

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING VARIOUS  
AMENDMENTS TO CHAPTERS 1, 4, AND 5 OF DIVISION  
2 – OPERATIONAL POLICIES AND CHAPTER 1 OF  
DIVISION 5 – OUT OF AGENCY SERVICE AGREEMENTS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission (LAFCo) to adopt written policies and procedures; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCo) adopted a new and revised Commissioner's Handbook containing its written policies and procedures on January 1, 2002 and readopted it October 17, 2007, and

WHEREAS, the Commission desires to make various amendments to its operational policies relating to general policies, public notice and information, records retention, greenbelts, and to the applications, standards, time limits, agriculture and opens space reservation and additional factors for the consideration of out of agency service agreements; and

WHEREAS, on March 17, 2010, the public had an opportunity to comment and the Commission considered amendments to the Commission's operational policies;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends Division 2 – Operational Policies, Chapter 1 – General, by amending the title of Chapter 1 and by removing Section 2.1.6. of the Commissioner's Handbook relating to the disclosure of political expenditures regarding LAFCo proceedings as shown on Exhibit A.
- (2) Amends Division 2 – Operational Policies, Chapter 4 – Public Notice and Information, by amending the title of Chapter 4 and by amending or adding:
  - (a) Section 2.4.2.1 of the Commissioner's Handbook relating to the option to exceed minimum noticing requirements as shown on Exhibit B;
  - (b) Section 2.4.2.2 of the Commissioner's Handbook relating to meeting cancellation as shown on Exhibit B;
  - (c) Section 2.4.2.3 of Commissioner's Handbook relating to protest hearings as shown on Exhibit B;
  - (d) Section 2.4.6 of the Commissioner's Handbook relating to records retention as shown on Exhibit B.

- (3) Amends Division 2 – Operational Policies, Chapter 5 – Local Plans and Policies, by amending Section 2.5.3 regarding greenbelts as shown on Exhibit C;
- (4) Amends Division 5 – Out of Agency Service Agreements, Chapter 1 – General Policies, by amending or adding:
  - (a) Section 5.1.2.1 of the Commissioner’s Handbook regarding eligibility and requirement for copy of agreement as shown on Exhibit D;
  - (b) Section 5.1.2.2 of the Commissioner’s Handbook regarding land use approvals as shown on Exhibit D;
  - (c) Section 5.1.5 of the Commissioner’s Handbook regarding standards as shown on Exhibit D;
  - (d) Section 5.1.6 of the Commissioner’s Handbook regarding time limits on service initiation as shown on Exhibit D;
  - (e) Section 5.1.7.1 of the Commissioner’s Handbook regarding the findings and criteria for prime agricultural and open space land conversion as shown on Exhibit D;
  - (f) Section 5.1.8 of the Commissioner’s Handbook regarding additional factors for approving agreements as shown on Exhibit D; and deleting Section 5.1.5.2 of the Commissioner’s Handbook regarding the findings that insufficient non prime agricultural or vacant land exists as shown on Exhibit D;
- (5) Directs the Executive Officer to compile the amendments to the Commissioner’s Handbook in the form of replacement pages and distribute them to interested parties.

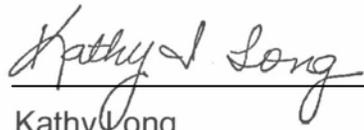
This resolution was adopted on March 17, 2010.

AYES: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle

NOES: None

ABSTAINS: None

Dated: 3/17/10

  
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Kathy Long  
Vice Chair, Ventura LAFCo

Attachments: Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D

c: Ventura County Cities  
Ventura County Special Districts

## EXHIBIT A

### DIVISION 2 – OPERATIONAL POLICIES

#### CHAPTER 1 – GENERAL POLICIES

##### ~~SECTION 2.1.6 – DISCLOSURE OF POLITICAL EXPENDITURES REGARDING LAFCO PROCEEDINGS~~

~~Pursuant to Government Code Sections 56700.1 and 57009, effective January 1, 2008, expenditures for political purposes related to a proposal for a change of organization or reorganization and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act, Government Code Section 81000 et seq., and the regulations of the Fair Political Practices Commission implementing that law.~~

~~Ventura LAFCO adopts the following reporting and disclosure requirements to implement Government Code Sections 56700.1 and 57009.~~

##### ~~(a) Definitions~~

- ~~i. “Contribution” as used herein shall have the same definition as provided in Government Code Section 82015, as amended.~~
- ~~ii. “Expenditure” as used herein shall have the same definition as provided in Government Code Section 82025, as amended.~~
- ~~iii. “Independent expenditure” as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term “measure” as used in Section 82031 shall be replaced with the term “proposal for change of organization or reorganization.”~~
- ~~iv. “Political Purposes” as used herein shall mean for the purpose(s) of: influencing public opinion; (ii) lobbying public officials; (iii) influencing legislative or administrative action as defined in Government Code § 82032; and/or, (iv) complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.~~

##### ~~(b) Disclosure Requirements for Proposals for Change of Organization or Reorganization~~

- ~~i. Any person or combination of persons who directly or indirectly makes expenditures or independent expenditures for political purposes totaling \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code~~

~~Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.~~

- ~~ii. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section (e) below.~~
- ~~iii. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.~~
- ~~iv. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.~~

~~(c) Disclosure Requirements for Conducting Authority Proceedings~~

- ~~i. Any person or combination of persons who directly or indirectly makes expenditures or independent expenditures for political purposes totaling \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.~~
- ~~ii. Disclosures made pursuant to this Section shall be filed with the commission's executive officer as designated in Section (e) below.~~
- ~~iii. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally~~

- ~~scheduled conducting authority hearing on the proposal for a change of organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.~~
- ~~iv. In the event the originally scheduled conducting authority hearing date for a proposal for a change of organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.~~
- ~~(d) Certain Reports and Disclosures Excluded: This policy requires only that the persons subject to it disclose via reports to the commission's executive officer contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a proposal for an organization or reorganization and does not impose on such persons the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.~~
- ~~(e) Where to File: All reports and disclosures required hereunder shall be filed with The LAFCo Executive Officer.~~
- ~~(f) Reporting requirements are non-exclusive: The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.~~
- ~~(g) Sunset provision: This policy is intended to implement Government Code Sections 56700.1 and 57009 and shall be of no further force and effect upon the effective date of legislation repealing or amending these sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the Fair Political Practices Commission or otherwise terminates the responsibility of this commission to adopt and implement this policy. (Adopted 1/16/08)~~

## EXHIBIT B

### DIVISION 2 – OPERATIONAL POLICIES

#### CHAPTER 4 – PUBLIC NOTICE AND INFORMATION AND RECORDS RETENTION

##### 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 35<sup>th</sup> day following adoption of the Commission's resolution making determinations.

##### SECTION 2.4.6 RECORDS RETENTION

2.4.6.1 Record retention shall occur in the following manner:

- (a) Storage of case files: It is LAFCo's intent to retain an original paper copy of all case file records indefinitely, as follows:
- i. The original full record for each case file from the previous three years will be retained in the LAFCo office.
  - ii. The original full record for case files older than three years will be stored in a secure records storage facility operated by the County of Ventura.
  - iii. Case file records prior to 1987 have been transferred to microfiche and the original records destroyed. A microfiche copy of each of these records will be retained in the LAFCo office. A second microfiche copy of each record will be stored in a secure record storage facility operated by the County of Ventura.
- (b) Electronic storage of case files: It is LAFCo's intent to copy and retain selected documents from each case file in an electronic format, including, but not limited to, the Certificate of Completion, resolution, map, legal description, and staff report. Electronic files will be stored on a computer network drive maintained by the County of Ventura and accessible to LAFCo staff.

- (c) City/District Files: The original full record for each city and district file shall be retained in the LAFCO office. One complete electronic copy of the full record shall be stored on a computer network drive maintained by the County of Ventura and accessible to LAFCo staff.

## **EXHIBIT C**

### **DIVISION 2 – OPERATIONAL POLICIES**

#### **CHAPTER 5 – LOCAL PLANS AND POLICIES**

##### **SECTION 2.5.3 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.

## EXHIBIT D

### DIVISION 5 OUT OF AGENCY SERVICE AGREEMENTS

#### CHAPTER 1 – GENERAL POLICIES

##### SECTION 5.1.2 APPLICATIONS

5.1.2.1 Eligibility and requirement for copy of agreement: Applications to LAFCo for consideration of out of agency service agreements shall be filed by the agency that is seeking approval to provide the service outside its boundaries and shall include a service agreement signed by all parties.

5.1.2.2 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 will 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 5.1.5 STANDARDS

###### 5.1.5.1 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.

###### 5.1.5.2 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 5.1.6 TIME LIMITS ON SERVICE INITIATION**

5.1.6.1 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.

5.1.6.2 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.

5.1.6.3 Request for time extension:

- (a) The agency intending to provide the service may request one twelve (12) month extension of the deadline set forth in Section 5.1.6.2 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:
  - (a) The service provider has amended the service contract accordingly;
  - (b) The proponent of the project that is to receive the service has diligently pursued all necessary permits to begin construction of the project, but due to factors beyond his/her control, permits have not yet been obtained.
  - (c) There is a reasonable expectation that the permits necessary to commence construction can be obtained within a reasonable timeframe.
- (b) Requests for time extensions will be considered by the authority that approved the original out of agency service agreement.

## SECTION 5.1.7 AGRICULTURAL AND OPEN SPACE PRESERVATION

5.1.7.1 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 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:

- ~~i. An evaluation of all non-prime agricultural and vacant lands within the sphere of influence and within the boundaries of the jurisdiction that could be developed for the same or similar uses.~~
- ~~ii. An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.~~
- ~~iii. An evaluation of all land that is readily annexable to the jurisdiction that could be developed for the same or similar uses.~~
- ~~iv. 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 orderly development of the jurisdiction.~~

## **SECTION 5.1.8 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 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.