

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

2301 Technology Parkway  
Hollister, CA 95023  
Phone: (831) 637-5313

October 22, 2015 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister CA 95023

**Commissioner Handbook**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive the proposed Commissioner Handbook and continue approval until the next Commission meeting to allow the opportunity for review and comment by the County, local agencies and the public.

DISCUSSION

One of my objectives since being appointed as your Executive Officer has been to prepare a Commissioner Handbook that incorporates accepted procedures and policies.

In preparing this report we have examined various Commission resolutions and documents. Two of these are titled "Rules of the Local Agency Formation Commission, County of San Benito" (undated) and "Local Agency Formation Commission of San Benito County Policies and Guidelines" last amended in December 16, 2004.

A list of these documents is shown at the end of this report and some are included as attached exhibits.

We are proposing a Commission Handbook that encompasses, supersedes and replaces these earlier documents. The proposed document, the first draft of which is enclosed, contains the following components:

- Commission Roster
- Why LAFCO? Historical Perspective
- Role of Commissioner
- LAFCO Membership
- LAFCO Powers and Duties
- LAFCO Rules and Procedures

- Conflict of Interest Code
- LAFCO Budget and Financial Procedures
- LAFCO Staffing
- CALAFCO
- Roster of Cities and Districts
- Amending the Commissioner Handbook

This is the first step in preparing a Commissioner Handbook. Other chapters that will constitute an Administrative Supplement to CEQA and present Policy Guidelines and Standards still need to be developed. We anticipate being able to present drafts of those sections to the Commission at a future meeting, but we see no reason not to proceed with adopting the portions of the Commissioner Handbook that are presently drafted.

We recommend you receive the draft Handbook and continue approval until the next Commission meeting on January 28, 2016. This will allow the opportunity for review and comment by the County, local agencies and the public.

Please note that in addition to the Commissioner Handbook the staff has been developing a Procedures Manual that includes sections on handling and processing mail, processing applications, records retention, preparing for, clerking and recording Commission meetings, preparing and keeping minutes, processing claims and invoices, maintaining our Directory of Local Agencies and maintaining the Commission web page.

If you have questions or would like to discuss this matter please contact the LAFCO staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Braitman", followed by a horizontal line.

BOB BRAITMAN  
Executive Officer

Exhibits:

- Mission Statement (date unknown)
- Rules of the Local Agency Formation Commission, County of San Benito (date unknown)
- Resolution No. 82-10 requiring municipalities to incorporate roads when annexing territories (August 26, 1982)
- Resolution No. 92-4 Directing Policy and Criteria for Annexation Requests (May 29, 1992)
- Resolution No. 95-03 Adding Policy No. 8 to Resolution No. 92-4 Regarding Agricultural Lands (April 20, 1995)
- Resolution No. 2001-20 delegating to the Executive Officer the responsibility to act on behalf of the Commission during protest hearings
- Resolution No. 2002-09 adopting a conflict of interest code

## **Mission Statement**

The Local Agency Formation Commission (LAFCO) of San Benito County is committed to serving the County's citizens and government agencies of its jurisdiction by encouraging the preservation of agricultural and open-space lands, while preventing urban sprawl, and coordinating the efficient delivery of municipal services.



RULES  
of the  
LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN BENITO

CHAPTER I  
GENERAL PROVISIONS

Section 1. These rules shall apply to the Local Agency Formation Commission of the County of San Benito and are adopted pursuant to the authority vested in the Commission by Chapters 6.5 and 6.6 of Part 1, Division 2, Title 5 of the Government Code.

CHAPTER II  
COMMISSION MEETINGS

Section 2. The regular meetings of the Local Agency Formation Commission shall be held on the fourth Thursday of each and every month, commencing at the hour of 7:30 P.M. thereof at Room 203, Courthouse, Hollister, California. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first succeeding day which is not a holiday commencing at the same hour, in which event all hearings, applications, petitions, and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday.

Section 3. Any regular, adjourned regular, special or adjourned special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission. If the date to which any such meeting is adjourned falls

upon a holiday, the adjourned meeting shall be held at the same place on the next succeeding day which is not a holiday at the hour of 7:30 P.M., thereof, in which event all hearings and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday.

Section 4. Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting.

Section 5. Special meetings of the Commission may be called in the manner provided by State law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting, and no other business shall be considered at that meeting.

### CHAPTER III

#### Election, Powers, and Duties of Chairman and Chairman Pro Tem, Conduct of Meetings

Section 6. The members of the Commission shall elect a Chairman at the first meeting of the Commission who shall serve until the election of his successor as provided hereinafter.

Section 7. Commencing in 1964, and continuing thereafter, at the first meeting of the Commission held in January the members of the Commission shall elect a Chairman to serve until the election of his successor.

Section 8. The Chairman, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these rules. The Chairman shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission.

Section 9. In the absence of a quorum the members present shall adjourn the meeting until the same hour on the next succeeding day. If all members are absent the Executive Officer of the Commission may adjourn the meeting to a stated time and place in accordance with Section 54955 of the Government Code.

Section 10. In the absence of, or inability to act of, the Chairman, the Members of the Commission present shall by an order entered on the minutes select one of their members to act as Chairman Pro Tem. The Chairman Pro Tem shall have all of the powers and duties of the Chairman during the absence of, or the inability to act of, the Chairman.

Section 11. The business of each regular meeting of the Commission shall be transacted as far as possible in the following order:

- (a) Roll Call
- (b) Minutes of previous meeting
- (c) Matters to be set for hearing
- (d) Matters previously set for hearing
- (e) Special matters

Section 12. No motion made by any member of the Commission shall require a second.

Section 13. The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of an objection, the Chairman may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye".

Section 14. Each roll call of the Commission shall be in alphabetical order, except that the Chairman shall be called last.



Section 15. A majority of the members of the Commission constitute a quorum for the transaction of business. No act of the Commission shall be valid or binding unless a majority of all the members concur therein.

#### CHAPTER IV

##### Duties of the Executive Officer

Section 16. The Executive Officer of the Commission shall attend each meeting of the Commission and maintain a record of all proceedings thereof as required by law.

Section 17. The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action on file with the Executive Officer and all matters which have previously been set for hearing at such meeting.

Section 18. The Executive Officer shall notify all Commission members of the time set for any special meetings.

Section 18.1. The Executive Officer is authorized to set matters for hearing, giving the date, time and place of hearing, and it shall be his duty to give the required notices.

#### CHAPTER V

Section 19. The Commission shall prescribe and from time to time may change, a form of "justification of proposal" to be completed and filed by proponents, or others interested in any proposal pending before the Commission for review, containing the data and information relating to the factors to be considered by the Commission pursuant to Sections 54765 and 54786 of the Government Code.

Section 20. No notice of intention of a proposal under either Chapter 6.5 or 6.6 of Part 1, Division 2, Title 5 of the Government Code shall be filed with the Commission unless accompanied by a "justification of proposal" completed in full.



RESOLUTION OF THE SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION SETTING FORTH A POLICY REQUIRING MUNICIPALITIES TO INCORPORATE ROADS WHEN ANNEXING TERRITORIES.

WHEREAS, the Local Agency Formation Commission of San Benito County, in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, recognizes the need for a uniform policy requiring Municipalities to incorporate roads when annexing territories; and

WHEREAS, the jurisdictional changes associated with annexation, should decrease the County's responsibilities for providing services in these areas, and should increase these responsibilities for the affected Cities; and

WHEREAS, the San Benito County Local Agency Formation Commission further recognizes that in some exceptional and extraordinary cases such a policy requiring the annexation of roads may not be practical or preferable by the local agency involved;

NOW, THEREFORE BE IT RESOLVED by the Local Agency Formation Commission of San Benito County, that it is the Commissions policy to require that; the full width and full length of roads adjacent to; and all the roads within any proposed annexation shall be included in territory proposed to be annexed to any municipality in San Benito County; and

BE IT FURTHER RESOLVED that in exceptional and extraordinary cases annexation of roads may not be required. These requirements will be waived when; both local governments or their representatives agree, in writing, that annexation of said road would be to the disadvantage to both governments and the general welfare; and two thirds majority vote of the Local Agency Formation Commission of San Benito County finds circumstances which would make this policy impracticable and unfeasible.


PASSED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BENITO THIS 26TH DAY OF AUGUST, 1982 BY THE FOLLOWING VOTE:

AYES: Hodges, Silva, Cerrato, Gabriel

NOES: None

ABSENT: Baccala

  
Chairman, Don Gabriel

  
Executive Officer, Rob Mendiola

Resolution No. 95-03

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY ADDING POLICY No. 8 REGARDING AGRICULTURAL LANDS TO RESOLUTION NO. 92-4 (DIRECTING POLICY AND CRITERIA FOR ANNEXATION AND SPHERE AMENDMENT REQUESTS).

WHEREAS, the State legislature has provided Local Agency Formation Commission (LAFCO) with direction in their duties and requirements set forth in the Cortese-Knox Local Government Reorganization Act of 1985; and,

WHEREAS, to carry out its purpose and responsibility for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the County and its communities a more strict interpretation of the Act must be taken; and,

WHEREAS, the Commission may recommend governmental reorganization to particular agencies in the county using spheres of influence and urban service areas as the basis of such recommendations.

NOW THEREFORE BE IT RESOLVED that the Local Agency Formation Commission of San Benito County adopts these policies:

1. LAFCO will review spheres of influences and urban service areas on a regular basis to assure that the legislative intent of the Cortese-Knox Act is accomplished.
2. Where necessary, LAFCO will establish urban service areas to further implement spheres of influence. These will be adjusted upward and downward as the facts in the matter require.
3. That annexation requests shall be made by resolution of the local jurisdiction pursuant to the Government Code Section. This becomes effective with the adoption of the City of Hollister's General Plan. It currently applies to San Juan Bautista.
4. To require that a plan for providing services must be submitted with annexation applications whether the application is submitted by resolution or application. (Govt. Code 56653)
5. LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services.
6. LAFCO will take every possible opportunity to amend applications and alter applications to eliminate any present and future islands. Notice to property owners of the affected territory will be by return receipt.

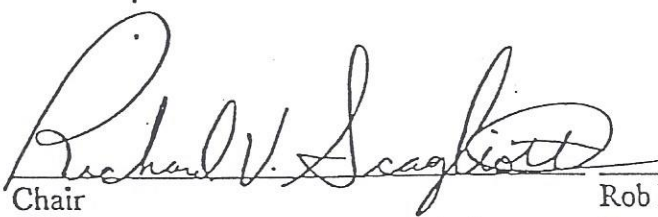


7. LAFCO will use the California Environmental Quality Act to its fullest extent of the law, and will disclose and understand all impacts prior to LAFCO action.
8. LAFCO will deny city annexations, amendments to currently adopted sphere-of-influences, and urban service areas that clearly induce, facilitate, or lead to conversion of prime agricultural lands when there is opportunity for amendment and/or annexation to non-prime lands.

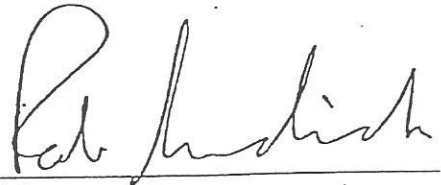
PASSED AND ADOPTED by the Local Agency Formation Commission on the 20th day of April 1995 by the following vote:

AYES: COMMISSIONERS SCAGLIOTTI, BOWLING, HOLTE, GABRIEL, IRISH  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS

ATTEST:



Chair  
Local Agency Formation Commission



Rob Mendiola  
Executive Officer



RESOLUTION OF THE SAN BENITO COUNTY )  
LOCAL AGENCY FORMATION COMMISSION )  
DIRECTING POLICY AND CRITERIA FOR )  
SERVICE REQUESTS OUTSIDE DISTRICTS )

RESOLUTION NO. 95-06

WHEREAS, the State Legislature has provided Local Agency Formation Commissions (LAFCO) with direction in their duties and requirements set forth in the Cortese-Knox Local Government Reorganization Act of 1985, specifically Section 56133;

WHEREAS, to carry out its purpose and responsibility for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the local governmental agencies and their communities, a strict interpretation of the Act must be taken;

WHEREAS, the Commission may allow services provided by cities and districts to serve areas outside their boundaries;

WHEREAS, to provide an adequate review of the request, LAFCO staff requires detailed information on the services requested and what public interest may be served by the request.

NOW THEREFORE BE IT RESOLVED that the following are policies of the Local Agency Formation Commission of San Benito County:

1. Require applications for providing services outside of city/district jurisdictional boundaries.
2. Applications for services outside of jurisdiction boundaries shall demonstrate sufficient reason why the service should be provided outside the boundary, instead of annexation to the district.
3. The applicant shall provide a plan for services to identify the precise services required for the area where service is requested.
4. LAFCO will deny applications for services outside city or district boundaries where a public interest is not served or demonstrated.

PASSED AND ADOPTED by the Local Agency Formation Commission on the 24 day of August, 1995 by the following vote:

AYES:  
NOES:  
ABSENT:

COMMISSIONERS: GABRIEL, HOITE, IRISH, RODRIGUES, SCAGLIOTTI  
COMMISSIONERS:  
COMMISSIONERS:

Chair

Local Agency Formation Commission

ATTEST:

Rob Mendiola  
Executive Officer

RESOLUTION OF THE LOCAL AGENCY  
FORMATION COMMISSION OF SAN BENITO  
COUNTY DIRECTING POLICY AND CRITERIA  
FOR ANNEXATION REQUESTS

RESOLUTION NO. 92-4

WHEREAS, the State legislature has provided Local Agency Formation Commissions (LAFCO) with direction in their duties and requirements set forth in the Cortese-Knox Local Government Reorganization Act of 1985; and,

WHEREAS, to carry out its purpose and responsibility for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the County and its communities a more strict interpretation of the Act must be taken; and,

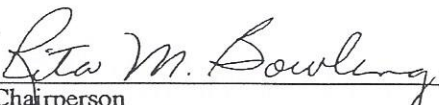
WHEREAS, the Commission may recommend governmental reorganization to particular agencies in the county using spheres of influence and urban service areas as the basis of such recommendations.

NOW THEREFORE BE IT RESOLVED that the Local Agency Formation Commission of San Benito County adopts these policies:

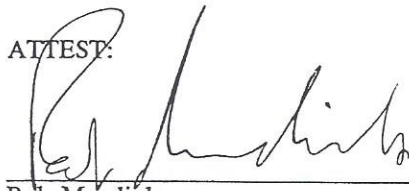
1. LAFCO will review spheres of influences and urban service areas on a regular basis to assure that the legislative intent of the Cortese-Knox Act is accomplished.
2. Where necessary, LAFCO will establish urban service areas to further implement spheres of influence. These will be adjusted upward and downward as the facts in the matter require.
3. That annexation requests shall be made by resolution of the local jurisdiction pursuant to the Government Code Section. This becomes effective with the adoption of City of Hollister's General Plan. It currently applies to San Juan Bautista.
4. To require that a plan for providing services must be submitted with annexation applications whether the application is submitted by resolution or application. (Govt. Code 56653)
5. LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services.
6. LAFCO will take every possible opportunity to amend applications and alter applications to eliminate any present and future islands. Notice to property owners of the affected territory will be by return receipt.
7. LAFCO will use the California Environmental Quality Act to its fullest extent of the law, and will disclose and understand all impacts prior to LAFCO action.

PASSED AND ADOPTED by the Local Agency Formation Commission on the 28TH day of MAY 1992 by the following vote:

AYES:	COMMISSIONERS:	Scagliotti, Kesler, Gabriel, Dwyer
NOES:	COMMISSIONERS:	Irish
ABSENT:	COMMISSIONERS:	

  
Chairperson  
Local Agency Formation Commission

ATTEST:

  
Rob Mendiola  
Executive Officer



Resolution No. 95-03

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY ADDING POLICY No. 8 REGARDING AGRICULTURAL LANDS TO RESOLUTION NO. 92-4 (DIRECTING POLICY AND CRITERIA FOR ANNEXATION AND SPHERE AMENDMENT REQUESTS).

WHEREAS, the State legislature has provided Local Agency Formation Commission (LAFCO) with direction in their duties and requirements set forth in the Cortese-Knox Local Government Reorganization Act of 1985; and,

WHEREAS, to carry out its purpose and responsibility for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the County and its communities a more strict interpretation of the Act must be taken; and,

WHEREAS, the Commission may recommend governmental reorganization to particular agencies in the county using spheres of influence and urban service areas as the basis of such recommendations.

NOW THEREFORE BE IT RESOLVED that the Local Agency Formation Commission of San Benito County adopts these policies:

1. LAFCO will review spheres of influences and urban service areas on a regular basis to assure that the legislative intent of the Cortese-Knox Act is accomplished.
2. Where necessary, LAFCO will establish urban service areas to further implement spheres of influence. These will be adjusted upward and downward as the facts in the matter require.
3. That annexation requests shall be made by resolution of the local jurisdiction pursuant to the Government Code Section. This becomes effective with the adoption of the City of Hollister's General Plan. It currently applies to San Juan Bautista.
4. To require that a plan for providing services must be submitted with annexation applications whether the application is submitted by resolution or application. (Govt. Code 56653)
5. LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services.
6. LAFCO will take every possible opportunity to amend applications and alter applications to eliminate any present and future islands. Notice to property owners of the affected territory will be by return receipt.

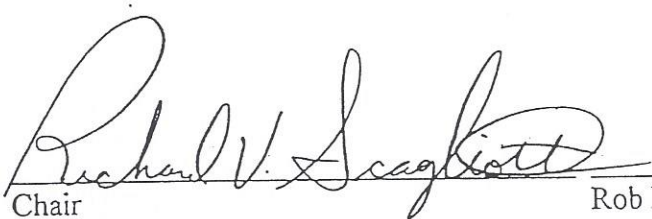


7. LAFCO will use the California Environmental Quality Act to its fullest extent of the law, and will disclose and understand all impacts prior to LAFCO action.
8. LAFCO will deny city annexations, amendments to currently adopted sphere-of-influences, and urban service areas that clearly induce, facilitate, or lead to conversion of prime agricultural lands when there is opportunity for amendment and/or annexation to non-prime lands.

PASSED AND ADOPTED by the Local Agency Formation Commission on the 20th day of April 1995 by the following vote:

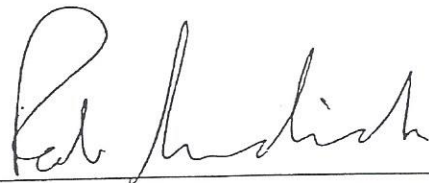
AYES: COMMISSIONERS SCAGLIOTTI, BOWLING, HOLTE, GABRIEL, IRISH  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS

ATTEST:



Chair

Local Agency Formation Commission



Rob Mendiola

Executive Officer

**DELEGATING TO THE EXECUTIVE OFFICER THE RESPONSIBILITY TO ACT  
ON BEHALF OF THE COMMISSION DURING PROTEST PROCEEDINGS**

WHEREAS, Assembly Bill 2838 of the 2000 Legislative Session, made significant amendments to the Local Government Reorganization Act, effective January 1, 2001; and

WHEREAS, the new version of the Act shifts the responsibility for conducting the protest proceedings for reorganizations and changes of organization to the Local Agency Formation Commission in each County; and

WHEREAS, protest proceedings only occur after a public hearing and a resolution of approval by the Local Agency Formation Commission; and

WHEREAS, protest proceedings are ministerial duties, including: noticing property owners and registered voters, tabulating property owner and registered voter protests, and holding public hearings to make findings on the value of the protests; and

WHEREAS, Government Code §57000(c) allows a Local Agency Formation Commission to delegate any functions of the protest proceedings to its Executive Officer;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission of San Benito County, hereby delegates its functions, during the protest proceedings (Government Code §57000-57179) for any reorganization or change of organization, to its Executive Officer.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission may withhold this delegation of authority for any reorganization or change of organization by stating so in its resolution approving the reorganization or change of organization.

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

**PASSED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION IN THE COUNTY OF  
SAN BENITO THIS 13<sup>th</sup> DAY OF December, 2001 BY THE FOLLOWING VOTE:**

AYES: Corrales, Cruz, Hopper, Scagliotti

NOES: None

ABSENT: None

**RICHARD SCAGLIOTTI, CHAIRPERSON**

Attest:

Approved as to form:

**ROB MENDIOLA, Executive Officer**

**KAREN R. FORCUM, LAFCO Counsel**



BEFORE THE SAN BENITO COUNTY LOCAL AREA FORMATION COMMISSION

RESOLUTION OF THE SAN BENITO COUNTY  
LOCAL AREA FORMATION COMMISSION  
ADOPTING A CONFLICT OF INTEREST CODE

)  
)  
)  
RESOLUTION No.2002-09

WHEREAS, the Political Reform Act, Government Code Section 81000, *et seq.*, requires every state or local government agency to adopt and promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code Sections 11370, *et seq.*; and

WHEREAS, the Local Area Formation Commission desires to adopt the Fair Political Practices Commission's model conflict of interest code; and

WHEREAS, pursuant to Government Code section 87302, the conflict of interest code must designate positions and advisory bodies subject to disclosure of financial interests; and

WHEREAS, the commission determines that the attached appendix accurately sets forth those positions subject to disclosure of financial interests.

NOW, THEREFORE, BE IT RESOLVED THAT the terms of 2 Cal. Code of Regulations Section 18730, any later amendments duly adopted by the Fair Political Practices Commission, and the attached Appendix A in which officials, employees, and members of the advisory bodies of the San Benito County Local Area Formation Commission are designated and disclosure categories are set forth is hereby incorporated by reference and constitutes the conflict of interest code of the San Benito County Local Area Formation Commission.

BE IT FURTHER RESOLVED THAT persons holding the positions designated on Appendix A shall file statements of economic interests pursuant to Section 4 of the code with the San Benito County Clerk, to who, the San Benito County Local Area Formation Commission hereby delegates the authority to carry out the duties of filing officer.



PASSED AND ADOPTED BY THE SAN BENITO COUNTY LOCAL AREA  
FORMATION COMMISSION on this the 26th day of September, 2002, by the following  
vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS:

By: [Signature] of  
San Benito County Local Area Formation  
Commission

ATTEST:

ROB MENDIOLA, Executive Officer

By: [Signature]

APPROVED AS TO LEGAL FORM:

KAREN FORCUM, County Counsel

By: Shirley L. Murphy 9/20/02  
Shirley L. Murphy, Deputy County Counsel

## Appendix A

Positions and Advisory Bodies	A-1	A-2	B	C	D	E	F
SAN BENITO COUNTY LOCAL AREA FORMATION COMMISSION	x	x	x	x	x	x	x
EXECUTIVE OFFICER	x	x	x	x	x	x	x