



# **POLICIES AND PROCEDURES**

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## **Section 1. “BYLAWS” AND RELATED ADMINISTRATION POLICIES**

### **1.1 COMMISSION TITLE**

This Commission shall be entitled and known as the Trinity Local Agency Formation Commission (“Trinity LAFCo”).

### **1.2 MISSION, AUTHORITY AND PURPOSES**

Trinity LAFCo was established and operates under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) (California Government Code Sections 56000 et seq.)<sup>1</sup>

The Local Agency Formation Commission coordinates logical and timely changes in local governmental boundaries (§56001); conducts special studies which review ways to reorganize, simplify and streamline governmental structures (§56031); and prepares spheres of influence for each city and special district within the County (§56425). The Commission promotes provision of efficient and economical services while encouraging protection of agricultural and open space lands (§56001, §56300). Further efforts include discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances (§56301).

Local Agency Formation Commissions are independent commissions that are not a part of county government and are not under the County Board of Supervisors authority. Each Commissioner is independent when weighing and reviewing information and when making determinations (§56325.1 and Attorney General Opinion 98.802).

The mission of the Trinity LAFCo is to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 with an understandable and open public process leading to informed decisions.

### **1.3 INTEGRATION WITH STATE LAWS**

This document and its subsequent sections will contain the policies, procedures and guidelines needed to implement LAFCo’s statutory purposes and its mission. They are general guidelines for the Commission to follow; however, they are not mandatory or binding. The Commission can and will consider each action upon its merits within the parameters set forth in state law. The provisions of this document are not intended to preempt state law. In the event of a conflict between these policies and guidelines, and the provisions set forth in the Cortese-Knox-Hertzberg

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<sup>1</sup> Note: All code notations in the Policies and Guidelines refer to the California Government Code unless otherwise noted.

Local Government Reorganization Act of 2000, the provisions of the Act shall prevail.

## 1.4 MEMBERSHIP

1.4.1 Membership: Trinity LAFCo shall be composed of seven (7) regular members and three alternate members (§56325, §56332). All members must be residents of Trinity County.

(a) County: Three members and one alternate from the County Board of Supervisors are selected by that Board (§56329).

(b) Special Districts: Two Special District Members and one alternate are designated by the Independent Special District Selection Committee (§56332).

(c) Public Member: Two Public Members and one alternate Public Member are appointed by the other five Commissioners (§56325(d) & 56329). A Public Member cannot be an officer or employee of the County or any Special District having territory within Trinity County. Appointments are made in the following manner:

(i) The vacancy shall be posted by the Executive Officer within 21 days after the vacancy occurs or term of office ends (§54974). At the same time notice shall be published in a newspaper of general circulation.

(ii) The application period will run not less than 30 days from the date of posting and publication. Letters of application with attached resumes, or similar demonstration of qualifications and interest, shall be submitted to the LAFCo Executive Officer within the time period specified in the posted notice of vacancy.

(iii) The Commission may, at its discretion, designate a committee to review applications and recommend an appointment. Depending on the number of applicants, the Commission or committee may interview the most qualified applicants.

(iv) Selection of the public member and alternate public member shall be subject to the affirmative votes of at least one County and at least one District member seated on LAFCo. (§56325(d))

1.4.2 Alternate Commissioners: Alternate members may vote in place of the regular member who is absent or who disqualifies himself or herself from participating in an action (§56325). Alternate Commissioners may participate in closed sessions when sitting in and voting for an absent Commissioner.

1.4.3 Term of Office: The term of each member shall be four years. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body (§56334). A Commissioner is required to vacate their seat if he or she ceases to hold the originating office (§56337). LAFCo terms begin on the first day of May.

1.4.4 Independent Judgement: All Commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This does not require the abstention of any member on any matter, nor does it create a right of action in any person. (§56325.1)

## 1.5 OTHER

1.5.1 It is the policy of Trinity LAFCo to be a member of CALAFCO and to support and actively participate in the State association.

## 1.6 DOCUMENTS

1.6.1 No staff member will distribute campaign related documents or items unrelated to the business of LAFCo (Government Code §54964, Penal Code 424).

1.6.2 Subject to the discretion of the Executive Officer, printed material relevant to the business of LAFCo, including proposed or anticipated LAFCo actions, may be included in the meeting packet on an informational basis.

1.6.3 All persons are invited to submit written comments for any matters set for hearing before LAFCo. Members of the public are strongly urged to submit their comments sufficiently in advance of meetings to allow Commissioners to review the information.

(a) Written comments will be included in the meeting packet if received by the Executive Officer prior to the distribution of the packet.

(b) Written comments received up to 48 hours prior to the LAFCo meeting will be duplicated by Executive Officer for distribution at the meeting.

(c) Persons submitting written comments less than 48 hours before a LAFCo meeting must provide at least fifteen (15) copies for distribution.

## 1.7 OFFICERS

1.7.1 Elections: The Chair (§56334) and Vice-Chair shall be elected by a majority vote of the Commission. Elections shall be held annually at the first regular meeting of the calendar year.

1.7.2 Terms of Office: The offices of Chair and Vice Chair are one-year terms to coincide with the calendar year. The Chair and Vice Chair shall not be members of the same appointing authority (county, special district, or public). Should the Chair or Vice Chair position become vacant during the calendar year, the Commission shall, at the meeting at which the vacancy occurs, elect a successor to serve the balance of that calendar year.

1.7.3 Duties of Chair: The Chair, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these policies. The Chair shall preserve order and decorum, set time limits for speakers, and shall decide all questions of order subject to the action of a majority of the Commission.

The Chair may also, from time to time, appoint Commission members to subcommittees and may call special meetings as necessary and as provided by law (§54956). All documents involving official acts of the Commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the presiding officer shall be deemed sufficient.

1.7.4 Duties of Vice-Chair: In the absence of the Chair or if for any reason the Chair is unable to act as Chair, the Vice-Chair shall act as Chair and exercise all the powers and duties of the Chair.

1.7.5 Chair Pro Tem: In the absence of the Chair or Vice Chair or if the Chair or Vice-Chair is unable to participate in the proceedings, the immediate past chair of the Commission will act as Chair. If the Chair, Vice Chair and immediate past Chair are not available, then the members of the Commission present shall, by an order entered in the minutes, select one of their members to act as Chair Pro-Tem with all the powers and duties of the Chair.

1.7.6 Spokesperson: The Commission may, from time to time, designate a spokesperson to represent the Commission for a particular matter.

1.7.7 Speaking in Public: All Commissioners, when speaking in public forums of any kind, must clearly state that they are expressing their own views, unless they have been designated to be the spokesperson on that matter and to represent the Commission.

## 1.8 MEETINGS

1.8.1 Regular meetings are conducted monthly (§54954) and are usually held in the Trinity County Library Conference Room (Board Chambers) located at 351 Main Street, Weaverville, California. Regular meetings are held, as necessary, on the third Tuesday of even numbered months at 4:00 pm. The Commission may change the meeting schedule or location, add or cancel hearings.

1.8.2 The Chair, Executive Officer or a majority of the Commission may call a special meeting at any time, pursuant to the provisions of Government Code §54956. “For the majority to act, there is implied authority for them to communicate to determine if they want to call a special meeting” (Open & Public III: A user’s guide to the Ralph M. Brown Act).

1.8.3 Notice of meetings will be provided in accordance with the provisions of the Cortese-Knox-Hertzberg Act, the Brown Act, and the California Environmental Quality Act, as applicable. The Executive Officer may provide public notice, above that required by law, when appropriate. The meeting agenda will be provided to LAFCo’s established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.

## 1.9 AGENDAS

1.9.1 Items are placed on the meeting agenda by any member of the Commission, the Executive Officer, or by the Commission’s direction or consensus.

1.9.2 Meeting agendas and packets shall be posted on the LAFCo website and available to Commissioners approximately five days prior to the meeting. Copies of the staff reports shall be made available to proponents, affected local agencies, and interested parties requesting notice for a specific hearing.

1.9.3 In accordance with the Ralph M. Brown Act, the Commission may not take action on any items that do not appear on the Trinity LAFCo agenda posted 72 hours prior to the meeting unless an exception is made as permitted under Government Code §54954.2 (immediate action required, etc).

## 1.10 QUORUM, VOTING AND CONDUCT OF MEETINGS

1.10.1 Quorum: Four (4) members of the Commission shall constitute a quorum for the transaction of business. Alternate members, when seated in place of regular members, shall be considered a regular member for quorum determination. In the absence of a quorum, the members present shall adjourn the hearing to a stated time and place (Rosenberg’s Rules of Order).

1.10.2 Voting: When applicable, a roll call vote shall be conducted by the Commission Clerk, with the Chair voting last. No act of the Commission shall be

valid or binding unless four (4) or more members concur. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

1.10.3 Order of Business: The business of the Trinity LAFCo at its meetings will be conducted in accordance with the following order of business unless otherwise specified. The Executive Officer or any member of the Commission may request that the order of business be changed to accommodate a special circumstance.

The usual order of business is as follows:

1. Call to Order/Roll Call
2. Presentations/Announcements
3. Consent Calendar
4. Public Comment Opportunity
5. Public Hearings
6. New Business
7. Old Business
8. Executive Officer's Report/Correspondence
9. Commissioner's Comments
10. Adjournment

1.10.4 Public Comment/Public Forum: Any person wishing to address the Commission on any item within LAFCo's jurisdiction but **not** appearing on the agenda may do so during this section of the agenda (Section 54954.3). The Commission cannot take action on a matter that is not listed on the agenda, including matters raised during Public Comments. The Chair, however, may request the Executive Officer to provide brief additional information on a matter of general interest to the Commission or public-at-large. The time limit is three minutes per speaker, subject to the discretion of the Chair.

1.10.5 Public Hearings: For a full discussion of public hearing procedures and policies, please refer to Section 1.11.

1.10.6 Executive Officer's Report: The Executive Officer shall provide periodic reports to the Commission on agency activities, pending projects, and the budget.

1.10.7 Commissioner's Comments: Commissioners' reports may include individual or committee activities, intergovernmental items, announcements and other relevant matters.

1.10.8 Speakers:

- (a) All communications from the floor are addressed to the Commission.
- (b) Members of the public who speak at a meeting are requested to identify themselves and address remarks to the Commission, as a body, and not

to any member thereof. Those attending a meeting are not required to identify themselves.

- (c) No person is allowed to speak from the audience.
- (d) Each speaker is allowed to speak once on an agenda item.

1.10.9 Time Limits: The Chairman may limit the time for speakers or may limit the total time allotted for any individual item (Brown Act). The usual time limit is three minutes for speakers.

1.10.10 Motions: Motions may be made by any regular member of the Commission or alternate member acting in place of a regular member, including the presiding officer, provided that before the presiding officer offers a motion the opportunity for making a motion should be offered to other members of the Commission. Any regular member of the Commission or alternate member acting in place of a regular member, other than the person offering the motion, may second a motion.

1.10.11 Procedure for Motion: The following is the general procedure for making motions:

- (a) Before a motion can be considered or debated it must be seconded.
- (b) A commission member wishing to second a motion should do so through a verbal request to the Chair.
- (c) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Commission member or alternate properly recognized by the Chair.
- (d) Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, Commission members may be allowed to explain their vote.

1.10.12 Motion Amendments: When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.

1.10.13 Voting: Any regular member of the Commission, or alternate member acting in place of a regular member, present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Chair shall declare the result. The Commission may also vote by roll call. Regardless of the manner of voting, the results reflecting all "ayes" and noes" must be clearly set forth for the record.

Whenever a roll call vote is in order, the Commission Clerk shall call the names of the members in the following order: the mover, the second, other members, providing that the name of the Chair shall be called last.

1.10.14 Abstention:

- (a) Commission members should declare their intention to abstain on an item on the agenda as soon as the agenda item is announced.
- (b) When Commission members abstain or excuse themselves from a portion of a Commission meeting because of a legal conflict of interest, the Commission member must briefly state on the record the nature of the conflict. Including this information in the public record as required by law. A Commissioner excusing him/herself for a legal conflict shall leave the meeting room.
- (c) Whenever a regular member of the Commission abstains, for whatever reason, that member's alternate is eligible to replace the abstaining regular member and participate fully in all actions, provided the alternate member does not have a conflict of interest.

1.10.15 Motions for Reconsideration: Reconsideration of any resolution of the Commission making determinations must comply with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

## **1.11 PUBLIC HEARINGS**

1.11.1 General Procedure: The Commission procedure for the conduct of public hearings is generally as follows:

- (a) The Chair announces the item to be considered.
- (b) LAFCo staff presents its report
- (c) Commission members and alternates may ask questions of staff if they so desire.
- (d) The Chair opens the public hearing to statements from the applicant and public
- (e) The applicant or applicant representative then has the opportunity to present comments, testimony, or argument.
- (f) Members of the public are provided with the opportunity to present their comments, testimony or argument.
- (g) The applicant or applicant representative is given an opportunity for rebuttal or concluding comments. No new information shall be introduced except by specific permission of the Chair, in which event opponents shall, again, be given an opportunity to rebut.
- (h) LAFCo staff is given an opportunity for concluding comments.
- (i) The public hearing is closed.
- (j) The Commission deliberates on the issue.
- (k) If the Commission raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
- (l) The Commission deliberates and takes action.
- (m) The Chair announces the final decision of the Commission.

1.11.2 Time for Consideration: Matters noticed to be heard by the Commission will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

1.11.3 Continuance of Hearings: Any hearing being held or noticed or ordered to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting within the time limits require by law.

1.11.4 Public Discussion at Hearings:

- (a) When a matter for public hearing comes before the Commission, the Chair will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Chair shall call for presentation of the staff report. Following any staff presentation and Commissioner questions, the Chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. The applicant or applicant's representative would generally speak first.
- (b) Request to Speak – Any person desiring to speak shall make his/her presence known to the Chair and upon being recognize by the Chair, the person may speak relevant to the matter being heard. No person may speak without first being recognized by the Chair.
- (c) Commission Questions of Speakers – Members of the Commission or alternates who wish to ask questions of the speakers or each other during the public hearing portion may do so buy only after first being recognized by the Chair. Interactions with a speaker shall be limited to a question or questions, rather than an ongoing dialogue. Commission members and alternates should avoid raising question as a method to extend the allocated time for a speaker.
- (d) Material for Public Record – All persons interested in the matter being heard by the Commission shall be entitled to speak and to submit written or graphic information. All written and graphic information presented will be retained by the Clerk of the Commission as part of the record of the hearing, unless otherwise directed.
- (e) Germane Comments – No person will be permitted during the hearing to speak about matters or present information not germane to the matter being considered. A determination of relevance shall be made by the Chair, subject to approval by the full Commission if requested by and Commission member or alternate.

1.11.5 Communications and Petitions: Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or

summarized by the Chair, or at the Chair's direction by the Executive Officer. A reading in full shall take place if requested by the Commission.

## **1.12 RECORD OF PROCEEDINGS**

1.12.1 General Procedure: The Commission Clerk or designee shall record and prepare minutes of each meeting. The minutes are intended to be a summary of the order of business and general nature of testimony, Commission deliberation, and action taken. After approval, the minutes shall become the official record of actions of the Commission.

## **Section 2. LAFCO OPERATIONS AND FINANCIAL POLICIES**

### **2.1 LAFCO BUDGET**

Government Code §56381, et. seq., and the following policies will apply to the LAFCo budget process:

2.1.1 The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15 in the manner prescribed by §56381.

2.1.2 LAFCo will encourage an open process in the development and approval of its budget. LAFCo will encourage cooperation and collaborative efforts among agencies in order to reduce the costs of special projects, studies and state mandates.

2.1.3 LAFCo will annually review and consider budget priorities to fulfill the purposes and programs of state law and local policy. These work priorities will help guide the development of the budget.

2.1.4 The budget will identify the resources available for LAFCo's use under the law and those resources necessary for the purpose of carrying out state law and the Commission's goals and policies.

2.1.5 The LAFCo Executive Officer shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCo budget.

#### **2.1.6 Contingency/Reserve:**

- (a) The annual budget shall include a contingency appropriation of 10% of total operating expenses, but not less than \$5,000, unless the Commission deems a different amount appropriate. If a shortfall is shown to occur in the processing of the annual budget, the Executive Officer will present the budget showing the shortfall with the need to expend monies from the reserve. An amount should be left in reserve consistent with costs estimated for emergencies.
- (b) Funds budgeted for contingency reserve shall not be used or transferred to any other expense account code without the prior approval of the Commission.
- (c) Whenever the actual year-end closing figures for the LAFCo general fund show that available financing exceeds financing requirements, the excess fund balance shall be transferred to a designated reserve account unless allocated to the next fiscal year, as determined by the Commission.. These designated funds will be considered as a reserve account for subsequent years financing, lawsuits or other unanticipated events. The County of

- Trinity Auditor-Controller, with the concurrence of the Executive Officer, is authorized to transfer an amount equal to the amount of excess financing to this account, which shall be augmented, as funds may be available, until it contains an amount equal to at least 25% of the current year budget, but not less than \$30,000. Once the account equals at least this amount any remaining funds in excess of the actual fund balance amount may be appropriated for any allowed expense at the Commission's discretion.
- (d) Whenever actual year end closing figures of the LAFCo general fund show that financing requirements exceed available financing, the Executive Officer shall notify the Commission at its next regular meeting. Any associated reductions in appropriations may not be made without prior approval of the Commission.
  - (e) Funds in the designated reserve accounts shall not be used for any current year's expenses or considered as a financing source for on-going operations without the prior approval of the Commission. It is the intent of the Commission that any funds considered as reserves only be used in the case of extraordinary expenses that could not have been anticipated.

#### 2.1.7 Budget Adjustments:

- (a) The Commission may make adjustments to its budget at any time during the fiscal year, as it deems necessary.
- (b) Adjustments between accounts within the same budget income group may be approved by the Executive Officer.
- (c) Transfers between budget income groups shall be subject to approval by the Commission.

2.1.8 Audits. An independent audit of LAFCo finances will be conducted as the Commission deems necessary. Cash handling, receipts, deposits and claims procedures will be processed through the Trinity County Auditor.

2.1.9 Apportionments. Funding for the normal operational expenses of Trinity LAFCo shall be borne from Trinity County and its special districts. Trinity County shall apportion  $\frac{1}{2}$  of LAFCo budget from Trinity County and  $\frac{1}{2}$  from the special districts. The apportionment funds shall be collected by the Trinity County Auditor.

## 2.2 LAFCO FEES

### 2.2.1 Application Fees

- (a) The Commission shall periodically review fees and adopt a schedule of deposits for the purpose of recovering the costs pursuant to the Cortese-Knox-Hertzberg Act (§56383(a), §56384, §66016).
- (b) The schedule of deposits shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to §66016 and §56383. Charges listed on the schedule of fees are initial payments toward the total cost of processing (“project cost”).
- (c) Project cost is defined as staff time plus materials. Materials include, but are not limited to, mailing costs, charges for advertisement of hearings, petition reviews, as well as fees charged for project reviews by affected agencies.
- (d) No petition shall be deemed filed and a Certificate of Filing shall not be issued until fees have been deposited (§56383(c)). Charges must be paid by the applicant prior to recording the Certificate of Completion or at other times during the LAFCo process as deemed appropriate by the Executive Officer. The Certificate of Completion shall not be recorded until outstanding fees and charges are paid.
- (e) Any individual or entity that requests a LAFCo initiated study or service review of special district changes of organization or reorganization shall be responsible for required fees. Charges for Reconsideration of a LAFCo Determination are the responsibility of the requesting party.
- (f) Applicants are responsible for payment of other agency fees, such as: State Board of Equalization fees, County Surveyor fees, County Elections Department costs, Environmental Document preparation fees, mapping, Fish and Wildlife fees, and County Recording Fees.
- (g) Staff time will be monitored against the deposit paid. If cost of processing an application begins to exceed the deposited amount, additional deposits will be required. Any hearing on the application may be deferred or continued pending receipt of the additional deposit.
- (h) If extensive staff assistance is required prior to receipt of an application, a deposit will be required at the time the work is requested.

- (i) **Pre-Application Expenses:** LAFCo will charge its pre-application staff time spent conducting research, reviewing environmental and other documents and participating in the process as the lead agency or responsible agency, as part of the processing costs. The initial deposit for proposals will be due and payable at the time LAFCo initiates preliminary work on the proposal or when the estimated time of preliminary work exceeds 2 hours.
- (j) Public inquiries and one-time general research requiring less than 2 hours will not be subject to charges for staff time.

**2.2.2 Reimbursement Agreements:** Whenever a deposit of funds is required, the applicant shall enter into an agreement providing for LAFCo to be reimbursed for all costs related to the application based on the fee schedule in place at the time funds are deposited.

**2.2.3 Legal Defense Fees:** LAFCo retains the right to control its defense. The applicant may provide his or her own legal counsel in the defense of the action taken, under the supervision of LAFCo legal counsel, or, if LAFCo consents, the applicant may elect to use the services of LAFCo in that defense. In any case, the Executive Officer may require a deposit of funds by the applicant sufficient to cover LAFCo's estimated expenses of the legal defense litigation.

**2.2.4 Appeal or Waiver of Fees:**

- (a) Appeals shall be submitted in writing with the application and contain specific justification for the request. The appeal will be considered at the next LAFCo hearing.
- (b) Project processing will not begin until a fee determination is rendered by LAFCo.
- (c) The Commission may reduce or waive a fee or deposit if it finds that payment would be detrimental to the public interest; however, it is the Commission's policy to not waive fees except in the direst of circumstances because most special districts, which would share in the costs that are waived or reduced, have severely limited financial resources (56383(d)). The Commission will also consider the budget impacts of any fee waivers or reductions. Absent compelling circumstances, the Commission will not normally adjust or waive deposits and/or fees.

**2.2.5 Refunds:** Deposits on file with LAFCo which exceed the cost of processing the application by \$25 or more will be refunded to the applicant after LAFCo completes its final filings.

## **2.3 LAFCO EXPENDITURES**

2.3.1 While CKH allows Commission members and alternates, sitting in and voting at a meeting, to receive a meeting stipend, the Commission has chosen not to receive any stipend or reimbursement for expenses incurred in performing the duties of their office (§56334).

2.3.2 Commission members, including alternates, and staff compelled to travel out of-county in the performance of their duties shall be reimbursed for their actual and necessary expenses, including reasonable incidental expenses. Reimbursement shall be made at the rates specified for officers or employees of Trinity County, or as otherwise specified by the Commission. Travel claims will be made in the form and manner as such claims are processed for officers or employees of Trinity County subject to approval of the Executive Officer, or if the Executive Officer is making the claim pursuant to Section 2.3.5.

2.3.3 All travel arrangements are coordinated through the Executive Officer and should be as economical as possible.

2.3.4 In order to avoid late payment penalties, or to secure an early payment discount, the Executive Officer is authorized to approve all claims for payment, except his/her own claims. At each regular meeting, the listing of approved claims shall be submitted to the Commission.

2.3.5 The Executive Officer shall submit his/her claims to the Chair and Vice-Chair for approval. Two signatures are required. If either the Chair or Vice-Chair is not available, then any other regular member of the Commission may sign. Claims approved for the Executive Officer shall also be reported to the Commission along with other approved claims.

2.3.6 The Executive Officer is designated as the financial officer of LAFCo and shall review all invoices, including claims and payment requests received by LAFCo and shall be responsible to process documents necessary for payment in a timely manner.

### **Section 3. POLICIES, REQUIREMENTS & CRITERIA FOR APPLICATIONS**

This section includes general policies, requirements and criteria that apply to all LAFCo actions.

There may be cases when the Commission must use its discretion in the application of these policies so that potential or real conflicts among policies are balanced and resolved, based on project specifics and so that these policies remain consistent with the requirements of the Cortese-Knox-Hertzberg Act of 2000.

#### **3.1 APPLICATIONS, GENERAL**

3.1.1 All applications to the Commission shall be submitted on LAFCo application forms (§56652, §56653). The application shall also include an agreement to pay costs and indemnification pursuant to the current fee schedule. The agreement to pay costs and indemnification must be signed by the applicant for the application to be deemed complete.

3.1.2 Applications shall be processed in an efficient and orderly manner that reduces hardship upon the applicant while ensuring consistency with the Cortese-Knox-Hertzberg Act of 2000. Applicant or the applicant's representative shall be required to attend a pre-application meeting to receive information, direction and advice regarding the processing needs and requirements of the specific action proposed.

- (a) Trinity LAFCo encourages a pre-application discussion between the proponent and Trinity LAFCo staff, which can save the prospective applicant substantial time once the process has begun. Trinity LAFCo staff will review procedures, applicable spheres of influence, information requirements, environmental review requirements, processing fees, and provide application forms.
- (b) As part of the pre-application discussion, LAFCo will review information on development plans, if applicable. LAFCo generally requires approved development plans, such as tentative maps or specific plans when vacant territory is proposed for annexation to a district. A key consideration of LAFCo's review of annexation requests is the timing of the action. LAFCo discourages the annexation of vacant land until it can be demonstrated that services are required. Approved development plans also provide the information necessary to evaluate a proposal. The plans show what land uses are planned, the level of services required, how services will be provided, and the conditions under which service will be extended. They also enable LAFCo to evaluate the impact of a jurisdictional change on adjacent areas.

- (c) Where the application is initiated by resolution of application from an agency, the application and related agreements must be signed by an authorized officer of the agency. LAFCo prefers that the resolution procedure be used wherever feasible, to involve the affected public agency early and assure timely consideration of its needs. A resolution also establishes the affected public agency as Lead Agency under the California Environmental Quality Act (CEQA), for early review of potential environmental effects. Applications initiated by petition should also include a record of efforts to obtain affected agency sponsorship.

3.1.3 Any application submitted to LAFCo is considered preliminary and will not be deemed filed, until all required information, fees and materials are received and reviewed by the Executive Officer.

3.1.4 Applicants will be required to provide information adequate to permit LAFCo to fully consider all factors required by law including, but not limited to those areas described in Government Code §56668, 56668.3, 56668.5 and §56375:

3.1.5 No application shall be deemed filed until any applicable resolutions providing for an agreement for redistribution of property tax are received (§56810, §56815). Once property tax exchange negotiations have been initiated by transmittal of the schedules prepared by the County Auditor/Controller, time requirements of the Revenue and Taxation Code will apply (R&T §99 (b)(6), §99.01 (4)).

3.1.6 An application shall not be deemed filed until the Executive Officer makes an environmental determination pursuant to the requirements of the California Environmental Quality Act. When LAFCo is not the lead agency, the Certificate of Filing will be issued following completion of the environmental review by the lead agency. When LAFCo is the lead agency, the application may be deemed filed and the Certificate of Filing issued when environmental documentation has progressed sufficiently to set a hearing date (56658 (d)).

3.1.7 Immediately after receiving an application and before issuing a Certificate of Filing, LAFCo shall notify the appropriate agencies pursuant to §56658(b), provide relevant application related information, and request review and comment on the proposal.

3.1.8 Within 30 days of receipt of an application, LAFCo will review the proposal materials for completeness and issue a status letter to the applicant. If deemed complete, a Certificate of Filing will accompany the status letter specifying the date upon which the proposal will be heard by LAFCo. The hearing date must be set within 90 days of the date the Certificate of Filing is issued. If an application remains incomplete for six months following notification of an incomplete application, the project will be closed and the proposal will be terminated.

## 3.2 PLANS OF SERVICE

An evaluation of a local agency's plan of service is essential to the consideration of any change of organization or reorganization (§56375) that will expand or diminish a service provider's responsibilities. Descriptive plans of service are submitted with an application to ensure that the capacity, cost and adequacy of services within the district will be part of the LAFCo review and the service effects of the proposal will be identified and included in the decision making process (§56668).

### 3.2.1 General

- (a) All applications shall include a plan for providing services (§56653) which describes the project specific services to be extended and takes into account the services, capacity, cost and adequacy of services provided by an agency and how those services would be affected by the proposed LAFCO action. The Plan of Service includes information needed to render an informed decision on the proposed project.
- (b) Plan of Service submittals are required to contain, but are not limited to, the following information:
  - (1) An enumeration and description of the service to be extended to the affected territory;
  - (2) The level and range of those services;
  - (3) An indication of when those services can feasibly be extended to the affected territory;
  - (4) An indication of the 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;
  - (5) Information with respect to how those services will be financed.
  - (6) Any additional information required by the Commission or the Executive Officer relevant to the specific application (§56653).
- (c) An application shall not be deemed filed until plan of service information is received and accepted as complete by the Executive Officer.

### 3.2.2 Agency Review of Plan of Service

- (a) The Plan of Service submittal shall include a written statement by the agency of its intent to provide services within the estimated timeframe, including a description of the applicant's requirements to fund infrastructure or take other measures. The agency statement shall demonstrate that areas within the district can be served, or will continue to be served, at the same or higher level of service and will not result in

significant negative fiscal, service, capacity or other impacts (within the special district).

- (b) If the agency cannot provide the latter guarantees, then the applicant or agency shall provide a written justification for project approval despite anticipated negative impacts.
- (c) In the event that the agency will provide service by expanding its service capabilities in the future, the Commission will consider plans for such expansion and the agency's progress toward implementation of such plans in its review of the proposal. LAFCO may require a full description of any such plan. The Commission will evaluate such documentation and may make determinations pursuant to §56668. The Commission may also impose conditions related to progress toward completion of any such plans.

### **3.3 COORDINATION OF APPLICATIONS**

3.3.1 LAFCo encourages consolidated applications when related changes of organization are expected for adjacent territories. Applicants are strongly encouraged to include the adjacent territory and combine applications where possible.

- (a) If the applicants choose to proceed with separate proposals, each applicant will provide a map that indicates the location, size and boundaries of adjacent applications.
- (b) LAFCO will consider related applications at the same hearing when feasible, and may modify boundaries, including the addition of adjacent parcels, to encourage the orderly formation and development of local agencies based upon local conditions and circumstances (§56001, §56300, §56301).

3.3.2 If a proposal can be anticipated to require one or more additional changes of organization that are timely and not part of the submitted application, LAFCO shall require that the application be filed as a reorganization.

3.3.3 Agencies shall comply fully with the Commission's requests for information necessary to prepare studies or process an application (§56378, §56386).

### 3.4 SPHERES OF INFLUENCE

3.4.1 Carefully considered, up-to-date sphere of influence determinations are critical to LAFCo's responsibility to assure orderly growth and development and prevent sprawl within their jurisdictions.

3.4.2 Staff shall identify needed updates of spheres of influence each year as part of the annual work plan and budget deliberations. Pursuant to 56425(g) spheres of influence are reviewed and updated as necessary, every 5 years, based on a review of municipal services and changes that have occurred in local conditions since the last review. Due to limited funding capabilities, it is the policy of the Commission to conduct Municipal Service Reviews and Sphere of Influence updates on a 5 to 10-year cycle or when accompanied by other applications. Further justification for this policy is the limited growth experienced by special districts in Trinity County.

#### 3.4.3 Definitions:

- (a) "Sphere of Influence" is defined at Government Code §56076 and is the plan for the probable physical boundaries and service area of a local agency, as determined by the commission.
- (b) "Coterminous Sphere" is an area identical to the boundaries of a district and includes only lands which are within the boundaries of the agency.
- (c) "Expanded Sphere" – includes an area beyond the boundaries of the agency to accommodate planned and orderly urban development.
- (d) "Reduced Sphere" – includes removal of land from an agency's sphere of influence if the territory consists of agricultural lands, open space lands or agricultural preserves whose preservation would be jeopardized by inclusion within the agency's sphere, and/or if the land is not expected to be developed for urban uses or require urban-type services within the next 10 years or more. If the land is inside the affected agency's jurisdictional boundary, exclusion of these areas from an agency's sphere indicates that detachment is appropriate.
- (e) "Zero Sphere of Influence" includes no territory and means that no territory will be served by the agency in the future. A zero sphere implies that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency. The local agency which has been assigned a zero sphere should ultimately be dissolved.
- (f) Consolidated Sphere – 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

- (g) “Sphere Update” shall mean LAFCo’s periodic overall review and modification of the sphere of an agency in light of changes since the last update as required by Section 56425 (g).
- (h) “Substantial Sphere Amendment” is a change in the sphere which is characterized by one or more of the following: plans for extension of service into the area with new infrastructure or substantial improvements to existing infrastructure (such as new water transmission or distribution lines, new sewer collection or transmission lines, fire flow, lift stations, etc.), or when a significant change in population is anticipated with annexation.
- (i) “Minor sphere amendment” is a sphere amendment limited to small areas or single parcels with a negligible change or no change in population. Re-alignment of an existing sphere to property lines, or certain extensions of service in very limited areas to correct pre-existing health and safety hazards might be considered minor sphere amendments. Minor sphere amendments, as determined by the Commission, will not require a municipal service review when tied to a boundary change proposal.

3.4.4 Amendments to a sphere of influence will generally be processed concurrently with proceedings for boundary change requests (annexations, etc.).

3.4.5 Spheres of influence shall be consistent with the plans of other relevant service providers, in addition to the plans of the district for which the sphere is being amended, updated or adopted.

3.4.6 Individual requests from landowners to be included or excluded from a sphere of influence will be considered in light of overall service plans and the need for the effective and efficient delivery of services.

3.4.7 Sphere Applications or Requests for Amendment of a Sphere of Influence:

- (a) Shall state the time frame for anticipated annexation.
- (b) Shall identify infrastructure needed and/or planned for services and the constraints on developing the infrastructure (e.g. securing water rights, state or federal regulatory processes, permits, etc.).
- (c) Shall generally describe financing plans and potential fiscal considerations related to providing future services.
- (d) Shall generally describe the anticipated need for services & facilities, including services provided by agencies other than the agency that will later annex.
- (e) Shall describe any provisions for preservation of open space and agriculture lands

3.4.8 Costs for processing a sphere review or any change to a sphere are paid by the party requesting the review or change.

3.4.9 Agreements between neighboring local agencies with regard to preservation of agriculture and open space lands, as appropriate, are encouraged by LAFCo. Such agreements may be incorporated by the Commission into its conditions of approval, or may be required as a condition precedent to approval of an application by the Commission.

3.4.10 Agreements between landowners and local agencies with regard to preservation of agricultural and open space lands are encouraged by LAFCo.

3.4.13 LAFCo has sole discretion to determine the sphere of influence for each local agency, and may initiate sphere review, update, amendment, and other changes. LAFCo may approve, disapprove, modify, amend, and add conditions in its review and determination of spheres of influence.

3.4.14 Each agency subject to a review of its sphere shall be invited to participate/communicate/engage with LAFCo staff to compile information, identify agency goals, discuss options for the sphere update, etc.

3.4.15 The sphere of influence of each local agency shall include those lands that a special district intends to annex and serve in the foreseeable future (i.e. ten years).

3.4.16 Areas included or excluded from sphere determinations generally follow parcel lines, lines of assessment or lines of ownership. In Trinity County section lines may also be appropriate for districts.

3.4.17 Determinations of spheres of influence, sphere amendments and updates shall have a 10 year planning horizon and shall be consistent with agency plans for that time frame. LAFCo may exclude lands from a sphere of influence that will not need services within a 10-year planning horizon. This includes land that is designated open space, agriculture or other areas that may be determined to be inappropriate to receive development-supporting services such as water, sewer, and/or structural fire protection.

3.4.18 With respect to time frames indicated in these policies, individual sphere applications will be reviewed by LAFCO on a case-by-case basis.

## **Section 4. SERVICES BY CONTRACT**

### **4.1 SERVICES BY CONTRACT OUTSIDE OF AGENCY BOUNDARIES & DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER**

4.1.1 Requests for new or extended services by contract or agreement beyond the boundaries of the providing agency shall be considered and acted upon by the Commission pursuant to the provisions of Government Code §56133 (hereinafter referred to as “out of agency service (OAS) contracts or agreements”).

4.1.2 Government Code §56133 permits approval of OAS requests to be delegated by the Commission to the Executive Officer. The Executive Officer shall consult with districts to determine whether OAS agreements are subject to Commission review or qualify for an exemption under §56133.

4.1.3 It is the policy of the Commission to delegate to the Executive Officer the authority to issue written approval for OAS requests under the following conditions:

- (a) There is an impending threat to the public health and safety of the residents of the affected territory and the affected agency or landowners have submitted documentation of such to the satisfaction of the Executive Officer; and
- (b) The Executive Officer has notified any alternate service provider that has filed a map and a statement of its service capabilities with the Commission; and
- (c) The Executive Officer has provided notice to the Trinity County Environmental Health Department of the request and has provided such agency a reasonable amount of time to review and comment upon such request.
- (d) The delegation of authority as referenced herein shall only apply to requests for extension of services that are within the Sphere of Influence of the affected agency.
- (e) The Executive Officer shall notify the Commission of his/her decision on an OAS agreement within two business days. Within ten days after the Executive Officer’s decision, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The Executive Officer shall set the request for review as an agenda item for the next meeting of the Commission for which notice can be given. After consideration of the issue, the Commission may affirm, reverse, or modify the decision of the Executive Officer.
- (f) Should the Executive Officer determine, for any reason, to not exercise her/his delegated authority, the Executive Officer shall process the request consistent with the directives of Government Code §56133.

4.1.4 Except as otherwise stated herein, OAS requests shall be processed consistent with Section 56133.

4.1.5 The filing requirements for review of OAS requests shall consist of:

- (a) Official Request from Applying Agency. A written request signed by a designated representative of the agency requesting approval for the OAS request, or an

adopted resolution from the district board proposing to serve outside its boundaries must be submitted.

- (b) Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees as outlined in the LAFCo Fee Schedule.
- (c) A completed application form including the submission of a copy of the proposed contract or agreement that has been signed by the property owner(s) and the agency extending service(s), and maps showing the location of the property to be served and the location of existing and proposed infrastructure to be extended.
- (d) Any other information deemed appropriate by the Executive Officer in order to review the OAS request based upon local conditions and circumstances.

4.1.6 As a condition of approval the Commission may require the completion of the annexation within a specified time frame or may impose other conditions as necessary. Annexations to districts involving territory located within the affected agency's sphere of influence are generally preferred to OAS agreements. The Commission recognizes, however, there may be instances when OAS agreements are appropriate given local circumstances.

4.1.7 The Commission and the Executive Officer shall limit OAS agreements to public health and safety emergencies and circumstances where:

- (a) Sufficient service capacity exists;
- (b) Annexation would not be practicable (in determining whether an annexation is practicable, the Commission shall consider the sphere of influence determinations for the affected territory in accordance with Government Code §56425(e); and
- (c) The out of agency service request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

## **4.2 FIRE PROTECTION SERVICES BY CONTRACT**

4.2.1 Effective January 1, 2016, Government Code §56134 requires the Commission to approve fire protection contracts or agreements for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries if the contract meets any of the following thresholds:

- (a) Transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement; or
- (b) Changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.

- (c) A contract or agreement for fire protection services outside a public agency's jurisdictional boundaries that, in combination with other contracts or agreements, would produce the results described in either threshold (a) or (b) above.

Note: This section applies primarily to fire protection contracts and agreements between public agencies as they relate to Amador Agreements and Joint Powers Agreements. The provision of new or extended services by contract or agreement outside jurisdictional boundaries to support existing or planned uses involving public or private properties are subject to Government Code §56133 (see Chapter 4.1 Service by Contract Outside of Agency Boundaries).

4.2.2 Except for the specific situations exempted by Government Code §56134, a public agency may provide new or extended services pursuant to a fire protection contract that meets the above-defined thresholds only if it first requests and receives written approval from the Commission.

4.2.3 Public agencies shall consult with the Executive Officer to determine whether fire protection contracts or agreements are subject to Commission review. Pursuant to Government Code §56134 and Trinity LAFCo policy, the following contracts and agreements are exempt from LAFCo review:

- (a) Renewal of existing contracts, unless the renewal included amendments or the inclusion of new territory that triggered the 25% change in service area or employment status.
- (b) Ambulance service agreements.
- (c) Pre-hospital emergency medical services.
- (d) Mutual or automatic aid agreements.
- (e) Subordinate or subsidiary fire protection activities including, but not limited to the following: pre-planning, subdivision review, use permit review, administrative permit review and inspections; fire alarm system plan review and inspections; defensible space inspections and enforcement; business/ occupancy inspections in existing structures; vehicle maintenance and repair; sharing of management or other personnel between or among multiple agencies; sharing or loaning of equipment or property between or among multiple agencies.
- (f) Cooperative agreements with the California Department of Forestry and Fire Protection, pursuant to Sections 4143 and 4144 of the Public Resources Code.

4.2.4 Fire Protection Contracts and Agreements, except those determined to be exempt from LAFCo review, shall be considered using the following procedures:

- (a) A request by a public agency for Commission approval of new or extended services provided pursuant to a fire protection contract shall be made by resolution of application and include all information regarding proposed services and financial information as required by Government Code §56134.

The Commission will review proposals for consistency with the required findings of 56134(h)(2)(i) and (j), as well as the overall purposes of LAFCo that encourage the efficient provision of government services. Notably, the Commission shall not approve an application for approval of a fire protection contract unless the Commission determines that the public agency will have sufficient revenues to carry out the exercise of the new or extended fire protection services outside its jurisdictional boundaries.

## **Section 5. CONDUCTING AUTHORITY PROCEEDINGS**

### **5.1 AUTHORITY, WAIVER, AND SCHEDULING**

5.1.1 Delegation of Authority. The Executive Officer is designated as the hearing officer for conducting authority proceedings. All functions and duties of the Conducting Authority as specified in §57000, et. seq., shall be delegated to the Executive Officer. The purpose of delegating certain duties to the Executive Officer is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures, and to expedite the boundary change process. If the Commission chooses to retain such authority, this decision shall be stated in the terms and conditions for approval of the subject proposal. The Executive Officer shall have the authority to issue the appropriate order upon completion of the protest proceedings.

5.1.2 Waiver of Conducting Authority Proceedings. The Commission may waive final Conducting Authority proceedings in accordance with CKH Act. §56662 and 56663, and otherwise authorize the Executive Officer to file a Certificate of Completion upon approval of a change of organization or reorganization and satisfaction of all terms and conditions pursuant to G.G. §57200.

5.1.3 Setting the Matter for Hearing. Within 35 days of final Trinity LAFCo action, the Executive Officer shall set the matter for hearing and cause a notice thereof to be published in accordance with G.C. §57025. The date of the hearing shall not be less than 21 nor more than 60 days, after the date the notice is given. The hearing may be continued for up to 60 days.

5.1.4 Conclusion of Hearing. Within thirty (30) days of the protest hearing, the Executive Officer shall, based on the value of written protests filed and not withdrawn as specified under G.C. §57052, either order the change, order the change subject to an election, or terminate the proposal. The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearing that is conducted.

## **Section 6. CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE**

### **6.1 CONFLICTS AND DISCLOSURES**

6.1.1 Conflict of Interest. The Political Reform Act, §81000 *et.seq.* requires each state and local government agency to adopt and promulgate a Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §18730, which contains the terms of a standard Conflict of Interest Code. This standard Code can be incorporated by reference and may be amended by the FPPC after public notice and hearings to confirm to amendments in the Political Reform Act. The terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference.

Pursuant to section 4 of the standard code, persons serving in Designated Positions must file statements of economic interest:

Commissioners and Alternate Commissioners  
Executive Officer  
Legal Counsel  
Consultants\*

\*The disclosure by consultants is subject to the following limitation: The LAFCO consultant filing a Designated Position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosure shall be made in the following Disclosure Categories:

- 1) All sources of income, including gifts;
- 2) Interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of Trinity County; and
- 3) Investments and business positions in business entities located in or doing business in Trinity County.

6.1.2 Financial Disclosure. Pursuant to §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners and other representatives who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package [§84308]. Disclosure must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact for the official record of the Commission §84308(d). The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner/s) must be made: (1) in writing and delivered to the Executive Officer prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

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

LAFCo members listed in Government Code §87200 are subject to Levine Act Statement and California Fair Political Practices Commission requirements, including annual filing of the Statement of Economic Interests (Form #700) with the Trinity County Elections Office.