VENTURA LOCAL AGENCY
FORMATION COMMISSION

COMMISSIONER'S HANDBOOK

Policies and Procedures

Ventura LAFCo
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AUTHORITY, PURPOSE, JURISDICTION & GENERAL INTENT

The Ventura Local Agency Formation Commission ("LAFCo") was formed and operates under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") (California Government Code Section 56000 et seq.). This law provides for LAFCos to be formed as independent agencies in each county in California. LAFCos implement state law requirements and state and local policies relating to boundary changes for cities and most special districts, including spheres of influence, incorporations, annexations, reorganizations and other changes of organization. In this capacity the Ventura LAFCo is the boundary agency for cities and most special districts in Ventura County.

The CKH requires each LAFCo to adopt written policies and procedures. Other provisions of State law require LAFCos to adopt written policies and guidelines applicable to specialized functions (e.g. the California Environmental Quality Act, Conflict of Interest, etc.). In addition, the Ventura LAFCo has adopted By-Laws and other operational and procedural policies to facilitate its operation and provide public information.

The Commissioner's Handbook is a compilation of all of the written policies and procedures adopted by the Ventura LAFCo. These policies and procedures do not reiterate or interpret state law. Rather, they are intended to supplement state law. To fully understand LAFCo processes and procedures applicable provisions of state law should be reviewed in conjunction with this document.

Each division of the Commissioner's Handbook is freestanding and can be amended or changed without amending the entire Handbook. The Ventura LAFCo Executive Officer is charged with ensuring that the Handbook is current and up to date and publicly available. To the extent that any portion of the Handbook conflicts with any provision of law, the applicable law always takes precedence.

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DIVISION 1 – OPERATIONAL RULES & REGULATIONS

CHAPTER 1 – BY-LAWS

SECTION 1.1.1 TITLE

This Commission shall be entitled and known as the Ventura Local Agency Formation Commission ("Ventura LAFCo").

SECTION 1.1.2 ORGANIZATIONS

The Ventura LAFCo is formed, organized and operates under the authorities granted pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") (California Government Code Section 56000 et seq.). The offices of the Ventura LAFCo shall be located at the Ventura County Government Center, 800 South Victoria Avenue, Ventura, California, or in a location approved by the Commission.

SECTION 1.1.3 MEMBERS

1.1.3.1 Membership: The Ventura LAFCo shall consist of seven regular members and four alternate members appointed pursuant to the CKH. Two members and one alternate member shall be members of the Ventura County Board of Supervisors, two members and one alternate member shall be members of the city councils of the cities in Ventura County, two members and one alternate member shall be members of the boards of the independent special districts in Ventura County, and one member and one alternate member shall be members of the public at large who are not elected officials.

1.1.3.2 Term of Office: The term of office for each member shall be as set forth in the CKH, except that for any member appointed after January 1, 2002 the expiration date of the term of office shall be January 1 in the year in which the term of the member expires. For any member appointed prior to January 1, 2002, the term of office for that member shall be extended from the first Monday in May in the year that member's current term expires to January 1 of the following year.

1.1.3.3 Public Member and Alternate: The public member and alternate public member shall not hold two consecutive terms as the public member or the alternate public member. The intent is to rotate the public membership of the Ventura LAFCo on a reasonable basis to broadly allow qualified members of the community to serve.

1.1.3.4 Alternate Members: Alternate members may participate fully in all meetings, except they are eligible to make motions, vote or to attend closed session meetings only in the absence of the regular member for which they are an alternate.

SECTION 1.1.4 OFFICERS

1.1.4.1 Chair: The Chair shall be selected by the members. The Chair shall serve for one year or until his/her successor is selected at the first meeting of each calendar year or at the next regular meeting following the appointment and qualification of the requisite member to fill any expired and/or vacant terms.

The office of Chair shall be rotated so that a member of each of the four represented groups of LAFCo serves one full year in every four-year period. Commencing January of 2002, the rotation of the chair shall be in the following sequence: County, Public, City, and Special District member.

1.1.4.2 Vice-Chair: The Vice-Chair shall be selected by the members. The Vice Chair shall serve for one year or until his/her successor is selected at the first meeting of each calendar year or at the next regular meeting following the appointment and qualification of the requisite member to fill any expired and/or vacant terms. In the absence of the Chair, the Vice-Chair shall serve in place of the Chair.

The office of Vice-Chair shall be rotated so that a member of each of the four represented groups of LAFCo serves one full year in every four-year period. In January 2002, the rotation of the vice-chair shall be in the following sequence: Public, City, Special District, and County member.

SECTION 1.1.5 MEETINGS

1.1.5.1 Time and Place: Regular meetings of the Commission shall be held on the third Wednesday of each month at 9:00 a.m., except:
(a) The regular meeting in June of each year shall be held on the second Wednesday of June at 9:00 a.m. to facilitate the adoption of the Ventura LAFCo budget.
(b) No regular meetings are scheduled during the months of August and December.

The meetings shall be held in the meeting room of the Ventura County Board of Supervisors in the Administration Building of the County Government Center, 800 South Victoria Avenue, Ventura, California, unless otherwise specified by the Ventura LAFCo and noticed as required by law. Special meetings may be called pursuant to the provisions of the Government Code. The Ventura LAFCo may cancel or reschedule a meeting at their discretion provided that proper notice is given as required by law.

1.1.5.2 Attendance of Public: All meetings of the Ventura LAFCo, except as specifically provided by law for closed sessions, shall be open and public in accordance with the terms, provisions and exceptions consistent with state law.

SECTION 1.1.6 QUORUM AND VOTING

1.1.6.1 Quorum: Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

1.1.6.2 Voting: Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

SECTION 1.1.7 RECORD OF PROCEEDINGS

1.1.7.1 Records:
(a) The Executive Officer shall keep a record of the resolutions, transactions, findings and determinations of the Ventura LAFCo.
(b) Any duplicate record, paper, or other document may be destroyed that is more than two years old, but only if an original or photographic copy of the record, paper, or other document is retained in the files of the Ventura LAFCo pursuant to law.
(c) Any tape or film record of a Ventura LAFCo meeting may be erased or destroyed 30 days after the taping or recording pursuant to law.

1.1.7.2 Signatures:
(a) All papers 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 Chair or Vice-Chair shall be deemed sufficient.
(b) Routine correspondence, communications, or certifications may be signed by the Executive Officer.

SECTION 1.1.8 ADOPTION AND AMENDMENT OF BY-LAWS

1.1.8.1 Original Adoption: These By-Laws were originally adopted and became effective on October 30, 1963.

1.1.8.2 Amendment: These By-Laws may be amended at any time by the affirmative vote of six members (four-fifths) of the Commission based on proper notice as required by law.

1.1.8.3 History: The By-Laws of the Ventura LAFCo have been amended periodically since their original adoption. Records and dates of amendments are on file in the office of the Ventura Local Agency Formation Commission.

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DIVISION 1 – OPERATIONAL RULES & REGULATIONS

CHAPTER 2 – VENTURA LAFCo CONFLICT OF INTEREST CODE

VENTURA LAFCo

The Political Reform Act, Government Code Section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. Pursuant to California Government Code Section 87306.5, the Ventura Local Agency Formation Commission reviews its Conflict of Interest Code every even-numbered year and adopts amendments as necessary. The following language reflects the most recent amendments to the Ventura Local Agency Formation Commission Conflict of Interest Code.

The Fair Political Practices Commission has adopted a regulation (Cal. Code Regs., title 2, § 18730), which contains the terms of a standard Conflict of Interest Code ("standard code"), which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

The terms of California Code of Regulations (hereafter "Regulations"), title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the attached Exhibit A in which officials and employees are designated and disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Ventura Local Agency Formation Commission.

For designated persons who are officials specified in Government Code Section 87200 (e.g., members of the Board of Supervisors or members of city councils), this code does not establish additional disclosure obligations within the geographic area already encompassed within the territorial jurisdiction of the office held by any such official. (See Gov. Code, § 87200 et seq. and Regulations, Title 2, § 18730, subd. (b)) With respect to areas of jurisdiction of the Commission beyond the foregoing, any such official may satisfy his or her filing obligations under this code, when appropriate, by filing an expanded statement of economic interest as permitted by Regulations, Title 2, Section 18730, footnote 1.

Pursuant to Section 4 of the standard code, designated persons shall file statements of economic interests with the executive officer of the Commission. Upon receipt of the statement of a board member, alternate board member, or executive officer, the executive officer shall make and retain a copy and forward the original of the statement to the County Clerk. The statements of other designated persons shall be retained as part of the Commission's files. The County Clerk and the Commission shall retain all such filings as required by law at the Ventura County Government Center and at the Commission's offices, respectively. However, to avoid unnecessary duplication of filings, where a designated person files another required disclosure statement with an office or agency located at the Ventura

County Government Center, which filing meets or exceeds the individual's disclosure requirements under this code, then no additional filing under this code is required.
Ventura Local Agency Formation Commission Amended Conflict of Interest Code Adopted July 2006

Designated Positions:
Commission and Alternate Commissioners.
Executive Officer.
Deputy Executive Officer.
LAFCo Analyst.
Legal Counsel.
Consultants.*

Disclosure Categories:
Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosures shall be made in the following categories:
(a) All sources of income.
(b) Interest in real property.
(c) Investments and business positions in business entities.

*The disclosure by consultants is subject to the following limitation: The Executive Officer may determine in writing that a particular consultant, although filling 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 in this section. Such written determination shall include a description of the consultant's 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.

DIVISION 1 – OPERATIONAL RULES & REGULATIONS

CHAPTER 3 – COMMISSION PROTOCOLS

SECTION 1.3.1 PURPOSE AND INTENT

These protocols are adopted for the purpose of assisting in the orderly and effective conduct of the affairs of the Ventura LAFCo. The rules and procedures set forth are not exclusive and do not limit the inherent power and general legal authority of the Commission. They are intended to expedite and facilitate the transaction of the business of the Ventura LAFCo and are deemed to be procedural only. The failure to strictly observe any of these protocols shall not affect the jurisdiction of, or invalidate any action taken by the Ventura LAFCo. Nothing in these protocols shall restrict the authorities or responsibilities of LAFCo pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") (California Government Code Section 56000 et seq.).

SECTION 1.3.2 MEETINGS

1.3.2.1 Regular Meetings: Regular meetings shall be conducted as described in the By-Laws.

1.3.2.2 Closed Sessions: The Commission may hold closed sessions during any regular or special meeting; or any time otherwise authorized by law to consider or hear any matter that is authorized by State law to be heard or considered in closed session.

The Commission may exclude from any such closed session any person or persons that it is authorized by State law to exclude from such closed sessions.

The general subject matter for consideration shall be expressed in an open meeting before such session is held.

Commissioners may not reveal the nature of discussion or the decision from a closed session unless required by law.

1.3.2.3 Cancellation of Meetings: Any meeting may be cancelled by majority vote of the Commission or by the Commission Chair with the consent of the Vice Chair, if it is determined that there is insufficient business to justify the scheduled meeting. A meeting should not be cancelled less than 72 hours prior to its schedule date. Upon cancellation the Executive Officer shall give public notice of the meeting cancellation in accordance with provisions of the Government Code.

1.3.2.4 Chair: The Chair shall preside over all Commission meetings. The Chair shall have authority to preserve order at all meetings, to remove any person from any meeting for

disorderly conduct, to enforce the rules of the Ventura LAFCo and to determine the order of business under the rules of the Commission.

1.3.2.5 Absence of Chair and Vice Chair: When the Chair and the Vice Chair are absent from any meeting, the members present may choose another member to act as Chair pro tem, and that person shall, for the time being, have the powers of the Chair.

1.3.2.6 Action Minutes: Minutes of meetings will be action minutes. Action minutes will include final motions with votes. The minutes will also reflect the names of public speakers, reasons for legally required abstentions from voting, and comments for the record. Commission and staff discussion, comments, and questions and answers, will not be included in the minutes.

1.3.2.7 Timing of Commission Approval of Minutes: Minutes of meetings will generally be submitted to the Commission for approval at the next regularly scheduled meeting.

1.3.2.8 Recordings of Meetings: Meetings of the Commission are not typically tape-recorded as there is no requirement that the proceedings of any meeting of the Ventura LAFCo be tape-recorded. If tape or film recordings of any meeting are available they will be maintained as provided in the By-Laws.

SECTION 1.3.3 ORDER OF BUSINESS

1.3.3.1 General Order: The business of the Ventura LAFCo at its meetings will be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law. The Executive Officer or any member of the Commission may request that the order of business be changed to accommodate a special circumstance.

Call to Order.
Pledge of Allegiance.
Roll Call.
Presentations and Announcements.
Minutes.
Public Comment.
Consent Items.
Public Hearing Items.
Action Items.
Correspondence Received.
Executive Officer's Report.
Commissioner's Comments.
Adjournment.

1.3.3.2 Posted Agenda: In accordance with the Ralph M. Brown Act, the Commission may not take action on any item that did not appear on the posted Ventura LAFCo agenda 72 hours

prior to the meeting unless an exception is made as permitted under Government Code section 54954.2.

1.3.3.3 Presentations: All presentations will be calendared and coordinated through the Chair and Executive Officer and will be limited to a time period not to exceed 15 minutes at any meeting.

1.3.3.4 Consent Items: Consent items are expected to be routine and noncontroversial. Consent items will be approved by one motion if no member of the Commission desires to comment, discuss or ask questions about any of the items. Any member of the Commission or staff can remove an item from being considered as a consent item. Members of the public may comment on consent items prior to the Commission's consideration of the Consent Items section of the agenda. A Commissioner may vote "no" on any consent item without comment or discussion. Any comments, discussion or questions on a consent item will require the pulling of the item from the Consent Items section of the agenda.

1.3.3.5 Commissioners' Comments: The Commissioners' Comments section of the agenda provides the Commission the opportunity to briefly comment, within the limits of the Ralph M. Brown Act, on LAFCo business, operations, projects, and other items coming before Commission.

1.3.3.6 Standard Adjournment: The Commission establishes 12:00 p.m. (noon) as the hour of adjournment and will not continue beyond 12:00 p.m. (noon) unless previous arrangements have been made for the use of the meeting room and a majority vote of the Commission. To assist in making the determination to continue a meeting beyond 12:00 p.m. (noon) the Commission should determine that discussion, deliberation and action on remaining agenda items can be concluded by 5:00 p.m. of the same day and/or that action by the Commission on an agenda item that day is required by law.

If agenda items remain after the 12:00 p.m. (noon) adjournment, a special meeting may be scheduled or the items deferred until the next meeting.

SECTION 1.3.4 RULES OF CONDUCT

1.3.4.1 General Procedure: It is the policy of the Commission not to become involved in entanglements over "parliamentary procedure." Consistent with all applicable laws, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chair, subject to appeal to the full Commission.

1.3.4.2 Addressing Members of the Public and Staff: In addressing the public and members of staff, Commission members will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.

1.3.4.3 Authority of the Chair: Subject to a vote of the Commission, the Chair shall have authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Commission by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that all parties are acting in good faith.

1.3.4.4 Chair to Facilitate Commission Meetings: The Commission has delegated the responsibility and expanded the role of the Chair to include the facilitation of Commission meetings. In the role as facilitator, the Chair will assist the Commission to focus on its agenda, discussions and deliberations.

1.3.4.5 Commission Deliberation & Order of Speakers: The Chair has been delegated the responsibility to control the debate and the order of speakers. Applicants or their representatives will be invited to speak first. All other speakers will be called upon in the order the request to speak is recognized by the Chair.

With the concurrence of the Chair, a Commission member or alternate holding the floor may address a question to another Commission member or alternate and that Commission member or alternate may respond while the floor is still held by the Commission member or alternate asking the question. A Commission member or alternate may opt not to answer a question while another Commission member or alternate has the floor.

1.3.4.6 Limit Deliberations to Item at Hand: Commission members and alternates will limit their comments to the subject matter, item or motion being currently considered by the Commission.

1.3.4.7 Length of Commission Comments: Commission members and alternates will govern themselves as to the length of their comments or presentation. As a courtesy, the Chair will signal by hand to a Commission member or alternate who has been speaking for over five minutes. The intent of the hand signal is a courtesy to let the Commission member or alternate know they have been speaking for about five minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Commission members and alternates in their efforts to communicate concisely.

1.3.4.8 Commission Presentations:
(a) Presentations by Commission members and alternates are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, Commission members and alternates must provide the Clerk of the Commission advance notice of the intent to make a presentation.
(b) Title Page - Presentations must be prepared by individual Commission members or alternates and have a title page indicating that the opinions or positions presented are that of the individual Commission member or alternate.
(c) Clerk of the Commission Assistance - The Clerk of the Commission will assist Commission members and alternates to obtain reasonably adequate equipment, including

hardware and software, and to ensure such equipment is available and working correctly prior to the Commission meeting.
(d) Copy of Presentation - To ensure a complete record of the meeting, Commission members and alternates must provide a copy of the presentation to the Clerk of the Commission at the conclusion of the Commission meeting.

1.3.4.9 Obtaining the Floor: Any member of the Commission or alternate wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Commission member or alternate who seeks the floor when appropriately entitled to do so.

1.3.4.10 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.

1.3.4.11 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.

1.3.4.12 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.

1.3.4.13 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, or ballot. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record.

1.3.4.14 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 is required by law.
(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.

1.3.4.15 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 (Government Code Section 56000 et seq.).

SECTION 1.3.5 PUBLIC HEARINGS

1.3.5.1 General Procedure: The Commission procedure for the conduct of public hearings is generally as follows:
(a) The Chair opens the public hearing.
(b) LAFCo staff presents its report.
(c) Commission members and alternates may ask questions of staff if they so desire.
(d) The applicant or applicant representative then has the opportunity to present comments, testimony, or arguments.
(e) Members of the public are provided with the opportunity to present their comments, testimony or argument.
(f) The applicant or applicant representative is given an opportunity for rebuttal or concluding comments.
(g) LAFCo staff is given an opportunity for concluding comments.
(h) The public hearing is closed.
(i) The Commission deliberates on the issue.
(j) 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.
(k) The Commission deliberates and takes action.
(l) The Chair announces the final decision of the Commission.

1.3.5.2 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.

1.3.5.3 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 required by law.

1.3.5.4 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.

(b) Request to Speak - Any person desiring to speak shall make his/her presence known to the Chair and upon being recognized 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 but 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 questions as a method to extend the allocated time for a speaker.

(d) Public Oral Presentations - All Commission rules pertaining to oral presentation by members of the public apply during public hearings.

(e) Materials 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.

(f) 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 any Commission member or alternate.

1.3.5.5 Communications and Petitions: Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Chair. A reading in full shall take place if requested by any member of the Commission or alternate.

1.3.5.6 Admissible Evidence: Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

SECTION 1.3.6 ADDRESSING THE COMMISSION

1.3.6.1 Oral Presentations by Members of the Public:
(a) Prior to the meeting, or during the meeting prior to any action taken on an agenda item, persons wishing to address the Commission on any agenda item should fill out a speaker card for that agenda item and submit it to the Clerk of the Commission prior to the item being heard.
(b) When called upon, the person should come to the podium, state his/her name and address for the record, and, if representing another party or speaking for an organization or other group, identify the party being represented or organization or group represented.
(c) All remarks should be addressed to the Commission as a whole, not to individual members thereof.
(d) Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.

1.3.6.2 Public Communications:
(a) In compliance with the Ralph M. Brown Act, Public Communications is that portion of Commission meetings set aside for members of the public to address the Commission on items of any Ventura LAFCo business other than scheduled agenda items.
(b) Speaker Cards - Persons wishing to speak under Public Communications should submit a speaker card to the Clerk of the Commission in a timely fashion.
(c) Ventura LAFCo Business - Presentations under Public Communications are limited to items within the subject matter jurisdiction of the Ventura LAFCo and are limited to no more than five minutes.
(d) Commission Deliberations Prohibited - In compliance with the Brown Act, the Commission may not deliberate or vote on any matter raised in Public Comments. The Chair, however, may request the Executive Officer to provide brief additional information on a matter of general interest to the full Commission or the public at large.

1.3.6.3 Agenda Item Presentations:
(a) Any member of the public wishing to address the Commission on matters appearing on the Commission agenda may do so when that item is taken up by the Commission, or as otherwise specified by the Commission or its presiding officer.
(b) Time Limit – Except for applicants, presentations, including oral and visual presentations, may not exceed five minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission, based on the complexity of the item and/or the number of persons wishing to speak.
(c) Project Applicant - The project applicant or other person or entity with a substantial direct property interest, or their representative, shall have a total of 15 minutes for their presentations. The initial comments or presentation shall be limited to 10 minutes and any rebuttal or concluding comments shall be limited to 5 minutes.
(d) Presentations Submitted in Writing - Persons who anticipate presentations exceeding five minutes are encouraged to submit comments in writing at the earliest possible time for distribution to the Commission and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to ensure distribution to the Commission prior to the meeting.

1.3.6.4 Audio-Video Presentations: Members of the public may make audio-visual presentations (e.g. audio, slide or MS PowerPoint presentations) to the Commission, but must provide their own hardware and software (tape players, speakers, slide projectors, electrical connections, computers, etc.). The Commission and its staff are not responsible for providing any special connections or set-up of any kind, or in assisting in any audio-visual presentation in any way. Those wishing to make audio-video presentations are solely responsible for the set-up and functioning of their presentation. All audio-visual presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

1.3.6.5 Presentations & Public Communications Cumulative Time Limit: Members of the public making presentations to the Commission in connection with one or more agenda items and/or as a part of Public Comments at a single meeting shall be limited to a cumulative total of not to exceed 5 (five) minutes for all agenda items, except for public hearing items. For public hearing items, time limits shall be as set forth in Section 1.3.6.3. The cumulative total time limit for members of the public making oral presentations to the Commission for all agenda items, including Public Comments and public hearings, shall be 10 (ten) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission.

1.3.6.6 Comments in Writing Encouraged: Members of the public may submit, and are encouraged to submit, comments in writing in advance to the Commission relating to any items of Ventura LAFCo business, whether on the Commission agenda or otherwise. Such written comments will be distributed to members of the Commission and considered and acted upon, or not acted upon, as the Commission in its judgment may deem appropriate.

1.3.6.7 Repetitious or Dilatory Comments Prohibited: A speaker shall not present the same or substantially same items or arguments to the Commission repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Commission, whether the Commission has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the Commission in writing for such action or non-action as the Commission, in its discretion, may deem appropriate.

Whenever any group of persons wishes to address the Commission on the same subject matter, those persons are encouraged to designate a spokesperson to address the Commission. With the consent of the Commission, the Chair may extend the time allocation for a designated spokesperson.

SECTION 1.3.7 COMMISSION REPRESENTATION

1.3.7.1 Chair to Act as Commission Ceremonial Representative: The Chair has been delegated the responsibility to act as the Commission's ceremonial representative at public events and functions. In the Chair's absence, the Vice Chair assumes this responsibility. In both the Chair and Vice Chair's absence, the Chair will appoint another Commission member or alternate to assume this responsibility.

1.3.7.2 Commission Member Participation in Community Activities: From time to time, Commission members and alternates may choose to participate in community activities, committees, events, and task forces. When a Commission member or alternate participates in these types of activities, the Commission member or alternate is acting as an interested party rather than acting on behalf of the Ventura LAFCo. Acting or participating on behalf of the Commission is limited to those instances when the Commission has formally designated the Commission member or alternate as its representative for the matter.

SECTION 1.3.8 ADMINISTRATIVE SUPPORT

1.3.8.1 Mail: All general mail not marked “personal” received in the LAFCo office is opened. Any mail received that is intended for distribution to all Commission members and alternates will be marked to acknowledge receipt.

All mail addressed to the Chair, the Commission and/or individual Commission members or alternates, will be copied to the full Commission. For mail requiring a response, a copy of the responses mailed, along with the original letters, will be provided to the full Commission.

Mail marked "personal" will not be opened and will not be copied to the full Commission.

1.3.8.2 Commission Correspondence: The Executive Officer will coordinate the preparation of correspondence requested by the Commission. All Commission correspondence prepared with LAFCo resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Commission. LAFCo resources shall not be used by individual Commissioners for purposes unrelated to LAFCo.

1.3.8.3 Requests for Research or Information: Commission members and alternates may request information or research from staff on a given topic directly when it is anticipated that the request can be completed in less than an hour. Commission member and alternates’ requests for research or information that are anticipated to take staff more than one hour to complete should be at the direction of the full Commission. Requests for new information or policy direction will be brought to the full Commission at a regular meeting for consideration. All written staff products will be copied to the full Commission.

SECTION 1.3.9 PROTOCOL ADMINISTRATION

1.3.9.1 Biennial Review of Protocols: The Commission will review and may revise these Protocols as needed.

1.3.9.2 Adherence to Protocols: During Commission discussions, deliberations and proceedings, the Chair has been delegated the primary responsibility to insure that the Commission, staff and members of the public adhere to the Commission's adopted protocols.

1.3.9.3 Legal Counsel as Protocol Advisor: The LAFCo legal counsel assists the Chair as a resource to confer with and an advisor for interpreting the Commission's adopted protocols.

1.3.9.4 Adherence to Protocols: The Commission has delegated to the Executive Officer the responsibility to discuss with individual Commission members and alternates, on behalf of the full Commission, any actions or omissions perceived to violate these protocols. The Executive Officer will discuss with the Commission member or alternate the action or omission and suggest a more appropriate process or procedure to follow. After this discussion, if the perceived violation continues, the Executive Officer will report the concern to the full Commission.

1.3.9.5 Waiver of Protocols: Any of these Protocols may be waived by majority vote of the Commission members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

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DIVISION 1 – OPERATIONAL RULES & REGULATIONS

CHAPTER 4 – ADMINISTRATIVE SUPPLEMENT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

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SECTION 1.4.1 INTRODUCTION

Section 15022 of the State CEQA Guidelines requires public agencies to adopt objectives, criteria and specific procedures consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for administering CEQA. CEQA (Sections 21000 et seq. of the Public Resources Code) and the State CEQA Guidelines (Sections 15000 et seq. of Title 14 of the California Administrative Code) are hereby incorporated by reference into this Administrative Supplement.

This Administrative Supplement establishes specific procedures necessary to tailor the general provisions of the CEQA Guidelines to the operations of the Ventura LAFCo acting as either a Responsible Agency or as a Lead Agency. The Commission shall conform to any statutory change in CEQA regardless of whether this Administrative Supplement contains amended procedures.

SECTION 1.4.2 PURPOSE

The purpose of the Commission's Administrative Supplement to State CEQA Guidelines is to identify specific procedures and provisions adopted by the Commission to implement and comply with the requirements of CEQA and State CEQA Guidelines.

SECTION 1.4.3 LAFCo AS A RESPONSIBLE AGENCY

1.4.3.1 Comment Period for Lead Agency Environmental Documents: Pursuant to CEQA Guidelines Section 15096, the Executive Officer or designee shall respond in writing to any request for (scoping) consultation received from a lead agency.

Within 30 days of receiving a Notice of Preparation from a lead agency, the Executive Officer or designee shall transmit written comments to the lead agency. Comments shall be sent to the lead agency by certified mail or any other method which provides LAFCo with written confirmation that the comments have been received.

For any draft document pertaining to a project that LAFCo will later be asked to approve, the Executive Officer or designee shall respond in writing as to the adequacy of the proposed environmental document, including any specific areas of concern or disagreement, within the

time specified in the lead agency's notice. LAFCo may also comment on the appropriateness of using a negative declaration and may recommend additional alternatives or mitigation measures to the lead agency. Comments should be limited to those issues related to LAFCo's area of authority and/or that are required to be approved by LAFCo. Whenever possible, such comments should be supported by specific documentation.

An environmental document that is being prepared for a subsequent LAFCo action should include the following:
(a) Cumulative and Regional Impacts.
(b) Growth – inducing impacts.
(c) Impacts to public services, including but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; public school districts, fire and police protection; and public facilities, including discussion on the ability of the receiving entities (i.e. water district, sewer district, school district) to provide the services to the proposed boundary change area.
(d) Conversion of prime agricultural lands to urban uses and protection/preservation of prime agricultural lands and resources.
(e) Consistency with General and Specific Plans.
(f) Affordable Housing.

1.4.3.2 Lead Agency Preparation of Environmental Documents: The following procedures apply when a city, special district or other entity assumes the role of lead agency (as defined in CEQA Section 21067, and CEQA Guidelines Section 15051) for preparation of the appropriate environmental document that is being prepared for subsequent LAFCo action.

Lead agencies must, as a result of any comments received by LAFCo, prepare environmental documents in a manner that would permit their use by LAFCo in considering subsequent boundary change proposals. References to any boundary changes required to implement the underlying project shall be included on the title page and accurately described in the project description.

1.4.3.3 LAFCo Use of Lead Agency Environmental Documents: LAFCo shall, in making determinations on boundary change proposals, utilize the environmental document prepared by the lead agency in accordance with these procedures and the State CEQA Guidelines (Section 15096). The Commission shall certify that it has reviewed and considered the information contained in the environmental document prior to approval of a proposal. LAFCo shall, when utilizing a lead agency's environmental document for a project where significant effects are identified, make findings required by CEQA Guidelines Sections 15074, 15091, 15096 and 15097.

Whenever a final EIR identifies significant effects that cannot be avoided or substantially lessened, LAFCo shall not approve the proposal unless specific overriding economic, legal, social, technological, or other benefits of the proposal outweigh the significant environmental effects, and a Statement of Overriding Considerations is adopted pursuant to CEQA Guidelines Section 15093.

When an EIR has been prepared, LAFCo shall not approve the project as proposed if it finds feasible alternatives or feasible mitigation measures within its powers that would substantially lessen any significant effect the project would have on the environment.

In some instances LAFCo may assume the role of lead agency pursuant to CEQA Guidelines 15052.

The Executive Officer will deem an application incomplete, for processing purposes, until the required environmental documentation has been received.

SECTION 1.4.4 LAFCo AS LEAD AGENCY

1.4.4.1 Lead Agency Criteria: Public Resources Code Section 21067 defines lead agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant impact upon the environment. LAFCo will assume the Lead Agency role when:
(a) A petitioner submits a project application to LAFCo.
(b) The Commission initiates and determines that it is the lead agency for a sphere of influence update pursuant to Government Code Section 56425.
(c) The Commission initiates and determines that it is the lead agency for conducting a service review pursuant to Government Code Section 56430.
(d) The Commission initiates a proposal pursuant to Government Code Section 56375(a).
(e) Another public agency was the appropriate lead agency but pursuant to CEQA Guidelines section 15052, a shift in the lead agency designation is required.

1.4.4.2 Determination of the Applicability of CEQA: The Executive Officer or his/her designee shall, when LAFCo is the Lead Agency, determine whether an environmental document will be required (CEQA Guidelines section 15060(c)) or whether the project is exempt from CEQA (CEQA Guidelines section 15061). The Executive Officer will also be responsible for determining whether a project normally considered exempt from CEQA may require preparation of an environmental document because the project may actually have a significant impact on the environment (CEQA Guidelines section 15300.2.).

The Executive Officer shall, within 30 days from the date of receiving an application, such as a petition, or the initiation of a project for which LAFCo is the lead agency, determine whether an activity is subject to CEQA (CEQA Guidelines Section 15060) before conducting an Initial Study. If the proposal is considered to be subject to CEQA, and is not considered to be exempt from the State CEQA Guidelines (Section 15061), the Executive Officer shall prepare an initial study, or cause an initial study to be prepared.

1.4.4.3 Projects Considered to be Exempt from CEQA:

(a) The following are projects/actions over which LAFCo has only ministerial authority and thus are considered to be exempt from CEQA:

i. The issuance of certificates of filing and notices of completion by the Executive Officer or designee.

ii. Annexations of territory that meet statutorily defined criteria pursuant to Government code Section 56375.3, concerning the annexation of unincorporated islands including:

1. the annexation is proposed by resolution adopted by the affected city.
2. the size of the area is limited to 150 acres or fewer.
3. the area constitutes an entire unincorporated island or a number of individual islands within the limits of a city.
4. the area is surrounded or substantially surrounded by the city to which annexation is proposed or by the city and a county boundary or the Pacific Ocean.
5. the area is substantially developed or developing.
6. the area is not prime agricultural land pursuant to government Code Section 56064.

(b) The following projects/actions are considered to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15300-15332:

i. Annexations of existing structures developed to the density allowed by current zoning or pre-zoning of either the gaining or losing governmental agency, whichever is more restrictive, provided that the extension of services would have a capacity to serve only the existing facilities.

ii. Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303.

iii. Out of agency service agreements to provide for extensions of service to existing structures provided:

1. the associated infrastructure (e.g., water lines) would be limited in size so as to allow no expansion of use beyond that which currently exists; and
2. the installation of any new infrastructure necessary to deliver service to the receiving property would involve only minor alterations to the land; and
3. the project area would not be located in a particularly sensitive environment in which significant effects might result.

1.4.4.4 <u>Costs of Preparation of Environmental Documents</u>: For projects submitted by petition, or where LAFCo is serving as lead agency on behalf of another public agency, the full costs of preparing all environmental documents, including the preparation of an initial study and either a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report shall be the responsibility of the petitioners or the public agency involved. The petitioners or public agency will be required to submit a deposit fee and a reimbursement agreement committing to payment of the entire costs for preparation of all environmental documents prior to the preparation of an initial study.

1.4.4.5 <u>Preparation of Environmental Documents</u>: The Executive Officer or designee will determine if LAFCo staff will prepare the initial study and/or other environmental documents, or whether the initial study and/or other environmental documents will be prepared by independent consultants hired by LAFCo. Any independent consultants shall serve solely at the direction of the Executive Officer or designee.

The Executive Officer may require project proponents to submit special studies or other information necessary to adequately evaluate potential impacts of a project.

1.4.4.6 Initial Study Preparation:
(a) Any initial study shall be completed in a timely fashion and within the time limits required by law.
(b) Responsible Agencies, Trustee Agencies and Affected Agencies may be consulted and advice and recommendations may be solicited from other public agencies/persons or organizations.
(c) The Initial Study Checklist and Initial Study Assessment Guidelines currently in use by the County of Ventura Planning Department will be utilized unless LAFCo prepares and adopts its own, separate, Initial Study Checklist and Assessment Guidelines.
(d) The initial study shall take into consideration all aspects and phases of the project, the purposes, policies, rules, regulations and standards set forth in CEQA, the CEQA Guidelines, this Administrative Supplement, and, as appropriate, other LAFCo policies and procedures and the plans and policies of the County and/or affected cities and/or special districts, as appropriate.

1.4.4.7 Determination of Appropriate Environmental Document:
(a) Based on a completed initial study the Executive Officer or designee shall determine the appropriate environmental document to be prepared.
(b) The Executive Officer or designee shall prepare or cause to be prepared a Negative Declaration or Mitigated Negative Declaration for those projects that have been found to have no significant effect on the environment pursuant to State CEQA Guidelines Sections 15070 through 15075.
(c) The Executive Officer or designee shall prepare or cause to be prepared an Environmental Impact Report for those projects that may have a significant effect on the environment pursuant to State CEQA Guidelines Sections 15080 – 15179.5.

1.4.4.8 Public Notice and Review: The Executive Officer or designee shall provide or cause to be provided, public notification and shall make Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports available for public review, pursuant to State CEQA Guidelines Section 15073, et. seq. (Negative Declarations/Mitigated Negative Declarations) or Sections 15087 – 15088.5 (EIRs).

1.4.4.9 Adoption of Environmental Documents: LAFCo shall adopt Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports in accordance with the State CEQA Guidelines.

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DIVISION 2 – OPERATIONAL POLICIES

CHAPTER 1 – GENERAL POLICIES

SECTION 2.1.1 APPLICABILITY AND WAIVER

2.1.1.1 Applicability:
(a) These operational policies of the Ventura LAFCo do not preempt state law. In the event of a conflict between the operational policies and the provisions of state law, the provisions of state law shall prevail.
(b) In the event of a conflict between these operational policies and the rules and regulations adopted by the Ventura LAFCo, the provisions of the rules and regulations shall prevail.
(c) These operational policies are intended to apply to all aspects of the operation of the Ventura LAFCo. In the event of a conflict between these operational policies and any other more specific policies adopted by the Ventura LAFCo, the provisions of these operational policies shall prevail.

2.1.1.2 Waiver: These operational policies shall be given great weight as a part of the Ventura LAFCo's operations and consideration of proposals. 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. Should the Commission elect not to follow a policy, it shall, as a part of any resolution on the matter and as part of the written record, set forth the specific waiver, and the reason for it.

SECTION 2.1.2 APPLICATIONS

2.1.2.1 Application and Fees Required: No application shall be deemed complete and no Certificate of Filing shall be issued for any application that does not include a completed Ventura LAFCo application form accompanied by the required fees and supporting documentation and maps as specified in the Ventura LAFCo filing requirements. The Executive Officer or designee may, prior to deeming an application complete, require additional information, including but not limited to, complete details for plans for service, property tax redistribution agreements, and similar information necessary for the Ventura LAFCo to make informed decisions on the factors and determinations required by law.

2.1.2.2 Legal Defense Fees: All costs for legal defense of a LAFCo action are considered application processing costs. A fully executed indemnity agreement, as approved by LAFCo legal counsel, shall be required for any application to be deemed complete and before a Certificate of Filing is issued.

2.1.2.3 Incomplete Application Timing: If the Executive Officer or designee finds an application incomplete and sends a letter of incompleteness, the applicant must file the information

necessary for the application to be deemed complete within 90 days of the date of the letter of incompleteness. After 90 days, the Executive Officer shall determine that the application has been withdrawn and return all materials and unused fees filed unless an extension is authorized by the Commission.

2.1.2.4 Applications Subject to Law and Policies: All applications shall be processed, considered and acted upon within the time frames and subject to the procedures, factors and determinations required by state law and as set forth in these policies.

SECTION 2.1.3 PRE-APPLICATION MEETINGS

Pre-application meetings with Ventura LAFCo staff are encouraged to assist in providing for the efficient and orderly processing of applications, and to provide applicants with advice regarding the processing needs and requirements of the specific action to be considered. At the discretion of the Executive Officer, a fee for pre-application review and meetings may be required. The amount shall be based on the current LAFCo Fee Schedule.

SECTION 2.1.4 CEQA COMPLIANCE

LAFCo shall operate in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and the related CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.). The Commission shall adopt, and operate in accordance with, an Administrative Supplement to the CEQA Guidelines the purpose of which is to identify the specific procedures and provisions of the Commission to implement and comply with the requirements of CEQA and the CEQA Guidelines.

The Executive Officer or designee shall not issue a Certificate of Filing for any project, proposal or application, including projects, proposals and applications where LAFCo is the lead agency, until and unless the CEQA process has been fully completed.

DIVISION 2 – OPERATIONAL POLICIES

CHAPTER 2 – PERSONNEL

SECTION 2.2.1 GENERAL PERSONNEL POLICIES

The Ventura LAFCo has entered into a Memorandum of Agreement with the County of Ventura for provision of employees, services, offices and materials. This Agreement provides for County employees to staff LAFCo operations based on requirements determined by the Commission in accordance with the Personnel Rules and Regulations of the County of Ventura.

SECTION 2.2.2 EXECUTIVE OFFICER

2.2.2.1 Appointment: An Executive Officer shall be appointed in accordance with state law. The Executive Officer shall serve at the pleasure of the Commission.

2.2.2.2 Alternate or Acting Executive Officer: The Commission may appoint an alternate Executive Officer, who shall perform the duties of the Executive Officer when the Executive Officer determines that he or she has a conflict of interest, is on a prolonged leave of absence, or is otherwise unavailable or incapacitated. If no alternate Executive Officer has been appointed, the Executive Officer or, in his or her absence, the Commission Chair, may appoint an acting Executive Officer, who shall perform the duties of the Executive Officer pending confirmation at the next regular scheduled Commission meeting, from among the following:
(a) A subordinate member of the LAFCo staff;
(b) A member of the County Executive Office management staff, if approved by the County Executive Officer, or
(c) A contractor engaged by contract pursuant to the Executive Officer's authority under section 2.5.4 of this Handbook.

2.2.2.3 Selection: Upon a vacancy the Commission will review and update as necessary a job description. The Commission will also determine an appropriate method of recruitment, the selection process, the compensation, classification, and other terms of employment of the Executive Officer. The Commission has exclusive discretion over the employment of the Executive Officer.

2.2.2.4 Employment Agreement with County of Ventura: Once selected, and the compensation, classification, and other terms of employment of the Executive Officer are determined by the Commission, the Commission will request the County of Ventura to enter into an employment agreement with the Executive Officer selected by the Commission. Any such employment agreement will provide for the Executive Officer to be an employee of the County of Ventura based on the compensation, classification and other terms of employment

set by the Commission, and provide that the Ventura LAFCo will have complete control and direction of the Executive Officer regarding LAFCo work. If the County of Ventura declines to enter into such an agreement as requested by the Commission, the Commission may determine an alternate method of employment of the Executive Officer.

2.2.2.5 General Duties: The Executive Officer provides administrative, research and advisory services to LAFCo; acts as liaison between the Commission, the general public and other units of government; serves as budget administrator, administrative hearing officer and chief of staff; and is responsible for the day-to-day operations of LAFCo as prescribed by state law and directed by the Commission.

SECTION 2.2.3 LEGAL COUNSEL

2.2.3.1 Appointment: Pursuant to Government Code Section 56384(b) the Commission shall appoint legal counsel to advise it. The Ventura LAFCo, through an agreement with the County of Ventura, has appointed the County Counsel for the County of Ventura, or designee, as its legal counsel. The Commission may recover its costs by charging fees pursuant to Government Code Section 56383.

2.2.3.2 Conflict of Interest: In the event of any conflict of interest on a matter before the Commission by the County Counsel, or designee, the Commission may appoint an alternate legal counsel pursuant to state law.

2.2.3.3 General Duties: The legal counsel provides legal services to LAFCo and its staff, and acts as liaison for legal issues between the Commission, the general public and other units of government. DIVISION 2 – OPERATIONAL POLICIES

DIVISION 2 – OPERATIONAL POLICIES

CHAPTER 3 – FINANCIAL

SECTION 2.3.1 BUDGET POLICIES

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

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

2.3.1.3 Preparation and Administration:
(a) The Executive Officer or designee shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCo budget consistent with state law.
(b) The Executive Officer shall provide the Commission with a monthly budget report comparing revenues and expenditures to the adopted budget at the next regular meeting of the Commission following staff's receipt of the report from the Auditor-Controller.

2.3.1.4 Contingency Reserve:
(a) The annual budget shall include a contingency appropriation of 10% of total operating expenses, unless the Commission deems a different amount appropriate.
(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.

2.3.1.5 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 object may be approved by the Executive Officer.
(c) Transfers between expenditure objects may be approved by the Executive Officer.

SECTION 2.3.2 FUND BALANCE POLICIES

The Commission's fund balance policy establishes a minimum level at which unrestricted fund balance is to be maintained. The Commission believes that sound financial management

principles require that sufficient funds be retained by the Commission to provide a stable financial base at all times. To retain this stable financial base, the Commission needs to maintain an unrestricted fund balance in its General Fund sufficient to fund cash flows of the Commission and to provide financial reserves for unanticipated expenditures and/or revenue shortfalls.

2.3.2.1 Circumstances in Which Unrestricted Fund Balance Can Be Appropriated: Unrestricted fund balance includes committed, assigned and unassigned fund balance. Committed and assigned fund balances indicate amounts set aside by the Commission for specific purposes. Committed and assigned fund balances shall be appropriated for the approved purpose but may be transferred by majority approval of the Commission

2.3.2.2. Appropriate Level of Unassigned Fund Balance in the General Fund: The Commission will maintain an unassigned fund balance in the General Fund of approximately 60 days working capital. Excess fund balance remaining over and above the committed and assigned fund balances should be classified as "unassigned" in the General Fund. Should Unassigned Fund Balance fall below 45 days working capital it should be addressed in the next fiscal year budget.

2.3.2.3 Litigation Reserve Account:
(a) It is the goal of the Commission to establish and maintain a Litigation Reserve Account balance in the amount of $100,000 with the intent of limiting the use of Litigation Account funds for unanticipated expenditures resulting from litigation against the Commission that does not occur routinely and would not be reimbursed by another party.
(b) Should the Litigation Reserve Account balance fall below the $100,000 targeted level, the Commission shall approve and adopt a plan to restore this balance to the target level within 24 months. If restoration of committed fund balance cannot be accomplished within such period without severe hardship to the Commission, then the Commission will establish a different time period.

2.3.2.4 Year-End Fund Balances:
(a) If a portion of existing fund balance is included as a budgetary resource in the subsequent year's budget to eliminate a projected excess of expenditures over expected revenues, then that portion of fund balance should be classified as assigned. The assignment expires with the establishment of the budget.
(b) An assignment of fund balance requires a majority vote of the Commission. However the Executive Officer is authorized to assign any fund balance used to balance a future budget upon the adoption of the annual budget.

2.3.2.5 Review: In conjunction with the adoption of the final budget, the Commission's Fund Balance policies shall be reviewed annually to evaluate sufficiency of the adopted level of fund balance.

SECTION 2.3.3 FEES

2.3.3.1 Establishment and Review:
(a) LAFCo shall establish a fee schedule for the costs of proceedings pursuant to state law by resolution of the Commission. LAFCo will review its fee schedule annually as a part of the annual budget process.
(b) The Commission shall establish fees for any proceeding or action not set forth in the fee schedule prior to the processing of the proceeding or action consistent with state law.

2.3.3.2 Payment of Fees Required:
(a) No application or any other request for Commission consideration will be accepted until payment of the entire "Total Initial Payment" pursuant to the most recent fee schedule is received.
(b) For a proposal for a change of organization or reorganization, the Executive Officer shall not record the Certificate of Completion until any balance due as reflected on the final invoice is paid in full.
(c) For any request for commission consideration other than a proposal for a change of organization or reorganization, and except as otherwise required by law, the Executive Officer shall not schedule the matter for Commission consideration until any balance due as reflected on the final invoice is paid in full.

2.3.3.3 Fees For Sphere Of Influence Updates And Municipal Service Reviews: LAFCo shall pay all costs associated with LAFCo-initiated quinquennial sphere of influence reviews, updates and any associated municipal service reviews that are required to be prepared pursuant to state law. For any sphere of influence update that is initiated by an agency other than LAFCo, the applicant shall be responsible for payment of all associated fees and costs, including the preparation of a municipal service review, if required.

2.3.3.4 Fee Waivers: The Commission may waive fees as provided in state law.

2.3.3.5 Refunds:
(a) If an application is withdrawn, The Executive Officer or designee shall calculate all fees and charges expended, including costs for processing the withdrawal request, and refund the balance of any unspent funds on deposit with LAFCo to the applicant.
(b) No refunds will be made for any portion of any administrative fee charged pursuant to the fee schedule.

2.3.3.6 Reimbursement Agreements: Whenever a deposit of funds is required, the applicant shall enter into an agreement, approved as to form by LAFCo legal counsel, 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.

2.3.3.7 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 legal counsel 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 litigation.

2.3.3.8 State Board of Equalization Fees Required: In addition to any LAFCo fees, fees payable to the State of California for filing with the State Board of Equalization, per the most recent State Board of Equalization fee schedule, shall be filed with LAFCo prior to the Executive Officer issuing a Certificate of Completion for any applicable proposal.

SECTION 2.3.4 COMMISSIONER EXPENSE REIMBURSEMENT/ STIPEND

2.3.4.1 Expense Reimbursement: Commission members and alternates shall be reimbursed for reasonable and necessary expenses based on the most recent policies and criteria contained in the County of Ventura Administrative Manual for "Reimbursement For Employees County Business Expenses." The Commission shall settle any disputes about the application or enforcement of these policies and criteria.

2.3.4.2 Stipend: Commission members and alternates shall be paid a stipend of $50 for each regular or special meeting of the Ventura LAFCo they attend up to a maximum of $100 per month. No stipend shall be paid for conferences, classes, training sessions, etc. or other functions or gatherings that are not publicly noticed meetings of the Commission. Any Commission member or alternate may decline to accept a stipend payment by notifying the Clerk of the Commission.

SECTION 2.3.5 INTERNAL PROCESSING OF FINANCIAL TRANSACTIONS

The Executive Officer or his/her designee shall review and approve all financial transactions being forwarded to the County of Ventura for further processing. This includes but is not limited to cash receipts and/or disbursements, payments requests, journal vouchers, purchase orders and/or requisition requests.

SECTION 2.3.6 AUDITS

2.3.6.1 Independent Auditor Role: For the two-year period between July 1, 2007 and June 30, 2009, LAFCo shall arrange for a single audit of its financial statements to be conducted by an independent accounting firm. All subsequent year financial statements shall be audited annually thereafter. LAFCo staff, the Commission, and any Commission committee appointed for the purpose of audit oversight are authorized to communicate directly with the independent accounting firm.

2.3.6.2 Audit Preparation: LAFCo shall be actively involved in planning for and assisting the independent accounting firm to ensure a smooth, timely, and cost-efficient audit of its financial statements. In that regard, the Executive Officer is responsible for delegating the assignments

and responsibilities to staff in preparation for the audit. Assignments shall be based on the list of requested schedules and information provided by the independent accounting firm. To facilitate the timely completion of each audit and to reduce the work required subsequent to year-end, the independent auditors may perform selected audit work prior to the year-end. Staff will assist as much as possible to provide all requested information during the performance of any preliminary work.

2.3.6.3 Commission Involvement: The responsibilities of the Commission and/or any Commission committee appointed for the purpose of audit oversight include, but may not be limited to, the following:
(a) Review the auditor's financial reports and management letters.
(b) Ensure the integrity of LAFCo's financial statements.
(c) Ensure compliance with legal and regulatory requirements.
(d) Promote the independence of the independent auditor.
(e) Address any serious difficulties or disputes between the auditor and management encountered during the audit.

2.3.6.4 Audit Conclusion: Unless otherwise directed by the Commission, the Executive Officer or designee shall coordinate a detailed review of the draft audited financial statements of LAFCo from the independent auditor. This review shall consist of the following procedures:
(a) Carefully read the entire report for typographical errors.
(b) Trace and agree each number in the financial statements and accompanying footnotes to the accounting records and/or internal financial statements of LAFCo.
(c) Review each footnote for accuracy and completeness.
(d) Provide copies of independent auditor reports to the County Auditor-Controller's Office for review and comment.
(e) Review and respond in writing to any management letter or internal control and compliance findings and recommendations made by the independent auditor.

Any questions or errors noted as part of the review shall be communicated to the independent auditor in a timely manner and resolved to the satisfaction of the Executive Officer or a Commission committee appointed for the purpose of audit oversight. Audited financial statements, including the independent auditor's opinion thereon, shall be presented to the Commission by the independent accounting firm after the financial statements have been reviewed and approved by the County Auditor-Controller's Office and the Executive Officer or a Commission committee appointed for the purpose of audit oversight unless otherwise directed by the Commission.

2.3.6.5 Review of Independent Accounting Firm: LAFCo shall review the selection of its independent accounting firm under the following circumstances:
(a) Dissatisfaction with the service of the current firm.
(b) Need for a fresh perspective and/or new ideas.
(c) Desire to ensure competitive pricing and a high quality of service.

SECTION 2.3.7 PAYROLL REPORTING

2.3.7.1 Internal Processing:

(a) The Executive Officer shall review, modify if necessary, and approve each employee's time record prior to it being forwarded to the County of Ventura for further processing. In the Executive Officer's absence, the Officer Manager shall review, modify if necessary, and approve each employee's time record.

(b) No employee shall process his/her own time record. The Executive Officer's time record shall be processed by the County of Ventura Auditor-Controller Payroll Division. In the Executive Officer's absence, the Officer Manager's time record shall be processed by the County of Ventura Auditor Controller Payroll Division.

DIVISION 2 – OPERATIONAL POLICIES

CHAPTER 4 – PUBLIC INFORMATION AND RECORDS RETENTION

SECTION 2.4.1 PUBLIC PARTICIPATION

Public participation in all aspects of LAFCo processes and operations is encouraged. Information about LAFCo processes, operations and any proceedings will be provided in as timely and cost efficient manner possible. The use of electronic mail and other electronic forms of communication and dissemination of information, such as the LAFCo web site, is encouraged and is the first preference in responding to public inquiries.

SECTION 2.4.2 NOTICE

2.4.2.1 Option to Exceed Minimum Requirements: Notice of LAFCo actions shall be provided in the method and manner, and within the time frames, as required by state law. LAFCo will not necessarily be limited to the minimums required by law if the Executive Officer determines that noticing beyond that required by state law would be in the public interest.

2.4.2.2 Meeting Cancellations: Notice of the cancellation of any meeting shall be sent to the County of Ventura and all cities and independent special districts in Ventura County.

2.4.2.3 Protest Hearing: If, based on public interest or controversy, the Executive Officer determines that a valid and timely request for reconsideration of a resolution making determinations is likely to be filed, scheduling of the protest hearing (if required) will occur no sooner than the deadline for filing such a reconsideration request and no later than the 35th day following adoption of the Commission's resolution making determinations.

SECTION 2.4.3 UNNECESSARY PUBLIC HEARINGS

Whenever LAFCo is authorized by law to consider a proposal without public hearing, the proposal will be scheduled without a public hearing unless the Executive Officer or the Commission determines that the matter is of sufficient public interest or controversy to warrant a public hearing.

SECTION 2.4.4 AGENDA DISTRIBUTION

2.4.4.1 Basic Distribution: Agendas of all meetings shall be distributed free of charge to:

The County of Ventura.
All cities and independent special districts in Ventura County.
Landowners in an affected territory, as defined by law.
Affected school districts.
Applicants, applicant's representatives and persons requesting to be notified as listed on the LAFCo application form.

2.4.4.2 Web Site: Agendas of meetings shall be posted, and maintained for a period of at least six months, on the Ventura LAFCo web site.

2.4.4.3 Other Distribution: Agendas will be provided free of charge to the local media and, upon request, via electronic mail to any party or individual. For others, agendas will be made available and mailed upon the filing of self addressed, stamped envelopes with the Clerk of the Commission.

SECTION 2.4.5 STAFF REPORT DISTRIBUTION

2.4.5.1 Basic Distribution: Written staff reports prepared prior to a meeting and distributed to the Commission as a part of the standard agenda packet shall be distributed free of charge to:

Subject agencies, as defined by law.
Any local agency or school district requesting staff reports.
Landowners in an affected territory, as defined by law.
Applicants, applicant's representatives and persons requesting a staff report as listed on the LAFCo application form.

2.4.5.2 Web Site: Written staff reports prepared prior to a meeting and distributed to the Commission as a part of the standard agenda packet shall be posted, and maintained for a period of at least six months, on the Ventura LAFCo web site.

2.4.5.3 Other Distribution: Written staff reports will be provided free of charge to the local media and, upon request, via electronic mail to any party or individual. For others, written staff reports will be made available for the cost of duplication per the most recent LAFCo fee schedule and mailed upon the filing of self addressed stamped envelopes with the Clerk of the Commission.

SECTION 2.4.6 RETENTION OF RECORDS

Retention of records shall occur in following manner:

(a) Case Files (Change of Organization and Reorganization Proposals)

i. The original paper case files from the previous three years will be retained in the LAFCo office.

ii. The original paper case files older than three years, including the case files dating from 1963 to 1986 which exist in microfiche form only, will be stored in a secure off-site facility suitable for long term records storage. A duplicate set of microfiche case file records will be stored in the LAFCo office.

iii. All microfiche records and selected documents from each case file (including but not limited to certificates of completion, resolutions, maps, legal descriptions and staff reports) will be copied and saved to the following: 1) a network drive maintained by the County of Ventura, which is readily available to LAFCo staff; and 2) two sets of portable media (CD, DVD, etc.). One set of portable media will be retained in a secure off-site facility suitable for long term records storage and one set will be stored in the LAFCo office.

(b) Other Administrative Records

i. All original paper-based administrative records will be retained in the LAFCo office.

ii.All administrative records will be copied and saved to a network drive maintained by the County of Ventura, which is readily available to LAFCo staff.

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DIVISION 2 – OPERATIONAL POLICIES

CHAPTER 5 – DELEGATION OF AUTHORITIES TO EXECUTIVE OFFICER

SECTION 2.5.1 CONDUCTING AUTHORITY FUNCTIONS AND RESPONSIBILITIES

LAFCo has, by prior resolution, delegated the conducting authority functions and responsibilities to the Executive Officer pursuant to Government Code Section 57000. Such delegation is hereby confirmed including the authority for the Executive Officer to order a change of organization or reorganization that, in the case of inhabited territory, complies with Government Code Section 57075(a)(3), and, in the case of uninhabited territory, complies with Government Code Section 57075(b)(2).

SECTION 2.5.2 OUT OF AGENCY SERVICE AGREEMENTS

2.5.2.1 Delegation of Authority: LAFCo has delegated the authority to review and act on out of agency service agreement applications to the Executive Officer pursuant to Government Code Section 56133(d) for the following out of agency service applications:
(a) Emergency proposals that authorize a city or district to provide new or extended services outside its sphere of influence in order to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, pursuant to Government Code Section 56133(c).
(b) Proposals that have been determined to be exempt from the California Environmental Quality Act.
(c) Proposals that have been determined to be subject to the California Environmental Quality Act, and a Negative Declaration was prepared determining that the proposal would not have a significant effect on the environment and that no mitigation measures are required.

2.5.2.2 Deferral of Delegated Authority: The Executive Officer may defer any decision on an out of agency service agreement application delegated to him/her pursuant to Section 2.5.2.1 of this Handbook to the Commission if he/she determines that the request involves significant public controversy or may be precedent setting.

2.5.2.3 Reconsideration: Pursuant to Government Code Section 56133(d), the applicant may request reconsideration by the Commission of the Executive Officer's final determination.

SECTION 2.5.3 APPLICATION FORMS AND FILING REQUIREMENTS

LAFCo has, by prior resolution, delegated to the Executive Officer the duty and authority to maintain, update, and revise the LAFCo application form, supplemental applications, and filing requirements as and when the Executive Officer deems necessary or appropriate. Such delegation is hereby confirmed.

SECTION 2.5.4 CONTRACT APPROVAL AND EXECUTION

LAFCo hereby delegates to the Executive Officer or designee the authority to approve and execute contracts and agreements for $5,000.00 or less, provided sufficient funds are contained in the appropriate line item of the LAFCo budget. In order to expedite work, the Executive Officer is authorized to make minor modifications as may be necessary and to approve increases in contracts in an amount not to exceed $500, provided sufficient funds are contained in the appropriate line item of the LAFCo budget. Any contract or agreement greater than $5,000.00, any amendment to a contract or agreement which would cause the total amount of the contract or agreement to exceed $5,500.00, or any contract or agreement for any amount where there are not sufficient funds contained in the appropriate line item of the LAFCo budget, shall be presented to the Commission for approval and execution.

DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION

CHAPTER 1 – GENERAL POLICIES

SECTION 3.1.1 APPLICABILITY AND WAIVER

3.1.1.1 Applicability:
(a) These policies and standards do not preempt state law. In the event of a conflict between these policies and standards and the provisions of state law, the provisions of state law shall prevail.
(b) In the event of a conflict between these policies and standards relating to changes of organization and reorganization and the rules and regulations, or the operational policies, adopted by the Ventura LAFCo, the provisions of the rules and regulations and the operational policies shall prevail.

3.1.1.2 Waiver: These policies and standards relating to changes of organization and reorganization shall be given great weight as a part of the Ventura LAFCo's consideration of proposals. They are general guidelines for the Commission to follow, however, they are not mandatory or binding. The Commission can and will consider each proposal upon its merits within the parameters set forth in state law. Should the Commission elect not to follow a policy, it shall, as a part of any resolution on the matter and as part of the written record, set forth the specific waiver, and the reason for it.

SECTION 3.1.2 APPLICATIONS

3.1.2.1 Proposals Involving Conversion of Agricultural Lands: Unless specifically waived by the LAFCo Executive Officer, for any proposal which could reasonably be expected to lead to the conversion of agricultural lands (as defined by Government Code Section 56016) to non-agricultural uses, information regarding the effects of the proposal on maintaining the physical and economic integrity of agricultural lands shall be submitted in conjunction with the application. Specifically, the information should address the following:
(a) The location of, and acreage totals for, prime and nonprime agricultural land involved in the area and adjacent areas. This analysis shall be based on the definition of "prime" agricultural land pursuant to Government Code Section 56064.
(b) The effects on agricultural lands within the proposal area.
(c) The effects on adjacent agricultural lands.
(d) The effects on the economic integrity of the agricultural industry in Ventura County.

In addition, information should be provided about any measures adopted to reduce the effects identified.

SECTION 3.1.3 MAPS AND LEGAL DESCRIPTIONS

Proposals for a change of organization or reorganization must include maps and legal descriptions that meet the criteria set forth by the State Board of Equalization and by the Ventura County Surveyor prior to the Executive Officer issuing a Certificate of Completion.

SECTION 3.1.4 BOUNDARIES

3.1.4.1 Compliance With State Law: All boundaries shall comply with the provisions of state law.

3.1.4.2 Conformance With Lines of Ownership and Assessment: LAFCo shall modify, condition or deny proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership.

3.1.4.3 Legal Lots Required: Changes of organization or reorganization do not create new lots under the state Subdivision Map Act. LAFCo shall modify, condition or deny proposals to ensure that changes of organization or reorganization involve only legal lots.

SECTION 3.1.5 PREFERRED SERVICE PROVIDERS

LAFCo shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference:
(a) Annexation to an existing city.
(b) Annexation to an existing multiple purpose special district.
(c) Annexation to an existing single purpose district.
(d) Consolidation of existing districts.
(e) Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
(f) Formation of a new County Service Area.
(g) Incorporation of a new city.
(h) Formation of a new multiple purpose district.
(i) Formation of a new single purpose district.

SECTION 3.1.6 DISCRETIONARY APPROVALS REQUIRED

Unless exceptional circumstances exist, no application for a change of organization or reorganization will be accepted until all discretionary approvals for any pending application for land use entitlements, including land divisions, pertaining to the subject territory are granted.

SECTION 3.1.7 RECONSIDERATION

Requests for reconsideration of LAFCo actions shall be made and processed in accordance with state law. Reconsideration requests will be favorably considered if reconsideration is required to correct a procedural defect in an action, or newly discovered evidence, material to the request for reconsideration and relevant to LAFCo's decision, is available which could not, with reasonable diligence, have been discovered and produced at the time of the initial LAFCo consideration.

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DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION

CHAPTER 2 – SPECIFIC POLICIES

SECTION 3.2.1 ANNEXATION OF STREETS TO CITIES

Except in extraordinary circumstances, cities shall annex entire roadway sections adjacent to territory proposed to be annexed and shall include complete intersections. City annexations shall reflect logical allocations of existing and proposed roads and rights-of-way. Illogical allocations are divisions of roads in the middle, short sections of roads situated between the boundaries of other agencies, and other divisions that require a road service provider to duplicate or provide services in an inefficient manner.

SECTION 3.2.2 ANNEXATION TO CITY OF OXNARD AND CALLEGUAS MUNICIPAL WATER DISTRICT

Any annexation to the City of Oxnard shall only be considered and approved if the subject territory is already within the Calleguas Municipal Water District, or is approved concurrently with an annexation to the Calleguas Municipal Water District, unless it is clearly demonstrated that the subject territory has no foreseeable need for potable water service. For the purpose of this policy in making the determination that the subject territory will have no foreseeable need for potable water service, the Commission will consider the following factors:

(a) The territory is subject to a deed restriction that permanently limits the use to agriculture or open space uses that do not require any potable water service.

(b) The territory is owned by a public agency and used for public utility or open space uses that do not require any potable water service.

(c) Calleguas Municipal Water District requests that annexation not occur as the District cannot provide timely service to subject territory.

SECTION 3.2.3 ANNEXATION OF UNINCORPORATED ISLAND AREAS BY CITIES

Any approval of a proposal for a change of organization or reorganization will be conditioned to provide that proceedings will not be completed until and unless a subsequent proposal is filed with LAFCo initiating proceedings for the change of organization or reorganization of all unincorporated island areas that meet the provisions of Government Code Section 56375.3, provided all of the following criteria are applicable:

(a) The approved proposal was initiated by resolution of a city that surrounds or substantially surrounds one or more unincorporated island areas that meet the requirements of Section 56375.3.

(b) The territory in the approved proposal consists of one or more areas that are each 40 acres or more in area.

(c) The territory in the approved proposal will not be used exclusively for agriculture or open space purposes after the completion of proceedings.
(d) The territory in the approved proposal is not owned by a public agency or used for public purposes.

SECTION 3.2.4 CONFORMANCE WITH LOCAL PLANS AND POLICIES

3.2.4.1 Consistency with General and Specific Plans: Unless exceptional circumstances are shown, LAFCo will not approve a proposal unless it is consistent with the applicable general plan and any applicable specific plan. For purposes of this policy, the applicable general plan is as follows:
(a) For proposals by a city, the general plan of the city.
(b) For proposals by a district, where the affected territory lies within an adopted sphere of influence of a city, the general plan of the city.
(c) For proposals by a district, where the affected territory lies outside an adopted city sphere of influence, the Ventura County General Plan.

3.2.4.2 Consistency With Ordinances Requiring Voter Approval: For cities that have enacted ordinances that require voter approval for the extension of services or for changing general plan designations, LAFCo will not approve a proposal unless it is consistent with such ordinances and voter approval has first been granted, or unless exceptional circumstances are shown to exist.

3.2.4.3 Guidelines for Orderly Development: LAFCo encourages proposals that involve urban development or that result in urban development to include annexation to a city wherever possible. In support of this policy LAFCo has adopted Guidelines for Orderly Development, the policies of which are incorporated by reference.

3.2.4.4 Greenbelts: The County of Ventura and various cities in the County have adopted Greenbelt Agreements for the purposes of preserving agriculture and/or open space, providing separation between cities, and/or limiting the extension of urban services. The Ventura LAFCo is not a direct party to these Greenbelt Agreements, but has endorsed them as statements of local policy. As such, LAFCo will not approve a proposal from a city that is in conflict with any Greenbelt Agreement unless exceptional circumstances are shown to exist. LAFCo encourages that Greenbelt Agreements be amended by all parties involved prior to the filing of any proposal that may be in conflict with the Agreements.

SECTION 3.2.5 ANNEXATION OF DISADVANTAGED UNINCORPORATED COMMUNITIES

Pursuant to Government Code Section 56033.5 and Water Code Section 79505.5, a "Disadvantaged Unincorporated Community" shall be defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. The following unincorporated communities are located adjacent to a city

and have an annual median household income that is less than 80 percent of the statewide annual median household income based on 2010 Census data:

- Nyeland Acres: the developed territory located north of the City of Oxnard and generally bounded by Santa Clara Avenue, Friedrich Road, Almond Drive and State Route 101
- Saticoy: the area east of the City of San Buenaventura generally described as being within the boundaries of the County of Ventura's Saticoy Area Plan.

Except for proposals authorized pursuant to Government Code Section 56375.3, LAFCo will not approve a proposal for an annexation from a city involving territory greater than 10 acres if that territory is contiguous to either the Nyeland Acres or Saticoy community unless an application to annex the community to the city has been filed with the Executive Officer, or unless either of the following apply:
(a) A prior application to annex the contiguous disadvantaged community was filed with the Executive Officer within the preceding five years; or
(b) The Commission finds, based on written evidence, that a majority of the residents within the community are opposed to the annexation.

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DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION

CHAPTER 3 – STANDARDS

SECTION 3.3.1 GENERAL STANDARDS FOR ANNEXATION TO CITIES AND DISTRICTS

3.3.1.1 Factors Favorable To Approval:
(a) The proposal would eliminate islands, corridors, or other distortion of existing boundaries.
(b) The affected territory is urban in character or urban development is imminent, requiring municipal or urban-type services.
(c) The affected territory can be provided all urban services by the city or district as shown by the city's or district's service plans and the proposal would enhance the efficient provision of urban services.
(d) The proposal is consistent with state law, adopted spheres of influence, applicable general and specific plans, and these policies.
(e) The proposal is for the annexation of city or district owned property, used or to be used for public purposes.

3.3.1.2 Factors Unfavorable To Approval:
(a) The proposal would create or result in corridors, peninsulas, or flags of city or district area or would otherwise cause or further the distortion of existing boundaries.
(b) The proposal would result in a premature intrusion of urbanization into a predominantly agricultural or rural area.
(c) The proposal is inconsistent with state law, adopted spheres of influence, adopted general or specific plans, adopted habitat conservation and/or restoration plans, other applicable plans adopted by any governmental agency, or these policies.
(d) For reasons of topography, distance, natural boundaries, or like considerations, the extension of services would be financially infeasible, or another means of supplying services by acceptable alternatives is preferable.
(e) Annexation would encourage a type of development in an area that due to terrain, isolation, or other economic or social reason, is not in the public interest.
(f) The proposal appears to be motivated by inter-agency rivalry or other motives not in the public interest.
(g) The proposed boundaries do not include logical service areas or are otherwise improperly drawn.
(h) The proposal area would accommodate new development and includes a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by federal, state or local public agencies, unless the Commission determines that the hazard or hazards can be adequately mitigated.
(i) The proposal will result in an unacceptable significant adverse impact(s) to the environment as determined by the Commission.

SECTION 3.3.2 GENERAL BOUNDARY CRITERIA

3.3.2.1 LAFCo Favors Applications with Boundaries that do the Following:
(a) Create logical boundaries that coincide with existing and planned service areas and, where possible, eliminate previously existing islands.
(b) Follow natural and man made features, such as ridge lines drainage areas, watercourses, and edges of right-of-way, provided they coincide with lines of assessment or ownership, or are described by metes and bounds legal descriptions which can easily be used for mapping lines of assessment or ownership.
(c) Include adjacent urbanized areas which are receiving or which may require urban services such as public water and/or sewer services.

3.3.2.2 LAFCo Discourages Applications with Boundaries that:
(a) Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social and economic identity.
(b) Create areas where it is difficult to provide services.
(c) Create boundaries which result in islands, peninsulas, flags, 'pinpoint contiguity," "cherry stems," or cause, or further, the distortion of existing boundaries.
(d) Are drawn for the primary purpose of encompassing revenue-producing territories.

SECTION 3.3.3 STANDARDS FOR CITY INCORPORATION

3.3.3.1 Factors Favorable To Approval:
(a) There is a demonstrated need for organized municipal or urban-type services.
(b) There is a relatively dense population in a well-defined reasonably compact area.
(c) It is demonstrated that there is adequate property tax revenue and a sufficiently high base for sales tax, highway user's tax, motor vehicle in lieu tax, and similar state-collected and disbursed funds, in relation to anticipated costs of required services as to make incorporation financially feasible.
(d) There is a likelihood of continued substantial growth within the affected territory and adjacent areas during the next ten years.
(e) The affected territory is not located near other highly populated areas; particularly an existing city to which the area proposed for incorporation could be annexed.
(f) Alternate means of furnishing required services are infeasible or undesirable.
(g) There will be no adverse effect on the long-range provision for adequate local governmental services by other agencies to a larger region of which the area proposed for incorporation is an integral part.
(h) The proposal is consistent with state law, adopted spheres of influence, the County of Ventura general plan, and these policies.

3.3.3.2 Factors Unfavorable To Approval:
(a) The affected territory has a relatively low population density.
(b) There is no or slight need for municipal urban-type services.

(c) The population in the affected territory is not in a reasonably compact or defined community.
(d) There are low tax and other revenues in relation to anticipated costs of services as to make incorporation financially infeasible.
(e) The area proposed for incorporation is in close proximity to an existing city to which it could be annexed.
(f) Incorporation is premature in view of lack of anticipated substantial growth within the next ten years.
(g) The boundaries of the affected territory do not include all urbanized areas or are otherwise improperly drawn.
(h) Incorporation would have an adverse effect upon the long-range provision of local governmental services to a larger region of which the area proposed for incorporation forms an integral part.
(i) The proposal is not consistent with state law, adopted spheres of influence, the County of Ventura general plan, or these policies.

SECTION 3.3.4 STANDARDS FOR DISTRICT FORMATION

3.3.4.1 Factors Favorable To Approval:
(a) Development requires one or more urban-type services, and by reason of location or other consideration such service or services may not be provided by any of the following means in descending order of preference:

i. Annexation to an existing city.
ii. Annexation to an existing multiple purpose district.
iii. Annexation to an existing single purpose district.
iv. The consolidation of existing districts.
v. Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
vi. Formation of a new County Service Area.
vii. Incorporation of a new city.

(b) The proposal is for a primarily rural or agricultural area and is for limited non-urban type services that cannot be provided by an existing dependent or independent district.
(c) The proposal is consistent with state law, adopted spheres of influence, applicable general and specific plans, and these policies.

3.3.4.2 Factors Unfavorable To Approval:
(a) There is little need for urban-type services, or required services may be provided by the following means in descending order of preference:

i. Annexation to an existing city.
ii. Annexation to an existing multiple purpose district.
iii. Annexation to an existing single purpose district.
iv. The consolidation of existing districts.

v. Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
vi. Formation of a new County Service Area.
vii. Incorporation of a new city.

(b) By reason of relatively low revenue base in relationship to the cost of desired services, the proposal is financially infeasible and not in the public interest.

(c) Due to topography, isolation from existing developments, premature intrusion or urban-type developments into a predominantly agricultural area or other pertinent economic or social reasons, urban-type development that would be fostered by the proposal is not in the public interest.

(d) Boundaries of the proposal do not include all of the service areas or potential service area or are otherwise improperly drawn.

(d) The proposal would result in a multiplicity of public districts making difficult the ultimate provision of adequate full local governmental services to a larger region of which the area proposed is an integral part.

(f) The district proposed is not the best suited to the purpose and better alternative methods of providing services are available.

(g) The proposal is inconsistent with state law, adopted spheres of influence, applicable general or specific plans, or these policies.

SECTION 3.3.5 AGRICULTURE AND OPEN SPACE PRESERVATION

3.3.5.1 Findings and Criteria for Prime Agricultural and Open Space Land Conversion: LAFCo will approve a proposal for a change of organization or reorganization which is likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development. For the purposes of this policy, a proposal for a change of organization or reorganization leads to planned, orderly, and efficient development only if all of the following criteria are met:

(a) The territory involved is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development.

(b) The territory is likely to be developed within 5 years and has been pre-zoned for non-agricultural or open space use. In the case of very large developments, annexation should be phased wherever possible.

(c) Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency that is planned and developable for the same general type of use.

(d) The territory involved is not subject to voter approval for the extension of services or for changing general plan land use designations. Where such voter approval is required by local ordinance, such voter approval must be obtained prior to LAFCo action on any proposal unless exceptional circumstances are shown to exist.

(e) The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.

3.3.5.2 Findings that Insufficient Non-Prime Agricultural or Vacant Land Exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant

land exists within the boundaries of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:
(a) An evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.
(b) An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.
(c) Determinations as to why vacant, non-prime agricultural lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

3.3.5.3 Impacts on adjoining prime agricultural or open space lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:
(a) The prime agricultural and open space significance of the territory and adjacent areas relative to other agricultural and open space lands in the region.
(b) The economic viability of the prime agricultural lands to be converted.
(c) The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
(d) The use of the territory and the adjacent areas.
(e) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's sphere of influence.
(f) Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
(g) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
(h) Comments and recommendations by the Ventura County Agricultural Commissioner.

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DIVISION 4 – SPHERES OF INFLUENCE

CHAPTER 1 – GENERAL POLICIES

SECTION 4.1.1 APPLICABILITY AND WAIVER

4.1.1.1 Applicability:
(a) These policies and standards do not preempt state law. In the event of a conflict between these policies and the provisions of state law, the provisions of state law shall prevail.
(b) In the event of a conflict between these policies relating to spheres of influence and the rules and regulations, or the operational policies, adopted by the Ventura LAFCo, the provisions of the rules and regulations and the operational policies shall prevail.

4.1.1.2 Waiver: These policies and standards relating to spheres of influence shall be given great weight as a part of the Ventura LAFCo's consideration of proposals. They are general guidelines for the Commission to follow, however, they are not mandatory or binding. The Commission can and will consider each proposal upon its merits within the parameters set forth in state law. Should the Commission elect not to follow a policy, it shall, as a part of any resolution on the matter and as part of the written record, set forth the specific waiver, and the reason for it.

SECTION 4.1.2 DEFINITIONS

Sphere of influence boundaries may be modified through either an amendment or an update process, as defined below:
(a) Amendment: A sphere of influence amendment involves a modification to a sphere of influence that is associated with a concurrent proposal for a change of organization or an out of agency service agreement.
(b) Update: A sphere of influence update involves a comprehensive review and modification of a sphere of influence that is not associated with a concurrent proposal for a change of organization or an out of agency service agreement.

SECTION 4.1.3 GENERAL SPHERE OF INFLUENCE POLICIES

4.1.3.1 Compliance With State Law: All sphere of influence boundaries shall comply with the provisions of state law.

4.1.3.2 Conformance with Lines of Ownership and Assessment: Sphere of Influence boundaries should coincide with line of assessment or ownership. If sphere of influence boundaries do not coincide with lines of assessment or ownership they shall be described by

metes and bounds legal descriptions sufficient for definitive mapping purposes using geographic information system software.

4.1.3.3 Concurrent Sphere of Influence Amendments Effective Upon Execution of Certificate of Completion: The Commission's approval of any concurrent sphere of influence amendment and change of organization proposal will become effective at the time the Certificate of Completion for the change of organization is recorded. If no Certificate of Completion for the change of organization is recorded, the sphere of influence amendment shall not become effective.

SECTION 4.1.4 SPHERE OF INFLUENCE UPDATES

(a) LAFCo shall review and update, as necessary, the adopted sphere of influence of each local agency not less than once every five years.
(b) LAFCo shall prepare a municipal service review in conjunction with each sphere of influence update unless the subject territory can be efficiently and effectively served by existing infrastructure and service levels.
(c) Updates that remove territory from a sphere of influence shall not require the preparation of a municipal service review.

SECTION 4.1.5 FEES FOR SPHERE OF INFLUENCE UPDATES/MSRs

LAFCo shall pay all costs associated with LAFCo-initiated quinquennial sphere of influence reviews, updates and any associated municipal service reviews that are required to be prepared pursuant to state law. For any sphere of influence update that is initiated by an agency other than LAFCo, the applicant shall be responsible for payment of all associated fees and costs, including the preparation of a municipal service review, if required.

DIVISION 4 – SPHERES OF INFLUENCE

CHAPTER 2 – SPECIFIC POLICIES

SECTION 4.2.1 CONSISTENCY WITH VOTER APPROVED GROWTH BOUNDARIES

For cities that have enacted ordinances that require voter approval for the extension of services or for changing general plan designations, sphere of influence boundaries should coincide with, or cover lesser area than, voter approved growth boundaries.

SECTION 4.2.2 PROVISIONAL SPHERE OF INFLUENCE

4.2.2.1 Purpose: A provisional sphere of influence is intended to delineate territory within which the subject service provider should pursue restructuring or reorganization options as recommended in the most recent MSR prepared by LAFCo.
(a) LAFCo encourages agencies with a provisional sphere of influence designation to discuss alternatives to existing service provision or reorganization options and to return to LAFCo with the results of their discussions and/or studies.
(b) If, pursuant to the process outlined in subsection (a), any change of organization or reorganization is determined to be warranted, the subject agency, an affected agency, or LAFCo should consider initiation of such proceedings except as otherwise prohibited by law.

4.2.2.2 Changes of Organization or Reorganizations Within a Provisional Sphere of Influence: Annexations to any agency with a provisional sphere designation shall be discouraged unless the purpose of the proposal is to resolve the issues that prompted the provisional sphere of influence designation.

4.2.2.3 Basis for Adopting a Provisional Sphere of Influence: The designation of a provisional sphere for an agency should be based exclusively on the determinations in the most recent MSR prepared for that agency.

4.2.2.4. Reconsideration: The provisional status of a sphere of influence should be reconsidered if the Commission determines that the agency has adequately addressed the deficiencies and/or issues that led to the provisional designation. Removal of the provisional designation may occur:
(a) During the quinquennial review of the agency's sphere of influence; or
(b) At the request of the agency's legislative body; or
(c) At any time that the Commission deems it to be warranted.

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DIVISION 4 – SPHERES OF INFLUENCE

CHAPTER 3 – STANDARDS FOR DETERMINING, UPDATING AND AMENDING SPHERE OF INFLUENCE BOUNDARIES

SECTION 4.3.1 GENERAL STANDARDS

4.3.1.1. LAFCo Favors Sphere of Influence Boundaries that:
(a) Coincide with existing and planned service areas.
(b) Follow natural and man made features, such as ridge lines, drainage areas, watercourses, and edges of right-of-way, provided they coincide with lines of assessment or ownership, or are described by metes and bounds legal descriptions which can be used easily for mapping boundaries.
(c) Include adjacent urbanized areas which are receiving or which may require urban services such as public water and/or sewer services.

4.3.1.2 LAFCo Discourages Sphere of Influence Boundaries that:
(a) Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social and economic identity.
(b) Create areas where it is difficult to provide services.
(c) Result in islands, peninsulas, flags, "cherry stems," or other unusual physical shapes that could cause, or further, the distortion of boundaries.
(d) Would accommodate new development and include a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by federal, state or local public agencies, unless the Commission determines that the hazard or hazards can be adequately mitigated.

SECTION 4.3.2 AGRICULTURAL AND OPEN SPACE PRESERVATION

4.3.2.1 Findings and Criteria for Prime Agricultural and Open Space Land Conversion: LAFCo will approve sphere of influence amendments and updates which are likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the amendment or update will lead to planned, orderly, and efficient development. For the purposes of this policy, a sphere of influence amendment or update leads to planned, orderly, and efficient development only if all of the following criteria are met:
(a) The territory is likely to be developed within 5 years and has been designated for non-agricultural or open space use by applicable general and specific plans.
(b) Insufficient non-prime agricultural or vacant land exists within the sphere of influence of the agency that is planned and developable for the same general type of use.
(c) The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.

(d) The territory is not within an area subject to a Greenbelt Agreement adopted by a city and the County of Ventura. If a City proposal involves territory within an adopted Greenbelt area, LAFCo will not approve the proposal unless all parties to the Greenbelt Agreement amend the Greenbelt Agreement to exclude the affected territory.
(e) The use or proposed use of the territory involved is consistent with local plan and policies.

4.3.2.2 Findings that Insufficient Non-prime Agricultural or Vacant Land Exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant land exists within the sphere of influence of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:
(a) An evaluation of all vacant, non-prime agricultural lands within the sphere of influence and within the boundaries of the jurisdiction that could be developed for the same or similar uses.
(b) An evaluation of the re-use and redevelopment potential of developed areas within the sphere of influence and within the boundaries of the jurisdiction for the same or similar uses.
(c) Determinations as to why non-prime agricultural and vacant lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

4.3.2.3 Impacts on Adjoining Prime Agricultural or Open Space Lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:
(a) The prime agricultural and open space significance of the territory included in the sphere of influence amendment or update relative to other agricultural and open space lands in the region.
(b) The economic viability of the prime agricultural lands to be converted.
(c) The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
(d) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's proposed sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's proposed sphere of influence.
(e) Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
(f) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
(g) Comments and recommendations by the Ventura County Agricultural Commissioner.

SECTION 4.3.3 CRITERIA FOR CITY SPHERE OF INFLUENCE AMENDMENTS FOR SCHOOLS

4.3.3.1 City and School District Collaborative Planning: To ensure that the affected city and school district(s) have engaged in good faith, collaborative long range planning for school sites, LAFCo will consider the following criteria when reviewing proposals for city sphere of influence amendments: (Amended October 16, 2002)

(a) Whether a school site committee, made up of the affected city and school officials have been meeting to engage in discussions and long range planning and the meetings are ongoing.

(b) Whether the affected city has discussed all major development proposals with the school district.

(c) Whether the affected city has a policy of considering school capacity and location when reviewing major development proposals and long range plans.

(d) Whether an official inventory of all potential sites has been evaluated and has been subject to public review.

(e) Whether the affected city general plan and specific plans include adequate and appropriate school locations.

(f) Whether school siting has been addressed in the last five years of development in the affected city.

(g) Whether the proposed sphere of influence change may be unnecessary if the affected city is considering expansions to the sphere of influence or city urban growth boundary.

4.3.3.2 Options Exhausted: To ensure that the affected school district(s) have exhausted options within the existing sphere of influence or city urban growth boundary, LAFCo will consider the following criteria when reviewing proposals for city sphere of influence amendments: (Amended October 16, 2002)

(a) Whether the affected school district(s) has a long-range facility plan.

(b) Whether the affected school district(s) has prepared an inventory and evaluation of all district-owned facilities.

(c) Whether the affected school district(s) has considered joint use facilities with other entities, cities, parks, and other public institutions.

(d) Whether the affected school district(s) has evaluated all undeveloped land within the affected city's sphere of influence or city urban growth boundary.

(e) Whether the affected school district(s) has, after consideration of the safety and health of the children, considered asking for any appropriate exceptions from State of California school size guidelines.

(f) Whether the school district has considered and eliminated multi-story school buildings as an option.

4.3.3.3 Overall Planning Issues Addressed: To ensure that the affected city and school district(s) have addressed overall planning issues, LAFCo will consider the following criteria when reviewing proposals for city sphere of influence amendments: (Amended October 16, 2002)

(a) Whether there are unique safety and health concerns of the proposal.

(b) Whether the proposed new school site is considered growth inducing.

(c) Whether the proposal adversely affects agriculture and/or provides buffers between the school site and adjacent agriculture.

(d) Whether the proposed school site is the best site available when considering logical, orderly, and efficient city boundaries and adopted greenbelts.

(e) Whether the affected city is willing to support expanding the urban growth boundary to accommodate the development site, including requesting a citizen's vote if necessary.

(f) Whether the affected school district(s), after an unsuccessful vote for approval, indicates that the school site must be sited outside the existing urban growth boundary.

DIVISION 5 – OUT OF AGENCY SERVICE AGREEMENTS

CHAPTER 1 – GENERAL POLICIES

SECTION 5.1.1 APPLICABILITY AND WAIVER

5.1.1.1 Applicability:
(a) These policies do not preempt state law. In the event of a conflict between these policies and the provisions of state law, the provisions of state law shall prevail.
(b) In the event of a conflict between these policies relating to out of agency service agreements and the rules and regulations, or the operational policies adopted by the Ventura LAFCo, the provisions of the rules and regulations and the operational policies shall prevail.

5.1.1.2 Waiver: These policies and standards relating to out of agency service agreements shall be given great weight as a part of the Ventura LAFCo's consideration of proposals. They are general guidelines for the Commission to follow, however, they are not mandatory or binding. The Commission can and will consider each proposal upon its merits within the parameters set forth in state law. Should the Commission elect not to follow a policy, it shall, as a part of any resolution on the matter and as part of the written record, set forth the specific waiver, and the reason for it.

SECTION 5.1.2 ANNEXATION PREFERRED

Annexations to cities and special districts are always preferred to out of agency service agreements.

SECTION 5.1.3 APPLICATIONS

5.1.3.1 Requirement For Copy of Agreement: Applications to LAFCo for consideration of out of agency service agreements shall include a service agreement signed by all parties.

5.1.3.2 Land Use Approvals Required: No application for out of agency service involving the provision of service to a proposed subdivision or lot line adjustment and/or development project should be accepted before the associated tentative map, parcel map waiver and/or land use entitlement is approved by the agency with jurisdiction over the project.

SECTION 5.1.4 STANDARDS

5.1.4.1 Factors Favorable to Approval:
(a) The city or district has demonstrated that there is adequate capacity to provide the proposed service and the service is consistent with the agency's adopted service plans.
(b) The existing or proposed land use is consistent with the applicable general plan and any applicable specific plan.
(c) The territory to which the service is proposed to be extended involves only legal lots.

5.1.4.2 Factors Unfavorable to Approval:
(a) A more cost efficient alternative for providing the service is available.
(b) The service would be provided in a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by any federal, state or local public agency and the associated hazard cannot be adequately mitigated.
(c) The basis for the proposed service is solely to accommodate the creation of a new lot or lots without a corresponding development proposal.

SECTION 5.1.5 AGRICULTURE AND OPEN SPACE PRESERVATION

5.1.5.1 Findings and Criteria For Prime Agricultural and Open Space Land Conversion:
LAFCo will approve out of agency service agreements which are likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the out of agency service will lead to planned, orderly, and efficient development. For the purposes of this policy, an out of agency service agreement leads to planned, orderly, and efficient development only if all of the following criteria are met:
(a) The territory is already developed or will be developed immediately upon the connection of the requested out of agency service and has been designated for non-agricultural use by applicable general and specific plans.
(b) Provision of the service would not result in a premature intrusion of urbanization into a predominantly agricultural or rural area.
(c) The out of agency service agreement will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.
(d) The use or proposed use of the territory involved is consistent with local plans and policies.

5.1.5.2 Impacts on Adjoining Prime Agricultural or Open Space Lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:
(a) The prime agricultural and open space significance of the territory included in the out of agency service request relative to other agricultural and open space lands in the region.
(b) The economic viability of the prime agricultural lands to be converted.
(c) The health and well being of any urban residents adjacent to the prime agricultural lands to be (converted.

(d) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's proposed sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's proposed sphere of influence.
(e) Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
(f) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
(g) Comments and recommendations by the Ventura County Agricultural Commissioner.

SECTION 5.1.6 DETERMINATION OF NO OTHER SERVICE PROVIDER

In order to approve an out of agency service agreement LAFCo shall determine that no other public agency can provide the same service at the same level of service. If the territory involved is within the sphere of influence of two or more public agencies that can provide the same service, all other such public agencies must first agree in writing to the out of agency service being requested or LAFCo must have first recognized the boundaries of a formal agreement between public agencies that defines their service areas.

SECTION 5.1.7 ADDITIONAL FACTORS FOR APPROVING AGREEMENTS

In addition to the factors required by law and other factors required by these policies, in order to approve out of agency service agreements LAFCo must also make favorable determinations regarding one or more of the following additional factors:
(a) Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on applicable general and specific plans, these policies, and other entitlements for use.
(b) Emergency or health related conditions require prompt action versus waiting for the processing of a proposal for a change of organization or reorganization.

SECTION 5.1.8 AGREEMENTS CONSENTING TO ANNEX

Whenever the affected territory may ultimately be annexed to the service agency, a standard condition of approval for an out of agency service agreement shall be the recordation of an agreement by the landowner consenting to annex the territory. Said agreement shall be binding on future owners of the property.

SECTION 5.1.9 TIME LIMIT ON SERVICE INITIATION

5.1.9.1 Recordation Required: LAFCo approval of an application for out of agency service will not become effective until the service agreement is recorded by the Ventura County Recorder. Any approval of a request for out of agency service will be conditioned to require recordation no later than six (6) months following the date of approval.

5.1.9.2 Deadline For Obtaining a Building Permit:
(a) Unless exceptional circumstances exist, whenever a building permit is required to authorize construction of a property improvement to which the requested service is intended to be provided, LAFCo will not approve an application for out of agency service unless the service agreement contains language which expressly limits the time period for obtaining a building permit to no more than one (1) year following the date of recordation.
(b) Requests to exceed the one (1) year deadline shall state what facts are claimed to warrant exceptional circumstances and shall be submitted with the application. Whenever the Executive Officer considers a request pursuant to this subsection, a copy of his/her response shall be provided to the Commission.

5.1.9.3 Request For Time Extension:
(a) One twelve (12) month extension of the one-year deadline set forth in Section 5.1.9.2 may be requested either as part of the initial LAFCo application or within one (1) year of the date of recordation of the approved service agreement provided that all of the following can be demonstrated:
i. The service provider has amended the service contract accordingly.
ii. The proponents of the project that is to receive the service have diligently pursued all necessary permits to begin construction of the project, but due to factors beyond their control, permits have not yet been obtained.
iii. There is a reasonable expectation that the permits necessary to commence construction can be obtained within a reasonable timeframe, as determined by the Executive Officer.
(b) Requests for time extensions will be considered by the authority that approved the original out of agency service agreement.

SECTION 5.1.10 CRITERIA FOR OUT OF AGENCY SERVICE AGREEMENTS FOR SCHOOLS

5.1.10.1 City and School District Collaborative Planning: To ensure that the affected city and school district(s) have engaged in good faith, collaborative long range planning for school sites, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:
(a) Whether the school site committee, made up of the affected city and school officials have been meeting to engage in discussions and long range planning and the meetings are ongoing.

(b) Whether the affected city has discussed all major development proposals with the school district.
(c) Whether the affected city has a policy of considering school capacity and location when reviewing major development proposals and long range plans.
(d) Whether an official inventory of all potential sites has been evaluated and has been subject to public review.
(e) Whether the affected city general plan and specific plans include adequate and appropriate school locations.
(f) Whether school siting has been addressed in the last five years of development in the affected city.
(g) Whether the proposed out of agency service agreement may be unnecessary if the affected city is considering expansions to the sphere of influence or city urban growth boundary.

5.1.10.2 Options Exhausted: To ensure that the affected school district(s) have exhausted options within the existing sphere of influence or city urban growth boundary, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:
(a) Whether the affected school district(s) has a long-range facility plan.
(b) Whether the affected school district(s) has prepared an inventory and evaluation of all district-owned facilities.
(c) Whether the affected school district(s) has considered joint use facilities with other entities, cities, parks, and other public institutions.
(d) Whether the affected school district(s) has evaluated all undeveloped land within the affected city's sphere of influence or city urban growth boundary.
(e) Whether he affected school district(s) has, after consideration of the safety and health of the children, considered asking for any appropriate exceptions from State of California school size guidelines.
(f) Whether the school district has considered and eliminated multi-story school buildings as an option.

5.1.10.3 Overall Planning Issues Addressed To ensure that the affected city and school district(s) have addressed overall planning issues, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:
(a) Whether there are unique safety and health concerns of the proposal.
(b) Whether the proposed school site is considered growth inducing.
(c) Whether the proposal adversely affects agriculture and/or provides buffers between the school site and adjacent agriculture.
(d) Whether the proposed school site is the best site available when considering logical, orderly, and efficient city boundaries and adopted greenbelts.
(e) Whether the affected city is willing to support expanding the urban growth boundary to accommodate the development site, including requesting a citizen's vote if necessary.
(f) Whether the affected school district(s), after an unsuccessful vote for approval, indicate that the school site must be sited outside the existing urban growth boundary.

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APPENDIX A

1996 GUIDELINES FOR ORDERLY DEVELOPMENT

Preface:

In a cooperative effort to guide future growth and development, the cities, County and Local Agency Formation Commission have participated in the creation of these "Guidelines for Orderly Development." The following guidelines are a continuation of the guidelines which were originally adopted in 1969, and maintain the theme that urban development should be located within incorporated cities whenever or wherever practical.

The intent of these guidelines is to clarify the relationship between the cities and the County with respect to urban planning, serve to facilitate a better understanding regarding development standards and fees, and identify the appropriate governmental agency responsible for making determinations on land use requests. These guidelines are a unique effort to encourage urban development to occur within cities, and to enhance the regional responsibility of County government.

These guidelines facilitate the orderly planning and development of Ventura County by:
Providing a framework for cooperative intergovernmental relations

Allowing for urbanization in a manner that will accommodate the development goals of the individual communities while conserving the resources of Ventura County

Promoting efficient and effective delivery of community services for existing and future residents

Identifying in a manner understandable to the general public the planning and service responsibilities of local governments providing urban services within Ventura County

General Policies:

Urban development should occur, whenever and wherever practical, within incorporated cities which exist to provide a full range of municipal services and are responsible for urban land use planning.

The cities and the County should strive to produce general plans, ordinances and policies which will fulfill these guidelines.

Policies Within Spheres of Influence:

The following policies shall apply within City Spheres of Influence (Spheres of Influence are created by LAFCo, as required by State law, to identify the probable boundaries of cities and special districts, realizing that spheres may be amended from time to time as conditions warrant):

3. Applicants for land use permits or entitlements for urban uses shall be encouraged to apply to the City to achieve their development goals and discouraged from applying to the County.

4. The City is primarily responsible for local land use planning and for providing municipal services.

5. Prior to being developed for urban purposes or to receiving municipal services, land should be annexed to the City.

6. Annexation to the City is preferable to the formation of new or expansion of existing County service areas.

7. Land uses which are allowed by the County without annexation should be equal to or more restrictive than land uses allowed by the City.

8. Development standards and capital improvement requirements imposed by the County for new or expanding developments should not be less than those that would be imposed by the City.

Policies Within Areas of Interest Where a City Exists:

The following policies apply within Areas of Interest where a City exists, but outside the City's Sphere of Influence (Areas of Interest are created by LAFCo to identify logical areas of common interest within which there will be no more than one City):

Applications for discretionary land use permits or entitlements shall be referred to the City for review and comment. The County shall respond to all comments received from the City.

The County is primarily responsible for local land use planning, consistent with the general land use goals and objectives of the City.

Urban development should be allowed only within Existing Communities as designated on the County General Plan.

Existing Communities as designated on the County General Plan should financially support County-administered urban services which are comparable to those urban services provided by Cities.

Policies Within Areas of Interest Where No Cities Exist:

The County is responsible for local land use planning and for providing municipal services.

Urban development should only be allowed in Unincorporated Urban Centers or Existing Communities as designated in the County General Plan.

Urban development in Unincorporated Urban Centers should only be allowed when an Area Plan has been adopted by the County, to ensure that the proposed development is consistent with the intent of the Guidelines.

Definitions for Implementing Guidelines for Orderly Development:

“Urban Development”:

Development shall be considered urban if it meets any of the following criteria:

It would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems;

It would result in the creation of residential lots less than two (2) acres in area; or

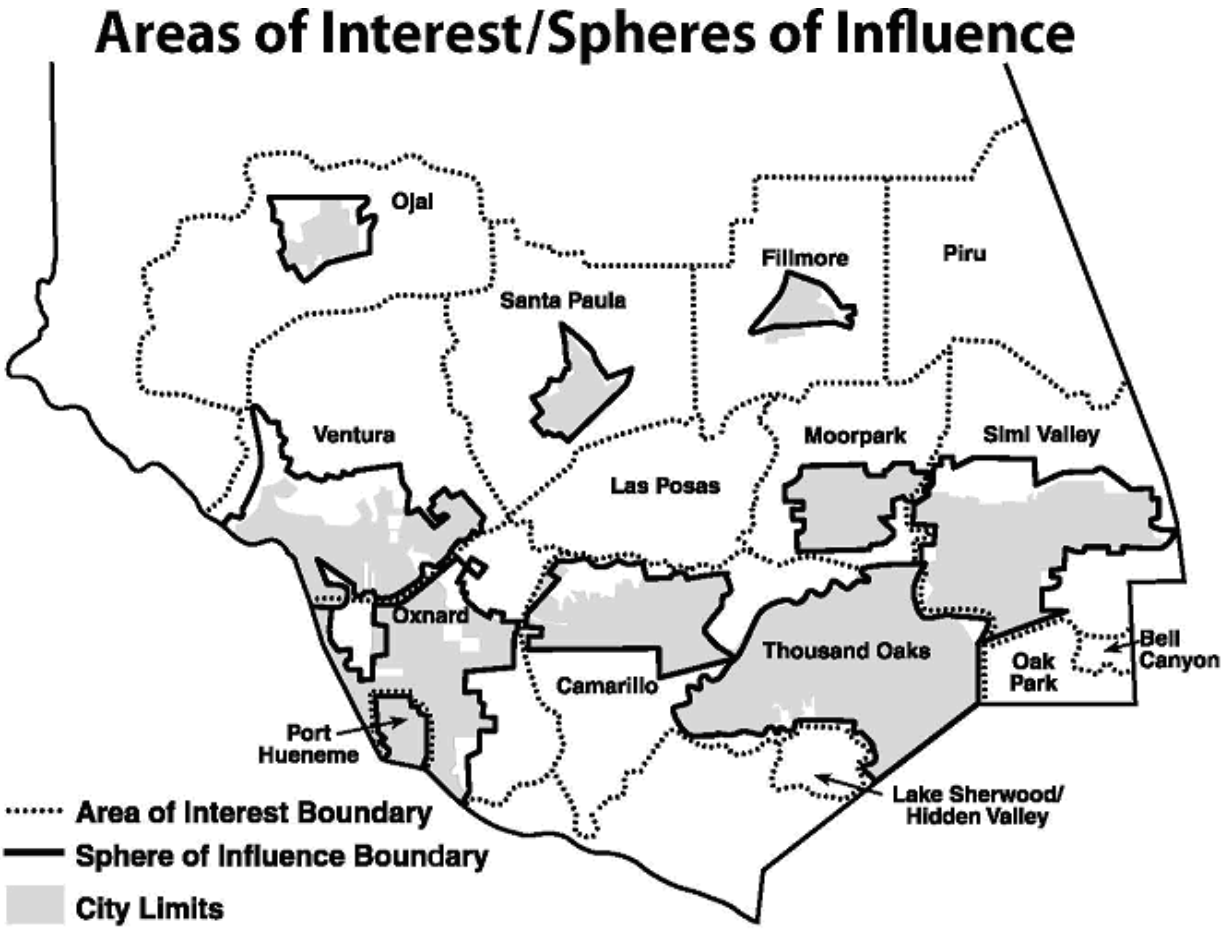
It would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

“Existing Community”:

Existing Community is a land use designation of the County General Plan which identifies existing urban residential, commercial, or industrial enclaves located outside Urban designated areas (i.e., cities or Unincorporated Urban Centers). An Existing Community may include uses, densities, building intensities, and zoning designations which are normally limited to Urban designated areas but do not qualify as Unincorporated Urban Centers. This designation has been established to recognize existing land uses in unincorporated areas which have been developed with urban building intensities and urban land uses; to contain these enclaves within specific areas so as to prevent further expansion; and to limit the building intensity and land use to previously established levels.

“Unincorporated Urban Center”:

Unincorporated Urban Center is a term of the County General Plan which refers to an existing or planned urban community which is located in an Area of Interest where no city exists. The Unincorporated Urban Center represents the focal center for community and planning activities within the Area of Interest, and may be a candidate for future incorporation.



APPENDIX B

MEMORANDUM OF AGREEMENT BETWEEN THE
VENTURA LOCAL AGENCY FORMATION COMMISSION
AND THE COUNTY OF VENTURA FOR THE PROVISION
OF EMPLOYEES, SERVICES, OFFICES AND MATERIALS

THIS AGREEMENT is made effective July 1, 2001, by and between the County of Ventura ("the County"), and the Ventura Local Agency Formation Commission ("LAFCo") with respect to the following facts:

A. For more than 30 years the County, in compliance with its obligation in former Government Code section 56380, has funded LAFCo and has furnished it with office space, employees, and administrative, technical, legal and other services.

B. Effective January 1, 2001, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") modified the statutory mechanism by which LAFCo is funded, making it the joint responsibility of cities, independent special districts and the County as described in Government Code section 56381. CKH also amended Government Code section 56380 to require LAFCo to "make its own provision for necessary quarters, equipment, and supplies, as well as personnel." That section also authorizes LAFCo to contract with any public agency or private party for personnel and facilities.

C. LAFCo and the County find it convenient and economical to continue their long-established relationship with one another, and to formalize the financial aspects of that relationship in accordance with CKH. The purpose and intent of this agreement is, therefore, to set forth the County's agreement to provide space, services, employees and materials to LAFCo as though it were an agency of the County, and for LAFCo to reimburse the County for the costs thereof at the official rates established by the Board of Supervisors of the County.

IN CONSIDERATION of the mutual rights and duties set forth in this agreement, the parties agree as follows:

1. **County Financial System:** To assist in LAFCo's financial planning and management of its resources, LAFCo shall continue to participate as a fund in the County's financial management system. LAFCo shall, however, retain its statutory independence to establish its own budget.
2. **Office Space, Furniture and Equipment:** The County shall provide LAFCo with suitable office space, and such furniture and equipment as LAFCo requires. LAFCo shall pay the County the usual rents and related charges paid for similar space, furniture and equipment by County agencies and departments.

3. **Personnel:** The County shall, in accordance with its Personnel Rules and Regulations, and with LAFCo's requirements as determined by LAFCo, provide LAFCo with employees to

staff its operations, including without limitation, an Executive Officer. LAFCo retains and shall exercise its sole discretion in determining the number and qualifications of its employees, the terms of employment if it chooses to employ pursuant to contract, and the selection of those individuals it elects to have hired to serve it.

4. **Support Services:** The County shall provide to LAFCo the services of the following County departments as LAFCo may require them:

4.1. **Assessor:** The Assessor shall provide LAFCo with assessment and parcel map information, property owner information for the issuance of legal notices, review of pending proposals, and such related services as the parties agree to be necessary.

4.2. **Auditor-Controller:** The Auditor-Controller shall provide LAFCo with general accounting, accounts payable and payroll services, cost accounting, rate setting, and such related services as the parties agree to be necessary. Special studies and audits will be performed at a charge to be agreed to by the County and LAFCo.

4.3. **County Executive Officer:** The County Executive Officer shall provide LAFCo with budget development and financial review services, and shall serve as coordinator of LAFCo's relationships with the Board of Supervisors and County agencies and departments, and provide such related services as the parties agree to be necessary.

4.4. **Clerk/Recorder:** The Clerk/Recorder/Elections Officer shall fulfill the statutory duties assigned to that office in CKH, including without limitation, providing LAFCo with registered voter information, convening the City Select Committee, and swearing in commissioners. Related services as the parties agree to be necessary shall also be provided.

4.5. **County Counsel:** The County Counsel shall provide general legal counsel to LAFCo and such other legal services as the parties agree to be necessary. In the event of a potential or actual conflict of interest, the County Counsel shall use his best efforts to resolve the conflict, or to arrange for alternate counsel for LAFCo.

4.6. **General Services Agency:** The General Services Agency shall provide its full range of support services, including without limitation, facilities management and maintenance, purchasing, mail, security, document copying and publishing, warehouse and distribution services, project management, real property services, fleet services and related services as the parties agree to be necessary.

4.6.1. **Risk Management Department:** The Risk Management Department of the General Services Agency shall include LAFCo in its risk pool and shall provide defense and indemnification to LAFCo and its employees as it would for any County agency, including without limitation, for all claims, demands and causes of action for damages arising from workers' compensation and tort liability.

4.7. **Human Resources Division:** The Human Resources Division of the Chief Administrative Office shall provide personnel recruitment, testing, certification, classification, compensation studies, position control, records maintenance, employment verifications, labor relations, discipline/grievance administration, training, benefits management and administration, and related services as the parties agree to be necessary.

4.8. **Information Services Department:** The Information Systems Department shall provide LAN infrastructure, management and administration, e-mail, voice and data network, wireless and security services, application systems support and development, and related services as the parties agree to be necessary.

4.9. **Public Works Agency:** The Public Works Agency shall provide proposal review and comment, survey and mapping services, geographic information system information and access, and related services as the parties agree to be necessary.

4.10. **Resource Management Agency:** The Resource Management Agency shall provide proposal review and comment, general plan, related land use and policy information and documents, graphics and mapping services, geographic information system information and access, and related services as the parties agree to be necessary.

5. **Reimbursement of County by LAFCo:** LAFCo shall reimburse the County for the costs of the services, employees, space and materials provided pursuant to this agreement. The amount of reimbursement shall be determined on a monthly, or other mutually agreed periodic basis, in accordance with the official rates established by the Board of Supervisors, and shall be paid in the ordinary course of County operations through transfers between County funds or through the County's cost allocation plan. The method of reimbursement of each department or agency shall be established through consultations among the department, the Auditor-Controller, the County Executive Officer and LAFCo.

6. **Term of Agreement:** This agreement shall be effective from and including July 1, 2001, to and including June 30, 2002. This agreement will automatically renew each fiscal year thereafter unless notice to terminate is given either by the County or by LAFCo at least ninety (90) days before the end of a fiscal year. Any notice given shall be effective only upon the first day of the first succeeding fiscal year that is at least ninety (90) days after such notice is given.

7. **Integrated Agreement:** This agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter. Each party acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this agreement shall be valid or binding on either party.

8. **Contingent Liability:** LAFCo and the County agree that certain services and obligations shall survive any termination of this agreement to the extent that there remain as of the date of

termination any contingent liabilities for covered acts or omissions of LAFCo, either known or unknown, incurred before the date of termination.

9. **Modification:** Any modification of this agreement will be effective only if it is in writing and signed by the party to be charged.

10. **No Waiver:** The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

COUNTY OF VENTURA, a political subdivision of the State of California

Dated: 5-22-01

By _____
FRANK SCHILLO, CHAIR
BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By _____
Deputy Clerk

VENTURA LOCAL AGENCY FORMATION COMMISSION

Dated: 5-16-01

By _____
JOHN RUSH, ITS CHAIR

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