~

~~C. The position from which the person left existed for a brief, non-recurrent period and there was no reasonable expectation the job would continue indefinitely or for a significant period.~~

Time off to Vote:

If an employee who is not exempt does not have sufficient time outside of working hours to vote in a statewide election, the employee may take up to two hours off without loss of pay at the beginning or end of the day. Prior approval by the employee's supervisor 48 hours before the leave for this time off is required.

School-Related Leave:

Any LAFCO employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of their child. The employee must provide reasonable advance notice of the planned absence. Leave under this section is unpaid unless the employee uses vacation or

other accrued time off. The employee may be required to use vacation and/or compensating time off to cover the absence.

LAFCO may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the agency at the same work site, only the first parent requesting will be entitled to leave under this provision.

Time off for Victims of Crimes or Domestic Abuse:

a) Time Off by Type of Crime

1. An employee who is a victim, or the immediate family member of a victim, of a violent or serious felony, or of felony theft or embezzlement, may take time off to attend judicial proceedings related to that crime. For purposes of this provision, “immediate family member” means spouse, registered domestic partner, mother, stepmother, father, stepfather, child, stepchild, brother, stepbrother, sister, or stepsister.
2. An employee who is a victim of crimes specified in Labor Code section 230.5, including various violent crimes, felony domestic violence, felony stalking, and sexual assault, may take time off to appear in court to be heard at any proceeding, including any proceeding at which a right of the victim is at issue.
3. An employee who is a victim of domestic violence, sexual assault, or stalking, who is a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or whose immediate family member is deceased as the direct result of a crime, may take time off to obtain or attempt to obtain any relief ~~to help ensure the health, safety, or welfare of the employee or his or her child,~~ including but not limited to a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child.

An employee who is a victim ~~of any of these offenses (i.e., domestic violence, sexual assault, or stalking)~~ as described above may also take time off to attend to any of the following:

- to seek medical attention for injuries caused by the ~~offense~~ crime or abuse;
- to obtain services from a domestic violence shelter, program, ~~or~~ rape crisis center, or victim services organization or agency as a result of the ~~offense~~ crime or abuse;
- to seek psychological counseling or mental health services related to an experience of crime or abuse ~~the offense~~; or
- to participate in safety planning and take other actions to protect against future crime or abuse ~~offenses~~, including temporary or permanent relocation.

b) Reasonable Notice Required

An affected employee must give LAFCO reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide ~~the [Agency]~~ LAFCO with written proof documentation that the absence was required for any of the above reasons.

c) Use of Accrued Leave

Leave under this section is unpaid unless the employee uses vacation or accrued time off. Notwithstanding LAFCO's Sick Leave Policy, employees may use accrued paid sick leave for leave taken under these Rules.

Other Leave of Absence:

Leave of absence without pay up to thirty (30) days for any purpose may be granted to full-time employees by LAFCO. Leave of absence in excess of thirty (30) days for any purpose may be granted to full-time employees at the recommendation of LAFCO for periods not to exceed one year.

- Employees on leave of absence without pay shall not earn vacation/annual leave, sick leave, or credit for annual salary increments during the period of leave. Continuation of employee benefits will be determined by LAFCO, based upon length of the leave of absence without pay.
- Employees will be granted leave without pay beyond one year of absence for military service, upon recommendation of LAFCO.
- Any leave of absence shall include a written agreement as to the intention of LAFCO and employee to return the employee to the former position, or a comparable position, and is contingent upon the availability of such a position at the time of the expiration of the leave of absence.
- An employee may return prior to expiration of leave upon approval of LAFCO Executive Officer and if necessary, LAFCO may require a fitness for duty examination before return.

An employee who fails to return from any leave when such leave is no longer authorized may be deemed to have resigned.

Bereavement Leave:

In the event of a death in the immediate family, ~~3 consecutive days of paid bereavement leave will be provided to~~ all regular full-time and regular part-time employees of LAFCO are entitled to five (5) days of bereavement leave, unless otherwise a greater amount is stated in an employee's employment agreement. Bereavement leave need not be taken as consecutive days, but must be taken within three (3) months of the family member's death. Employees should refer to their individual Employee Agreement for further explanation of their annual allotment of bereavement leave.

Immediate family is defined as the employee's spouse, domestic partner, parent, child, sibling, ~~parent-in-law~~ the employee's spouse's parent, child, stepchild, ~~or~~ sibling, ~~the employee's child's spouse,~~ grandparents, or grandchildren; ~~the employee's domestic partner.~~ Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

The first three (3) days of bereavement leave will be provided as paid leave. Employees may also elect to use, with the approval of the Executive Officer, use any available accrued paid leave for additional time off as necessary. If more time off is requested beyond five (5) days, it will be granted only at the discretion of the Executive Officer.

Bereavement pay is calculated based on the base pay rate at the time of absence and prorated for part-time employees.

Workers' Compensation Leave:

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee's work-related injury qualifies as a serious health condition, any Workers' Compensation leave taken will be considered part of his or her allotted family and medical leave according to Section 3.4.3 herein, and could also constitute disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA)/Fair Employment and Housing Act. Employees on Workers' Compensation leave should keep their supervisors informed as to their work status and will need to provide a doctor's release before returning to work.

Volunteer Emergency Leave and Training:

If employees volunteer as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to unpaid leave to perform emergency duty. In addition, they may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. If an employee qualifies for these types of leave, he or she may use accrued vacation/annual leave during the leave. Time spent on this leave counts for purposes of determining "length of service". However, vacation/annual leave will not be accrued and holiday pay will not be received during this leave.

Alcohol and Drug Rehab Leave:

LAFCO will reasonably accommodate employees who wish to voluntarily enter and participate in an alcohol or drug rehabilitation program provided that the accommodation does not impose an undue hardship on LAFCO. LAFCO does not provide paid time off for participation in an alcohol or drug rehabilitation program.

This policy in no way restricts LAFCO's right to impose discipline, up to and including termination of employment, for violation of LAFCO's drug and alcohol policy.

Reproductive Loss Event:

LAFCO provides employees who have been employed at least 30 calendar days with Reproductive Loss Leave, in the event of a "Reproductive Loss Event"

"Reproductive Loss Event" means the day or, for a multiple-day event, the final day of a Failed Adoption, Failed Surrogacy, Miscarriage, Stillbirth, or an Unsuccessful Assisted Reproduction, as those terms are defined by statute.

Reproductive Loss Leave may be taken for up to five (5) days per Reproductive Loss Event.

Reproductive Loss Leave is not required to be taken consecutively, but such leave must be taken within three (3) months of the Reproductive Loss Event, with the exception that, if an employee is on California Family Rights Act ("CFRA") leave, Pregnancy Disability Leave ("PDL"), or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave.

If an employee experiences more than one Reproductive Loss Event within a 12-month period, LAFCO will provide Reproductive Loss Leave up to a maximum of 20 days within a 12-month period.

Reproductive Loss Leave is unpaid, but employees may elect to use accrued paid leaves, such as sick leave, personal leave, or vacation in order to provide for their compensation while on Reproductive Loss Leave.

SECTION 3.5 – CONDUCT & PROBLEMS

3.5.0 – Employee Code of Conduct

In order to assist in fostering the desired goals of LAFCO, employees together with the local community, have a right to expect the business of LAFCO to be conducted with efficiency, fairness, impartiality and integrity.

Employment at LAFCO carries with it an obligation to the public interest. It requires standards of professional behavior from employees that promote and maintain public confidence and trust.

Although no one set of rules can answer all ethical questions, this Code of Conduct provides LAFCO with an ethical framework for the decisions, actions and behavior of its employees. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of LAFCO employees. LAFCO employees are expected to comply with this policy, LAFCO's Policies and Guidelines, as well as all other state and Federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws, use of public property regulations, and discrimination laws.

The violation of the policies and procedures of LAFCO or any other illegal acts may result in disciplinary action up to and including termination. Employment at LAFCO is governed by written agreement and is at will. Employees may be separated for any reason so long as the reason is not illegal. Employees can be terminated at any time, with or without cause, and without notice or hearing. Employees at LAFCO are not entitled to any progressive discipline or due process rights.

General Principles:

The public is entitled to expect the business of LAFCO to be conducted with efficiency, economy, fairness, impartiality and integrity. To meet that expectation, LAFCO employees must abide with the following principles when doing their work:

Responsibility of LAFCO Employees:

Employees are to implement the policies and decisions of LAFCO in a fair and impartial manner. Employees must comply with relevant state and Federal law.

Respect for People:

Employees are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, employees shall perform their duties in a professional and responsible manner.

They shall ensure that their decisions and actions are reasonable, fair and appropriate to the circumstance, based on consideration of all the relevant facts and supported by adequate documentation.

Integrity and Public Interest:

Employees are to promote confidence in the integrity of LAFCO and always act in the public interest and not in their private interest.

Responsible Service:

Employees are to provide relevant and responsible service to the public and other employees, providing necessary and appropriate assistance.

Guide to Ethical Decision Making:

To assist in fostering a climate of ethical awareness, conduct and decision making at LAFCO, employees may find it useful to refer to or consider, either by themselves or in conjunction with their peers, supervisor or Executive Officer the following five points:

- a) Is the decision or conduct lawful?
- b) Is the decision or conduct consistent with the LAFCO Administrative Code and LAFCO's goals and Code of Conduct?
- c) What will the outcome be for the employee, other employees, LAFCO, and others?
- d) Do these outcomes raise a conflict of interest or lead to private gain at LAFCO's expense?
- e) Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?

Acceptance of Gifts or Benefits:

LAFCO employees are prohibited from accepting—directly or indirectly—any benefit, gift, rebate, money, or anything else of value whatsoever from any person or entity in connection with their LAFCO employment or in their capacity as a LAFCO employees. An employee must not accept any benefit, gift, rebate, money, or item of value if that gift or benefit is, or can be perceived to be, a reward or inducement to cause the employee to act in a partial manner in the performance of their duties.

Similarly, it is strictly prohibited for any LAFCO employee to solicit any benefit, gift, rebate, money, or anything else of value whatsoever from any other person or entity in connection with their employment with LAFCO.

Such actions will subject an employee to discipline up to and including termination. An employee who has any questions concerning this policy, or concerning specific instances, should direct those questions to their immediate supervisor.

Fairness and Equity:

Issues or cases being considered by employees should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved LAFCO procedures, in a non-discriminatory manner.

When using any discretionary powers, employees should ensure that they take all relevant facts into consideration, have regard to particular merits of each case, and do not take irrelevant matters or circumstances into consideration.

3.5.1 – Computer & Email Usage

LAFCO property is to be used only for conducting LAFCO business unless otherwise authorized. LAFCO property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on LAFCO property (such as e- and voice-mails), vehicles, and any other LAFCO property used by LAFCO employees in their work. Employees do not have a reasonable expectation of privacy in LAFCO property or equipment.

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LAFCO property may be monitored and searched at any time and for any reason. Messages sent or received on LAFCO equipment including cell phones may be saved and reviewed by others. As a result, LAFCO employees have no expectation of privacy in the messages sent or received on LAFCO property or equipment.

Every LAFCO employee is required to adhere to all LAFCO rules and policies while on LAFCO property or using LAFCO property or equipment.

Inappropriate Use of Communications Equipment Prohibited:

The following are examples of inappropriate and prohibited uses of the LAFCO's communications systems:

- a) Exposing others, either intentionally or unintentionally, to material which is offensive, obscene, or in poor taste;
- b) Any use that would be offensive to a reasonable person because it involves an individual's actual or perceived race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability (physical or mental disability), medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), and military or veteran status.
- c) Communication of confidential LAFCO information to unauthorized individuals within or outside the LAFCO;
- d) Sending messages with content that conflicts with any LAFCO policies, rules, or other applicable laws;
- e) Unauthorized attempts to access LAFCO data or systems;
- f) Theft or unauthorized copying of electronic files or data;
- g) Initiating or sustaining chain letters; and
- h) Intentionally misrepresenting one's identity for improper or illegal acts.

Under no circumstances may an employee use any LAFCO equipment, vehicles, tools, supplies, machines, computers, faxes, email, internet, or anything stored on the LAFCO's internet servers or any other item that is LAFCO property while an employee is engaged in any outside employment, activity or enterprise.

Employees may use LAFCO telephones, cell phones, internet access, and e-mail for incidental personal communications provided that the use:

- a) Is kept to a minimum and limited to break times or non-working hours;
- b) Does not interfere or conflict with LAFCO operations or the work performance of any LAFCO employees;
- c) Allows the employee to more efficiently perform LAFCO work;
- d) Is not abusive, illegal, inappropriate, or prohibited by this Policy (for example, no social media use, no electronic dating, no gaming); and
- e) Clearly indicates it is for personal use and does not indicate or imply LAFCO sponsorship or endorsement.

3.5.2 – Social Media

LAFCO understands that its employees use social media sites to share events in their lives, to communicate, and to discuss their opinions with others, including family, friends and co-workers. However, the use of social media may present certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, LAFCO has established this policy and guidelines for appropriate use of social media.

In the rapidly expanding world of electronic communication, social media can mean many things. In general, social media encompasses the various activities that integrate technology, social interaction, and content creation. Through social media, individuals can create Web content, can organize, edit or comment on content, as well as combine and share content on their own web site or on someone else's. Social media uses many technologies and forms, including Web feeds, blogs, wikis, photography and video sharing, web logs, journals, diaries, chat rooms, bulletin boards, affinity web sites, podcasts, social networking, fan-sites, mashups, and virtual worlds.

Understand Your Rights and Responsibilities in Using Social Media Technology:

Use good and ethical judgment. To the extent your social media use impacts LAFCO employees, follow LAFCO policies and regulations as applicable, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy.

Keep in mind that if your conduct adversely affects your job performance, the performance of your co-workers, or adversely affects members of the public served by LAFCO, LAFCO may take disciplinary action against you up to and including termination.

Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or via other channels such as by speaking with LAFCO's Executive Officer, or his or her designee, or by filing an internal complaint, if applicable. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful harassment, discrimination, or a violation of the law such as unlawful threatening conduct.

Examples of such conduct might include offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other status protected by law. Examples of unlawful threatening conduct include posting material that would make a reasonable person afraid for his or her safety or the safety of his or her family.

The following are suggestions for use of social media as it relates to your employment at LAFCO:

- Strive for accuracy in any blog or post. Include a link to your sources of information. If you make a mistake, correct the information, or retract it promptly.
- Do not post any information or rumors that you know to be false about your co-workers or Agency clients.
- Do not disclose information that may violate citizen customer or employee rights. For example, do not disclose another individual's social security number, medical information or financial information in a manner that violates that person's rights.

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- If you publish a blog or post online related to the work you do or subjects associated with the Agency, make it clear that you are not speaking on behalf of the Agency. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of LAFCO.”
- If you want to keep your personal life separate from your professional or work life, use privacy settings to restrict personal information on public sites. Consider who you invite or accept to join your social network as those individuals will have access to your profile, photographs, etc.
- Understand that even if you have private setting, those you invite into your network can easily print, save, cut, paste, modify, or publish anything you post. Material can be archived on the Internet even after you remove it.

Using Social Media at Work:

You must never use working hours when you are not on break for your personal social media use. Do not use LAFCO email addresses to register on social networks, blogs or other online tools utilized for personal use.

Media Contacts:

LAFCO strives to anticipate and manage crisis situations in order to reduce disruption to our employees and the public that we service and maintain our reputation. To best serve these objectives, LAFCO will respond to the news media in a timely and professional manner only through its designated spokesperson. Employees are not authorized to comment for LAFCO and should direct inquiries regarding LAFCO’s position to LAFCO’s Executive Officer.

3.5.3 – Safety

Every employee is responsible for safety. To achieve our goal of providing a completely safe workplace, everyone must be safety conscious. Employees should report any unsafe or hazardous condition directly to their supervisor immediately.

In case of an accident involving a personal injury, regardless of how serious, employees should notify the Executive Officer immediately. Failure to report accidents can result in a violation of legal requirements, and can lead to difficulties in processing insurance and benefit claims.

If an employee is injured on the job, he or she will be entitled to benefits under the state workers’ compensation law in most cases. LAFCO carries workers’ compensation insurance and will assist employees to obtain all benefits to which they are legally entitled.

3.5.4 – Drug and Alcohol-Free Workplace Policy

LAFCO is concerned about employees being under the influence of alcohol, drugs and/or controlled substances at work. The purpose of this policy is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.

Note: Marijuana remains illegal under federal law. Any reference to “controlled substances,” “drug(s),” and “illegal drugs” herein includes marijuana [to the extent permitted under state law](#). Similarly, any reference to “medications” or “prescription drugs” does not include marijuana.

General Policy:

- a) The manufacture, distribution, dispensation, possession, or use of alcohol or any controlled substance is prohibited in both LAFCO workplaces and wherever LAFCO business is performed.

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- b) A LAFCO employee is prohibited from working or being subject to call in if impaired by alcohol or any controlled substance.
- c) An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of LAFCO equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, LAFCO may require medical clearance.
- d) Compliance with this policy is a condition of employment with LAFCO. Disciplinary action will be taken against those who violate this policy.

Scope of Policy:

This policy applies to all LAFCO employees when they are on LAFCO property or when performing LAFCO-related business elsewhere.

Searches:

In order to promote a safe, productive and efficient workplace, LAFCO has the right to search and inspect all LAFCO property, including but not limited to lockers, storage areas, furniture, LAFCO vehicles, and other places under the common control of the LAFCO, or joint control of LAFCO, and employees. No employee has any expectation of privacy in any LAFCO building, property, or communications system.

Drug and Alcohol Testing:

LAFCO has discretion to test a current employee for alcohol or drugs in the following instances:

- a) Reasonable Suspicion Testing

LAFCO may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the Executive Officer, or a designee.

“Reasonable suspicion” is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol at work. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Executive Officer or designee. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received.

- b) Post-Accident Testing

LAFCO may require alcohol or drug screening following an accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are present.

Employee's Responsibilities:

LAFCO employees must:

- a) Not report to work or be on standby or on call status while his or her ability to perform job duties is impaired due to on or off duty alcohol or controlled substance use;

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- b) Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on LAFCO property or while on duty for LAFCO at any location;
- c) Not directly or indirectly through a third-party manufacturer, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense, or provide alcohol to any employee while either or both are on duty;
- d) Notify their supervisor, before beginning work, when taking any medications or drugs, prescription, or non-prescription, which may interfere with the safe and effective performance of duties or operation of LAFCO equipment;
- e) Notify the Executive Officer of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
- f) Notify the supervisor immediately of facts or reasonable suspicions when they observe behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
- g) Consent to drug or alcohol testing and searches pursuant to this policy; and
- h) Follow LAFCO's drug and alcohol-free workplace policy.

Management Employee Responsibilities:

LAFCO management employees must:

- a) Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract;
- b) Record factors supporting “reasonable suspicion” as defined above and consult with other management staff in order to determine whether there is reasonable suspicion to test an employee as described by this policy;
- c) Take appropriate disciplinary action up to and including termination for any criminal drug statute conviction that has a nexus to the employee's employment, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty;
- d) Take appropriate disciplinary action for any violation of this policy consistent with existing discipline procedures;
- e) Enforce this policy; and
- f) Report any suspected violation of this policy to the Executive Officer or designee.

Any manager or supervisor who knowingly permits a violation of this policy by any employee shall be subject to disciplinary action.

Drug-Free Awareness Program:

LAFCO's drug-free awareness program includes the following:

- a) Distribution of a brochure on the dangers of drug abuse to each LAFCO employee and volunteer; and

- b) Notification to each LAFCO employee of the possibility of counseling and treatment of drug-related problems.

3.5.5 – Violence Prevention Program

LAFCO is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where LAFCO business is conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination. For additional reference, LAFCO’s Workplace Violence Prevention Program is included under section 1.8.16 of APPENDIX A – Emergency Action Plan. LAFCO is committed to providing a safe work environment that is free of violence and the threat of violence. The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Prohibited Behavior:

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of LAFCO employment. LAFCO has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting. Violence, or the threat of violence, against or by any employee of LAFCO or any other person is unacceptable. Should a non-employee, on LAFCO property, demonstrate or threaten violent behavior they may be subject to criminal prosecution. Should an employee, during working hours, demonstrate or threaten violent behavior they may be subject to disciplinary action.

“Workplace Violence” defined

“Workplace violence” is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following: The following actions are considered violent acts:

Striking, punching, slapping, or assaulting another person.

Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

The destruction of, or threat of destruction of LAFCO property or another employee’s property.

Fighting or challenging another person to fight.

Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.

Engaging in dangerous, threatening, or unwanted horseplay.

Harassing or threatening phone calls.

Unlawful surveillance.

Stalking.

Possession, use, or threat of use, of a gun, knife or other weapon of any kind on LAFCO property, including parking lots, other exterior premises, LAFCO vehicles, or while engaged in activities for LAFCO in other locations, unless such possession or use is a requirement of the job.

Incident Reporting Procedures

~~Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.~~

~~Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a LAFCO employee or a non-employee, shall immediately report the incident to their supervisor or department head, or other appropriate person in the chain of command. The supervisor or department head will immediately report the matter to the Executive.~~

~~The Executive or their designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.~~

~~The Executive or designee will take appropriate steps to provide security, such as:~~

~~Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;~~

~~Asking any threatening or potentially violent person to leave the site; or~~

~~Immediately contacting an appropriate law enforcement agency.~~

~~No one who, acting in good faith, initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.~~

Investigation

~~The Executive will ensure that reported violations of this policy are investigated as necessary.~~

~~No one who, acting in good faith, initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.~~

~~LAFCO will only take disciplinary action against an employee who has been reported as a perpetrator after a neutral and thorough investigation.~~

~~In the event LAFCO fears for the safety of the perpetrator or the safety of others at the scene of the violent act, law enforcement will be called.~~

Prevention

~~Each Department Head has authority to enforce this policy by:~~

~~Training supervisors and subordinates about their responsibilities under this policy;~~

~~Assuring that reports of workplace violence are accurately and timely documented and addressed;~~

~~Notifying the and/or law enforcement authorities of any incidents;~~

~~Making all reasonable efforts to maintain a safe and secure workplace; and~~

[Maintaining records and follow up actions as to reports of workplace violence.](#)

[its Workplace Violence Prevention Program](#)

3.5.6 – Dress Code

In the interests of presenting a professional image to the public, LAFCO requires that all employees observe good habits of grooming and personal hygiene. Employees are expected to consistently utilize good judgment in determining dress and appearance daily. In choosing appropriate work attire, employees should consider tastefulness, public contact, the nature of the job, and working conditions.

Extreme styles that are revealing or distracting are not permitted. Some examples of attire that LAFCO does not consider appropriate are T-shirts, sweat pants, workout clothes, tank tops, muscle shirts, shorts, flip-flops, slippers, torn or patched clothing, revealing attire, halter tops, sheer clothing, bare midriffs or bare back tops/shirts, low cut or off-the-shoulder attire, clothes with inappropriate, profane or offensive slogans or pictures.

Employees are expected to check with their immediate supervisor if they are unsure about the appropriateness of their attire or grooming.

Non-Compliance:

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who repeatedly violate LAFCO's dress code policy and/or grooming standards will be subject to corrective action, up to and including termination.

3.5.7 – Nepotism & Fraternalization

LAFCO's policies against nepotism and fraternization are intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of harassment and/or discrimination in the workplace.

LAFCO retains the right to refuse to appoint a person to a position wherein their relationship to another employee has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves a potential conflict of interest. LAFCO reserves the right to apply this policy to other relationships that create a conflict of interest or have an adverse effect on supervision, safety, security, or morale.

Any exceptions to these nepotism and fraternization policies will be at the sole discretion of the Executive Officer. The Executive Officer may approve exceptions on a case-by-case basis.

Fraternalization:

The provisions of this fraternization policy are not applicable to individuals employed by LAFCO on or before the date of adoption of this policy in their current state of marriage or non-marriage; however, any change in marital status/cohabitation/romantic relationships etc. of current employees may result in the applicability of this policy. Furthermore, such employees are subject to any and all employment-related actions by LAFCO, that are permissible pursuant to existing LAFCO policies and procedures to address conduct that may negatively impact the work environment.

a) The following definitions apply:

1. A "romantic relationship" exists when two LAFCO employees become personally involved with each other to the point that there is dating, exchange of personal affection, sexual or physical intimacy and/or cohabitation.
2. The term "dating" includes but is not limited to one or more social meetings under circumstances that may lead to exchange of personal affection, and sexual or physical intimacy.
3. "A social meeting" occurs when co-employees gather for purposes not related to work for the LAFCO.
4. "Cohabitation" applies to those employees who live together, share room and board or sire children, without being married to one another.

b) Romantic Relationships Between Supervisors and Subordinates Are Prohibited.

Public trust, safety and LAFCO morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other LAFCO employees. In order to promote efficient operation of LAFCO and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender based discrimination, romantic relationships between supervisors and subordinate employees are prohibited.

If LAFCO determines that a prohibited supervisor-subordinate relationship exists, remedial and/or disciplinary measures, including but not limited to a transfer, reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

c) Romantic Relationships Between Co-Employees in The Same Department Are Disfavored.

Employees should consider the public trust, safety and LAFCO morale before entering into romantic relationships with co-employees. Such relationships may negatively impact the efficient operation of the LAFCO. In order to promote efficient operation of LAFCO and to avoid formation of cliques and factions, claims of sexual harassment and gender based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, romantic relationships between co-employees are strongly disfavored. Moreover, when a romantic relationship between co-workers harms the efficient operation of LAFCO, the employees involved may face disciplinary action, up to and including termination. For this reason, employees who choose to engage in romantic relationships with co-employees should refrain from displays of affection in the workplace.

LAFCO retains the right to refuse to place employees engaged in the above-described relationships in positions where the relationship has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest. If continuing employment of employees in such relationships cannot be accommodated consistent with LAFCO's interest in promotion of safety, security, morale, and efficiency, then LAFCO retains sole discretion to separate one of the parties from LAFCO employ. Absent resignation by one affected employee, the less senior, in terms of overall LAFCO service, of the involved employees shall be subject to separation.

Nepotism

For purposes of this policy, "relative" means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-

law, sister-in-law, legal guardian, or any other individual related by blood or marriage living in the same household as a LAFCO employee or Commissioner. An employee is defined as any person who receives a LAFCO payroll check for services, full or part time, rendered to LAFCO.

The employment of relatives, as that term is defined herein, may create inappropriate favoritism, the appearance of favoritism, conflicts of interest or the appearance of conflicts of interest in employment and personnel decisions and is contrary to appropriate LAFCO goals of safety and efficiency.

Relatives of LAFCO employees or Commissioners shall not be hired, promoted, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative, or work in a capacity which would allow an employee to evaluate or control the terms, conditions, or performance circumstances of employment of a relative. Only where direct supervision or the ability to impact the terms or conditions of employment of the relative are absent may LAFCO consider the hiring, promotion, or transfer of an employee's or Commissioner's relative. Such exception will be on a case-by-case basis and at the sole discretion of the Executive Officer.

SECTION 3.6 – OPERATIONAL HR POLICIES & PROCEDURES

3.6.0 – Positions Covered

The rules and regulations contained in Section 3.1 shall cover all Commissioners, employees, and in some cases, independent contractors, interns, and volunteers. The Executive Officer is appointed and serves at the pleasure of the Board of Directors. To the extent that provisions of the Executive Officer’s contract conflict from these Human Resources Rules and Regulations, the contract requirements prevail.

3.6.1 – Authority of Executive Officer

The Executive Officer shall administer these rules and regulations and is authorized to hire, discharge, and discipline employees.

3.6.2 – Administration

These rules shall be maintained by the Executive Officer or designee with updates/revisions/amendments as needed from time-to-time. Amendments/Revisions shall be reviewed by the Executive Officer and referred to the appropriate Legal Counsel for review and recommendation to the Commission for approval.

3.6.3 – Conflicts of Interest

Introduction:

In the course of business, situations may arise in which a LAFCO decision-maker has a conflict of interest, or in which the process of making a decision may create an appearance of a conflict of interest.

The Executive Officer, Senior Analysts, Principal Analysts, Commissioners, and volunteers have an obligation to:

- a) Avoid conflicts of interest, or the appearance of conflicts, between their personal interests and those of the Agency in dealing with outside entities or individuals;
- b) Disclose real and apparent conflicts of interest to the Executive Officer; and
- c) Refrain from participation in any decisions on matters that involve a real conflict of interest or the appearance of a conflict.

The following discussion provides general guidance; employees, officers, Commissioners, committee members and volunteers need to follow State and Federal law, and should look to the California Fair Political Practices Commission and its regulations for guidance.

Disclosure Requirements:

On an annual basis, all Commissioners, Alternates, LAFCO Executive Officer and Senior Analysts, shall complete Form 700, Report of Economic Interests.

CHAPTER 4 – POLICIES AND PROCEDURES RELATING TO SPHERES OF INFLUENCE AND CHANGES OF ORGANIZATION AND REORGANIZATION

Amended: 1979, 1986, 1988, 1992, 1994, 2002, 2003, 2006, 2007, 2010, 2011, 2013, 2018, 2020, and 2024

SECTION 4.1 – INTRODUCTION

This document is intended to guide LAFCO’s review and consideration of requests for Sphere of Influence amendments and changes in organization or reorganization.

These policies are based on the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, which is included in section 56000, et seq., of the California Government Code.

Section 56300 of the Government Code requires that LAFCO establish written policies and procedures and exercise its powers consistent with these policies and procedures. The State Legislature’s intent is for these policies and procedures to encourage planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

The Policies and Procedures relating to Spheres of Influence and Changes of Organization and Reorganization are a compilation of policies that LAFCO of Monterey County has adopted over the last 25 years. The wording of these policies has been updated in order to be consistent with existing State law and current practices. There are two significant changes to the document: 1) The section on Preliminary Sphere of Influence Reviews (Section 4.3.5) was updated to clarify LAFCO’s authority to initiate preliminary reviews and 2) a new policy on Housing and Jobs (Section 4.6) was created.

The Policies and Procedures have been divided into seven parts:

1. **An Introduction** which is intended to create a context for the document;
2. **Definitions** where the meaning of words used in the Policies and Procedures are listed. Additional definitions related to LAFCO can be found in Government Code section 56010, et seq.;
3. **Sphere of Influence Policies and Criteria** which provides guidance for LAFCO’s consideration of applications for Sphere of Influence updates and amendments;
4. **Standards for the Evaluation of Proposals for a Change of Organization or Reorganization**, which provides guidance for LAFCO’s consideration of proposals for changes of organization and reorganization, including annexations, city incorporations, district formations, detachments, consolidations, mergers, disincorporations and dissolutions, and the exercise of new or different functions or classes of services by a special district;
5. **Preservation of Open-Space and Agricultural Lands** which outlines preservation policies applying to LAFCO’s review and consideration of both Spheres of Influence and changes of organization and reorganization, and
6. **Housing and Jobs** which outlines policies relating to job availability and creation, housing supply and demand, air quality, greenhouse gas emissions, and local vehicle miles traveled. This part applies to LAFCO’s review and consideration of both Spheres of Influence and changes of

organization and reorganization.

7. **General Provisions** which contains provisions for the termination of Inactive Applications.

State law includes additional requirements that are followed by LAFCO regarding Spheres of Influence and Changes of Organization and Reorganization. While it is LAFCO's intent that these Policies and Procedures are consistent with State law, if a conflict exists State law will have precedence.

Policy Sources

This policy document is based on, and replaces, the following stand-alone policies:

- LAFCO Adoption of State Guidelines for the California Environmental Quality Act (CEQA) on July 22, 1986 (Resolution 86-9);
- General Policies and Criteria for the Development and Determination of Spheres of Influence, originally adopted on November 30, 1988, and which provide the basis of Parts B and C of these Policies and Procedures;
- Standards for the Evaluation of Proposals, originally adopted on November 25, 1986. This provides the basis for Part D;
- The Fort Ord Policies adopted by minute order on August 25, 1992;
- The Minor Sphere of Influence Amendment Criteria adopted by minute order on March 25, 2002;
- The Preliminary Sphere of Influence Evaluation Program adopted on December 2, 2002 (Resolution 02-19);
- State Incorporation Guidelines adopted on June 24, 2003 (Resolution 03-18);
- The Regional Traffic Impact and Efficient Development Standards adopted on October 23, 2006 (Resolutions 06-15 and 06-16);
- Administrative Procedure for Compliance with Requirement to Update Spheres of Influence by January 1, 2008, adopted by minute order on September 24, 2007;
- The Policy on Preservation of Open-Space and Agricultural Lands, which was adopted on January 25, 2010 (Resolution 10-01), is included as Part E and replaces the “Agricultural Lands Preservation Policy” adopted through Resolution 79-30 on November 27, 1979, and
- Housing and Jobs, a new policy adopted on April 25, 2011, is included in these Policies and Procedures as Part F.
- Part G. General Provisions, including a new policy on the termination of Inactive Applications, was adopted on February 25, 2013.

Statutory References

Unless otherwise indicated, all statutory references are to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended. (Gov. Code section 56000, et seq.)

SECTION 4.2 – DEFINITIONS¹

1. **Act:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended (Section 56000, et seq.)
2. **Agricultural Lands:** Land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program. (Section 56016.)
3. **Agricultural Preserve:** Lands subject to an existing land conservation agreement established pursuant to the California Land Conservation Act of 1965. (the Williamson Act, Government Code section 51200, et seq.)
4. **Annexation:** The inclusion, attachment, or addition of territory to a city or district. (Section 56017.)
5. **Change of Organization:** Any of the following:
 - a. A city incorporation.
 - b. A district formation.
 - c. An annexation to a city.
 - d. An annexation to a district.
 - e. A detachment from a city.
 - f. A detachment from a district.
 - g. A disincorporation of a city.
 - h. A district dissolution.
 - i. A consolidation of cities.
 - j. A consolidation of special districts.
 - k. A merger of a city and a district.
 - l. Establishment of a subsidiary district.
 - m. The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district. (Section 56021.)
6. **Consolidation:** The uniting or joining of two or more cities located in the same county into a single new successor city or two or more districts into a single new successor district. (Section 56030.)
7. **County:** Monterey County.
8. **Detachment:** The detachment, deannexation, exclusion, deletion, or removal from a city or district of any portion of the territory of that city or district. (Section 56033.)
9. **Disadvantaged Unincorporated Community:** Inhabited territory, as defined in Section 56046, or as determined by Commission policy, that constitutes all or a portion of a community with an annual median household income that is less than 80 percent of the Statewide annual median household income (Section 56033.5)
10. **Disincorporation:** The dissolution, extinguishment, or termination of the existence of a city and the cessation of its corporate powers, except for the purpose of winding up the affairs of the city. (Section 56034.)
11. **Dissolution:** The disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers, except as the commission may otherwise provide pursuant to Section 56886 or for the purpose of winding up the affairs of the district. (Section 56035.)

¹ Section 4.2, “Definitions,” was previously Section 4.3.1 of the “Sphere of Influence Policies and Criteria.” Additional definitions of relevance to LAFCO are contained in the Act (Section 56010, et seq.)

12. **Essential Services:** Those basic services necessary to protect the health, safety, and general well-being of a community, including but not limited to police, fire, water, sanitation, etc.
13. **Executive Officer:** The person appointed as Executive Officer by a commission. (Section 56038.)
14. **Formation:** The creation of a district. (Section 56039.)
15. **Future Study Area:** Territory outside of an adopted Sphere of Influence that may warrant inclusion in the sphere in future years. Further study would have to be completed prior to inclusion.
16. **General Purpose Government:** A city or county government.
17. **Incorporation:** The creation or establishment of a city. Any area proposed for incorporation as a city shall have at least 500 registered voters residing within the affected territory at the time the proposal is initiated. (Section 56043.)
18. **LAFCO:** Local Agency Formation Commission of Monterey County.
19. **Local Agency:** A city, county or district. (Section 56054.)
20. **Merger:** The termination of the existence of a district when the responsibility for the functions, services, assets, and liabilities of that district are assumed by a city as a result of proceedings taken pursuant to this division. (Section 56056.)
21. **Open Space:** Any parcel or area of land or water which is substantially unimproved and devoted to open space use as defined in Government Code section 65560. (Section 56059.)
22. **Planning Concern Area:** An area established by the Local Agency Formation Commission with the assistance of the appropriate cities and the County designating a general area of concern of a city for which planning decisions and other governmental actions of the County may have an impact on the city. A "Planning Concern Area" will usually be larger than the adopted Sphere of Influence boundary and may take into consideration the planning area of the city as identified within their local general plans.
23. **Prime Agricultural Land:** An area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than agriculture and that meets any of the following qualifications:
 - a. Land that qualifies, if irrigated, for rating as Class I or II in the USDA Natural Resources Conservation Service land-use capacity classification, whether or not the land is actually irrigated, provided that irrigation is feasible;
 - b. land that qualifies for rating 80 through 100 Storie Index Rating;
 - c. land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003;
 - d. land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre; and
 - e. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years. (Section 56064.)
24. **Regional Agencies:** Association of Monterey Bay Area Governments (AMBAG), Regional Water Quality Control Board, Monterey Bay Unified Air Pollution Control District, etc.
25. **Reorganization:** Two or more changes of organization contained within a single proposal. (Section 56073.)

26. **Sphere of Influence:** A plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. (Section 56076.) The area around a local agency eligible for annexation and extension of urban service within a twenty-year period.
27. **Sphere of Influence Boundary:** Boundary, adopted by the Local Agency Formation Commission, which delineates the limits beyond which a local governmental agency will not annex territory.
28. **Urban Services:** Those services which are provided to an urban area including, but not limited to, police, structural fire protection, non-agricultural water, sewer, drainage, street lighting, streets and roads.
29. **Urban Service Area:** Developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the Sphere of Influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the "urban service area boundary" and shall be developed in cooperation with a city and adopted by LAFCO pursuant to policies adopted by LAFCO in accordance with Sections 56300, 56301, and 56425. (Section 56080.)
30. **Urban Service Districts:** Special districts which are authorized to provide public sanitary sewer services or domestic water distribution services.
31. **Urban Transition Area:** Area within the Sphere of Influence boundary of a city or an urban service district which is not programmed for urban facilities or utility extensions within the next five years. This area will most likely be used for urban expansion within approximately five to twenty years.

SECTION 4.3 – SPHERE OF INFLUENCE POLICIES AND CRITERIA²

4.3.0 – Legislative Authority

The State Legislature has provided local agency formation commissions (LAFCO's) with the following directions in the preparation of Spheres of Influence:

1. In creating local agency formation commissions the State Legislature found “that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services” and “that providing housing for persons and families of all incomes is an important factor in promoting orderly development.” (Section 56001.) Additionally “one of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.” (Section 56301.)
2. "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the Commission to advantageously provide for the present and future needs of the County and its communities, the commission shall develop and determine the Sphere of Influence of each city and each special district, as defined by Section 56036, within the County and enact policies designed to promote the logical and orderly development of areas within the sphere.” (Section 56425 a.)
3. “In determining the Sphere of Influence of each local governmental agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:
 - a. The present and planned land uses in the area, including agricultural and open space lands.
 - b. The present and probable need for public facilities and services in the area.
 - c. The present capacity of public facilities and the adequacy of public services which the agency provides or is authorized to provide.
 - d. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
 - e. For an update of a Sphere of Influence of a City or Special District that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence.” (Section 56425 e.)
4. “Every determination made by a commission regarding ... [proposals for changes of organization or reorganization] ... shall be consistent with the Spheres of Influence of the local agencies affected

² Section 4.3 of the Policies and Procedures is based on the “General Policies and Criteria for the Development and Determination of Spheres of Influence” originally adopted on November 30, 1988, and subsequently amended. Portions of this Section, which were derived from other LAFCO policy documents, are referenced as such.

by those determinations.” (Section 56375.5.)

5. “In determining a Sphere of Influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery.” (Section 56425 h.)

4.3.1 – Policy Guidelines for Spheres of Influence³

LAFCO will generally apply the following policy guidelines in the Spheres of Influence program, in addition to the local conditions and circumstances of each local agency. The Local Agency Formation Commission of Monterey County will consider the particular local conditions and circumstances of each agency and community.

1. LAFCO intends that its Sphere of Influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl; limit proliferation of local governmental agencies; encourage efficiency, economy and orderly changes in local government; promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture.
2. The Sphere of Influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by LAFCO shall be consistent with the Spheres of Influence of the agencies affected by those determinations.
3. Any proposal which is inconsistent with an agency's adopted Sphere of Influence shall not be approved until LAFCO, at a noticed public hearing, has considered an amendment or revision to that agency's Sphere of Influence.
4. Inclusion within an agency's Sphere of Influence does not assure annexation to that agency. LAFCO shall evaluate boundary change proposals as they relate to all of the relevant factors listed in the Act.
5. When possible, a single larger general purpose agency, rather than a number of adjacent smaller ones, established for a given service in the same general area will be preferred. Where an area could be assigned to the Sphere of Influence of more than one agency providing a particular needed service, the following hierarchy shall apply dependent upon ability to serve:
 - a. Inclusion within a city Sphere of Influence.
 - b. Inclusion within a multi-purpose district Sphere of Influence.
 - c. Inclusion within a single-purpose district Sphere of Influence.

In deciding which of two or more equally ranked agencies shall include an area within its Sphere of Influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependence, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

6. Duplication of authority to perform similar functions in the same territory will be avoided. Sphere of Influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.
7. The adopted Sphere of Influence shall reflect city and County General Plans, plans of regional agencies, growth management policies, annexation policies, resource management policies, and

³ The former Section 4.3.1 (“Definitions”) of the “Sphere of Influence Policies and Criteria” has been removed from this document and made into “Section 4.2” of the combined Policies and Procedures.

any other policies related to ultimate boundary or service area of an affected agency unless those plans or policies conflict with the legislative intent of the Act.

Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the Legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open-space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

8. Extension of urban type services promotes urban development and such development belongs in cities or areas of development concentration in the unincorporated area of Monterey County. In evaluating proposals involving urban development requiring an urban level of governmental services, LAFCO will discourage the formation of new special districts or premature annexation of territory within existing city Spheres of Influence or logical expansion area. LAFCO will discourage boundary change proposals involving urban development outside adopted city Spheres of Influence that have the potential to negatively impact prime agriculture or open space lands, public service capacity, existing local agencies, or generally represents illogical growth patterns.
9. LAFCO, in recognition of the mandated requirements for considering impacts on open space lands and agricultural lands, will develop and determine Spheres of Influence for Cities and urban service districts in such a manner as to promote the long-term preservation and protection of this County's "Resources." LAFCO believes the public interest will be best served by considering "Resources" in a broad sense to include open space, recreational opportunities, wildlife, and agricultural land. Sphere of Influence determinations must conform with LAFCO's Policy on Preservation of Open-Space and Agricultural Lands adopted on January 25, 2010 (Section 4.5 of this Policy Document).
10. LAFCO recognizes the many inter-relationships and impacts which one agency's land use, planning, and governmental decisions may have on other agencies even though they may be outside of the Sphere of Influence of the secondary agency. Consequently, LAFCO, when necessary, will seek to establish and identify Areas of Planning Concern for each city within the County. The "Planning Concern Area" will seek to identify those areas which in a broad sense affect the city in terms of planning and land use decisions. Such "Planning Concern Areas" will be established with the assistance and guidance of the affected cities and the County. The "Planning Concern Area" normally will extend beyond the adopted Sphere of Influence of the city. Once established, LAFCO will solicit the cooperation and involvement of the affected cities and the County to jointly involve one another in planning decisions for these areas.

4.3.2 – Procedural Guidelines

1. LAFCO will designate a Sphere of Influence for each local agency representing the agency's probable physical boundary within a zero to twenty-year period.
2. LAFCO may establish an urban service area within an adopted Sphere of Influence to discourage urban sprawl and to promote compact growth patterns. Urban service areas consist of territory now served by urban facilities, utilities and services or proposed to be served within the next five years, and may include the following:
 - a. Urbanized Areas. This includes all existing areas, either incorporated or unincorporated, developed to urban densities.
 - b. Urban Expansion Areas. This consists of vacant land, either incorporated or unincorporated, which is capable of holding urban growth expected within the next five years.
3. The territory included within urban service areas will be considered by LAFCO to be eligible for annexation within five years. Consideration will be given to the capability of city and special

district to provide needed services with related time schedules for planned expansion of services. Cities and special districts are encouraged to develop Capital Improvement Programs and other plans for the phased extension of services to assist LAFCO in determining logical urban service area boundaries.

4. LAFCO may establish urban transition areas within adopted Spheres of Influence to discourage premature pressure for development. Transition areas consist of the residual lands between designated urban service areas and the ultimate Sphere of Influence boundary. This land will most likely be used for urban expansion within approximately five (5) to twenty (20) years. Territory included within urban transition areas, but not within urban service areas, generally will not be considered eligible for annexation to receive urban services within five years.
5. LAFCO may adopt a zero Sphere of Influence encompassing no territory for an agency. This occurs where LAFCO determines that the public service functions of the agency are either non-existent, no longer needed, or should be reallocated to some other agency of government.
6. The local agency which has been assigned a zero Sphere of Influence should ultimately be dissolved. Special districts that lie substantially within the boundary or Sphere of Influence of a general purpose government which is capable of assuming the public service responsibilities and functions of that special district may be allocated a zero Sphere of Influence designation.
7. Territory not in need of urban services, including open space, agriculture, recreational, rural lands or residential rural areas, shall not be assigned to an agency's Sphere of Influence unless the area's exclusion would impede the planned, orderly and efficient development of an area.
8. LAFCO may adopt a Sphere of Influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands or agricultural preserves whose preservation would be jeopardized by inclusion within the agency's Sphere of Influence. Exclusion of these areas from an agency's Sphere of Influence indicates that detachment is appropriate.
9. Two or more local agencies providing the same service(s) may be allocated a consolidated Sphere of Influence to include the areas served by both agencies. This would be the case where LAFCO determines that the particular service(s) should be provided to the entire area by a single local agency.
10. LAFCO may establish future study areas outside of adopted Spheres of Influence. These areas indicate territory which may ultimately be appropriate for inclusion within an agency's sphere upon future study or modified conditions.

4.3.3 – Sphere of Influence Update, Amendment and Service Review

1. LAFCO shall adopt, update, amend or revise Sphere of Influence determinations following the procedural steps set forth in the Act.
2. LAFCO shall review Sphere of Influence determinations not less than every five years. If a local agency or the County desires amendment or revision of an adopted Sphere of Influence, the local agency by resolution may file such a request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons for the request, include a map of the proposed amendment, and contain additional data and information as may be required by the Executive Officer.
3. LAFCO encourages any private individual desiring a revision of an adopted Sphere of Influence to request that the affected local agency initiate sphere reconsideration by resolution to promote consultation between the parties.
4. Prior to submitting an application to LAFCO for a determination of a new Sphere of Influence, or

to update an existing Sphere of Influence for a city, the city shall complete the requirement to meet with the County to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements as contained in Section 56425. If an agreement is reached between the city and county the agreement shall be forwarded to LAFCO. LAFCO shall consider and adopt a Sphere of Influence for the city consistent with the policies adopted by LAFCO, and LAFCO shall give great weight to the agreement, to the extent that it is consistent with LAFCO policies, in its final determination of the city sphere.

5. When adopting, amending, or updating a Sphere of Influence for a special district, LAFCO:
 - a. May require existing districts to file written statements with LAFCO specifying the functions or classes of services provided by those districts, and
 - b. Shall establish the nature, location, and extent of any functions or classes of services provided by existing districts. (Section 56425 i and j.)
6. In order to prepare and to update Spheres of Influence in accordance with Section 56425, LAFCO shall conduct a service review of the municipal services provided in the county or other appropriate area designated by LAFCO in accord with the requirements of Section 56430.
7. In conducting a service review, LAFCO shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. (Section 56430 b.)
8. LAFCO shall conduct a service review before, or in conjunction with, but no later than, the time it is considering an action to establish a Sphere of Influence in accordance with Section 56425 or Section 56426.5 or to update a Sphere of Influence pursuant to Section 56425.
9. Individuals desiring LAFCO to initiate revision or amendment of an existing sphere of influence shall file a written request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons for the request, include a map of the proposed amendment area, and contain additional data and information as may be required by the Executive Officer.
10. The Executive Officer shall review each request for amendment, prepare a report and recommendation, and place the request on the agenda of the next meeting of LAFCO for which notice can be given after determining conformance with the California Environmental Quality Act. Copies of the Executive Officer report shall be provided to the person(s) making the request, each affected local agency, and each person who has filed a request for a report.
11. Any local agency or private individual making such a request shall reimburse LAFCO for the actual and direct costs incurred by LAFCO. LAFCO may waive such requirement if it finds that the request may be considered as part of its periodic review of Spheres of Influence.
12. The Local Agency Formation Commission shall adopt, amend, or revise Spheres of Influence after a public hearing called and held for that purpose. At least 21 days prior to the date of any such hearing, the Executive Officer shall give mailed notice of the hearing to each affected local agency and the County, and to any interested party who has filed a written request for such notice with the Executive Officer. In addition, at least 21 days prior to the date of any such hearing, the Executive Officer shall cause notice of the hearing to be published in a newspaper of general circulation which is circulated within the territory affected by the Sphere of Influence proposed to be adopted or amended.

LAFCO may continue from time to time any Sphere of Influence hearing. At any Sphere of Influence hearing, LAFCO shall hear and consider oral or written testimony presented by any affected local agency or any interested person who wishes to appear.
13. On the date and time set for hearing and provided in the notice, LAFCO may, without further notice, consider the amendments to a Sphere of Influence or set a future date for the hearing on the

request.

14. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the proposal mitigates its regional traffic impacts by, for example, monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County or otherwise.⁴
15. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns.⁵
16. Except as allowed in Section 4.3.4 (below) for Minor Sphere of Influence Amendments, as part of the package of LAFCO forms and procedures given to every applicant, LAFCO will screen each application for an annexation change to ensure that there is a current Sphere of Influence (within the last five years), or that the application includes a concurrent Sphere update for affirmation by LAFCO. If the screening process identifies that a Sphere update is needed, the application package already identifies the information needed for the four standard determinations by LAFCO, and informs the applicant of the City-County consultation process required by State law. This administrative procedure will result in a current Sphere of Influence for every annexation change. This procedure does not change or affect other LAFCO procedures and policies that encourage comprehensive Sphere updates with 20-year horizons, and the staggering of Sphere and annexation proposals.⁶

4.3.4 – Minor Sphere of Influence Amendment

1. LAFCO shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a Sphere of Influence in accordance with Section 56425 or Section 56426.5 or to update a Sphere of Influence pursuant to Section 56425. (Section 56430 c.) The only exceptions⁷ to the need for a service review are for the approval of the following minor sphere amendments:
 - a. An amendment that would be necessary to correct an immediate health and safety problem, as supported by the Monterey County Division of Environmental Health. (*LAFCO has often annexed territory to districts or cities to correct failing septic or water systems. In some of those cases, a sphere amendment was necessary. This provision would allow LAFCO to continue to process these types of applications without conducting an extensive service review.*)
 - b. An amendment that would be necessary for any project that meets the provisions of the Categorical Exemptions in section 15319 in the California Environmental Quality Act Guidelines (CEQA) for annexations of existing facilities and lots for exempt facilities. (*The Guidelines contain exceptions for the construction of small structures and existing facilities. LAFCO has processed small annexations and sphere amendments for such projects and the use of this provision would shorten the process for those types of proposals that do not have area-wide service implications.*)
 - c. An amendment to add any small portion of territory to a request, otherwise located wholly in

⁴ Subsection 4.3.3.14 added Resolution 06-15, 10-23-06

⁵ Subsection 4.3.3.15 added Resolution 06-16, 10-23-06

⁶ This section was added by Commission Minute Order 10-24-07

⁷ Consistent with the Municipal Service Review Guidelines prepared by the State Office of Planning and Research, these exceptions were approved by the Commission by Minute Order on 03-25-02.

the existing Sphere of Influence, in order to maintain logical boundaries. *(Some sphere boundaries around cities and districts do not necessarily conform to existing natural or parcel boundaries. This provision would be used in those cases where it makes sense to include a small portion of additional territory to make a more logical boundary. The amendment would proceed without the need to complete a service review.)*

- d. Any request for a Sphere of Influence amendment that appears to be beyond the scope of the criteria or has area-wide service impacts will be brought to LAFCO for a determination. If the staff and the applicant have agreed to process the amendment with a service review this determination will not be necessary.

4.3.5 – Preliminary Sphere of Influence Reviews⁸

1. **INTRODUCTION:** The State Legislature, through the Cortese – Knox – Hertzberg Local Government Reorganization Act (the “Act”), California Government Code section 56000, et seq., has declared that it is the policy of the State to “encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the State.” Government Code section 56001 (unless otherwise indicated, all statutory references are to the Government Code). In the Act, the Legislature further finds that the policy of orderly growth and development “should be effected by the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for person and families of all incomes in the most efficient manner feasible.” *Id.*

In order to carry out its duties with respect to orderly growth and development, a local agency formation commission is charged with the responsibility to, amongst other things, “develop and determine the Sphere of Influence of each local agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere” (a Sphere of Influence being defined as “a plan for the probably physical boundaries and service area of a local agency”). Sections 56076 and 56425 (a). A local agency formation commission is charged with reviewing and updating spheres of influence as necessary every five (5) years. Section 56425 (g).

One of the purposes of a local agency formation commission is “to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies . . . and to shape the development of local agencies so as to advantageously provide for the present and future needs of [the] county and its communities.” Section 56301. In addition to its other powers and duties, a local agency formation commission may undertake studies of existing local agencies. Section 56378. The authority to conduct studies is broad, and all local, regional and State agencies, and their officers and employees are required to cooperate in the undertaking of the study, and to provide land use information, studies and plans. In addition, officers and employees of local, regional, and State agencies shall provide the executive officer any records or information in their possession that are necessary to assist the local agency formation commission or its executive officer. Section 56386.

The Local Agency Formation Commission of Monterey County (“LAFCO”) believes that it is beneficial for a city or special district undertaking or contemplating certain actions affecting its Sphere of Influence to receive from LAFCO preliminary guidance on the state of that Sphere of Influence without the formality of a formal review, update or modification of the Sphere of Influence. Such actions could include when a city is considering an update to a general plan, or

⁸ Section 4.3.5 added Resolution 94-04, 02-22-94 and expanded to apply to cities as well as special districts through Resolution 02-19, 12-22-02. Amended 04-25-11.

prior to a formal application for a change to a Sphere of Influence. LAFCO believes that preliminary guidance will assist the local agency in the timely and efficient completion of the actions for which such preliminary guidance is appropriate. LAFCO further believes that the appropriateness of such preliminary guidance need not result in a comprehensive review or study, and that any review be conducted accordingly.

In order to implement the intent and purposes of the Act with respect to the development and determination of spheres of influence, and to provide public agencies within its jurisdiction with guidance from time to time concerning the state of an agency's Sphere of Influence, LAFCO adopts the following policy.

2. **POLICY:** It is the policy of LAFCO that, consistent with sections 56300 (a), 56301, 56378, and 56425 (a) of the Act, LAFCO may initiate preliminary Sphere of Influence reviews ("Preliminary Review") for any local agency. Such Preliminary Reviews shall be in addition to, and not a substitute for, the periodic Sphere of Influence reviews authorized in section 56425 (g) of the Act. Preliminary Reviews shall be designed to provide guidance to affected public agencies with respect to issues affecting spheres of influence, and shall not be comprehensive in nature. A Preliminary Review may be initiated, without limitation, when a city is updating or amending its general plan in a manner that may affect the city's current Sphere of Influence; a district is providing, or considering providing, services outside its jurisdictional boundaries; or, a local agency is contemplating an application to change its Sphere of Influence, and guidance from LAFCO would be beneficial.

A Preliminary Review may be initiated by LAFCO and performed as follows:

- a. Any local agency may request a Preliminary Review of its Sphere of Influence by providing a written request to the Executive Officer. The Executive Officer shall place the initiation of the Preliminary Review on the next available agenda for LAFCO to consider, and the Executive Officer shall make a recommendation with respect to the initiation of the Preliminary Review. Written notice of the item shall be provided to the affected local agency including the recommendation of the Executive Officer.
- b. In the alternative, the Executive Officer may determine in the first instance that a Preliminary Review is appropriate where the Executive Officer is informed or believes that a local agency may undertake an action that is likely to affect its existing sphere of influence, or that an action by a different local agency is likely to affect the existing sphere of influence. Prior to determining that a Preliminary Review is appropriate, the Executive Officer shall confer informally with the affected local agency about the matter. If, following such conference, the Executive Officer determines that a Preliminary Review is appropriate, the Executive Officer shall place the initiation of a Preliminary Review on the next available agenda for LAFCO to consider, and the Executive Officer shall make a recommendation with respect to the initiation of the Preliminary Review. Written notice of the item shall be provided to the affected local agency no later than fifteen days prior to the date of the meeting, and shall include the recommendation of the Executive Officer. If a Preliminary Review of a city's sphere of influence is initiated by LAFCO, the review shall be conducted at a joint public meeting with the City Council at a location within the City limits.
- c. LAFCO shall determine whether to initiate a Preliminary Review after considering a report from the Executive Officer, the position of the local agency subject to the Preliminary Review, and such other testimony and evidence as may be presented at the hearing on the item.
- d. Upon initiation of a Preliminary Review, the Executive Officer shall undertake the review and make a report to LAFCO. The review shall not be comprehensive in nature, and shall be designed to provide initial observations on the state of the local agency Sphere of Influence and

guidance to the local agency accordingly. The review shall consider any factors the Executive Officer deems appropriate, consistent with the factors applicable to a periodic review and update of a Sphere of Influence pursuant to section 56425 (g) of the Act, and a municipal service review pursuant to section 56430 of the Act. Public agencies, their officers and employees shall cooperate in the conduct of the Preliminary Review as provided in sections 56378 and 56386 of the Act.

- e. Upon completion of the Preliminary Review, the Executive Officer shall set the matter for the next available LAFCO meeting for consideration, and shall provide the Executive Officer's report to the affected local agency. LAFCO shall consider the report, the position of the affected local agency with respect to the report, and such other testimony and evidence as may be presented at the hearing. LAFCO may accept, reject, or modify the report in its discretion. If accepted or modified, the report shall not be considered a directive of LAFCO, but, consistent with the intent and purposes of this policy, shall be considered guidance to the affected local agency concerning the state of the agency's Sphere of Influence.
- f. A Preliminary Review for a local agency shall generally not be initiated within two (2) years following a review and update of a Sphere of Influence for that agency pursuant to section 56425 (g) of the Act, unless the Preliminary Review is requested by the local agency. Not more than one (1) Preliminary Review for a local agency shall be performed within any five (5) year period, unless additional Preliminary Reviews are requested by the local agency.

4.3.6 – Additional Policies Relating to the Former Fort Ord Area⁹

Specifically applying to Spheres of Influence in the former Fort Ord, LAFCO adopted the following policy statements pursuant to a minute order on August 22, 1992:

1. LAFCO encourages sphere proposals that will facilitate initial development efforts which focus on existing facilities and developed area; locate future urban uses adjacent to existing urban areas; phase development based on the availability of urban services and infrastructure; create a positive jobs/housing balance; provide fiscal resource capabilities; and lead to urban patterns that complement objectives and goals of air quality, transportation, and housing plans of affected local and regional agencies.
2. LAFCO will encourage sphere proposals that consider region-wide goals with local agencies' ability to provide service. LAFCO will encourage sphere proposals that promote equitable distribution of the costs of regional facilities, related benefits, and cover all service impacts.
3. LAFCO, in recognition of the mandated requirements for considering impacts on open space lands and agricultural lands, will develop and determine Spheres of Influence for Cities and urban service districts in such a manner as to balance the need to promote cost-effective logical urban expansion and economic recovery with the objective of promoting the long-term preservation and protection of this County's "Resources." LAFCO believes the public interest will be best served by considering "Resources" in a broad sense to include open space, recreational opportunities, wildlife, agricultural land, and fiscal resources.

⁹ Policies specific to the area of the former Fort Ord were added by Commission Minute Order 08-25-92.

SECTION 4.4 – STANDARDS FOR THE EVALUATION OF PROPOSALS FOR A CHANGE OF ORGANIZATION OR REORGANIZATION¹⁰

4.4.0 – Introduction

The Local Agency Formation Commission (LAFCO) of Monterey County operates pursuant to the Act. Among the purposes of a local agency formation commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local circumstances and conditions. (Section 56301.)

State law provides that LAFCO may adopt standards for the evaluation of proposals. The primary purpose of standards is to identify issues and requirements associated with boundary change proposals to promote achievement of LAFCO goals and objectives. Standards also promote a rational and consistent process of review, which can be applied to all proposals. It should be noted that no one standard is of paramount importance nor is universally absolute. Because local circumstances and conditions vary, LAFCO must consider the facts in evidence as they relate to all standards.

Sections 56375(g) and (h) provide that standards may be based on any of the factors enumerated in Section 56668 as follows:

- a. Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years.
- b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. “Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division and includes the public facilities necessary to provide those services.
- c. The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interest, and on the local governmental structure of the County.
- d. The conformity of both the proposal and its anticipated effects with both the adopted LAFCO policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- e. The effect of the proposal on maintaining the physical and economic integrity of agricultural land, as defined by Section 56016.
- f. The definiteness and certainty of the boundaries of the territory, the non-conformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed

¹⁰ Section 4.4 of the Policies and Procedures is based on the “Standards for the Evaluation of Proposals,” originally adopted on 11/25/1986, amended 02-25-13. Section 4.4.0 Introduction was updated through Resolution 18-22, 12-03-18, to reflect changes in legislation which added two additional factors to the Cortese-Knox-Hertzberg Act. Portions of this Section, which were derived from other LAFCO policy documents, are referenced as such.

boundaries.

- g. A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.
- h. The proposal's consistency with city or county general and specific plans.
- i. The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed.
- j. The comments of any affected local agency or other public agency.
- k. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- l. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
- n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.
- o. Any information relating to existing land use designations.
- p. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.¹¹
- q. Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

This report outlines the Local Agency Formation Commission's Standards for the Evaluation of Proposals. The standards have been organized to correspond to the major LAFCO policies including Boundaries, Duplication of Service Functions, Conformance with Planning Documents, Conformance with Spheres of Influence, Environmental Impacts, Economics- Service Delivery-Development Patterns, Phasing, Open Space and Agricultural Land, Groundwater Standards, Regional Traffic Impacts, and Efficient Urban Development patterns. The citation following each standard references the related State factor.

4.4.1 – Determination of Boundaries

- 1. Definite and certain maps and legal descriptions must be filed as part of an application for boundary change proposal. All maps and written geographic descriptions must comply with State Board of Equalization requirements. (Section 56668 f.) Detailed requirements of the State Board of Equalization are found in the "Change of Jurisdictional Boundary – Requirements for Statements, Boundary Descriptions, Maps and Schedule of Processing Fees" which is included in the LAFCO

¹¹ Subsection 4.4.0(p) expanded through Resolution 20-04, February 24, 2020.

application packet.

2. To the greatest possible extent, boundaries should follow existing political boundaries and natural or man-made features such as rivers, lakes, railroad tracks, and freeways. Where boundaries do not meet this standard, the proponent shall justify the reasons for non-conformance. (Sections 56668 a and f.)
3. Boundaries should not be drawn so as to create an island, corridor, or strip either within the proposed territory or immediately adjacent to it. Where such an island, corridor, or strip is created, the proponent shall justify the reasons for non-conformance with this standard. (Section 56668 f.)
4. Whenever practicable, boundary lines of areas proposed to be annexed to cities and/or districts shall be located so that all streets and rights-of-way will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended. (Section 56668 d.)
5. The creation of boundaries that divide assessment parcels should be avoided whenever possible. Where such division occurs, the proponents shall justify to LAFCO the necessity for such division. (Section 56668 d.)
6. Boundaries should avoid dividing an existing identifiable community, commercial district, or any other area having social or economic homogeneity. Where such division occurs, the proponents shall justify the reasons for non-conformance to this standard. (Section 56668 c.)
7. The following guidelines related to road right-of-way apply to all proposals submitted to LAFCO. (Section 56668 f.)
 - a. The following should not be allowed:
 - (1) City limits which include a portion of the road right-of-way.
 - (2) Road islands of County maintained roads.
 - (3) Islands of road caused by annexation on both sides.
 - (4) Strip annexation roads.
 - b.* In the following cases where the road is the boundary and is a major County arterial, the street or road should be retained by the County. These roads would not have direct access from the property:
 - (1) Roads which carry through traffic.
 - (2) Planned development by developer or city which provides limited access and protects the capacity of the road.
- *Note: Each case should be considered on its own merit.
- c. The following should be annexed to the city. These roads would have direct access to the annexing property and would serve the residents of the property:
 - (1) Minor or local roads.
 - (2) When the street will be used for the city sewer lines, water lines, or storm drains.
 - (3) Piece-meal development by developer causing difficult coordination between two or more agencies.
 - (4) Where the annexation will complicate drainage or traffic control.
8. Where feasible, city and related district boundary changes should occur concurrently to avoid an

irregular pattern of boundaries. (Section 56668 b.)

9. Should LAFCO modify the boundaries of a proposal, LAFCO may condition the proposal on the proponent preparing a new boundary description which conforms with LAFCO and State Board of Equalization requirements. (Section 56668 f.)
10. Boundaries should reasonably include all territory which would reasonably benefit from agency services. (Section 56668 b.)

4.4.2 – Duplication of Authority to Perform Similar Functions

1. Proposals, where feasible, should minimize the number of local agencies and promote the use of multi-purpose agencies. (Sections 56668 b and c.)
2. The effect of the approval of a proposal which would result in two or more districts or a city and a district possessing any common territory, the authority to perform the same or similar functions shall be considered by LAFCO. The views of the governing body of the city or special district possessing authority to perform the same or similar function in the subject territory should be made known to LAFCO. Proponents must justify the need for boundary change proposals which result in duplication of authority to perform similar functions. (Section 56668 b and c.)

4.4.3 – Conformance with City of County General and Specific Plans

1. Each proposal should be consistent with the appropriate city or county general and specific plans. Where the proposal does not abide by these plans, the proponent shall specify the reasons for plan non-conformance. (Section 56668 g.)
2. Pursuant to Section 56375, for proposals involving city annexations, the LAFCO Executive Officer shall not file a Certificate of Filing, which acknowledges that an application is complete, until the city has completed a rezoning process for the subject property in a manner consistent with the city's general or specific plan. (Section 56668 g.)

4.4.4 – Conformance with Spheres of Influence

1. Proposals shall be consistent with the Spheres of Influence for the local agencies affected by those determinations. (Sections 56375.5 and 56668 h.)
2. In the case of city incorporations and agency formations, LAFCO shall determine a Sphere of Influence within one year from the effective date of the proposal. (Section 56426.5.)
3. With the exception of city incorporations and agency formations, LAFCO shall adopt a sphere for affected agencies prior to consideration of related boundary change proposals. (Section 56668 h.)
4. When a proposal is inconsistent with the adopted Sphere of Influence, the applicant shall justify reasons for amending the Sphere of Influence. An annexation application for land outside an adopted Sphere of Influence may be considered concurrently with a request for amendment to the Sphere of Influence. (Section 56668 h.)
5. Proposals involving changes of organization or reorganization affecting city boundaries shall comply with the Urban Service Area and Urban Transition Area designations.
6. Pursuant to Section 56375 (a) (4), LAFCO shall not have the power to disapprove an annexation to a city, initiated by resolution, of contiguous territory which LAFCO finds is located within an Urban Service Area delineated and adopted by LAFCO, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city. (Section 56668 h.)

4.4.5 – Environmental Impact Assessment

1. LAFCOs are subject to the terms of the California Environmental Quality Act (CEQA) and the regulations of the California Resources Agency, which establishes the guidelines for its implementation. All environmental factors introduced by the proposal shall be considered as outlined in the Act and the State Guidelines.
2. The potential environmental impacts of proposals involving changes of organization or reorganization shall be reviewed by LAFCO environmental staff and the appropriate environmental determination shall be considered by LAFCO in accordance with state law and the State’s “Guidelines for Implementation of the California Environmental Quality Act.”¹²

4.4.6 – Economics, Service Delivery and Development Patterns

1. LAFCO shall discourage proposals that would have adverse financial impacts on the provision of governmental services or would create a relatively low revenue base in relationship to the cost of affected services. Applications shall describe related service and financial impacts (including revenues and expenditures) on the County, cities, and/or special districts and provide feasible measures which would mitigate such adverse impacts. (Section 56668 a, b and c.)
2. Applications must address current and ultimate needs for governmental services and facilities as established by the appropriate land use plans and rezoning. Proposals shall not be approved unless a demonstrated need for additional service exists or will soon exist. In reviewing boundary change proposals, LAFCO shall consider alternative government structure options which may be more appropriate in light of the demonstrated need for service. The formation of, or annexation to, a single governmental agency, rather than several limited purpose agencies, shall be encouraged when possible. (Section 56668 a and b.)
3. Applications must indicate that the affected agencies have the capability to provide service. Territory shall be annexed to a city or special district only if such agency has or soon will have the capability to provide service. (Section 56668 b.)
4. Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall submit with the resolution of application a plan for providing services within the affected territory. The plan for providing services shall include all of the following information. (Section 56653.):
 - a. An enumeration and description of the services to be extended to the affected territory.
 - b. The level and range of those services.
 - c. An indication of when those services can feasibly be extended to the affected territory.
 - d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
 - e. Any conditions which would 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.
 - f. Information with respect to how those services will be financed.

A plan for providing services may consist of:

- a. A master plan for providing services throughout all or a portion of a city or distinct Sphere of

¹² LAFCO officially adopted the State CEQA Guidelines on 07-22-86, Resolution 86-9.

Influence for use in evaluating all proposals affecting the area covered in the master plan.

- b. A proposal-specific supplement which updates and/or provides a higher level of detail than is contained within the master plan for services. Such supplement may include by reference or in summary form those pertinent sections of the master plan for services which remain valid. The supplement need discuss in detail only that information which is not current or discussed in sufficient detail in the master plan for services.
6. LAFCO discourages proposals which will facilitate development that is not in the public interest due to topography, isolation from existing developments, premature intrusion of urban-type developments into a predominantly agricultural area, or other pertinent economic or social reason. (Section 56668 a.)
7. LAFCO shall consider the testimony from all potentially affected agencies or individuals in reviewing boundary change proposals. Proposals submitted by resolution of application shall include information indicating that landowners in the affected area support the proposal. (Section 56668 i.)
8. An application for incorporation of a new city shall be supplemented by sufficient information to enable LAFCO to determine. (Section 56668 a, b and c.):
 - a. The long-term fiscal feasibility of the new city. A five-year service plan including revenue projections shall be required of all incorporation proposals. A service plan extending for longer than five years is acceptable.
 - b. The existing and projected population base in the affected area warrants urban-type services.
 - c. The service and financial impacts on all potentially affected agencies, including existing cities, districts, and the County.
 - d. The proposal territory includes the entire area that would reasonably benefit from city services and would not logically be more appropriate for annexation to an existing city.
9. A city application for annexation of an unincorporated island without an election shall, in addition to the plan for providing services, be supplemented by sufficient information to enable LAFCO to determine within the affected territory:
 - a. The total acreage of the unincorporated island and the boundaries of all cities and/or counties and, if applicable, the Pacific Ocean, which border thereon.
 - b. The presence or absence of Prime Agricultural Land.
 - c. The availability of public utility services.
 - d. The presence of public improvements.
 - e. The presence or absence of physical improvements upon each parcel.
 - f. The benefits from such annexation or the benefits now being received from the annexing city.
10. If a proposal is for the incorporation of a new city or the formation of a new agency, the application shall include a service plan demonstrating the economic feasibility of the proposed formation. (Section 56668 a, b and c.)

4.4.7 – Phasing

1. LAFCO, in furtherance of its objectives of preserving prime agricultural land, containing urban sprawl, and in providing a reasonable assurance of a city/district's ability to provide services shall consider the appropriateness of phasing annexation proposals which include territory that is not within a city/district's urban service area and has an expected build-out over a period longer than

five to seven years. (Sections 56668 a, b, and e.)

2. Change of organization and reorganization proposals which are totally within a city or district's adopted urban service area shall not be considered appropriate for phasing. Urban service areas are, by definition, territory expected to be developed/serviced in the next five years. (Sections 56668 a, b and c.)
3. Proposals which contain territory which is not within a city or district's adopted urban service area and have an expected build-out extending beyond a five- to seven-year period may be considered appropriate for phasing. For the purpose of this policy, "phasing" shall be defined as a planned incremental approval of a project and "building- out" shall be interpreted as 70 to 80 percent developed. When an exception from this policy is desired, the proponent shall justify to LAFCO the reasons why phasing is not appropriate. Included within the justification for exception, the proponent shall demonstrate the jurisdiction's ability to provide necessary public services. (Sections 56668 a, b and e.)
4. The Executive Officer shall not issue a certificate of filing pursuant to Section 56658 until the local agencies included in the property tax revenue exchange negotiation, within the 60-day negotiation period, present resolutions adopted by each such county and city whereby each county and city agrees to accept the exchange of property tax revenues. (California Revenue and Taxation Code section 99 b 6.)

4.4.8 – Open Space and Agricultural Land

1. It is the policy of LAFCO to encourage and to seek to provide for planned, well-ordered, efficient urban development pattern while at the same time remaining cognizant of the need to give appropriate consideration to the preservation of open space and agricultural land within such patterns. (Section 56300.) Proposals for a change of organization or reorganization will be judged according to LAFCO's adopted Policy on Preservation of Open-Space and Agricultural Lands (Section 4.5 of this Policy Document).

4.4.9 – Groundwater Standards

Informational Requirements

1. LAFCO shall encourage the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, and the Monterey Peninsula Water Management District to complete water management plans, develop or revise allocation of water supply as necessary, and promote County-wide standards. The LAFCO standards shall be reviewed periodically to reflect changes in information and current water management policy.
2. In considering a proposal which may significantly impact the groundwater basin, as documented by the Lead Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO shall review the following information. This information can be submitted to LAFCO in an environmental document or as a part of the LAFCO application.
 - a. The projected water demand of the proposed project based on guidelines provided by the appropriate water resources agency.
 - b. The existing water use and historical water use over the past five years.
 - c. A description of the existing water system including system capacity serving the site.
 - d. A description of proposed water system improvements.
 - e. A description of water conservation or reclamation improvements that are to be incorporated into the project.

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- f. An analysis of the impact that proposed water usage will have on the groundwater basin with respect to water quantity and quality, including cumulative impacts.
 - g. Evidence of consultation with the appropriate water agency. The agency shall be consulted at the earliest stage of the process, so that applicable recommendations can be included in the environmental document.
 - h. A description of water conservation measures currently in use and planned for use on the site such as drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.
 - i. A description of how the proposed project complies with adopted water allocation plans.
 - j. A description of those proposals where the agency has achieved water savings or where new water sources have been developed that will off-set increases in water use on the project site that would be caused by the proposal.
 - k. A description of how the proposal would contribute to any cumulative adverse impact on the groundwater basin.
 - l. A description of those boundary change proposals that, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.
3. Any proposal considered by LAFCO that uses water will be referred to the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, Monterey Peninsula Water Management District, or any other affected water agency. Recommendations of the agencies will be considered by LAFCO and, where appropriate, should be incorporated into the project design prior to approval of the boundary change proposal.
 4. LAFCO recognizes that water usage will vary due to soil type, location of aquifer, characteristics of aquifer, and type of project. Each project must be reviewed on a case-by-case basis.
 5. Should an agency adopt similar or more restrictive informational requirements, the LAFCO informational Requirement Nos. 1 through 4 will no longer apply.

Policy Statements

6. LAFCO will encourage boundary change proposals involving projects that use reclaimed wastewater, minimize nitrate contamination, and provide beneficial use of storm waters.
7. LAFCO will encourage proposals which have incorporated water conservation measures. Water conservation measures include drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.
8. LAFCO will encourage those proposals which comply with adopted water allocation plans as established by applicable cities or water management agencies.
9. LAFCO will encourage those proposals where the affected jurisdiction has achieved water savings or new water sources elsewhere that will off-set increases in water use in the project site that would be caused by the proposal.
10. LAFCO will discourage those proposals which contribute to the cumulative adverse impact on the groundwater basin unless it can be found that the proposal promotes the planned and orderly development of the area.
11. LAFCO will discourage those boundary change proposals which, when considered individually

and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.

4.4.10 – Incorporation Guidelines¹³

1. LAFCO shall utilize the “Guide to the LAFCO Process for Incorporations” issued by the Governor’s Office of Planning and Development as the guideline for processing proposals for city incorporation.

4.4.11 – Regional Traffic Impacts¹⁴

1. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the proposal mitigates its regional traffic impacts by, for example, monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County or otherwise.

4.4.12 – Efficient Urban Development Patterns¹⁵

1. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns.

4.4.13 – Disadvantaged Unincorporated Communities¹⁶

1. Except as otherwise allowed pursuant to Section 56375 (a) (8), LAFCO shall not approve an annexation to a city of any territory greater than 10 acres, or smaller as determined by Commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the Executive Officer. This paragraph shall also apply to the annexation of two or more contiguous areas that take place within five years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

4.4.14 – Contract / Agreement Service Extension¹⁷

1. Requests for Service Extension:
 - a. In evaluating requests for service extensions outside an agency’s jurisdictional boundary, LAFCO shall consider the Sphere of Influence of the affected agency.
 - b. Applicants shall submit an application to LAFCO prior to consideration of the proposal. Within 30 days the Executive Officer shall determine if the application is complete, and transmit the need for additional information immediately. Within 90 days after the application is deemed complete, the request shall be placed before LAFCO for a determination.
 - c. LAFCO may authorize a city or district to provide new or extended service outside its

¹³ Subsection 4.4.10 was added through Resolution 03-18, June 24, 2003.

¹⁴ Subsection 4.4.11 added Resolution 06-15, 10-23-06.

¹⁵ Subsection 4.4.12 added Resolution 06-16, 10-23-06.

¹⁶ Subsection 4.4.13 added Resolution 12-01, 01-23-12 and expanded Resolution 20-04, 02-24-20.

¹⁷ Subsection 4.4.14 added Resolution 94-5, 02-25-94.

- jurisdictional boundaries but within its Sphere of Influence in anticipation of a later change of organization. In this instance, LAFCO will consider the factors enumerated in Section 56668 in reviewing the request.
- d. LAFCO may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and Sphere of Influence to respond to a documented existing or impending threat to the public health or safety of the residents of the affected territory if the LAFCO has notified any alternative service provider as outlined in Section 56133.
 - e. The Executive Officer may administratively approve requests for service extension outside an agency's jurisdictional boundary if the applicant has satisfactorily demonstrated the existence of a public health or safety issue as identified in writing from the local public health officer. The Executive Officer is required to inform LAFCO at the next available meeting of any administratively approved service agreements.
 - f. For purposes of this section, the term "service," or "services," does not include management and administrative services provided by a local agency where the local agency does not directly or indirectly own the facilities by or through which utilities or services are provided. LAFCO's authority over service extensions does not apply to the provision of these management and administrative services.¹⁸
2. LAFCO authority over contract/agreement service extension does not apply to: (1) contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider; (2) contracts for the transfer of non-potable or non-treated water, and (3) contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or directly support agricultural industries. However, prior to extending surplus water that will support or induce development, the agency must receive written approval from LAFCO. (Section 56133.)

¹⁸ Paragraph was added through Resolution 11-14, 08-22-11.

SECTION 4.5 – PRESERVATION OF OPEN-SPACE AND AGRICULTURAL LANDS¹⁹

4.5.0 – Introduction

Significant debate exists concerning the authority of a local agency formation commission to adopt policies, rules, regulations, guidelines, or conditions regarding the establishment of “agricultural buffers” or other methods to address the preservation of open space and agricultural lands. The Cortese – Knox – Hertzberg Local Government Reorganization Act (the “Act”), California Government Code section 56000, et seq., is replete with provisions that grant to a local agency formation commission the authority to consider and provide for the preservation of open space and agricultural lands. “Among the purposes of a [local agency formation commission] are discouraging urban sprawl [and] preserving open-space and prime agricultural lands, . . .” Section 56301. Furthermore, “[i]t is the intent of the Legislature that each commission, . . . , shall establish written policies and procedures and exercise its powers pursuant to this part in a manner . . . that encourages and provides planned, well-ordered, efficient urban development patterns *with appropriate consideration of preserving open-space and agricultural lands* within those patterns.” Section 56300 (a) (emphasis added). The Legislature has also declared that the preservation of open-space and prime agricultural lands is a “state interest” to be balanced against the promotion of orderly development. Section 56001.

A local agency formation commission is specifically charged in some instances with protecting open space and agricultural land. For example, an island annexation may not be approved if the island consists of prime agricultural land. Section 56375.3 (b)(5). A local agency formation commission may not approve a change to a Sphere of Influence where the affected territory is subject to a farmland security zone or Williamson Act contract, unless certain conditions exist. Sections 56426 and 56426.5.

In other situations, a local agency formation commission is charged with considering specific circumstances affecting open space or agricultural land when making a decision. For example, when considering a proposal that could reasonably be expected to lead to the conversion of open space lands to non-open space uses, a local agency formation commission must consider guiding such conversion away from prime agricultural land towards non-prime lands. Section 56377s (a) and 56668 (d). In addition, a local agency formation commission should encourage the conversion of open space lands within the jurisdiction or Sphere of Influence of a local agency before approving any proposal that would lead to such conversion outside the jurisdiction or Sphere of Influence of that agency. Sections 56377 (b) and 56668 (d). Finally, a local agency formation commission must consider the “effect of [a] proposal on maintaining the physical and economic integrity of agricultural lands, . . .” Section 56668 (e).

While a local agency formation commission has considerable authority to provide for the preservation of open space and agricultural land, it may not directly regulate land use: “A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.” Section 56375. A local agency formation commission may, however, require that property sought to be annexed be rezoned, although it may not specify how it shall be rezoned. *Id.*

In order to implement the intent and purposes of the Act with respect to the preservation of open-space and agricultural lands, the Local Agency Formation Commission of Monterey County (“LAFCO”) adopts the following policy.

¹⁹ Section 4.5 of the Policies and Procedures was first adopted on January 25, 2010. This Section replaces the “Agricultural Lands Preservation Policy” adopted on November 27, 1979 (Resolution 79-30). This Section was amended on February 26, 2024 (Resolution 24-03).

4.5.1 – Policy

It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence or urban service area (hereinafter, “Proposal” or “Proposals”), shall provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. To implement this policy, it is the further policy of LAFCO that:

1. A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. (Government Code section 56001.) Proposals that fail to discuss this balance, in the analysis of the executive officer, will be deemed incomplete.²⁰ Proposals may be denied if they fail to demonstrate to the satisfaction of the Commission that the need for orderly development is balanced against the preservation of open space and prime agricultural lands.
2. A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands. (Government Code section 56668 (a).) Proposals that fail to discuss their effect, in the analysis of the executive officer, will be deemed incomplete.²⁰ Proposals may be denied if they fail to demonstrate to the satisfaction of the Commission that the physical and economic integrity of agricultural lands is maintained.
3. A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses. (Government Code section 56377.) Proposals that fail to discuss potential conversion, in the analysis of the executive officer, will be deemed incomplete.²⁰ Proposals may be denied if they fail to demonstrate to the satisfaction of the Commission that: a) they guide development or use of land for other than open-space uses away from existing prime agricultural lands in open-space use and toward areas containing nonprime agricultural lands (Government Code section 56377 (a)); and b) development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency will occur prior to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency (Government Code section 56377 (b)).
4. A Proposal must, if applicable, provide for pre-zoning (Government Code section 56375 (a)), and must demonstrate that it is consistent with the General Plans and Specific Plans of the existing local agency and any immediately adjacent local agency (Government Code sections 56375 (a) and 56668 (g)). Proposals may be denied if they are not consistent with such plans, or, if not pre-zoned, if the Proposal does not demonstrate to the satisfaction of the Commission that the existing development entitlements are consistent with the local agency’s plans.

To further these policies, it is the position of LAFCO that agricultural buffers provide an important means to preserve open-space and agricultural lands and preserve the integrity of planned, well-ordered, efficient urban development patterns. Such buffers may be permanent, temporary, or rolling, and may take many forms; easements, dedications, appropriate zoning, streets, or parks, for example. How agricultural buffers are used to further the state policy of preserving open-space and agricultural lands within patterns of planned, well-ordered, efficient urban development is left to the discretion of each local agency; however, Proposals will be judged on how state-wide policies under the Act, and LAFCO adopted policies, with

²⁰ Pursuant to Government Code Section 56658, the Executive Officer shall determine an application to be complete or incomplete within 30 days of an application being submitted. The Executive Officer’s determination that an application is incomplete, with regard to the Commission’s Policy for Preservation of Open Space and Agricultural Lands, may be appealed to the Commission.

respect to the preservation of open-space and agricultural lands are furthered. Agreements between neighboring local agencies with regard to the preservation of open-space and agricultural lands are encouraged, and such agreements may be incorporated by LAFCO into a Proposal as a condition of approval, or may be required as a condition precedent to approval.

4.5.2 – Policy Implementation Guidelines: Agricultural Mitigation Actions for City Annexations of Farmland

To achieve the intention of the adopted policy’s directives, the Commission has developed the following Policy Implementation Guidelines. The intention of the Guidelines is to provide guidance – particularly to Cities, property owners, and preparers of environmental documents pursuant to the California Environmental Quality Act (CEQA) – on how impacts to farmland should be addressed in City annexation applications and their related CEQA documents.

A brief restatement of LAFCO’s role under CEQA

CEQA requires consideration of a project’s potential impacts to agricultural resources and related mitigation measures, along with other types of environmental impacts. For annexation proposals, the applicant City is typically the CEQA lead agency – i.e., the public agency that has the primary responsibility for carrying out or approving the development project for which annexation is requested. LAFCO typically serves as a CEQA responsible agency, meaning a public agency with discretionary authority over some aspects of a project for which a CEQA document is being prepared – the City boundary change, in LAFCO’s case. (State CEQA Guidelines Section 15381.)

A responsible agency complies with CEQA by considering the environmental impact report or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved. As a responsible agency, LAFCO will continue to consult with Cities and other lead agencies to assist them in preparing adequate environmental documents for a project, and provide comments on their draft CEQA documents. Following consultation, comments, and revisions, the lead agency prepares a final document. As a responsible agency, LAFCO is charged with exercising its independent discretion to determine whether or not a City’s final EIR or negative declaration adequately addresses agricultural impacts and mitigation such that LAFCO can rely on the City’s document’s analysis and conclusions when considering an annexation. LAFCO may reject a legally insufficient environmental document that does not adequately address agricultural mitigation. (CEQA Guidelines Section 15096 [a] to [e]).

Agricultural Mitigation Guidelines

1. Lands that are subject to agricultural mitigation requirements

Agricultural mitigation should be provided for lands being annexed that are designated as Prime Farmland, Farmland of Statewide or Local Importance, or Unique Farmland by the State of California Department of Conservation as of the date an annexation application is submitted to LAFCO.

Agricultural mitigation may also be warranted – on a case-by-case basis – if the annexation site previously had one or more of these designations but was later changed by the State to a lower, non-farmland designation (for example, because the lands are fallowed for a period of time). CEQA documents being prepared for annexation of formerly designated farmlands should evaluate development of those lands as a potential impact to agricultural resources that may warrant mitigation, depending on site-specific physical conditions and the circumstances that were involved in the changes of mapping designation. LAFCO staff is available to consult with cities to assist in developing a CEQA document’s evaluation of potential farmlands impacts.

2. Timing of implementation

Proposals for annexation of farmlands to a city are required by law to identify and propose specific agricultural mitigation actions – for example, direct acquisition of permanent conservation easements and/or payment of in-lieu fees – prior to the public hearing on the proposed annexation.

For annexation proposals that include fewer than 100 acres of farmland subject to mitigation requirements as provided in these Guidelines, project proponents are expected to carry out all such agricultural mitigation actions prior to LAFCO’s recordation of a certificate of completion for the annexation.

For proposals involving more than 100 acres of farmland subject to mitigation, applicants may propose a phased approach, wherein LAFCO records a certificate of completion effectuating an annexation for an initial part, phase, or portion consisting of at least 25% of the overall approved annexation area after appropriate agricultural mitigation actions corresponding to that acreage have been completed pursuant to these Guidelines, along with any other terms and conditions. LAFCO would then record subsequent certificates of completion for the remaining parts, phases, or portions of the overall acreage, in up to three subsequent phases with each phase including at least 25% of the original acreage approved for annexation, after corresponding agricultural mitigation actions for each phase have been carried out in accordance with these Guidelines to the satisfaction of the LAFCO Executive Officer, along with any other terms and conditions identified in the Commission’s original approval resolution.²¹ Recordation of the initial and subsequent (phased) certificates of completion for an annexation is subject to time limitations as determined by the Commission pursuant to Government Code Section 57001.

3. Methods of Implementation

A. Mitigation ratio and criteria: Agricultural mitigation should be provided at a 1-to-1 ratio – meaning one acre of mitigation provided for each acre of applicable farmland being annexed – and should occur on lands with equivalent or higher farmland mapping designations – i.e., “like-for-like or better” with regard to mapping designations.

B. Conservation easements (preferred mitigation type): Dedication of permanent conservation easements on specific sites is generally preferable to payment of in-lieu fees to fund the future purchase of conservation easements at a later date on sites not yet identified.

To the extent practicable, conservation easement receiver sites should be located in close proximity to the community where the proposed annexation and the resulting loss/conversion of farmland are occurring. However, if an applicant has made a good-faith effort – as described below – to identify suitable conservation easement sites in the nearby vicinity and no such sites are available, then the applicant may identify and propose conservation easement sites on equivalent lands elsewhere in Monterey County, and/or proceed to payment of mitigation in-lieu fees to fund the purchase of conservation easements in Monterey County. “Good-faith effort” means an applicant has: 1) Consulted with a qualified conservation entity to have that entity hold conservation easements to satisfy the applicant’s mitigation requirements under these Guidelines; 2) Has made reasonable efforts to identify suitable potential conservation easement receiver sites; and 3) Has made one or more bona fide offer for suitable conservation easements at fair market value on suitable available sites, but no property owner has accepted the applicant’s offer.

C. In-lieu fee payment: If in-lieu fee payment is being proposed, LAFCO will require applicants to document having made a good-faith effort to secure conservation easements, as outlined above. The payment of an in-lieu fee shall be subject to the following provisions:

²¹ For an annexation phase being recorded as a subsequent Certificate of Completion pursuant to this paragraph, a determination by the Executive Officer that proposed agricultural mitigation actions are inadequate may be appealed to the Commission.

1. The amount of the in-lieu fee shall be determined by using the appraised fair market value of acquiring a conservation easement for agricultural purposes on the land being converted. The value of the conservation easement shall be determined by an independent real property appraiser with experience valuing conservation easements for the California Department of Conservation Sustainable Agricultural Lands Conservation Program (SALC) or a similar program.
2. The appraisal determining an appropriate in-lieu fee amount shall be completed no more than 90 days prior to recordation of a Certificate of Completion for an annexation. The in-lieu fees shall be paid to a qualified conservation entity prior to recordation. If the Commission's approval of an annexation proposal involves phased recordation of more than one Certificate of Completion in accordance with Section 2, above, then any proposed in-lieu fees shall be determined based on a new appraisal that is prepared no more than 90 days prior to recording a Certificate of Completion for each individual phase. Fees shall be paid prior to each incremental recordation.
3. In addition to the in-lieu fee, applicants may be required to pay to the conservation entity a reasonable amount sufficient to cover the costs of managing and administering a conservation easement, and estimated transaction costs associated with acquiring the easement.
4. In-lieu fees may be used to satisfy either a portion of or the entire mitigation requirement for an applicant.

D. Qualified conservation entity: Dedication of conservation easements, or payment of in lieu fees, should be to a qualified conservation entity (land trust) that is a nonprofit 501(c)(3) corporation eligible to hold a conservation easement, hold a deed restriction, or collect in-lieu fees under California law, and with conserving and protecting agriculture land as one of its primary purposes. The conservation entity shall provide reasonable assurances that in-lieu fees collected in connection with LAFCO's approval process will fund acquisition and administration of conservation easements exclusively in Monterey County.

4. Alternative agricultural mitigation proposals:

Agricultural mitigation should generally occur for all Prime Farmland or Farmland of Statewide/Local Importance, or Unique Farmland, within the area being annexed. However, the Commission retains the independent discretion to accept, on a case-by-case basis, an annexation – or portions thereof – that has a lesser or different agricultural mitigation for annexation purposes, to the extent that such exceptions would be consistent with a project's required mitigation measures under the California Environmental Quality Act.

Examples of projects that may qualify for alternative agricultural mitigation include, but are not limited to, those proposals, or areas of a proposal, that provide certainty with respect to the proposed future uses of public benefit, such as deed-restricted affordable, inclusionary, and/or agricultural housing.

While alternative mitigation may be accepted by the Commission, the Commission's intent remains for agricultural mitigation to be provided in a ratio as close as possible to the 1:1 overall goal as identified in these Guidelines.

SECTION 4.6 – Housing and Jobs²²

4.6.0 – Introduction

The State Legislature, through the Cortese–Knox–Hertzberg Local Government Reorganization Act (the “Act”), California Government Code section 56000, et seq., has declared that it is the policy of the State to “encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the State.” Government Code section 56001 (unless otherwise indicated, all statutory references are to the Government Code). The Act is replete with references for the need to consider housing and residential development in correlation with commercial and industrial development, and the efficient provision of government services. For example, in the Act the Legislature recognizes that “providing housing for persons and families of all incomes is an important factor in promoting orderly development,” and further finds that the policy of orderly growth and development “should be effected by the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for person and families of all incomes in the most efficient manner feasible.” Id. Furthermore, the Act recognizes that “urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls.” Id.

One of the purposes of a local agency formation commission is to encourage the “orderly formation and development of local agencies based upon local conditions and circumstances.” Section 56301. To further that purpose, and implement the policies of the Act, amongst other things, a local agency formation commission makes determinations concerning changes in organization or reorganization, Spheres of Influence, urban service areas, and municipal service reviews. See generally, sections 56080, 56375, 56425, and 56430. Each of these determinations requires a local agency formation commission to consider factors such as population and population density, future growth, land area and land use, mutual social and economic interests, the present and planned capacity of public facilities, and the present and future adequacy of public services. These factors relate in part to job availability and creation, and housing supply and demand.

The Local Agency Formation Commission of Monterey County (“LAFCO”) believes that applications or proposals for a change in organization or reorganization, or for the establishment or any change to a Sphere of Influence (hereinafter, “Proposal” or “Proposals”) should consider the impact that the Proposal may have, if any, on job availability and creation, and housing supply and demand not only for the local community, but for adjacent communities, whether incorporated or unincorporated, and the region.

In order to implement the intent and purposes of the Act with respect to the matters set forth above, LAFCO adopts the following policy.

4.6.1 – Policy

It is the policy of LAFCO that, consistent with section 56300 (a) of the Act, Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation. Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT). These factors and their impacts, if any, shall be considered by the Commission in acting upon the Proposal.

²² This Section was added on April 25, 2011.

SECTION 4.7 – GENERAL PROVISIONS²³

4.7.0 – Termination of Inactive Applications

Any application for a Sphere of Influence amendment, change of organization or reorganization filed with LAFCO which is deemed incomplete by the Executive Officer pursuant to Government Code Section 56828 and remains incomplete for a period of six months with no progress being made towards its completion shall be deemed inactive.

Applicants whose application has been deemed inactive shall be noticed in writing at the location indicated on the application that the application is deemed inactive. The notice shall also provide information on how the application may be reactivated and list the items necessary to make the application complete. If within six months following the notice that the application has been deemed inactive, no effort or progress has been made to reactivate the application or otherwise cause it to be deemed complete, the application shall be deemed abandoned and all proceedings shall be terminated. Unused fees shall be returned to the applicant. If the applicant chooses to reapply at a later date, new fees will be required. The applicant and all affected agencies shall be noticed by the Executive Officer that proceedings have been terminated.

Nothing in this policy shall be deemed to limit or supersede the provisions contained in Cortese- Knox (Government Code Section 56000, et seq.) regarding the processing of applications before LAFCO.

The purpose of this policy is to enable LAFCO to deem applications that have remained incomplete for extended periods of time as abandoned and to remove them from the LAFCO proposal summary.

²³ Section 4.7 of the Policies and Procedures is a new policy adopted on February 25, 2013.

APPENDIX A – Emergency Action Plan

1.8.0 – Purpose

The purpose of this Emergency Action Plan is to establish procedures for safely and effectively managing an emergency event for the Local Agency Formation Commission of Monterey County. All employees, supervisors, and managers are expected to follow the procedures outlined in this plan to ensure that employees, contractors, and visitors are protected from any further harm during an emergency situation.

1.8.1 – Authority

California Code of Regulations, Title 8, Sections 3205, 3220, 3203, 6184, NFPA 1 Uniform Fire Code, section 10.9.

1.8.2 – Scope

This Emergency Action Plan covers those designated actions managers and employees must take to ensure employee and consumer safety from fire and other emergencies. This plan includes: emergency escape procedures and emergency escape route assignments; procedures to account for employees after emergency evacuation has been completed; rescue and medical duties for those employees who are to perform them; the preferred means of reporting fires and other emergencies; procedures for reviewing and updating the plan; a COVID-19 Prevention Program designed to control workplace exposures, and individuals who can be contacted for further information about the plan.

1.8.3 – Responsibility

1.8.3.0 – Persons Responsible for Emergency Planning and Information

Executive Officer and Senior Analyst

Contact number: (831) 754-5838

1.8.3.1 – Responsibilities of the Emergency Response Team

The goal of the Emergency Response Team is to assist in the orderly evacuation of employees, contractors, and visitors from a building or area during an emergency or assist with shelter in place procedures if warranted. The Emergency Response Team consists of Primary and Secondary Responders listed in [ExhibitAppendix B - First Responder List](#).

The Executive Officer or their designee shall have authority to order an evacuation or shelter in place during an emergency. The duties of the Emergency Response Team are as follows:

- a) Be familiar with the content of this plan.
- b) Alert staff of emergency situations.
- c) When warranted, call 911 (9-911 if using the office phone system) to report fire or other emergencies.
- d) Ensure that staff, contractors, and visitors are appropriately evacuating the LAFCO Office or area based on the escape route assignments (see diagrams in [ExhibitAppendix A – Flowchart of Building with First Aid and Fire Extinguisher Locations](#)).
- e) Assist in the evacuation of visitors, contractors, and staff with disabilities, or alerting security, fire, and police personnel of the last known location of the individuals.
- f) Perform medical duties as necessary to employees, contractors, and visitors during emergency situations.
- g) Extinguish small fires with the use of a fire extinguisher.
- h) If instructed, account for all employees, contractors, and visitors at the designated meeting location.
- i) Periodically conduct a Physical Security or Safety Assessment (~~most recent assessment conducted in 2018~~) and work diligently with landlord to ensure implementation of recommended security and safety improvements.
- j) Periodically review and update the Emergency Action Plan.

1.8.3.2 – Training

Employees will be trained in CPR, First Aid, the use of an automated external defibrillator device (stored with the first aid kit), the use of portable fire extinguishers, and made aware of their duties so that they can assist in the safe and orderly

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emergency evacuation of employees. Emergency Response Team members will be trained in using the Everbridge notification platform to effectively communicate emergency situations to employees. Employees shall be made aware of their responsibilities under this plan and receive training:

- a) When the plan is initially developed;
- b) When the employee's responsibility under the plan changes;
- c) When the plan is changed;
- d) Initially for new employees, and
- e) Refresher training and safety drills annually.

1.8.3.3 – Responsibilities of the Employees

The success of this Emergency Action Plan in times of emergencies hinges on employees knowing the procedures outlined in this plan and acting upon them in an appropriate manner.

Before an emergency, employees shall:

- a) Become familiar with the contents of this plan to include who to report emergencies to, the assigned evacuation routes for the facility, and the designated meeting locations.
- b) Actively participate in emergency drills and treat them as if they are real.

During an emergency, employees shall:

- a) Assist an Emergency Response Team member if asked.
- b) Listen and wait for directions on how and when to evacuate the facility from emergency response team members, security, police, or fire personnel.
- c) Report any emergencies such as a bomb threat or threats of violence to your supervisor first and immediately.
- d) Follow the assigned escape route procedures to avoid crowding at the exits.
- e) Report immediately to your designated meeting location upon evacuating the facility. Do not take any side trips.
- f) Never go back into the facility to retrieve personal belongings.

1.8.4 – Reporting Emergencies

Report fire or other emergencies immediately, first to your supervisor, then to the responsible persons listed in [ExhibitAppendix B – First Responder List](#). When warranted, call 911 (9-911 if using the office phone system). Be prepared to provide the responder with the nature and location of the emergency. Our address is:

Facility Name: LAFCO of Monterey County

Address: 132 W. Gabilan Street, Suite 102, Salinas, CA 93901

Major Cross Streets: W. Gabilan Street and Church Street

Phone number: (831) 754-5838

1.8.5 – Employee Alarm Systems

The employee alarm system for this facility provides warning so that employees can escape safely from the workplace or the immediate work area.

The employee alarm system that has been established for this facility is as follows:

The Everbridge notification platform and phones are used as the primary means of reporting an emergency. Telephone numbers of employees are posted at each employee's workstation. Employees will report emergencies to an Emergency Response Team member. The Emergency Response Team is responsible for activating the Everbridge notification platform and contacting employees through the phone system to alert them of emergency situations.

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1.8.6 – Evacuation Route and Assembly Area Map/First Aid Kit

1.8.6.0 – Evacuation Routes and Maps

The evacuation routes and assembly area maps are posted by every main exit. Employees are to become familiar with all evacuation routes and their assembly point. See [ExhibitAppendix A – Flowchart of Building with First Aid and Fire Extinguisher Locations](#) for detailed information.

1.8.6.1 – Location of First Aid Kit

As noted on the evacuation maps, the First Aid Kit is located in the hallway closet next to the LAFCO conference room.

1.8.6.2 – Designated Meeting Location

Once employees have evacuated the facility, they must meet at the southwest corner of West Gabilan Street and Church Street (near the Monterey County Superior Court) to check in with the first responder who will be accounting for individuals by reading from [ExhibitAppendix C – Employee Roster and Emergency Contacts](#). Those employees who do not show up to the designated meeting location will be presumed to still be in the building and fire and police personnel shall be notified of their absence immediately.

1.8.6.3 – Procedures for Critical Plant Operations

The operation of this facility does not require individuals to block, isolate, or secure contents that may result in further harm to the occupants of the facility. Therefore, procedures are not necessary for critical plant operations during an evacuation. However, LAFCO of Monterey County maintains critical records. Our basic practice is to back-up electronic records quarterly on external hard drives stored in a fire-proof safe at the office and a safety deposit box at the bank. Every file saved on our shared file servers falls under the County of Monterey's 60-day back up policy. In addition, an [auxiliaryauxillary](#) copy runs every morning to the County Azure back up storage account.

1.8.7 – Fire Emergency Procedures

- a) Remove anyone in immediate danger.
- b) Once an employee is alerted to the fire danger, he/she will activate the employee alarm system, activate the building's fire alarm in the main lobby, go to the nearest exit, exit the building according to the emergency action plan, and proceed directly to the designated assembly point.
- c) Confine the fire to the room/area by closing the door to the area where the fire is located and by ensuring all doors leading to the main hallways are closed.
- d) Attempt to extinguish the fire only if you have received training on the use of portable fire extinguishers, the fire is in its beginning stage, and it can be extinguished safely.
- e) Disabled and non-ambulatory (unable to walk) personnel should request assistance from those nearest to them. Advise the Fire Department or Security of personnel trapped who may require assistance to evacuate.

1.8.8 – Earthquake Emergency Procedures

- a) If you are indoors, stay there. Take shelter under a desk, table, or in a doorway. If you cannot get under something sturdy or stand in a doorway, get on your hands and knees and cover your head with your hands and arms.
- b) If you are outdoors, go to an open area away from trees, buildings, walls, roadways, and power lines.
- c) If the building is evacuated, do not return until authorized.
- d) Beware of potential dangers after an earthquake such as escaping gas, unstable building structures, electrical hazards, etc. Also beware of aftershocks.

1.8.9 – Evacuation of the Disabled

- a) Persons with a disability (including a short-term disability) limiting them from using the stairs will congregate in the lobby area by the stairs where they will be assisted by either an Emergency Responder or law enforcement personnel.
- b) In the event an emergency renders the lobby unsafe or dangerous, an Emergency Responder will assist or carry the

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disabled person down one floor for pick-up and relocation.

- c) If assistance is not immediately available, disabled persons should stay in the exit corridor or at the top of the stairway or landing. An Emergency Responder will advise Security and Fire Department personnel of the location of the disabled person(s) in the event all other actions fail.

1.8.10 – Serious Injury

- a) Check the scene and the victim to determine the danger potential and the extent of the injury. Do not move a seriously injured victim unless there is an immediate danger such as fire, flood, or poisonous gas. If you must move the victim, do it as quickly and carefully as possible. If there is no immediate danger, do not move the victim and advise the bystanders the victim is not to be moved.
- b) Call 911 (9-911 if using the office phone system) immediately if the victim is unconscious. Additionally, you should call for an ambulance if the victim has trouble breathing or is breathing in a strange way; has pressure or pain in the chest or abdomen; is bleeding severely; has slurred speech; appears to have been poisoned; has injuries to the head, neck, or back; or has possible broken bones.
- c) Keep the victim calm and as comfortable as possible. Administer CPR, First Aid, or an automated external defibrillator device (stored with the First Aid Kit) if you have been trained in those areas (A list of these employees is included in [ExhibitAppendix B](#)). A First Aid kit should be used, and precautions should be taken to minimize exposure to blood and other bodily fluids. Remain with the victim until emergency services personnel arrive.

1.8.11 – Hazardous Materials

- a) A hazardous material is a substance that presents a physical or health hazard. A health hazard refers to a substance for which there is significant evidence that health effects may occur for exposed employees.
- b) A Safety Data Sheet (SDS) is required for all hazardous substances in use within the office. Employees will be provided with training on the safe use of all chemicals to which they may be exposed.
- c) In the event of a hazardous material emergency:
 1. Evacuate the area, securing access to the area when possible.
 2. Immediately call 911 (9-911 if using the office phone system) and inform the operator of the emergency. Provide as much information as possible to the operator and refer to the SDS for hazardous materials in use within the office.
 3. If safe, remain in the immediate area and await emergency personnel.
- d) The list of chemicals regularly used in this facility is located in the SDS binder kept in the bookshelf within the Clerk to the Commission's work area.

1.8.12 – Bomb Threats

- a) If you receive a bomb threat or discover a possible bomb or suspicious object(s), immediately notify your supervisor and call 911 (9-911 if using the office phone system). The supervisor shall immediately notify the Executive Officer.
- b) In the event of a bomb threat by telephone or email:
 1. Get someone's attention and convey the nature of the call. Have them make the above notifications.
 2. Get as much information as possible from the caller. Ask the following questions:
 - i. Where is the bomb?
 - ii. When is it going to explode?
 - iii. What does it look like?
 - iv. What kind of bomb is it?
 - v. What is the person's name or organization?
 3. Record the following information:
 - i. Date and time of call
 - ii. Exact words of caller
 - iii. Age, sex, adult, or child
 - iv. Any speech pattern or accent
 - v. Background noises
- c) For bomb threats by mail or for suspicious objects discovered:
 - i. Do not handle the letter, envelope, or package any further.

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- ii. Immediately call 911 (9-911 if using the office phone system).
- iii. Notify your immediate supervisor or Executive Officer.
- iv. Evacuate the immediate area if instructed to do so.

1.8.13 – Workplace Violence

- a) LAFCO of Monterey County’s resources may not be used to threaten, stalk, or harass anyone at or outside the workplace.
- b) If you become aware of indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities, immediately notify your supervisor.
- c) When reporting a threat or incidence of violence, be as specific and detailed as possible.
- d) Do not place yourself in peril.
- e) Do not attempt to intercede during an incident.

1.8.14 – Off-Site Injury or Vehicle Accident

- a) In the event that you, or you and another employee, are conducting working operations at any off-site location and experience any accident or injury, follow the directions for Section 1.8.10 – Serious Injury.
- b) Notify your supervisor immediately.
- c) State the location, the nature of the accident, type of injury and location to which you or another employee are being transported. Emergency Responders are authorized to exercise judgment in transportation to the appropriate medical facility.
- d) The supervisor shall make appropriate notification to the worker’s emergency contacts and, if practicable, meet them at the medical facility.
- e) In the event of a transportation accident, in addition to the steps listed above, a report shall be made with the appropriate locality law enforcement.

1.8.15 – COVID-19 Prevention Program

This COVID-19 Prevention Program (CPP) is designed to control exposures to the SARS-CoV-2 virus that may occur in our workplace. We will review changes to federal, state, and local laws and best management practices affecting the CPP periodically and update the CPP accordingly.

1.8.15.0 – Authority and Responsibility

The LAFCO Executive Officer has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies, and procedures, and assisting in maintaining a safe work environment.

1.8.15.1 – Definitions

For the purpose of the CPP, the following definitions shall apply:

- “COVID-19” means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- “COVID-19 case” means a person who either: (1) Has a positive “COVID-19 test” as defined in this section; (2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county. A person is no longer a “COVID-19 case” when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

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- “Close contact COVID-19 exposure” means sharing the same indoor space as a COVID-19 Case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 Case’s Infectious Period, as defined by this section, regardless of the use of Face Coverings, unless Close Contact is defined by regulation or order of the California Department of Public Health (“CDPH”). If so, the CDPH definition shall apply. means being within six (6) feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “high-risk exposure period” as defined here. This definition applies regardless of the use of face coverings.
- “COVID-19 hazard” means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.
- “COVID-19 symptoms” means one of the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person’s symptoms were caused by a known condition other than COVID-19.
- “COVID-19 test” means a viral test for SARS-CoV-2 that is both: (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.
- “Exposed group” means all employees at a work location, working area, or a common area at work, within employer-provided transportation covered by Section 3205.3, or residing within housing covered by Section 3205.2, where a COVID-19 Case was present at any time during the Infectious Period. However, if the COVID-19 Case visited a work location, working area, or a common area at work for less than 15 minutes during the Infectious Period, and all employees were wearing Face Coverings at the time the COVID-19 Case was present, other people at the work location, working area, or common area would not constitute part of the exposed group. Common areas at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. However, places where employees momentarily pass through while everyone is wearing Face Coverings, without congregating, is not a work location, working area, or a common area at work. workplace” means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas.
- The exposed workplace does not include buildings or facilities not entered by a COVID-19 case. Effective January 1, 2021, the “exposed workplace” also includes but is not limited to the “worksite” of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).
- “Face covering” means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.
- “Infectious Period” means the following time period, unless otherwise defined by CDPH regulation or order:
 - (1) For COVID-19 cases with symptoms, the infectious period is a minimum of 24 hours from the time of symptom onset until: (1) 24 hours have passed with no fever, without the use of fever-reducing medications, and (2) their symptoms are mild and improving, OR
 - (2) For COVID-19 cases with no symptoms, there is no infectious period for the purpose of isolation or exclusion. If the individual with COVID-19 develops symptoms, the criteria above will apply.
- High-risk exposure period” means the following time period: (1) For persons who develop COVID-19 symptoms: from two (2) days before they first develop symptoms until ten (10) days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or (2) For persons who test positive who never develop COVID-19 symptoms: from two (2) days before until ten (10) days after the specimen for their first positive test for COVID-19 was collected.

1.8.15.2 – Identification and Evaluation of COVID-19 Hazards

We will implement the following in our workplace:

- Conduct workplace-specific evaluations using the ~~Exhibit Appendix E – Identification of COVID-19 Hazards form~~ to identify hazards.
- Evaluate employees’ potential workplace exposures to all persons at, or who may enter, our workplace.

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- Review applicable orders and general and industry-specific guidance from the State of California, Cal/OSHA, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls.
- Conduct periodic inspections ~~using the Exhibit Appendix F – COVID-19 Inspections form~~ as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.

1.8.15.3 – Employee Participation

Employees and their authorized employees' representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards by being given prior notice and an opportunity to participate in scheduled workplace evaluations.

1.8.15.4 – Employee Screening

We screen our employees by having them self-screen according to CDPH guidelines ~~and use a non-contact thermometer that is sterilized after use.~~

1.8.15.5 – Correction of COVID-19 Hazards

Unsafe or unhealthy work conditions, practices or procedures will be documented on ~~the Exhibit Appendix F – COVID-19~~ the Exhibit Appendix F – COVID-19 inspections form, and corrected in a timely manner based on the severity of the hazards, as follows:

- The LAFCO Executive Officer or his or her designee will assess the severity of the hazard and assign correction time frames accordingly.
- The LAFCO Executive Officer or his or her designee will identify individuals as being responsible for implementing timely corrective measures.
- The LAFCO Executive Officer or their designee will monitor implementation of corrective measures to ensure timely completion.

1.8.15.6 – Control of COVID-19 Hazards

Physical Distancing

Where possible, we ensure at least six feet of physical distancing at all times in our workplace by:

- Eliminating the need for all workers to be in the workplace every day through arranging telework or other remote work when possible.
- Reducing the number of persons in an area at one time, including employees, contractors, and visitors.
- Using visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel.
- Staggering arrival, departure, work, and break times.
- Adjusting work processes or procedures, such as reducing production speed, to allow greater distance between employees.

Individuals will be kept as far apart as possible when there are situations where six feet of physical distancing cannot be achieved.

Face Coverings

We provide clean, undamaged face coverings. ~~and When required by regulation or order of the California Department of Public Health (CDPH) or local health department, we ensure they are properly worn by employees over the nose and mouth when indoors, and when outdoors and less than six feet away from another person, including non-employees, and where required by orders from the California Department of Public Health (CDPH) or local health department.~~

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Disposable face coverings will be provided to all LAFCO employees and replaced periodically as needed. We will not require that employees wear face coverings when the use of face coverings is required as a result of a regulation or order from the CDPH or local health department during the following circumstances~~Should employees encounter non-employees that are not wearing face coverings and wish to visit the office, employees should first offer disposable face coverings for non-employees to wear before entering the office. If non-employees refuse to wear face coverings, employees are directed not to allow an individual or individuals to enter the office without face coverings unless an exception applies.~~

The following are exceptions to the use of face coverings in our workplace:

- When an employee is alone in a room.
- While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Alternatives will be considered on a case-by-case basis.
- Specific tasks that cannot feasibly be performed with a face covering, where employees will be kept at least six feet apart.

If an employee is not wearing a Face Covering pursuant to the exceptions in bullets three and 4, above, we will assess COVID-19 Hazards and take action as necessary based on General Industry Safety Orders, including Sections 3205 and 3203~~Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19.~~

Engineering controls

~~We maintain six feet distance between individual employees and non-employees. We will implement the following measures for situations where we cannot maintain at least six feet between individuals:~~

- ~~• Utilize the office conference room as a temporary workspace or space for visitors.~~
- ~~• Install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons.~~

~~We maximize, to the extent feasible, the quantity of outside air for our building with mechanical or natural ventilation systems by:~~

- ~~• Encouraging employees to open operable windows during work hours.~~
- ~~• Communicating regularly with the landlord to ensure that the office building ventilation system is properly maintained and adjusted to the extent feasible to minimize the risk of potential COVID-19 exposure.~~

Cleaning and disinfecting

We implement the following cleaning and disinfection measures for frequently touched surfaces:

- Ensure adequate supplies, including cleaning products and gloves, and adequate time for cleaning and disinfection to be done properly.
- Inform the employees and authorized employee representatives of the frequency and scope of cleaning and disinfection.
- Use products that are EPA-approved for use against the virus that causes COVID-19.
- Provide EPA-registered disposable wipes for employees to wipe down commonly used surfaces before use.
- Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, protective equipment, concentration, contact time).

Should we have a COVID-19 case in our workplace, we will implement the following procedures:

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- Close access to the workspace area or areas used by the COVID-19 case and perform the cleaning and disinfection of areas, materials, and equipment used by a COVID-19 case during the high-risk exposure period.
- Equip employees performing cleaning and disinfection of areas, materials, and equipment with proper personal protective equipment (PPE) for COVID-19 disinfection (disposable gown, gloves, eye protection, and mask or respirator) in addition to PPE required for cleaning products.
- Ensure proper training of employees performing cleaning and disinfection of areas, materials, and equipment by providing the Center for Disease Control's Guidance for Cleaning and Disinfecting and other relevant training materials.

Shared tools, equipment, and personal protective equipment (PPE)

PPE must not be shared, e.g., gloves, goggles and face shields.

Items that employees come in regular physical contact with, such as phones, headsets, desks, keyboards, writing materials, instruments and tools must also not be shared, to the extent feasible. Where there must be sharing, the items will be disinfected between uses by providing employees with the materials and training to disinfect items themselves.

Hand sanitizing

In order to implement effective hand sanitizing procedures, we:

- Encourage and allow time for employee handwashing.
- Evaluate handwashing facilities.
- Determine the need for additional facilities.
- Provide employees with an effective hand sanitizer, and prohibit hand sanitizers that contain methanol (i.e. methyl alcohol).
- Encourage employees to wash their hands for at least 20 seconds each time.

Personal protective equipment (PPE) used to control employees' exposure to COVID-19

We evaluate the need for PPE (such as gloves, goggles, and face shields) as required by California Code of Regulations (CCR) Title 8, section 3380, and provide such PPE as needed.

When it comes to respiratory protection, we evaluate the need in accordance with CCR Title 8 section 5144 when the physical distancing requirements are not feasible or maintained. We shall provide and ensure the use of eye protection and respiratory protection when employees are exposed to procedures that may aerosolize potentially infectious material in accordance with CCR section 3205(c)(E).

1.8.15.7 – Investigating and Responding to COVID-19 Cases

In the event of a COVID-19 Case, we will undertake the following steps to investigate the COVID-19 Case:

- Determine the day and time the COVID-19 Case was last present at the workplace;
- Determine, to the extent possible, the date of the COVID-19 Case's positive COVID-19 Test(s) and/or diagnosis; and
- Determine the date the COVID-19 Case first experience one (1) or more COVID-19 Symptoms, if any were experienced.

We will also collect the following information for COVID-19 Cases:

- The employee's name; the employee's contact information; the employee's occupation; the location where the employee worked; the date of the employee's last day at the workplace; and the date of the employee's positive COVID-19 Test and/or COVID-19 diagnosis.

We will also collect the following information for COVID-19 Close Contacts:

(1) The employee’s name; the employee’s contact information; and the date upon which we provided the employee notice of the Close Contact.

This will be accomplished by using the ~~Exhibit Appendix G – Investigating COVID-19 Cases form.~~

~~Employees who had potential COVID-19 exposure in our workplace will be:~~

- ~~• Offered COVID-19 testing at no cost during their working hours. Employees will submit billing for COVID-19 testing for reimbursement for any out of pocket costs.~~
- ~~• Provided the information on benefits described in section 1.8.15.98 – Training and Instruction. Section 1.8.15.109 – Exclusion of COVID-19 Cases, below, will also be provided to them.~~

1.8.15.8 – System for Communicating

Our goal is to ensure that we have effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- Employees should report COVID-19 symptoms and possible hazards to the Executive Officer orally or in writing.
- Employees can report symptoms and hazards without fear of reprisal.
- Our procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness include assessing employees’ work duties that may increase the risk of potential COVID-19 exposure at the work place and mitigating these risks to the extent feasible (e.g., placing screens or barriers between employees working in the same room or accommodating working remotely).
- Where testing is not required, how employees can access COVID-19 testing.
- In the event we are required to provide testing because of a workplace exposure or outbreak, we will communicate the plan for providing testing and inform affected employees of the reason for the testing and the possible consequences of a positive test.
- We will notify employees of any potential COVID-19 exposures within one business day.
- Information about COVID-19 hazards employees (including other employers and individuals in contact with our workplace) may be exposed to, what is being done to control those hazards, and our COVID-19 policies and procedures.

1.8.15.9 – Training and Instruction

We will provide effective training and instruction that includes:

- Our COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. Such benefits include:
 - For employees excluded from work due to (1) testing positive for COVID-19 or (2) being exposed to COVID-19 from the workplace, we will continue employees’ pay and benefits unless an employee is unable to work for reasons unrelated to COVID-19 or employer demonstrates that COVID-19 exposure was not work-related.
 - We require employees excluded from work to use accrued sick leave or sick leave allocation within annual leave (when the two are combined), ~~before providing “exclusion pay.”~~
 - For employees who had potential COVID-19 exposure in our workplace, COVID-19 testing will be offered at no cost during work hours.
 - Benefits described in Exhibit Appendix H – Benefits for Workers Impacted by COVID-19
- The fact that:
 - COVID-19 is an infectious disease that can be spread through the air.
 - COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.
 - An infectious person may have no symptoms.

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- Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.
- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment – face coverings are intended to primarily protect other individuals from the wearer of the face covering.
- COVID-19 symptoms, and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms.
- Proper guidance for employees performing cleaning and disinfection of areas, materials, and equipment from the Center for Disease Control and other government agencies.

Exhibit Appendix I – COVID-19 Training Roster will be used to document this training.

1.8.15.10 – Exclusion of COVID-19 Cases

Exclusion of COVID-19 Cases from the Workplace

- LAFCO will immediately exclude from the workplace all COVID-19 Cases and, in the event of an outbreak, all employees within the Exposed Group who had Close Contact with a COVID-19 Case.
- LAFCO will not allow COVID-19 Cases to return to work until the conclusion of the "infectious period."
 - COVID-19 cases may not return to work unless 24 hours have passed with no fever, without the use of fever-reducing medications, and their symptoms are mild and improving.
 - For COVID-19 cases with no symptoms, there is no "Infectious Period" for the purpose of isolation or exclusion. If symptoms develop, the exclusion criteria above will apply.
- The above requirements shall apply regardless of whether an employee has previously been excluded from the workplace or LAFCO took other precautions in response to an employee's Close Contact or membership in an exposed group.

Requirement that a COVID-19 Case Wears a Face Covering

- Regardless of the employee's vaccination status, previous infection, or lack of COVID-19 Symptoms, a COVID-19 Case shall wear a Face Covering in the workplace until 10 days have passed since the date that COVID-19 Symptoms began or, if the COVID-19 Case did not present COVID-19 Symptoms, from the date of their first positive COVID-19 Test.

Responding to Employees Who Had a Close Contact

- LAFCO reviews current CDPH guidance for employees who had a Close Contact, including guidance regarding required or recommended quarantines and other measures intended to reduce the transmission of COVID-19.
- LAFCO has developed policies in order to prevent transmission of COVID-19 by an employees who had a Close Contact.
- LAFCO will provide any employee who had a Close Contact and must be excluded from the workplace information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. LAFCO will provide the employee information on any benefits available under legally mandated sick leave, if applicable, workers' compensation law, local government requirements, LAFCO's own leave policies, and leave guaranteed by contract.

Where we have a COVID-19 case in our workplace, we will limit transmission by:

- Ensuring that COVID-19 cases are excluded from the workplace until our return to work requirements are met.
- Excluding employees with COVID-19 exposure from the workplace for 10 days after the last known COVID-19 exposure to a COVID-19 case.
- Continuing and maintaining an employee's earnings, seniority, and all other employee rights and benefits

~~whenever we've demonstrated that the COVID-19 exposure is work related. This will be accomplished by employer provided employee sick leave or sick leave allocation within annual leave (when the two are combined), payments from public sources or other means of maintaining earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.~~

- ~~• Providing employees at the time of exclusion from the workplace with information on available benefits.~~

1.8.15.11 – Reporting, Recordkeeping, and Access

It is our policy to:

- Report information about COVID-19 cases at our workplace to the local health department whenever required by law, and provide any related information requested by the local health department.
- Report immediately to Cal/OSHA any COVID-19-related serious illnesses or death, as defined under CCR Title 8 section 330(h), of an employee occurring in our place of employment or in connection with any employment.
- Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with CCR Title 8 sections [3203\(b\)](#) and [3205 through 3205.3](#).
- Make our written COVID-19 Prevention Program available at the workplace to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.
- In accordance with the Confidentiality of Medical Information Act (“CMIA”) and applicable law, we will keep the employees’ medical information confidential.
- ~~Use the [Exhibit Appendix G – Investigating COVID-19 Cases form to k](#)~~Keep a record of and track all COVID-19 cases. The information will be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

~~8.15.12 – Return to Work Criteria~~

- ~~• COVID-19 cases with COVID-19 symptoms will not return to work until all the following have occurred:
 - ~~○ At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever reducing medications.~~
 - ~~○ COVID-19 symptoms have improved.~~
 - ~~○ At least 10 days have passed since COVID-19 symptoms first appeared.~~~~
- ~~• COVID-19 cases who tested positive but never developed COVID-19 symptoms will not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.~~
- ~~• A negative COVID-19 test will not be required for an employee to return to work.~~
- ~~• If an order to isolate or quarantine an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period will be 10 days from the time the order to isolate was effective, or 10 days from the time the order to quarantine was effective.~~

1.8.15.123 – Multiple COVID-19 Infections and COVID-19 Outbreaks

This section will apply if our workplace is identified by the local health department as the location of a COVID-19 outbreak, or there are three or more COVID-19 cases in our workplace within a 14-day period (see CCR section 3205.1 for details).

This section of the COVID-19 Prevention Program will stay in effect until there are no new COVID-19 cases detected in our workplace for a 14-day period.

COVID-19 testing

- We will provide COVID-19 testing to all employees in our exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period. COVID-19 testing will be provided at no cost to employees during employees’ working hours.
- COVID-19 testing consists of the following:
 - All employees in our exposed workplace will be immediately tested and then tested again one week later.

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Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine period required by, or orders issued by, the local health department.

- After the first two COVID-19 tests, we will continue to provide COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until there are no new COVID-19 cases detected in our workplace for a 14-day period.
- We will provide additional testing when deemed necessary by Cal/OSHA.

Exclusion of COVID-19 cases

We will ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with [applicable legal and public health guidance, sections 15.9 Exclusion of COVID-19 Cases and 15.11 Return to Work Criteria requirements of the COVID-19 Prevention Program, and local health officer orders if applicable.](#)

Investigation of workplace COVID-19 illness

We will immediately investigate and determine possible workplace-related factors that contributed to the COVID-19 outbreak in accordance with section 1.8.15.7 **Investigating and Responding to COVID-19 Cases** of the COVID-19 Prevention Program.

COVID-19 investigation, review and hazard correction

In addition to sections 1.8.15.2 **Identification and Evaluation of COVID-19 Hazards** and 1.8.15.5 **Correction of COVID-19 Hazards** of the COVID-19 Prevention Program, we will immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.

The investigation and review will be documented and include:

- Investigation of new or unabated COVID-19 hazards including:
 - Our leave policies and practices and whether employees are discouraged from remaining home when sick.
 - Our COVID-19 testing policies.
 - Insufficient outdoor air.
 - Insufficient air filtration.
 - Lack of physical distancing.
- Updating the review:
 - Every thirty days that the outbreak continues.
 - In response to new information or to new or previously unrecognized COVID-19 hazards.
 - When otherwise necessary.
- Implementing changes to reduce the transmission of COVID-19 based on the investigation and review. We will consider:
 - Moving indoor tasks outdoors or having them performed remotely.
 - Increasing outdoor air supply when work is done indoors.
 - Improving air filtration.
 - Increasing physical distancing as much as possible.
 - Respiratory protection.

Notifications to the local health department

- Immediately, but no longer than 48 hours after learning of three or more COVID-19 cases in our workplace, we will contact the local health department for guidance on preventing the further spread of COVID-19 within the workplace.
- We will provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-

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19 case, and any other information requested by the local health department. We will continue to give notice to the local health department of any subsequent COVID-19 cases at our workplace.

Kate McKenna, AICP
Executive Officer

Date

1.8.16 – Workplace Violence Prevention Program

Our establishment’s Workplace Violence Prevention Plan (WVPP) addresses the hazards known to be associated with the four types of workplace violence as defined by Labor Code (LC) section 6401.9.

Date of Last Review: April 30, 2024

1.8.16.0 – Definitions

Emergency - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

Engineering controls - An aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the employee and the hazard.

Log - The violent incident log required by LC section 6401.9.

Plan - The workplace violence prevention plan required by LC section 6401.9.

Serious injury or illness - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

Threat of violence - Any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

Workplace violence - Any act of violence or threat of violence that occurs in a place of employment.

Workplace violence includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- The following four workplace violence types:

Type 1 violence - Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.

Type 2 violence - Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

Type 3 violence - Workplace violence against an employee by a present or former employee, supervisor, or manager.

Type 4 violence - Workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

Work practice controls - Procedures and rules which are used to effectively reduce workplace violence hazards.

1.8.16.1 – Responsibility

The WVPP administrator, the LAFCO Executive Officer, has the authority and responsibility for implementing the provisions of this plan for LAFCO of Monterey County. If there are multiple persons responsible for the plan, their roles will be clearly described.

<u>Job Title/Position</u>	<u>WVPP Responsibility(ies)</u>	<u>Phone #</u>	<u>Email</u>
<u>Executive Officer</u>	<u>Overall responsibility for the plan; Approves the final plan and any major changes.</u>	<u>(831) 755-5016</u>	<u>mckennak@monterey.lafco.ca.gov</u>
<u>Clerk to the Commission/ Office Administrator</u>	<u>Responsible for employee involvement and training; Organizes safety meetings, updates training materials, and handles any reports of workplace violence.</u>	<u>(831) 754-5838</u>	<u>malukis@monterey.lafco.ca.gov</u>
<u>Senior Analyst</u>	<u>Responsible for emergency response, hazard identification, and coordination with other employers; Conducts safety inspections, coordinates emergency response procedures, and communicates with other employers about the plan.</u>	<u>(831) 755-5121</u>	<u>brinkmannj@monterey.lafco.ca.gov</u>

All managers and supervisors are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the WVPP.

1.8.16.2 – Employee Active Involvement

LAFCO ensures the following policies and procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan:

- Management will work with and allow employees and authorized employee representatives to participate in:
 - Identifying, evaluating, and determining corrective measures to prevent workplace violence.

Management will have monthly safety meetings with employees and their representatives to discuss identification of workplace violence related concerns/hazards, evaluate those hazards and/or concerns, and how to correct them. These meetings could involve brainstorming sessions, discussions of recent incidents, and reviews of safety procedures.

- Designing and implementing training.

Employees are encouraged to participate in designing and implementing training programs, and their suggestions are incorporated into the training materials. For

example, an employee might suggest a new training scenario based on a recent incident.

- Reporting and investigating workplace violence incidents.
- Management will ensure that all workplace violence policies and procedures within this written plan are clearly communicated and understood by all employees. Managers and supervisors will enforce the rules fairly and uniformly.
- All employees will follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment.
- The plan shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.

1.8.16.3 – Employee Compliance

Our system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace, include at a minimum:

- Training employees, supervisors, and managers in the provisions of the LAFCO of Monterey County Workplace Violence Prevention Plan (WVPP)
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the WVPP.
- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Recognizing employees who demonstrate safe work practices that promote the WVPP in the workplace by memos/emails of recognition from the Executive Officer.
- Discipline employees for failure to comply with the WVPP through LAFCO's existing discipline process for employees.

1.8.16.4 – Communication with Employees

We recognize that open, two-way communication between our management team, staff, and other employers, about workplace violence issues is essential to a safe and productive workplace. The following communication system is designed to facilitate a continuous flow of workplace violence prevention information between management and staff in a form that is readily understandable by all employees, and consists of one or more of the following:

- New employee orientation includes workplace violence prevention policies and procedures.
- Workplace violence prevention training programs.
- Regularly scheduled meetings that address security issues and potential workplace violence hazards
- Effective communication between employees and supervisors about workplace violence

prevention and violence concerns.

- For example, ensure that supervisors and employees can communicate effectively and in the employees' first language.
- Posted or distributed workplace violence prevention information.
- How employees can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.
 - Employees can anonymously report a violent incident, threat, or other violence concerns.
 - Employer will provide contact information – dial 911 – for who to call for emergency response.
- Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety. Employees' concerns will be investigated in a timely manner and they will be informed of the results of the investigation and any corrective actions to be taken.
- Updates on the status of investigations and corrective actions are provided to employees through email and at safety meetings. These updates could include information about the progress of investigations, the results of investigations, and any corrective actions taken.
- Updates during daily/weekly/monthly/quarterly meetings with other employers in the building (at or near and around the same worksite) to discuss the plan and any updates. These meetings could involve sharing updates to the plan, discussing recent incidents, and coordinating training sessions.
- Sharing training materials and incident reports with other employers to ensure a coordinated response to any incidents. This could involve sending copies of training materials and incident reports to other employers.

1.8.16.5 – Coordination with Other Employers

LAFCO will implement the following effective procedures to coordinate implementation of its plan with other employers to ensure that those employers and employees understand their respective roles, as provided in the plan.

- All employees will be trained on workplace violence prevention.
- Workplace violence incidents involving any employee are reported, investigated, and recorded.
- At a multiemployer worksite, LAFCO will ensure that if its employees experience a workplace violence incident that LAFCO will record the information in a violent incident log and shall also provide a copy of that log to controlling employer.

1.8.16.6 – Workplace Violence Incident Reporting Procedure

LAFCO will implement the following effective procedures to ensure that:

- All threats or acts of workplace violence are reported to the WVPP administrator, the LAFCO Executive Officer.
- Employees can report incidents to their supervisor, HR, or through an anonymous hotline. The hotline could be a dedicated phone number or an online form.
 - Workplace Violence Reporting Hotline: Monterey County Hotlines/Crisis Response

- o [- dial 211. Workplace Violence Reporting form: https://www.countyofmonterey.gov/home/showpublisheddocument/11937/635974487541930000](https://www.countyofmonterey.gov/home/showpublisheddocument/11937/635974487541930000)

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively. An employee who retaliates against a coworker for reporting an incident could be disciplined or terminated.

1.8.16.7 – Emergency Response Procedures

LAFCO has in place the following specific measures to handle actual or potential workplace violence emergencies:

- Effective means to alert employees of the presence, location, and nature of workplace violence emergencies by the following:

The Everbridge notification platform and phones are used as the primary means of reporting an emergency. Telephone numbers of employees are posted at each employee’s workstation. Employees will report emergencies to an Emergency Response Team member. The Emergency Response Team is responsible for activating the Everbridge notification platform and contacting employees through the phone system to alert them of emergency situations.

- LAFCO will have evacuation or sheltering plans:

The evacuation routes and assembly area maps are posted by every main exit. Employees are to become familiar with all evacuation routes and their assembly point. See ~~Exhibit~~Appendix A – Flowchart of Building with First Aid and Fire Extinguisher Locations for detailed information.

- How to obtain help from staff, security personnel, or law enforcement:

If there is immediate danger, call for emergency assistance by dialing (9) 9-1-1. Dial outside access number first and then notify the WVPP Administrator.

In the event of an emergency, including a Workplace Violence Emergency, contact the following:

<u>Job Title/Position</u>	<u>WVPP Responsibility(ies)</u>	<u>Phone #</u>	<u>Email</u>
<u>Senior Analyst</u>	<u>Responsible for emergency response, hazard identification, and coordination with other employers; Conducts safety inspections, coordinates emergency response procedures, and communicates with other employers about the plan.</u>	<u>(831) 755-5121</u>	<u>brinkmannj@monterey.lafco.ca.gov</u>

1.8.16.8 – Workplace Violence Hazard Identification and Evaluation

The following policies and procedures are established and required to be conducted by LAFCO to ensure that workplace violence hazards are identified and evaluated:

- Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.

Review all submitted/reported concerns of potential hazards:

- Daily or weekly review of all submitted and reported concerns.
- Workplace Violence Hazards suggestion box
- Online form for reporting workplace violence hazards
- Voicemail/email/text messages

Periodic Inspections

Periodic inspections of workplace violence hazards will identify unsafe conditions and work practices. This may require assessment for more than one type of workplace violence. Periodic Inspections shall be conducted quarterly or more often as needed.

Periodic inspections to identify and evaluate workplace violence and hazards will be performed by the following designated personnel in the following areas of the workplace:

<u>Specific Person Name/Job Title</u>	<u>Area/Department/Specific location</u>
<u>Senior Analyst</u>	<u>LAFCO Office and Office Building at 132 W. Gabilan Street</u>

Inspections for workplace violence hazards include assessing:

- The exterior and interior of the workplace for its attractiveness to robbers.
- The need for violence surveillance measures, such as mirrors and cameras.
- Procedures for employee response during a robbery or other criminal act, including our policy prohibiting employees, who are not security guards, from confronting violent persons or persons committing a criminal act.
- Procedures for reporting suspicious persons or activities.
- Effective location and functioning of emergency buttons and alarms.
- Posting of emergency telephone numbers for law enforcement, fire, and medical services.
- Whether employees have access to a telephone with an outside line.
- Whether employees have effective escape routes from the workplace.
- Whether employees have a designated safe area where they can go to in an emergency.

- Adequacy of workplace security systems, such as door locks, entry codes or badge readers, security windows, physical barriers, and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
- Employees' skill in safely handling threatening or hostile service recipients.
- Effectiveness of systems and procedures that warn others of actual or potential workplace violence danger or that summon assistance, e.g., alarms or panic buttons.
- How well our establishment's management and employees communicate with each other.
- Access to and freedom of movement within the workplace by non-employees, including recently discharged employees or persons with whom one of our employees is having a dispute.
- Frequency and severity of employees' reports of threats of physical or verbal abuse by managers, supervisors, or other employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.

1.8.16.9 – Workplace Violence Hazard Correction

Workplace violence hazards will be evaluated and corrected in a timely manner. LAFCO will implement the following effective procedures to correct workplace violence hazards that are identified:

- If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition will be provided with the necessary protection.

The Senior Analyst is the employee designated to correct workplace violence hazards since they are responsible for emergency response and hazard identification. When the Senior Analyst is correcting a hazardous condition, an additional LAFCO employee, who is not involved in the hazardous condition, shall be present as necessary to ensure protection.

- All corrective actions taken will be documented and dated on the appropriate Workplace Violence Hazard Correction form.
- Corrective measures for workplace violence hazards will be specific to a given work area.

Corrective measures may include:

- Make the workplace unattractive to robbers by:
 - Improve lighting around and at the workplace.

- Post of signs notifying the public that limited cash is kept on the premises and that cameras are monitoring the facility.
- Utilize surveillance measures, such as cameras and mirrors, to provide information as to what is going on outside and inside the workplace and to dissuade criminal activity.
- Install security surveillance cameras in and around the workplace.
- Provide workplace violence systems, such as door locks, violence windows, physical barriers, emergency alarms and restraint systems by:
- Ensure the adequacy of workplace violence systems
- Post emergency telephone numbers for law enforcement, fire, and medical services
- Control, access to, and freedom of movement within, the workplace by non-employees, include recently discharged employees or persons with whom one of our employees is having a dispute.
- Install effective systems to warn others of a violence danger or to summon assistance, e.g., alarms or panic buttons.
- Ensure employees have access to a telephone with an outside line. Provide employee training/re-training (refreshers) on the WVPP, which could include but not limited to the following:
 - Recognizing and handling threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
 - Ensure that all reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are handled effectively by management and that the person making the report is not subject to retaliation by the person making the threat.
 - Improve how well our establishment's management and employees communicate with each other.
 - Procedures for reporting suspicious persons, activities, and packages.
 - Provide/review employee, supervisor, and management training on emergency action procedures.
- Ensure adequate employee escape routes.
- Increase awareness by employees, supervisors, and managers of the warning signs of

potential workplace violence.

- Ensure that employee disciplinary and discharge procedures address the potential for workplace violence.
- Establish a policy for prohibited practices
- Provide procedures for a "buddy" system for specified emergency events.

1.8.16.10 – Procedures for Post Incident Response and Investigation

After a workplace incident, the WVPP administrator or their designee will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview involved parties, such as employees, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras if applicable.
- Examine the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring.
- Record the findings and ensuring corrective actions are taken.
- Obtain any reports completed by law enforcement.
- The violent incident log will be used for every workplace violence incident and will include information, such as:
 - The date, time, and location of the incident.
 - The workplace violence type or types involved in the incident.
 - A detailed description of the incident.
 - A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
 - A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new

location.

- A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- The type of incident, including, but not limited to, whether it involved any of the following:
 - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 - Threat of physical force or threat of the use of a weapon or other object.
 - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
 - Animal attack.
 - Other.
- Consequences of the incident, including, but not limited to:
 - Whether security or law enforcement was contacted and their response.
 - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
 - Information about the person completing the log, including their name, job title, and the date completed.
- Reviewing all previous incidents.
- Ensure that support and resources, such as counseling services, are provided to affected employees. These resources could include referrals to counseling services, information about employee assistance programs, and time off work if necessary.

Ensure that no personal identifying information is recorded or documented in the written investigation report. This includes information which would reveal identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.

1.8.16.II – Training and Instruction

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- When the WVPP is first established.

- Annually to ensure all employees understand and comply with the plan.
- Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.

LAFCO will provide its employees with training and instruction on the definitions found in Section 1.8.16.0 of the WVPP and the requirements listed below:

- The employer’s WVPP, how to obtain a copy of the employer’s plan at no cost, and how to participate in development and implementation of the employer’s plan.
- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.

Workplace violence hazards specific to the employees’ jobs, the corrective measures LAFCO has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.

- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Opportunities LAFCO has for interactive questions and answers with a person knowledgeable about the LAFCO plan.
- Strategies to avoid/prevent workplace violence and physical harm, such as:
 - How to recognize workplace violence hazards including the risk factors associated with the four types of workplace violence.
 - Ways to defuse hostile or threatening situations.
- How to recognize alerts, alarms, or other warnings about emergency conditions and how to use identified escape routes or locations for sheltering.
- Employee routes of escape.
- Emergency medical care provided in the event of any violent act upon an employee.
- Post-event trauma counseling for employees desiring such assistance.

Note: Employers must use training material appropriate in content and vocabulary to the educational level, literacy, and language of employees.

1.8.16.12 – Employee Access to Written WVPP

LAFCO ensures that the WVPP plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA at all times. This will be accomplished by:

- Whenever an employee or designated representative requests a copy of the written

WVPP, we will provide the requester with a printed copy of the WVPP, unless the employee or designated representative agrees to receive an electronic copy.

- We will provide unobstructed access through the agency website, which allows an employee to review, print, and email the current version of the written WVPP. Unobstructed access means that the employee, as part of their regular work duties, predictably and routinely uses the electronic means to communicate with management or co-employees.

1.8.16.13 – Recordkeeping

LAFCO will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
- Create and maintain training records for a minimum of one (1) year and include the following:
 - Training dates.
 - Contents or a summary of the training sessions.
 - Names and qualifications of persons conducting the training.
 - Names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for minimum of five (5) years.
- Maintain records of workplace violence incident investigations for a minimum of five (5) years.
 - The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.
- All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by LC section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

1.8.16.14 – Employee Access to Records

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent incident logs.

1.8.16.15 – Review and Revision of the WVPP

The LAFCO WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

Review and revision of the WVPP will include the procedures listed in the EMPLOYEE ACTIVE INVOLVEMENT section (section 1.8.16.2) of this WVPP, as well as the following procedures to

obtain the active involvement of employees and authorized employee representatives in reviewing the plan’s effectiveness:

- Review of LAFCO’s WVPP should include, but is not limited to:
 - Review of incident investigations and the violent incident log.
 - Assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability (if applicable).
- Review that violence risks are being properly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all employees. These revisions could involve changes to procedures, updates to contact information, and additions to training materials.

1.8.16.16 – Employer Reporting Responsibilities

As required by California Code of Regulations (CCR), Title 8, Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries, LAFCO will immediately report to Cal/OSHA any serious injury or illness (as defined by CCR, Title 8, Section 330(h)), or death (including any due to Workplace Violence) of an employee occurring in a place of employment or in connection with any employment.

I, Kate McKenna, AICP, Executive Officer of LAFCO, hereby authorize and ensure, the establishment, implementation, and maintenance of this written workplace violence prevention plan and the documents/forms within this written plan. I am committed to ensuring the safety and well-being of our employees and believe that these policies and procedures will help us achieve that goal.

Kate McKenna, AICP
Executive Officer

Date

1.8.16.17 – Violent Incident Log

This log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- Information provided by the employees who experienced the incident of violence.
- Witness statements.
- All other investigation findings.

All information that personally identifies the individual(s) involved will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers
- Social security number

Enter the date the incident occurred (Day, Month, Year):

Enter the time (or approximate time) that the incident occurred:

<u>Location(s) of Incident</u>	<u>Workplace Violence Type (Indicate which type(s) (Type 1, 2,3,4)</u>

Check which of the following describes the type(s) of incident, and explain in detail:

Note: It's important to understand that “Workplace Violence Type” and “Type of Incident” have separate requirements. For this part of the log, “Type of Incident” specifically refers to the nature or characteristics of the incident being logged. It does not refer to the type of workplace violence.

- Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
- Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
- Threat of physical force or threat of the use of a weapon or other object.
- Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
- Animal attack.
- Other.

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- Whether security or law enforcement was contacted and their response.
- Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

[Include information on what the consequences of the incident were.]

- Were there any injuries? Yes or No. Please explain:

[Indicate here if there were any injuries, if so, provide description of the injuries]

- Were emergency medical responders other than law enforcement contacted, such as a Fire Department, Paramedics, On-site First-aid certified personnel? Yes or No. If yes, explain below:

Did the severity of the injuries require reporting to Cal/OSHA? If yes, document the date and time this was done, along with the name of the Cal/OSHA representative contacted.

A copy of this violent incident log needs to be provided to the employer. Indicate when it was provided _____ and _____ to _____ whom.

This violent incident log was completed by:

Name of person completing this log: _____

Job Title of person completing this log: _____

Date this log was completed: _____

Signature of person completing this log: _____

Date of completion: _____

Appendices:

[ExhibitAppendix A](#) – Flow chart of building with 1st Aid kit and fire extinguisher locations

[ExhibitAppendix B](#) – First Responder List

[ExhibitAppendix C](#) – Employee Roster and Emergency Contacts

[ExhibitAppendix D](#) – Emergency Phone Number List

[ExhibitAppendix E](#) – Identification of COVID-19 Hazards ([maintained internally](#))

[ExhibitAppendix F](#) – COVID-19 Inspections ([maintained internally](#))

[ExhibitAppendix G](#) – Investigating COVID-19 Cases ([maintained internally](#))

[ExhibitAppendix H](#) – Benefits for Workers Impacted by COVID-19 ([maintained internally](#))

[ExhibitAppendix I](#) – COVID-19 Training Roster ([maintained internally](#))

| [ExhibitAppendix](#) A – Flow chart of building with 1st Aid kit and fire extinguisher locations
(placeholder)

Exhibit ~~Appendix~~ B – First Responder List

LAFCO of Monterey County Emergency Responder List

As of May XX, 2024~~February XX, 2021~~

Floor#	Leader	Responsibilities	Phone	Alternate 1	Phone

[Exhibit](#)~~Appendix~~ C – Employee Roster and Emergency Contacts

LAFCO of Monterey County Employee Roster and Emergency Contacts

As of ~~February XX, 2021~~ [May XX, 2024](#)

Floor #	Location/Area	Employee	Phone	Emergency Contact	Phone

[ExhibitAppendix D](#) – Emergency Phone Number List

LAFCO of Monterey County Emergency Phone Number List

Fire Department	
Police Department	
Paramedic/Ambulance	
Security/Alarm Company	
Building Manager/Owner	
Electric and Gas Company	
Water Company	
Comcast	
AT&T	
Monterey County Information Technologies Department	

ExhibitAppendix E – Identification of COVID-19 Hazards

All persons, regardless of symptoms or negative COVID-19 test results, will be considered potentially infectious. Particular attention will be paid to areas where people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. For example: meetings, entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

Evaluation of potential workplace exposure will be to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. We will consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

Person conducting the evaluation: _____

Date: _____

Name(s) of employee and authorized employee representative that participated: _____

Interaction, area, activity, work task, process, equipment and material that potentially exposes employees to COVID-19 hazards	Places and times	Potential for COVID-19 exposures and employees affected, including members of the public and employees of other employers	Existing and/or additional COVID-19 prevention controls, including barriers, partitions and ventilation

[ExhibitAppendix F](#) – COVID-19 Inspections

Date: _____

Name of person conducting the inspection: _____

Work location evaluated: 132 W. Gabilan Street, Suite 102, Salinas, CA 93901

Exposure Controls	Status	Person Assigned to Correct	Date Corrected
Engineering			
Barriers/partitions			
Ventilation (amount of fresh air and filtration maximized)			
Additional room air filtration			
Administrative			
Physical distancing			
Surface cleaning and disinfection (frequently enough and adequate supplies)			
Hand washing facilities (adequate numbers and supplies)			
Disinfecting and hand sanitizing solutions being used according to manufacturer instructions			
Reconfiguring office spaces, cubicles, etc. and decreasing the capacity for conference and meeting rooms to ensure workspaces allow for six feet between workers.			
Install production transfer-aiding materials, such as shelving and bulletin boards, to reduce person-to-person production hand-offs.			
PPE (not shared, available and being worn)			
Face coverings (cleaned sufficiently often)			
Gloves			
Face shields/goggles			
Respiratory protection			

ExhibitAppendix G – Investigating COVID-19 Cases

All personal identifying information of COVID-19 cases or symptoms will be kept confidential. All COVID-19 testing or related medical services provided by us will be provided in a manner that ensures the confidentiality of employees, with the exception of unredacted information on COVID-19 cases that will be provided immediately upon request to the local health department, CDPH, Cal/OSHA, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law.

All employees’ medical records will also be kept confidential and not disclosed or reported without the employee’s express written consent to any person within or outside the workplace, with the following exceptions: (1) Unredacted medical records provided to the local health department, CDPH, Cal/OSHA, NIOSH, or as otherwise required by law immediately upon request; and (2) Records that do not contain individually identifiable medical information or from which individually identifiable medical information has been removed.

Date: _____

Name of person conducting the investigation: _____

COVID-19 Case Investigation Information

Employee (or non-employee*) name:		Occupation (if non-employee, why they were in the workplace):	
Location where employee worked (or non-employee was present in the workplace):		Date investigation was initiated:	
Was COVID-19 test offered?		Name(s) of staff involved in the investigation:	
Date and time the COVID-19 case was last present in the workplace:		Date of the positive or negative test and/or diagnosis:	
Date the case first had one or more COVID-19 symptoms:		Information received regarding COVID-19 test results and onset of symptoms (attach documentation):	
Results of the evaluation of the COVID-19 case and all locations at the workplace that may have been visited by the COVID-19 case during the high-risk exposure period, and who may have been exposed (attach additional information):			

Notice given (within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case) of the potential COVID-19 exposure to:			
All employees who may have had COVID-19 exposure and their authorized representatives.	Date:		
	Names of employees that were notified:		
Independent contractors and other employers present at the workplace during the high-risk exposure period.	Date:		
	Names of individuals that were notified:		
What were the workplace conditions that could have contributed to the risk of COVID-19 exposure?		What could be done to reduce exposure to COVID-19?	
Was local health department notified?		Date:	

*Should an employer be made aware of a non-employee infection source COVID-19 status.

ExhibitAppendix H – Benefits for Workers Impacted by COVID-19

Program	Why	What	Benefits	More Information	How to File
Disability Insurance	If you're unable to work due to medical quarantine or illness related to COVID-19 (certified by a medical professional)	Short-term benefit payments to eligible workers who have a full or partial loss of wages due to a non-work-related illness, injury, or pregnancy.	Approximately 60-70 percent of wages (depending on income); ranges from \$50-\$1,300 a week for up to 52 weeks.	https://www.edd.ca.gov/disability/am_i_eligible_for_di_benefits.htm	https://edd.ca.gov/Disability/How_to_File_a_DI_Claim_in_SDI_Online.htm
Paid Family Leave	If you're unable to work because you are caring for an ill or quarantined family member with COVID-19 (certified by a medical professional)	Up to six weeks of benefit payments to eligible workers who have a full or partial loss of wages because they need time off work to care for a seriously ill family member.	Approximately 60-70 percent of wages (depending on income); ranges from \$50-\$1,300 a week for up to 6 weeks.	https://www.edd.ca.gov/disability/Am_I_Eligible_for_PFL_Benefits.htm	https://edd.ca.gov/Disability/How_to_File_a_PFL_Claim_in_SDI_Online.htm
Unemployment Insurance (and any extended UI benefits programs)	If you have lost your job or have had your hours reduced for reasons related to COVID-19	Partial wage replacement benefit payments to workers who lose their job or have their hours reduced, through no fault of their own.	Range from \$40-\$450 per week for up to 26 weeks (plus additional weeks under extended UI benefits programs).	https://www.edd.ca.gov/unemployment/eligibility.htm	https://unemployment.edd.ca.gov/guide/benefits
Pandemic Unemployment Assistance	If you have lost your job or business or have had your hours or	Partial wage replacement benefit payments for business	Range from \$167-\$450 per week for up to 39 weeks.	https://www.edd.ca.gov/about_edd/coronavirus-2019/pandemic-	https://www.edd.ca.gov/about_edd/coronavirus-

Program	Why	What	Benefits	More Information	How to File
	services reduced for reasons related to COVID-19	owners, self-employed, independent contractors, those who have limited work history, those who have collected all UI benefits for which they are eligible, and others not eligible for regular UI benefits who are unemployed, partially unemployed, unable to work or unavailable to work as a direct result of COVID-19.		unemployment-assistance.htm	2019/pandemic-unemployment-assistance.htm
California Paid Sick Leave	If you or a family member are sick or for preventive care, including when civil authorities recommend quarantine, isolation, or stay-at-home	The leave you have accumulated or your employer has provided to you under the Paid Sick Leave law. This may be 1 hour accrued for every 30 hours worked or <u>35 days/2440</u> hours provided per year; employer may cap accrual at	Paid to you at your regular rate of pay or an average based on the past 90 days.	https://www.dir.ca.gov/dlse/paid_sick_leave.htm	https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm

LAFCO of Monterey County – Draft Policies and Procedures Manual

Program	Why	What	Benefits	More Information	How to File
		<p>4880 hours and use at 35 days or 2440 hours, whichever is greater, within a 12 month period.</p>			
<p>Workers' Compensation</p>	<p>If you reported to your employer's worksite between March 19 and July 5, 2020 and tested positive or were diagnosed with a COVID-19 related illness, you may be eligible for workers' compensation benefits under the Executive Order issued by Governor Newsom on May 6. Work-related exposures may be covered by workers' compensation.</p>	<p>Under the Executive Order yYou may receive temporary disability (TD) payments or other disability benefits after exhausting specific federal or state COVID-19 paid sick leave benefits. You may be entitled to TD payments for up to 104 weeks. TD payments stop when either you return to work, your doctor releases you for work, or your doctor says your illness has improved as much as it's going to.</p>	<p>TD generally pays two-thirds of the gross wages you lose while you are recovering from a work-related illness or injury, up to maximum weekly amount set by law. In addition, eligible employees are entitled to medical treatment and additional payments if a doctor determines you suffered a permanent disability because of the illness.</p>	<p>https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.html</p>	<p>https://www.dir.ca.gov/dwc/FileAclaim.htm</p>

[ExhibitAppendix I](#) – COVID-19 Training Roster

Date: _____

Person that conducted the training: _____

Employee Name	Signature

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE McKENNA, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369
Salinas, CA 93902
Telephone (831) 754-5838

132 W. Gabilan Street, Suite 102
Salinas, CA 93901
www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
PREPARED BY: Jonathan Brinkmann, Senior Analyst
SUBJECT: **Business Items for the 2024 Annual Conference of the California Association of Local Agency Formation Commissions (CALAFCO)**
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission:

1. Receive the Executive Officer's Report;
2. Authorize attendance of three staff, one general counsel, and all Commissioners who express interest in attending the Annual CALAFCO Conference in Yosemite on October 16-18;
3. Designate Regular and Alternate Voting Delegates to represent LAFCO of Monterey County at the Conference;
4. Nominate Supervisor/Commissioner Wendy Root Askew for re-election to the CALAFCO Board Coastal Region County Representative seat; and
5. Nominate Monterey LAFCO for two of the CALAFCO Achievement Awards Categories:
 - a. The Commission for the Mike Gotch Excellence in Public Service Award for the Protection of Agricultural and Open Space Lands and Prevention of Sprawl; and
 - b. The Executive Officer for the Lifetime Achievement Award.

EXECUTIVE OFFICER'S REPORT:

The 2024 CALAFCO Annual Conference and Business Meeting will be held on October 16 through October 18 at the Tenaya Lodge in Yosemite. The Commission has four business items for action:

1. **Authorize Annual CALAFCO Conference Attendance**

Please authorize the attendance of interested attendees to include up to three staff, one general counsel, and all Commissioners who express interest in attending. Funding is available in the Fiscal Year 2024-2025 adopted budget.

Recommended Action: Authorize attendees.

2. **Designate Voting Delegates**

Please designate regular and alternate Voting Delegates to cast votes during the regional election caucus and other business activities of CALAFCO.

Recommended Action: Designate the Commission Chair as the Voting Delegate and one other Commissioner who will attend as the Alternate Delegate. Also designate the LAFCO Executive Officer as a back-up to the Alternate Delegate.

3. **Consider Nominations for CALAFCO Board of Directors**

CALAFCO members elect a 16-member Board of Directors based on a regional representation system. Each of the four CALAFCO regions is represented by four Board Members – one county, one city, one district, and one public. Monterey County is part of the 15-county Coastal Region.

This fall, two of the four Coastal Region seats are up for election: the District Member (currently held by Michael McGill of Contra Costa County) and the County Member (currently held by Wendy Root Askew of Monterey County). Originally appointed to her seat, Supervisor/Commissioner Wendy Root Askew has expressed interest in continuing to serve on the CALAFCO Board.

Recommended Action: Nominate Supervisor/Commissioner Wendy Root Askew for the CALAFCO Board County Representative seat. This action authorizes the Chair and staff to complete and submit the required nomination form.

4. **Consider CALAFCO 2024 Achievement Awards Nominations**

CALAFCO seeks nominations for the 2024 achievement awards. Please see the attached flyer including criteria for each award category. After reviewing the eight categories and considering potential nominations, staff recommends two nominations:

Recommended Actions:

- a. Nominate the Local Agency Formation Commission of Monterey County for the “Mike Gotch Excellence in Public Service Award for the Protection of Agricultural and Open Space Lands and Prevention of Sprawl.”

The basis of this nomination is the Commission’s leadership and collaboration in the review and update of the Monterey LAFCO policy for preservation of open space and agricultural lands. Undertaken in 2023 and 2024, this process resulted in the adoption of policy updates and new implementation guidelines that address identified needs and provide beneficial guidance to LAFCO, land use jurisdictions and other stakeholders. This accomplishment also serves as a model for other LAFCOs.

- b. Nominate Executive Officer Kate McKenna for the “Lifetime Achievement Award.” Eligible after 20 years of contributions to the statewide LAFCO community, this nomination will recognize Executive Officer McKenna’s service and accomplishments, including:

- Recipient of a Certificate of Recognition for her volunteer service as a CALAFCO Deputy Executive Officer to the organization from 2008 to 2011;
- Recipient of two CALAFCO Awards for “Distinguished Service” and “Outstanding LAFCO Professional” in 2014;
- Host of successful CALAFCO Annual Conferences in Monterey in 2005, 2012 and 2023;
- Continues to exhibit exemplary advocacy of forward-leaning LAFCO-related policies, procedures and legislation, and
- Continues to serve her statewide organization by providing professional development training at numerous CALAFCO conferences, workshops and seminars; and as an invited presenter to other professional organizations including the California Chapter of the American Planning Association and the County Counsels’ Association of California.

These nomination actions authorize the Chair and staff to complete and submit the required forms.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Kate McKenna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kate McKenna, AICP,
Executive Officer

Attachment: 2024 Achievement Awards Information

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369
Salinas, CA 93902
Telephone (831) 754-5838

132 W. Gabilan Street, Suite 102
Salinas, CA 93901
www.monterey.lafco.ca.gov

KATE McKENNA, AICP
Executive Officer

DATE: May 20, 2024
TO: Chair and Members of the Budget and Finance Committee
PREPARED BY: Jonathan Brinkmann, Senior Analyst
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: Continued Public Hearing from February 22, 2021 to Consider Resolution on Dissolution of the Fort Ord Reuse Authority (FORA), (LAFCO File No. 18-06)
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission:

1. Receive the Executive Officer's Report;
2. Reopen the public hearing and receive any public comments;
3. Provide for questions and follow-up discussion by the Commission;
4. Close the public hearing; and
5. Consider and adopt a resolution (Attachment 1) making written Commission determinations relating to FORA dissolution.

EXECUTIVE OFFICER'S REPORT:

This matter was reviewed and recommended for approval by the Budget and Finance Committee on May 6, 2024.

Overview

In accordance with state law, FORA ceased operations as a public agency on June 30, 2020 and FORA's enabling legislation, known as the FORA Act, was repealed as of December 31, 2020. The FORA Act gave LAFCO a limited oversight role to "provide for an orderly dissolution of the authority [FORA]." To meet this responsibility, in June 2020, the Commission opened a public hearing to consider draft determinations documenting LAFCO's limited oversight role in the FORA dissolution. The Commission continued the public hearing several times in 2020 and 2021 due to unresolved matters relating to post-FORA tasks and obligations such as the use of the remaining FORA fund balance held by the County, payment of FORA's CalPERS termination liability, and FORA-related litigation.

These previously unresolved administrative matters have now been adequately resolved. In coordinating with County of Monterey staff, the only remaining FORA dissolution tasks for both LAFCO and the County are to disburse remaining LAFCO-held and County-held funds received from FORA in accordance with individual FORA agreements. Therefore, LAFCO staff recommends Commission adoption of a

resolution on FORA dissolution (Attachment 1). The final determination in the resolution would authorize disbursement of remaining LAFCO-held funds received from FORA before July 1, 2024.

Discussion

Before FORA dissolution, FORA provided LAFCO with \$500,000 in litigation reserve funds and \$100,000 in administrative oversight funds. After spending a portion of these funds to protect LAFCO from FORA-related litigation and to oversee completion of FORA administrative wind-up tasks, approximately \$385,000 remain. The LAFCO-FORA indemnification agreement specifies that when these funds are no longer needed, LAFCO will transfer the remaining funds equally to five land use jurisdictions (County of Monterey and Cities of Marina, Seaside, Del Rey Oaks, and Monterey).

As part of LAFCO's due diligence, LAFCO staff and General Counsel are coordinating with the five land use jurisdictions' legal counsels to confer and confirm that there are no outstanding FORA-related claims or litigation matters. LAFCO also requested review of the draft resolution on FORA dissolution by the five land use jurisdictions. As of this writing, several agencies have not responded to our request for review.

Staff will provide an update on this coordination step at the May 20 Commission meeting. Adoption of a resolution is recommended at this time. Staff has targeted the transfer of LAFCO-held funds before June 30, 2024, if possible.

Administrative Tasks Status

The County of Monterey entered into an agreement with FORA in June 2020 regarding administrative and financial matters associated with FORA dissolution. Per this agreement, the County has diligently completed FORA wind-up tasks including: serving as custodian of FORA's records, paying final FORA invoices, completing FORA's final FY 2019-2020 audit, making final payments – concurrently with City of Marina – to retire FORA's CalPERS termination liability, and administering FORA's deferred compensation plans and health reimbursement arrangements. There are no impediments to returning LAFCO's unspent FORA administrative funds to land use jurisdictions.

Litigation Status

In September 2020, LAFCO settled a FORA building removal-related claim with Resource Environmental, Inc. In May 2022, the Sixth District Court of Appeal dismissed a lawsuit from a private entity called the Committee for Sound Water and Land Development of Fort Ord against City of Seaside and FORA regarding each agency's approvals associated with Seaside's Campus Town project. The California Native Plant Society filed suit against the City of Del Rey Oaks in June 2020, with LAFCO named as a real party in interest. In June 2023, the California Native Plant Society and City of Del Rey Oaks settled the lawsuit. As discussed above, we are awaiting confirmation that there are no impediments to returning unspent FORA litigation funds to land use jurisdictions.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachment: Draft Resolution Adopting Commission Determinations related to FORA Dissolution.

CC: Representatives of the County of Monterey
Representatives of the Cities of Seaside, Marina, Del Rey Oaks, and Monterey
Representatives of special districts within and adjacent to the former Fort Ord
Other interested parties

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24-xx

ADOPTING COMMISSION DETERMINATIONS RELATED TO
DISSOLUTION OF THE FORT ORD REUSE AUTHORITY

WHEREAS, the State Legislature, through the Fort Ord Reuse Authority (“FORA”) Act, California Government Code sections 67650 to 67700, enacted in 1994 and amended in 2012, established FORA as a regional agency to plan, facilitate, and manage transfer of former Fort Ord property from the United States Army (“Army”) to municipalities and other public entities or their designees. The FORA Act, as amended in 2012, established FORA as a temporary agency, providing for the FORA Act to become inoperative on June 30, 2020 and repealed on January 1, 2021.

WHEREAS, pursuant to the FORA Act, California Government Code section 67700(b)(1), “the Monterey County Local Agency Formation Commission (“LAFCO”) shall provide for the orderly dissolution of the authority [FORA], including ensuring that all contracts, agreements, and pledges to pay or repay money entered into by the authority are honored and properly administered, and that all assets of the authority are appropriately transferred.”

WHEREAS, the FORA Board began a transition planning process in April 2016 through formation of a Transition Task Force, approved a Transition Plan on December 19, 2018 (“2018 Transition Plan”). FORA submitted its Board-approved 2018 Transition Plan to LAFCO on December 27, 2018, commencing LAFCO’s statutory role in the FORA dissolution process. At a special meeting on June 26, 2020, the FORA Board adopted a final 2020 Transition Plan (“2020 Transition Plan”). With respect to the FORA Act’s requirements that FORA’s Transition Plan “shall assign assets and liabilities, designate responsible successor agencies, and provide a schedule of remaining obligations,” the 2020 Transition Plan, adopted June 26, 2020, met these requirements.

WHEREAS, in December 2019, FORA and LAFCO entered into an indemnification agreement whereby FORA agreed to indemnify LAFCO against potential FORA dissolution-related litigation, and to fund a LAFCO litigation reserve in the amount of \$500,000 for post-dissolution FORA-related legal services. On June 11 and 19, 2020, the FORA Board voted to fund LAFCO’s request for \$100,000 to provide for LAFCO oversight of post-June 30 tasks by the County of Monterey (“County”) and Regional Government Services (“RGS”) joint powers authority. LAFCO holds these moneys now and the remaining funds will be distributed equally to five agencies (County of Monterey and Cities of Marina, Seaside, Del Rey Oaks, and Monterey) in accordance with the FORA-LAFCO Indemnification Agreement.

WHEREAS, FORA entered into agreements with the County and with RGS on June 30, 2020 for these entities to wind-up FORA’s administrative affairs after June 30, 2020, such as administering FORA’s bank accounts, signing checks, final (FY 2019-20) audit sign-off, and issuing W-2 forms. The administrative wind-up tasks are now complete, except for final disbursement of remaining FORA funds held by the County and LAFCO to five agencies (County of Monterey and Cities of Marina, Seaside, Del Rey Oaks, and City of Monterey).

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Monterey County determines, based on substantial evidence and pursuant to California Government Code section 67700 before its repeal on January 1, 2021, that:

1. The foregoing recitals are true and correct and incorporated herein by this reference.

2. LAFCO received the 2018 Transition Plan from FORA 18 months prior to FORA dissolution, as required by the FORA Act. On June 26, 2020, as discussed above in this Resolution, the FORA Board adopted the 2020 Transition Plan. Final, executed copies of related agreements and other supplemental documents, received by LAFCO from FORA (Exhibit A) are available on LAFCO's webpage for the May 20, 2024 meeting, a hyperlink to which is provided at: www.countyofmonterey.gov/home/showpublisheddocument/131797/638507764978731466.
3. After June 30, 2020, transfer of FORA's roles and responsibilities to local government entities has been successfully accomplished in accordance with the 2020 Transition Plan.
4. With respect to the FORA Act's requirements that LAFCO "shall provide for the orderly dissolution of the authority [FORA], including ensuring that all contracts, agreements, and pledges to pay or repay money entered into by the authority are honored and properly administered, and that all assets of the authority are appropriately transferred," the Commission determines as follows:
 - Ensuring that all contracts, agreements, and pledges to pay or repay money entered into by FORA are honored and properly administered:
 - a) Existing agreements to transfer remaining funds received from FORA, as they relate to contracts, agreements, and pledges to pay or repay money, are listed in this resolution's recitals.
 - b) Nothing in this Resolution shall be interpreted to create a liability that does not otherwise exist at law or in equity, to revive a stale or untimely claim, or to impair any defense that would have been available to FORA had the liability been litigated or otherwise resolved before FORA became inoperative by statute or was dissolved, or to impair any defense available to a land-use agency under any other authority.
 - Ensuring that all assets of the authority are appropriately transferred: Section 2.1 of the 2020 Transition Plan provides details of FORA's assets and their distribution. FORA has entered into agreements with the County and with RGS, such that these agencies have completed their respective wind up tasks of FORA's administrative affairs as described in these agreements. FORA has entered into an indemnification agreement with LAFCO to protect LAFCO against potential FORA-related litigation through transfer of funds and has transferred additional funds to LAFCO to ensure oversight for wind up of FORA's affairs. The statute of limitations to file a claim against FORA has expired and all FORA-related litigation has been resolved. The only remaining steps for LAFCO and the County to complete are final disbursements of remaining funds received from FORA in accordance with their respective agreements with FORA.
5. The Commission has considered FORA's determination that its approval of the 2020 Transition Plan is not a project for purposes of the California Environmental Quality Act ("CEQA"). Nor does the exercise of the limited role afforded LAFCO by Government Code section 67700 have the potential to cause a physical effect on the environment so as to constitute a project under CEQA. Moreover, if it were a project, its environmental impacts are unduly speculative such that it is not possible to meaningfully analyze them at this time.
6. LAFCO acknowledges the Legislature's dissolution of FORA effective at 11:59 p.m. on December 31, 2020 and its determination that FORA shall be inoperative as of 11:59 p.m. on June 30, 2020 pursuant to Government Code section 67700(a).
7. Upon adoption of this resolution, LAFCO will transfer unexpended FORA-related litigation reserve funds and unexpended FORA-related administrative oversight funds equally to the County of Monterey and the Cities of Marina, Seaside, Del Rey Oaks, and Monterey.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May 2024 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that this resolution is a true and complete record of said Commission's actions.

Witness my hand this 20th day of May 2024

By: _____
Kate McKenna, AICP, Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE McKENNA, AICP
Executive Officer

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: May 20, 2024
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
PREPARED BY: Jonathan Brinkmann, Senior Analyst
SUBJECT: Consider an Amendment to LAFCO’s Schedule of Fees and Deposits.
CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission:

1. Receive a report from the Executive Officer;
2. Open the public hearing and receive any public comments;
3. Provide for questions or follow-up discussion by the Commission;
4. Close the public hearing, and
5. Consider and adopt a resolution (Attachment 1) to amend LAFCO’s Schedule of Fees and Deposits.

EXECUTIVE OFFICER’S REPORT:

This matter was reviewed and recommended for approval by the Budget and Finance Committee on May 6, 2024.

Overview

LAFCO’s adopted work program includes a task under Financial Management to “review and update the project fee schedule and hourly staffing rates, as needed.” The purpose of the review is to ensure that LAFCO is reimbursed for actual costs of LAFCO’s services, in a manner consistent with the law and LAFCO’s public purposes. Staff’s review concludes that:

- 1) The current Analyst hourly billing rate of \$171 per hour (adopted in 2022) for time spent on processing boundary changes and other applications should be increased to \$186 per hour.
- 2) Application fee deposit amounts in the fee schedule should be updated to reflect LAFCO’s cost increases.

The proposed increase to the hourly billing rate for applications would not affect LAFCO’s practice of providing preliminary, pre-application coordination services at no direct cost to applicants. Preparation of studies such as municipal service reviews and sphere of influence studies, when they fall within LAFCO’s annual work program or periodic review schedules, will also continue to be covered by the annual budget.

Discussion

LAFCO carries out six basic functions: (1) formal processing of applications; (2) special studies initiated by the Commission; (3) Commission and Committee support; (4) administration and human resources management; (5) financial management, and (6) government and community relations. Only the first function, the formal processing of applications, is funded by direct user fees and is subject to the fee schedule. The other five functions are funded through the annual work program and budget process and are considered important public policy functions of general benefit.

The total processing fee for any given proposal is the actual time-and-materials cost of processing an application. An initial deposit is required when an application is submitted for processing. If LAFCO's hourly costs – and other costs such as public noticing – eventually exceed the initial deposit amount, staff requests additional funds as needed. At the conclusion of processing an application, staff provides a final fee statement and issues a refund for any remaining unused balance.

Legal Authority

Government Code Section 56383 allows LAFCO to establish a schedule of reasonable fees to process applications, conduct proceedings of the Commission, amend spheres of influence, and hold reconsideration hearings. Government Code Section 56383 requires that LAFCO's fees not exceed the estimated reasonable cost of providing the service for which the fee is charged. The current LAFCO fee schedule was adopted in 2022. Total costs are based on actual time and materials charges. In accordance with the lead times in California Government Code Section 66017, if the Commission adopts an updated fee schedule, the increase will take effect on August 1, 2024. The increase is recommended to apply to all applications, including those currently on file and in progress.

Review of Hourly Costs and Initial Deposit Amounts

Since the billing rate was set in 2022, LAFCO's hourly Analyst staffing costs (salaries and benefits) have risen by about 16.6 percent. The increase in the Consumer Price Index (CPI) for the same time period was 7.6 percent. The 16.6 percent increase is driven primarily by the updated step assumption in the hourly cost calculation. In 2022, the hourly cost calculation used step 5 as the salary assumption for both analyst positions. The current calculation assumes step 7 as the salary assumption for both analysts, which resulted in a 10 percent increase in each analyst's salary costs before applying the approved annual Cost of Living Adjustments (COLAs) of 5.5 percent for the past two fiscal years.

The 2024 LAFCO overhead costs calculation decreased slightly from 2022. LAFCO's budgeted expenses for services and supplies are an important factor in calculating overhead costs for the Analyst hourly billing rate. While many budget expenses for services and supplies have risen since 2022, significant line items that have decreased overhead costs include: 1) a reduction in computer support services (variable), 2) a reduction in outside professional services, and 3) a reduction in accounting and financial/HR assistance services costs. A calculation of hourly costs in 2022 and 2024 is provided in Attachment 2.

To address the rise in LAFCO's costs, an increase in the Analyst hourly billing rate for application processing, from \$171 per hour to \$186 per hour (an 8.8 percent increase) is recommended. The proposed \$186 hourly rate is within the range of comparable LAFCOs, which charge between \$85 to \$213 per hour for staff time, as shown in Attachment 3.

The last approved increase to LAFCO's application deposits occurred in 2022. In reviewing proposals from recent years, the initial deposits received have generally, but not always, covered the total application processing cost. Since larger annexations (greater than 25 acres) have tended to result in the need to request additional funds after the initial deposit, staff is recommending an approximately 20 percent increase in this fee deposit to adjust for recent experience. Increases of approximately 7.6 percent, reflecting CPI increases over the past two years, to the initial deposit amounts are currently recommended for all other fee deposits (Exhibit 1 to Attachment 1).

Under Exhibit 1 to Attachment 1, staff has amended the description for the application deposit for a “motion for reconsideration” to also apply to an appeal pursuant to LAFCO's Policy for Preservation of Open-Space

and Agricultural Lands. This proposed change would update LAFCO's Fee Schedule to be consistent with the Commission's action on February 26, 2024, which amended this specific policy to allow an appeal process for certain circumstances.

Pre-Application Coordination and Other Services

LAFCO has a longstanding practice of providing pre-application review and coordination at no direct cost to applicants. Additionally, the Executive Officer's time is not a direct cost to applicants. A significant portion of the Executive Officer's time is related to carrying out governmental relations in support of the Commission's directives to build and maintain informal, effective working relationships that promote the public purposes of LAFCO. These services promote open communication and resolution of issues prior to Commission decisions, and no changes are proposed.

Public Notice and Local Agency Outreach

Notice of the anticipated May 20 public hearing was posted in the Monterey County Weekly, on the LAFCO website, at the County Government Center, and at the LAFCO office. An updated draft of this report will be distributed to individual managers of special districts, Cities, and the County before the public hearing, requesting feedback. Any comments received will be considered at the May 20 public hearing.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachments:

1. Draft Resolution Adopting an Amendment to the LAFCO Fee Schedule
2. Calculation of hourly costs
3. Comparison of hourly rates with other LAFCOs

CC: Cities
Independent Special Districts
County of Monterey
Building Industry Association of the Bay Area

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 24-xx

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
ADOPTING AN AMENDMENT TO THE LAFCO FEE SCHEDULE

WHEREAS, these proceedings are taken in conformance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, commencing with Section 56000 et seq. of the Government Code, and specifically Section 56383, which authorizes LAFCO to establish a schedule of reasonable fees, and

WHEREAS, the Local Agency Formation Commission of Monterey County considered a proposed amendment to the Fee Schedule (**Exhibit I**) at a duly noticed public hearing on May 20, 2024; and

WHEREAS, the proposed Fee Schedule was prepared and distributed to the County, Cities, Independent Special Districts, and other interested parties for purposes of soliciting comments.

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. That the proposed Fee Schedule is hereby adopted, shall apply to all applications, and shall have an effective date of August 1, 2024;
2. That the Executive Officer shall transmit the amended Fee Schedule to the County, Cities, independent special districts, and other interested parties; and
3. That the Executive Officer shall post the amended Fee Schedule on the LAFCO web site and otherwise make the Fee Schedule easily available to the public.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 20th day of May 2024 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ALTERNATES:	Commissioners:
ABSTAIN:	Commissioners:

Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that this resolution is a true and complete record of said Commission's actions.

Witness my hand this 20th day of May 2024

By: _____
Kate McKenna, AICP, Executive Officer

LOCAL AGENCY FORMATION COMMISSION
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 Salinas, CA 93902 Salinas, CA 93901
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KATE McKENNA, AICP
Executive Officer

PROCESSING AND FILING FEES
 Adopted by Commission on _____

Applicants will be charged fees that equal the actual cost of preparation for all applications submitted to the Local Agency Formation Commission (LAFCO) of Monterey County according to the following processing and filing fee schedule. A check for the initial deposit made out to LAFCO shall be provided to the Executive Officer with the filing of an application. No action shall be taken and no Certificate of Filing will be issued for any proposal until the deposit is provided to LAFCO. Pass through fees intended for other agencies will be collected upon approval of the application by the Commission.

For requests that include multiple actions or multiple changes in organization, a deposit for each requested change of organization or Sphere of Influence amendment will be provided to LAFCO.

Application Deposits: The following is a schedule of deposits that will be credited toward the total fee which will be the actual cost of preparation.

A.	Annexation, or detachment, or reorganization involving only annexation and detachment:	
	o Under 3 acres	\$1,125 \$1,050
	o 3 to 25 acres	\$3,100 \$2,875
	o Greater than 25 acres	\$5,500 \$4,600
B.	Formation	\$4,450 \$4,125
C.	Consolidation, merger, or establishment of subsidiary district	\$1,475 \$1,375
D.	Dissolution	\$1,475 \$1,375
E.	Incorporation.....	\$23,675 \$22,000
		0
F.	Sphere of Influence Update.....	\$4,450 \$4,125
G.	Minor Sphere of Influence Amendment.....	\$1,125 \$1,050
H.	Out of Jurisdiction Service Extension.....	\$2,950 \$2,750
I.	Comment Letters for New Water Systems.....	\$350 \$325
J.	Motion for reconsideration <u>or Appeal pursuant to LAFCO's Policy for Preservation of Open-Space and Agricultural Lands</u>	\$1,175 \$1,100

- K. Activation Latent Powers..... \$3,550~~\$3,300~~
- L. Special Studies or Municipal Service Reviews initiated by a City or District \$3,550~~\$3,300~~
- M. Extension..... \$600~~\$550~~
- N. If LAFCO acts as the Lead Agency, the Environmental Impact Report (EIR) Preparation will be charged at the actual consultant cost of the EIR plus a 15% administrative fee.
- O. Negative Declaration Preparation Fee will be charged at the actual consultant cost of Negative Declaration plus a 15% administrative fee, or the actual cost of staff preparation, as applicable.
- P. Petition Certification Fees, State Board of Equalization Filing Fees, Fish & Game Environmental Review Fees, and State Controller's Fees for Review of Fiscal Analysis will be charged in accordance with the fee schedules of the respective agencies.
- Q. Duplication Fees: \$0.12 per page for photocopies of documents; \$5.00 per diskette, CD, or tape, extraordinary copy requests will be charges on a time and materials basis.

Procedures for Cost Tracking, Monthly Invoices and Replenishment of Deposits:

LAFCO will track staff time spent on each application and send monthly invoices for the actual cost of all staff, legal, consultant and other expenses incurred in processing the application from the time of formally receiving the application and initial deposit through to completion. LAFCO's current hourly rate is \$186~~\$171~~ per hour, based on salaries, benefits and overhead. The hourly rate includes Analyst time, routine Executive Officer and secretarial support, routine legal review and GIS support services, and routine copy services. Consultant costs, legal notices published in newspapers, any legal time in excess of one hour, any GIS time in excess of one hour, and any extraordinary copying or other miscellaneous processing charges will be billed directly to the applicant in addition to staff time. LAFCO will also collect pass-through fees for other agencies, including the County Recorder, State Board of Equalization, and State Department of Fish and Game.

Requests will be made for additional payments if necessary to replenish the application's account and keep payments current with the remaining work required for an application. Work will stop if payments stop. If an application has been deemed complete and set for a public hearing, and payments have stopped, a denial recommendation will be prepared for the application. Any balances due must be current before LAFCO issues a Certificate of Filing or a Certificate of Completion.

The Executive Officer may exercise discretion in adjusting monthly or final invoices to reflect administrative credits for staff training and similar circumstances that warrant a reduction in billable costs. Any excess funds not needed to cover the actual cost of preparation will be refunded to applicant at the end of the process.

Waiver:

The Commission may waive or reduce LAFCO fees upon a finding that the proposed action would be in the public's best interest and/or is necessary for public health and safety reasons. A request for waiver must be submitted in writing to the Commission. Fees may also be waived for applications filed in response to a condition imposed by the Commission or in response to a recommendation made by the Commission.

State Board of Equalization Filing Fees:

The fees for single area boundary changes, as of ~~May 2024~~June 2011, are listed below. If a boundary change includes multiple, separate or non-contiguous areas, the fee shall be calculated for each area separately.

Acreage:	Fee:
Less than 1 acre	\$ 300
1.00 - 5.99	\$ 350
6.00 - 10.99	\$ 500
11.00 - 20.99	\$ 800
21.00 - 50.99	\$1,200
51.00 - 100.99	\$1,500
101.00 - 500.99	\$2,000
501.00 - 1,000.99	\$2,500
1,001.00 - 2,000.99	\$3,000
2001.00 and above	\$3,500

Additional County, per transaction	\$300
Consolidation per resolution or ordinance	\$300
Entire district transaction	\$300
Coterminous transaction	\$300
District dissolution or name change	\$ 0

The application of the State Board of Equalization Filing Fees is more fully described in the State Board’s *“Change of Jurisdictional Boundary: Requirements for Statements, Geographic Descriptions, Maps and Fees.”*

Definitions:

Actual Cost of Preparation – All costs of staff, legal, consultant, and other expenses incurred in filing, processing, analyzing, reviewing, and hearing a proposal, as allowed through Government Code Section 56383, beginning when LAFCO receives the deposit and the application through the issuance of the Certificate of Completion and the receipt of acknowledgement from the State Board of Equalization, or through the completion of the process for applications that do not involve a change in organization or reorganization.

Certificate of Completion – the document prepared by the Executive Officer and recorded with the County Recorder that confirms the final successful resolution of a change of organization or reorganization. (Government Code Section 56020.5)

Certificate of Filing – a document issued by the Executive Officer when it has been determined that the application contains all materials needed to complete the analysis for the Commission’s action, in accord with Government Code Section 56658.

Extension – an application for additional time beyond the one year limitation to meet all conditions of approval of a change of organization or reorganization so that LAFCO may file a Certificate of Completion, as allowed for by Government Code Section 57001.

LAFCO of Monterey County
Schedule of Deposits and Fees Calculation
 Prepared: 4/23/24

	2022		2024	Percentage change
Average Salary of Analyst (Step 7)	123,113		145,343	18.1%
Average Annual Benefits	54,750		62,061	13.4%
Subtotal	177,863		207,404	16.6%
Overhead (See Overhead Calculation)	113,958		109,676	-3.8%
Estimated Annual Costs by Position	291,821		317,080	8.7%
Annual Billable Hours:				
Hours/year	2080		2080	
Holidays (12 Paid Holidays)	-96		-96	
Annual and Professional Leave (Average)	-280		-280	
Billable Hours per Year Total	1704		1704	
Projected Hourly Rate	\$ 171		\$ 186	8.8%
Principal Analyst step 5	129,709	step 7	155,690	
Senior Analyst step 5	109,346	step 7	127,907	
Average	119,528	Average	141,798	
3% COLA	3,586	2.5% COLA	3,545	
Average Salary	123,113	Average Salary	145,343	

**LAFCO of Monterey County
Overhead Calculation**

	Annual		2024 Overhead Allocation	Percentage Change
Budgeted Expenses	269,306	30%	80,792	-7%
Budgeted Executive Officer Salary	214,826	5%	10,741	11%
Budgeted Clerical Annual Salary (Step 5)	90,716	20%	18,143	3%
Annual Overhead Allocation Total			109,676	-4%

2024-25 Budgeted Expenses:

Subtotal Services & Supplies	269,306
Annual Budgeted Expenses Total	269,306

	Annual		2022 Overhead Allocation	Percentage Change
Budgeted Expenses	288,558	30%	86,567	-15%
Budgeted Executive Officer Salary	193,793	5%	9,690	3%
Budgeted Clerical Annual Salary (Step 4)	88,503	20%	17,701	8%
Annual Overhead Allocation Total			113,958	-11%

2022-23 Budgeted Expenses:

Subtotal Services & Supplies	288,558
Annual Budgeted Expenses Total	288,558

LAFCO of Monterey County
FY 2022-23 vs. FY 2024-25 Budget Expenditures Comparison

Expenditures	Adopted Budget 2022-23	Adopted Budget 2024-25	Percentage Change
Employee Salaries	554,169	607,036	10%
Employee Benefits	236,928	254,712	8%
Total Salaries and Ben.	791,097	861,748	9%
Postage and Shipping	3,804	7,000	84%
Books and Periodicals	1,621	1,000	-38%
Copy Machine Charges	11,576	7,000	-40%
Outside Printers	6,300	500	-92%
Office Supplies	6,946	5,000	-28%
Office Equipment and Furnishings	6,946	1,000	-86%
Computer/Hardware/ Peripherals	5,789	4,000	-31%
Computer Support Services (fixed)	12,155	12,763	5%
Computer Support Services(variable)	19,448	5,000	-74%
Computer Software	1,216	1,277	5%
Meeting Broadcast Services	4,863	12,000	147%
Property and General Liability Insurance	8,700	9,923	14%
Office Maintenance Services	463	486	5%
Travel	4,450	17,000	282%
Training, Conferences and Workshops	5,238	15,000	186%
Vehicle Mileage	1,575	1,000	-37%
Rental of Buildings	28,772	34,212	19%
Telephone Communications	8,104	8,509	5%
Temporary Help Services (Clerical)	-	-	N/A
Outside Professional Services	25,000	-	N/A
Accounting and Financial Services	60,000	62,400	4%
General Admin Services and HR Assistance	14,800	-	N/A
General Counsel and Special Counsel	8,682	20,000	130%
Human Resources-Other Annual Audit	5,789	5,789	0%
	20,000	22,000	10%
Temporary Professional Services- FORA Admin	-	-	N/A
Miscellaneous Office Expenses	1,158	1,216	5%
Legal Notices	4,863	4,000	-18%
Recruitment Expenses	1,000	900	N/A
LAFCO Memberships	9,300	10,331	3%
Litigation Reserve	-	-	N/A
Records Storage and Security	-	-	N/A
Contingency Reserve	-	-	N/A
Sub-total Services & Supplies	288,558	269,306	-7%
Total Expenditures	1,079,655	1,131,054	5%

Attachment 15.3

Comparison of Analyst Hourly Rate with Other LAFCOs, as of April 18, 2024

	<u>Monterey</u>	<u>Monterey</u>	<u>Alameda</u>	<u>Contra Costa</u>	<u>Santa Clara</u>	<u>Santa Cruz</u>	<u>San Luis Obispo</u>	<u>Ventura</u>
	Current	Proposed	03/11/2019	08/10/2022	06/08/2018	08/05/2020	04/20/2023	07/01/2023
Hourly rate	\$171	\$186	\$164	Flat fees	\$213	\$138.27	\$85	\$175

CLOSED SESSION

1. The Commission will conduct a review of the Public Employee Annual Performance Appraisal Program in closed session, pursuant to Code Section 54957.
Position: LAFCO Executive Officer
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
2. Pursuant to Government Code Section 54956.9(d)(1), the Commission will confer with legal counsel regarding existing litigation: *Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County; Commissioners of the Local Agency Formation Commission of Monterey County; and DOES 1 through 20*, (Monterey County Superior Court Case No. 22CV000925).