



**AGENDA**

Hall of Administration, Board of Supervisors' Hearing Room  
800 S. Victoria Avenue, Ventura  
9:00 A.M. Wednesday, June 9, 2010

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Commission Presentations and Announcements

**COMMENTS FROM THE PUBLIC**

- 5. Public Comments  
This is an opportunity for members of the public to speak on items not on the agenda. *(The Ventura Local Agency Formation Commission encourages all interested parties to speak on any issue on this agenda in which they have an interest, or on any matter subject to LAFCo jurisdiction. It is the desire of LAFCo that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speakers Card and submit it to the Clerk before the item is taken up for consideration. All speakers are requested to present their information to LAFCo as succinctly as possible. Members of the public making 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. Speakers are encouraged to refrain from restating previous testimony).*

**CONSENT ITEMS**

- 6. Minutes of the Ventura LAFCo May 19, 2010 regular meeting

RECOMMENDED ACTION: Approval

COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

## PUBLIC HEARING ITEMS

7. LAFCo Final Budget for FY 2010-11

- A. Adopt the Recommended Final Budget for FY 2010-11.
- B. Authorize transmittal of the Adopted Budget to the County, Cities and Special Districts

RECOMMENDED ACTION: Approval (A and B)

8. LAFCo Fee Schedule Update

- A. Adopt a resolution updating and revising the LAFCo Fee Schedule to be effective July 1, 2010
- B. Authorize transmittal of the Fee Schedule to the County, Cities and Special Districts

RECOMMENDED ACTION: Approval (A and B)

9. Sphere of Influence Review for Ventura County Service Area Nos. 3, 4, & 14

- A. Determine that no sphere of influence update or municipal service review is necessary for Ventura County Service Area Nos. 4 and 14.
- B. Continue the public hearing for the sphere of influence review and update for Ventura County Service Area No. 3 until July 21, 2010.

RECOMMENDED ACTION: Approval (A and B)

10. LAFCo 10-05S Ojai Valley Sanitary District -Sphere of Influence Update

Adopt a resolution making determinations and updating the sphere of influence for the Ojai Valley Sanitary District.

RECOMMENDED ACTION: Approval

11. Ventura County Service Area No. 34 Municipal Service Review (MSR) Report and Sphere of Influence Establishment

- A. Adopt a Negative Declaration determining that the preparation of a municipal service review and the establishment of a sphere of influence for Ventura County Service Area No. 34 will not have a significant effect on the environment.
- B. Accept the Ventura County Service Area No. 34 MSR report, with any corrections and additions requested and accepted at the public hearing, authorize the Executive Officer to make other minor, non-substantive changes, and direct staff to prepare and distribute a final MSR Report: Ventura County Service Area No. 34, including determinations adopted by the Commission.
- C. Adopt a resolution relating to the Ventura County Service Area No. 34 Municipal Service Review approving statements of determinations as required by Government Code §56430.
- D. Adopt a resolution (LAFCO 10-04S) making determinations and establishing a sphere of influence for Ventura County Service Area No. 34.

RECOMMENDED ACTION: Continue to July 21, 2010 meeting

## **ACTION ITEMS**

12. County of Ventura CEQA Initial Study Assessment Guidelines  
Receive information regarding the June 1, 2010 meeting of staff from LAFCo, the County Planning Division and the Agricultural Commissioner's office regarding the Agricultural Resources Section of the draft update of the County of Ventura Initial Study Assessment Guidelines and determine whether to take further action as appropriate.

RECOMMENDED ACTION: Discussion and Action

13. Transfer of Unclaimed Trust Funds to Revenue  
Authorize transfer of unclaimed monies totaling \$698 from the LAFCo Trust Balance Sheet Account 4400 to Revenue Account 9772.

RECOMMENDED ACTION: Approval

14. CALAFCO ByLaws Amending the Board Member Election Process  
Amend the CALAFCO Corporation Bylaws to revise the process by which Directors are elected.

RECOMMENDED ACTION: Approval

15. Tierra Rejada Greenbelt  
Adopt a resolution recognizing and endorsing revisions to the Tierra Rejada Greenbelt as requested by the County of Ventura and the Cities of Moorpark and Thousand Oaks.

RECOMMENDED ACTION: Approval

## **EXECUTIVE OFFICER'S REPORT**

Legislation update

Next Regular LAFCo Meeting July 21, 2010

## **INFORMATIONAL ITEMS**

Proposals received:

City of Thousand Oaks Sphere of Influence Amendment, Conejo Recreation and Park District Sphere of Influence Amendment and City of Thousand Oaks Reorganization -Rancho Potrero

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

**WEB ACCESS:**

**LAFCo Agendas, Staff Reports  
and Adopted Minutes can be found at:**

[www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov)

**Written materials** - Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4<sup>th</sup> Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov), subject to staff's ability to post the documents before the meeting.

**Public Presentations** - Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least ten days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

**Americans with Disabilities Act** - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCo office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCo to make reasonable arrangements to ensure accessibility to this meeting.

**Disclosure of Campaign Contributions** - LAFCo Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCo decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than \$250 to any LAFCo Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code, section 84308.



**MINUTES**

REGULAR MEETING

Wednesday, May 19, 2010, 9:00 A.M.

Hall of Administration, Board of supervisors' Hearing Room  
800 S. Victoria Avenue, Ventura

**Agenda Item 6**

1. Call to Order

Chair Long called the meeting to order at 9:00 A.M.

2. Pledge of Allegiance

Commissioner Morehouse led the pledge of allegiance.

3. Roll Call

The Clerk called the roll. The following Commissioners and Alternates were present:

- Commissioner Cunningham
- Commissioner Lange
- Commissioner Long
- Commissioner Morehouse
- Commissioner Parks
- Commissioner Parvin
- Alternate Commissioner Hess
- Alternate Commissioner Holden
- Alternate Commissioner Pringle\*

\*As a result of a vacancy created by the death of Commissioner Lotts, Alternate Commissioner Pringle sat as a voting special district member.

4. Commission Presentations and Announcements

Commissioner Morehouse encouraged Commission members to attend the Ventura Council of Governments (VCOG) 2010 Annual Meeting Thursday June 24 at the Glen Tavern Inn in Santa Paula

5. Public Comments

There were no public comments.

COMMISSIONERS AND STAFF

**COUNTY:**

Kathy Long, Chair  
Linda Parks  
*Alternate:*  
Steve Bennett

**CITY:**

Carl Morehouse  
Janice Parvin  
*Alternate:*  
Thomas Holden

**SPECIAL DISTRICT:**

George Lange  
Vacant  
*Alternate:*  
Gail Pringle

**PUBLIC:**

Lou Cunningham, Vice Chair  
*Alternate:*  
Kenneth M. Hess

**Executive Officer:**

Kim Uhlich

**Dep. Exec. Officer**

Kai Luoma

**Office Mgr/Clerk:**

Debbie Schubert

**Office Assistant**

Martha Escandon

**Legal Counsel:**

Leroy Smith

## CONSENT ITEMS

6. Minutes of the Ventura LAFCo April 21, 2010 Regular Meeting
7. Budget to Actual Report for April 2010

MOTION: Approval Item 6 and Receive and File Item 7: Cunningham  
SECOND: Parvin  
FOR: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 7/0/0

## PUBLIC HEARING ITEMS

8. LAFCo-10-01 City of Camarillo Reorganization - Drown  
Chair Long opened the public hearing. Kai Luoma presented the staff report.  
With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended: Morehouse  
SECOND: Lange  
FOR: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 7/0/0

9. Review of Conflict of Interest Code and Amendments to Commissioner's Handbook Divisions 2, 3, and 4

Chair Long opened the public hearing. Kai Luoma presented the staff report.  
With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended including the following revisions:  
Section 3.3.1.2 (iii.): The proposal is inconsistent with state law, adopted spheres of influence, adopted general or specific plans, adopted habitat conservation and/or restoration plans, or other applicable plans adopted by any governmental agency, or these policies.

Section 3.3.1.2 (viii.): 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.

Section 4.1.3.4 (iv.): That 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: Lange

SECOND: Morehouse  
FOR: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 7/0/0

## **ACTION ITEMS**

10. County of Ventura CEQA Initial Study Assessment Guidelines  
Kai Luoma presented the staff report.

MOTION: Approval as recommended: Morehouse  
SECOND: Cunningham  
FOR: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

11. Consent to Representation and Waiver of Conflict of Interest – County Counsel, LAFCo Counsel: County of Ventura, Ventura County Community Services District No. 33 and Ahmanson Ranch Community Services District and the Ventura LAFCo.  
Kim Uhlich presented the staff report.

MOTION: Approval as recommended: Parvin  
SECOND: Pringle  
FOR: Cunningham, Lange, Long, Morehouse, Parks, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 7/0/0

## **EXECUTIVE OFFICER'S REPORT**

Kim Uhlich reported the following legislative bills that are of interest to CALAFCO: AB 419, which supplements existing law to require cities and counties to place proposals approved by LAFCo and subject to election on the ballot in a timely manner; AB 853, which provides a mechanism for residents who live in disadvantaged communities to petition to a Board of Supervisors to be annexed to a city if the community is within an existing city sphere of influence and lacks wastewater, drinking water services, storm drainage, paved streets, sidewalks, or streetlights, or subject to a serious infrastructure-related health hazard; AB 2795, a CALAFCO-sponsored bill which makes various nonsubstantive changes to LAFCo law; SB 894, a Senate Local Government Committee Omnibus Bill that makes nonsubstantive changes to local government laws and contains one minor item related to LAFCo; and SB 1023, which is supported by CALAFCO, the

Ventura LAFCo and the Montalvo Municipal Improvement District and would authorize LAFCo to approve an expedited reorganization of any resort improvement and municipal improvement district into a community services district. AB 1859, which would have subjected city and county redevelopment agency project areas to LAFCo review, bill died in committee. The next regular meeting scheduled for June 9, 2010.

### **COMMISSIONER COMMENTS**

Commissioner Lange clarified information contained in the Executive Officer's May update memo by indicating that he participated in a portion of the May 14 CALAFCO Board meeting by telephone to provide a report of the Conference Program Planning Committee. He will participating in another Program Planning Committee meeting tomorrow via teleconference and encouraged all of the Commissioners to attend the Conference. In response to Commissioner Lange's comment that the Program Planning Committee is seeking a keynote speaker, Chair Long recommended that incoming CSAC President and Riverside County Supervisor John Tavaglione be considered. Commissioner Parks indicated that Riverside Mayor and SCAG representative Ron Loveridge would also be a good speaker.

### **ADJOURNMENT**

Chair Long adjourned the meeting at 10:30 A.M.

**These Minutes were approved on May 19, 2010**

Motion:

Second:

Ayes:

Nos:

Abstains:

**Motion //**

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Chair, Ventura Local Agency Formation Commission**

**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 7**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer  
**SUBJECT:** *Recommended* Final Budget – Fiscal Year 2010 - 2011

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**RECOMMENDATION:**

- A. Adopt the Recommended Final Budget for the 2010-11 fiscal year.
- B. Authorize transmittal of the adopted Final Budget to the County, cities and independent special districts.

**BACKGROUND:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires that each LAFCo adopt a Proposed budget by May 1 and a Final budget by June 15. The Commission adopted a Proposed FY 2010-11 Budget on April 21, 2010. The hearing on the Recommended Final Budget for FY 2010-11 (Attachment 1) is scheduled for June 9, 2010. Prior to the June 9 hearing, it will be transmitted to the County and each city and independent special district in the County for review and comment. Pursuant to state law, comments may be provided at any time prior to action on a Final Budget.

**DISCUSSION:**

The Recommended Final Budget has been revised to reflect changes that were made by the Commission during its consideration and adoption of the Proposed Budget. The first change involved the transfer of \$14,488 from the contingency appropriation to Salaries and Employee Benefits to cover unanticipated retroactive salary and benefits costs due to the Executive Officer in conjunction with a general salary increase that was granted to

COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

management employees by the Board of Supervisors in 2006 but not received by employees within the LAFCo job classifications. Secondly, the Commission directed that the contingency appropriation for FY 2010-11 be reduced by an amount equal to that transferred from the current year contingency. By doing so, the amount of revenue from other governmental agencies in the Recommended Final Budget remain unchanged from that in the Proposed Budget. A more comprehensive explanation of these changes as well as a detailed comparison of the Recommended Final Budget to the current year budget is included in Attachment 1.

Attachment: (1) Recommended Final Budget – FY 2010-11



**BUDGET MESSAGE**  
***Recommended Final Budget - Fiscal Year 2010-2011***  
Meeting Date: June 9, 2010

**Introduction**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq*) (CKH) requires each Local Agency Formation Commission (LAFCo) to adopt a Proposed Budget by May 1 of each year and a Final Budget by June 15 of each year. The Ventura LAFCo adopted a Proposed Budget on April 21, 2010 and will consider this Final Budget for Fiscal Year (FY) 2010-11 on June 9, 2010. Once adopted, the Final Budget will be used by the County Auditor-Controller to collect revenues as necessary from the County, cities and independent special districts.

The Ventura LAFCo Commissioner's Handbook, the compendium of the Ventura LAFCo's policies and procedures, contains budget policies in Section 2.3.1 *et seq*. This *Recommended Final Budget* was prepared in accordance with these policies. Major goals continue to be minimizing expenditures while fulfilling basic functions, and providing for effective and efficient compliance with mandates.

LAFCo and the County of Ventura entered into a Memorandum of Agreement effective July 1, 2001. While LAFCo is an independent agency, the Memorandum of Agreement provides for the County to provide personnel, support services, offices and materials as requested by LAFCo. All of the personnel, support services, offices and materials to be requested of the County for FY 2010-11 are part of this *Recommended Final Budget*. Budget information is formatted using County of Ventura account descriptions and codes.

This Budget Message highlights LAFCo's major responsibilities, reviews the major work accomplishments and budget information for the first three quarters of FY 2009-10, sets forth a basic work plan for FY 2010-11, and provides background and explanatory information about the anticipated expenditures and revenues in the *Recommended Final Budget*.

## Major LAFCo Responsibilities

- Act on proposals for incorporation of cities; formation, dissolution, consolidation and merger of special districts; and annexation and detachment of territory to and from cities and special districts.
- Act on requests for sphere of influence amendments in conjunction with proposals for changes of organization.
- Establish spheres of influence for cities and special districts.
- Review and, as necessary, update spheres of influence for cities and special districts every 5 years.
- Conduct municipal service reviews prior to or in conjunction with the establishment or update of spheres of influence.
- Perform special studies relating to services and make recommendations about consolidation, mergers or other governmental changes to improve services and reduce operational costs.
- Serve as the conducting authority for the determination of protests relating to proposals for incorporation, formation, and subsequent boundary changes.
- Act on requests for out-of-agency agreements/contracts for extensions of services.
- Function as either a responsible or lead agency pursuant to the California Environmental Quality Act.
- Review and comment on draft changes/updates to city and county general plans.
- Review and comment on draft environmental documents prepared pursuant to the California Environmental Quality Act.
- Provide public information about LAFCo and public noticing of pending LAFCo actions.
- Establish and maintain a web site.
- Adopt and update, as necessary, written policies and procedures.
- Adopt proposed and final annual budgets.

## FY 2009-2010 in Review

Fiscal Year 2009-10 was the ninth year that the Ventura LAFCo was required to adopt its own budget, independent of the County, and to address new mandates pursuant to the CKH. The experience of actual revenues and expenditures from prior years helped to better establish baselines for discretionary expenditures. Based on information through the end of April, 2010, total projected actual expenditures for FY 2009-10 should be approximately \$75,836 (9.7%) less than the Adjusted Budget. In the third quarter, LAFCo expended approximately \$42,288 for retroactive salary and employee benefits to compensate the current and former Executive Officer, Deputy Executive Officer and Office Manager/Clerk for a general salary increase granted to County management employees in 2006 by the Board of Supervisors but erroneously withheld from LAFCo staff. A portion of this amount (\$20,000) was expended from unspent appropriations within the Salaries and Employee Benefits object. The remaining amount was transferred from the Services and Supplies appropriation (\$7,800) and the Contingency appropriation (\$14,488). As a result of the Ventura LAFCo

*Recommended* Final Budget FY 2010-11

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unanticipated expenditures, overall expenditures for salaries and employee benefits are projected to be approximately \$20,988 more than the Adopted Budget and \$1,300 (0.2%) less than the Adjusted Budget. Due to on-going fiscal prudence, actual services and supplies expenditures are projected to be approximately \$17,833 (9.0%) less than the Adjusted Budget. As indicated above, \$14,488 was transferred from the amount budgeted for contingencies (\$71,191) to Salaries and Employee Benefits to cover the unanticipated retroactive salary and employee benefits correction. The anticipated savings in salaries/benefits, services/supplies and contingency objects will contribute to a projected available Fund Balance for FY 2010-11 of \$41,837, which is \$74,180 (63.9%) less than the Fund Balance adopted as a part of the FY 2009-10 budget (\$116,017).

Actual revenue for FY 2009-10 is now projected to be approximately \$34,000 (5.1%) less than that reflected in the Adopted Budget. The County, the cities and the independent special districts all paid their respective shares of the net operating expenditures as apportioned by the County Auditor-Controller pursuant to the CKH (account code 9372). Actual interest revenue (account code 8911) is projected to be \$16,000, which is approximately \$4,000 (20%) less than the Adopted Budget (\$20,000). Based on applications filed as of the end of April, projected actual revenues from charges for LAFCo services (account code 9772) are approximately \$30,000 (50%) less than the \$60,000 Adopted Budget. Although several more applications and associated fee revenue are anticipated to be received prior to the end of this fiscal year, the overall number of applications received has been significantly lower than anticipated.

The following Work Plan was adopted as a part of the FY 2009-10 Budget:

- Complete municipal service reviews and sphere of influence reviews/updates consistent with the time table in the 2008 – 2013 Service Review and Sphere of Influence Update Work Plan approved by the Commission on May 21, 2008.
- Continue to review and comment on draft environmental documents and general plan updates.
- Maintain and enhance operations with a focus on: communication with the Commission, the County, cities, districts and the public; budget monitoring and information; staff training and development; and enhanced records management.
- Update and revise the Commissioner's Handbook and consider policy additions consistent with the mission and purpose of LAFCo.
- Increase public awareness about the mission, purpose and function of LAFCo.
- Complete an audit of LAFCo's financial statements for FY 2007-08 and 2008-09.

Substantial progress has been made on each of these work plan items. In May, 2008 LAFCo approved a Work Plan for the 2008-2013 sphere of influence review/update and municipal service review cycle. Between July 1, 2009 and the present time, sphere of influence (SOI) reviews have been completed for the Fox Canyon Groundwater Management Agency, the Bell Canyon Community Services District and the Ventura Regional Sanitation District. Sphere of influence reviews and/or updates for the Ojai Valley Sanitary District, and Ventura County Service Area Numbers 3, 4, and 14, will be scheduled for Commission action prior to the end of this fiscal year. A sphere of influence

Ventura LAFCo

*Recommended* Final Budget FY 2010-11

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for County Service Area Number 34 will also be established prior to the end of this fiscal year. In addition, Staff reviewed and commented on 17 environmental documents, draft general plans, and applications for development projects during the current fiscal year.

Positive communications have been maintained with all cities and districts. Staff continues to attend and participate in meetings with staff and consultants representing cities and special districts as well as individual members of the public and members of municipal advisory/neighborhood councils and other community groups. As time allows, staff continues to attend meetings of the Ventura Special Districts Association, the Association of Water Agencies, the City & County Planning Association, Southern California Association of Governments (SCAG) and other local and regional associations.

Opportunities for ongoing training and professional development, including CALAFCO University courses and annual CALAFCO staff workshops, are pursued as time and budget permit. The process to convert LAFCo's paper case file records to digital format is complete. All case files since 1986 have been archived and indexed and the transfer of LAFCo's pre-1986 microfiche records to digital files will be completed prior to the end of this fiscal year.

In the third and fourth quarters of this fiscal year staff recommended, and the Commission adopted, a number of substantive and non-substantive revisions to the Commissioner's Handbook. In addition, an external audit of LAFCo's financial statements for the years ended 2008 and 2009 was completed by an independent certified public accounting firm and an unqualified letter of opinion was issued.

## **Work Plan**

The Ventura LAFCo Commissioner's Handbook provides that LAFCo will annually review and adopt a work plan as a part of the budget development process. For FY 2010-11, the recommended work plan maintains the focus on municipal service reviews and sphere of influence updates, carries forward the update and possible revisions to the Commissioner's Handbook and is otherwise similar to the work plan for this year.

### **FY 2010- 11 Work Plan**

- Complete municipal service reviews and sphere of influence reviews/updates consistent with the time table in the 2008 – 2013 Service Review and Sphere of Influence Update Work Plan approved by the Commission on May 21, 2008.
- Continue to review and comment on draft environmental documents and general plan updates as they may be prepared by the cities and the County.
- Maintain and enhance operations with a focus on: communication with the Commission, the County, cities, districts and the public; budget monitoring and information; staff training and development; and enhanced records management.
- Update and revise the Commissioner's Handbook and consider policy additions consistent with the mission and purpose of LAFCo.
- Increase public awareness about the mission, purpose and function of LAFCo.

Staff believes that the items listed above are realistic provided the number and/or complexity of proposals filed do not increase significantly.

## **Recommended Budget Expenditures**

The expense portion of the budget is divided into three main sections, the Salary and Employee Benefits section (1000 series account codes), the Services and Supplies section (2000 series account codes), and Contingencies (account code 6101). Including the contingency appropriation, the *Recommended* Final Budget reflects an overall expenditure decrease of approximately \$10,209 (1.3%) in comparison with the FY 2009-10 Adopted/Adjusted Budget.

### Salary and Employee Benefits

Salaries and employee benefits continue to be the major expense, comprising 67.2% of the total expenditures (substantially more if contingencies are not included). Compared to the current year Adjusted Budget, expenditures for salaries and benefits are proposed to decrease by approximately 1.8% from \$528,788 to \$519,400. This is primarily due to the unanticipated expenditure for retroactive salary and employee benefits in the current year. Compared to the current year Adopted Budget, expenditures for salaries and benefits are proposed to increase by approximately 2.5%. This increase is primarily due to prospective merit increases within existing salary ranges and related increases in the various benefits accounts (e.g., account code 1121, Retirement Contribution and account code 1171, 401k Plan). Based on information provided by the County Executive Office, it is unlikely that the Board of Supervisors will grant any general salary increases or cost of living adjustments for County employees during FY 2010-11. Therefore, no such increases are included in the *Recommended* Final Budget.

No change in the number of authorized positions is proposed. The currently authorized classifications are reflected in the following table:

<b>Title</b>	<b>FY 2009 - 10</b>	<b>FY 2010 - 11</b>
LAFCo Executive Officer	1	1
LAFCo Analyst/Deputy Executive Officer	1	1
LAFCo Office Manager/Clerk of the Commission	1	1
Office Assistant II	.5	.5
<b>Total Authorized Positions</b>	<b>3.5</b>	<b>3.5</b>

### Services and Supplies

Compared to the current year Adopted Budget, expenditures for supplies and services are proposed to decrease by approximately 4.4% from \$205,410 to \$196,400. Many of the service and supplies account codes are based on County charges and are either unchanged or increasing slightly overall due to basic increases in costs. For those service and supplies account codes that reflect discretionary expenditures, most of the proposed

budget amounts have been decreased in an effort to maximize fiscal efficiency. The major Services and Supplies expenditures are proposed to change as follows:

- An increase in the amount budgeted for Facilities/Materials Allocation (account code 2125) from \$16,000 in the current year to \$17,000 for FY 2010-11. This cost represents the County's determination of LAFCo's allocated cost for office space.
- A decrease in the amount budgeted for Education Allowance (account code 2154) from \$3,333 in the current year to \$2,500 for FY 2010-11. The current year amount reflects education allowance costs for both the Executive Officer and the Deputy Executive Officer. As of the current fiscal year, the balance of the total education allowance cost for the Executive Officer has been paid. The proposed budget amount thus reflects the maximum annual education allowance cost (\$2,000) for only the Deputy Executive Officer. In addition, the proposed budget amount includes \$500 toward educational costs for the LAFCo Office Manager/Clerk and the Office Assistant should they elect to enroll in any qualified educational courses.
- An increase in Indirect Cost Recovery charges (account code 2158). These cost recovery charges are for County services provided primarily by the General Services Agency, Auditor-Controller and Chief Executive Office, including Human Resources. The current fiscal year charge is \$24,250. For FY 2010-11 the charge will be \$31,000.
- A decrease in Office Supplies (account code 2173) from \$3,500 in the current year to zero and an increase in Misc Office Expense (account code 2179) from \$5,037 in the current year to \$7,000. In an effort to simplify LAFCo's accounting codes, all expenditures for office expenses and supplies will be combined under the Misc Office Expense account. Considering both account codes cumulatively, proposed expenditures for miscellaneous office expenses and supplies are proposed to decrease from \$8,537 in the current year to \$7,000 for FY 2010-11.
- An increase in Mail Center charges (account code 2174) from \$3,000 in the current year to \$7,500 and a decrease in Stores charges (account code 2181) from \$4,356 to zero for FY 2010-11. These account codes are being combined in accordance with County requirements. Considering both account codes cumulatively, overall expenditures for Mail Center and Stores charges is proposed to increase from \$7,356 in the current year to \$7,500 for FY 2010-11. Although the amount budgeted exceeds the estimated costs reflected in the County Budget Manual, the actual amount charged by the County for the current year exceeded the amount recommended by the Budget Development Manual. Therefore, the proposed budget amount is slightly higher to allow for expenditures that might exceed the County's cost estimate.
- A decrease in the amount budgeted for professional services (account code 2199) from \$16,000 in the current year to \$13,000 for FY 2010-11. The current amount reflects expenses associated with a biennial audit of financial statements for FY 2007-08 and 2008-09. In accordance with the Commissioner's Handbook policies, single year audits will now be conducted beginning with fiscal year 2009-10. The proposed amount is therefore lower to reflect the estimated cost of a single year audit.

- A decrease in the amount for Public and Legal Notices (account code 2261) from \$6,000 in the current year to \$5,000 for FY 2010-11 to more closely reflect the actual current year cost, which is currently projected to be \$3,000.
- A decrease of \$5,000 for legal counsel services (account code 2304) to be equivalent to the projected actual current year cost.
- A decrease in the amount budgeted for conference and seminar expenses (account code 2523) from \$19,000 in the current year to \$13,000. In prior years, the amount budgeted allowed for all staff members who were interested to attend all CALAFCO training opportunities, including staff workshops, CALAFCO University courses and the annual CALAFCO Conference. In recognition of the current fiscal climate, the proposed amount reflects a limitation on staff attendance at the CALAFCO conference and CALAFCO University courses. In addition, the Ventura LAFCo will host the 2011 CALAFCO staff workshop and therefore, unlike other years, will not incur travel or hotel costs.

### Contingencies

The Commission's budget policies indicate that the budget should provide for contingencies equaling 10% of total expenditures, unless the Commission deems that a different amount is appropriate. In conjunction with the adoption of the Proposed Budget, the Commission authorized the transfer of \$14,488 from the current year contingency appropriation (\$71,191) to cover the payment of retroactive salary and benefits to the Executive Officer as described in the FY 2009-2010 Year in Review Section. To avoid the need for a corresponding increase in the amount of revenue collected from other governmental agencies in the Final Budget for FY 2010-11, the Commission directed that the contingency appropriation for next year be reduced by an amount equivalent to that transferred from the current year contingency. The *Recommended* Final Budget therefore includes a contingency appropriation of \$57,092, which is 7.4 % of total expenditures.

## **Recommended Budget Financing Sources**

Potential financing sources consist of Fund Balance (account code 5040), Designation for Subsequent Year Financing (account code 5070), Miscellaneous Revenues, including interest earnings and charges for services (e.g. account codes 8911 and 9772), and Other Governmental Agencies, the revenue to be collected from the County, cities and independent special districts (account code 9372).

### Fund Balance

Section 56381(c) of the CKH provides, "If, at the end of the fiscal year, the commission has funds in excess of what it needs, the commission may retain those funds and calculate them into the following fiscal year's budget." Approximately \$41,837 is now projected to be available at the end of the current fiscal year as Fund Balance. This amount is significantly less than the Fund Balance available for the current year (\$116,017). This is partly because actual Other Miscellaneous Revenue (revenue from application fees; account

code 9772) is projected to be approximately \$30,000 less than the Adopted Budget. Another contributing factor to the reduced projected fund balance is the unanticipated costs for retroactive salary and employee benefits associated with a general salary increase that was granted by the Board of Supervisors to, but not received by, LAFCo classified employees in 2006.

#### Designation for Subsequent Year Financing

On May 17, 2006, the Commission approved an amendment to the Commissioner's Handbook, Section 2.3.1.4 "Contingency and Designation Accounts", which states that, after the end of each fiscal year, any monies in excess of the projected fund balance amount in the budget shall be deposited in an account designated for subsequent year financing (account code 5070). This account is intended to function as the Commission's "reserve" account for unanticipated, extraordinary expenses over and above the annual amount budgeted for contingencies. The Commissioners' Handbook also provides that the 5070 account should be augmented until the balance is equal to at least 25 percent of the current year budget. In accordance with this policy, the Commission has approved the transfer of revenues in excess of the projected fund balance to the 5070 account following the close of each fiscal year since 2005-06. In November 2009, after the close of FY 2008-09, \$34,287 was available in addition to what had been budgeted as Fund Balance for FY 2009-10 and was designated for subsequent year financing. The current total in this account is \$201,967, which represents approximately 25.8% of the current year budget and 25.7% of the *Recommended* Final Budget.

In conjunction with the adoption of the Proposed Budget, the Commission approved a transfer of \$65,000 from Designation for Subsequent Year Financing (5070 account) to Unreserved Fund Balance (account code 5040). Based on this action, the *Recommended* Final Budget reflects an amount of \$136,967 in Designation for Subsequent Year Financing which is approximately 17.5% of the Adopted budget for the current year and 17.7% of the *Recommended* Final Budget.

#### Miscellaneous Revenue

Miscellaneous revenue includes interest earnings and charges for service, primarily application fees. Overall, Miscellaneous Revenue for FY 2010-11 is anticipated to be \$4,000 (5.0%) less than the amount in the Adopted FY 2009-10 Budget.

For FY 2010-11, revenue from application fees (account code 9772) in the *Recommended* Final Budget is the same as that for the Adopted FY 2009-10 Budget (\$60,000). Although information as of the end of April, 2010 indicates that actual fee revenue for the current year is projected to be significantly less than the budgeted amount, actual application fee revenue for next year is expected to be at least equal to the budgeted amount based on indications that the economy is undergoing a positive recovery. Interest revenue (account code 8911) is anticipated to be \$16,000 for FY 2010-11, which is equivalent to the projected actual interest earnings for the current year.

The Commission has a policy to annually review the LAFCo Fee Schedule as a part of the budget process. A separate public hearing item on the Fee Schedule is scheduled for the June 9, 2010 LAFCo meeting.

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Revenues from Other Governmental Agencies (the County, Cities and Independent Special Districts)

Pursuant to the CKH, costs for LAFCo operations, net of charges for service, are apportioned one-third to the County, one-third to the cities, and one-third to the independent special districts. The CKH describes how the County Auditor-Controller is to make this apportionment and collect revenues once LAFCo adopts a Final Budget.

Although expenditures are projected to decrease by approximately 1.3% overall, the amount of revenue to be collected from the County, cities and independent special districts will increase by approximately 0.5%. This is largely due to the relatively small current year fund balance that is projected to be available to offset the amount of revenue collected from other agencies. As a share of the total budget, it is within the range reflected in the budgets for the last several years as shown in the table below. This table shows how the amount of revenue from Other Governmental Agencies (the County, cities and independent special districts) has fluctuated since LAFCo first adopted an independent budget in June, 2001:

Year	Adopted Budget – Total Finance Sources & Revenue	Amount of Revenue from Other Governmental Agencies	Percent of Total Revenue from Other Governmental Agencies
FY 2001-02	\$548,737	\$468,737	85%
FY 2002-03	\$719,131	\$568,503	79%
FY 2003-04	\$641,215	\$390,699	61%
FY 2004-05	\$702,503	\$472,997	67%
FY 2005-06	\$723,226	\$361,874	50%
FY 2006-07	\$830,154	\$621,617	75%
FY 2007-08	\$949,269	\$715,957	75%
FY 2008-09	\$735,422	\$488,684	66%
FY 2009-10	\$783,101	\$587,084	75%
FY 2010-11 <sup>1</sup>	\$772,892	\$590,055	76%

Not formally a part of the budget, but included for general information are the percentage shares of the Other Governmental Agencies revenue for each of the cities and the independent special districts based on the FY 2007-08 State Controller Reports for cities and special districts. These are the latest available Reports, which will be used by the County Auditor-Controller as the basis for collecting revenue from cities and independent special districts for FY 2010-11.

The CKH continues to provide the ability for the cities and independent special districts in each County to determine an alternate apportionment method. To date, however, neither the cities nor the special districts have agreed on any alternate apportionment methodology. This means that the City of Oxnard, as the city with the largest gross

<sup>1</sup> Based on FY 2010-11 *Recommended* Final Budget

revenue, and Calleguas Municipal Water District, the largest special district in terms of gross revenue, will continue to pay the largest respective shares of the city and special district portion of LAFCo revenue.

## Conclusion

The Ventura LAFCo is continuing to exercise fiscal prudence. The Commission and its staff understand the economic realities of the time and the constraints on local government revenues. The Commission's budgeting process has come a long way in the last nine years. Systems and policies are now in place to ensure best practices and proper oversight. Mandates are being met and basic services provided with a highly trained staff that seeks to limit discretionary expenditures. The *Recommended* Final Budget for FY 2010-11 was prepared and is being recommended consistent with the Commission's policies and the knowledge and experience gained from prior years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kim Uhlich". The signature is fluid and cursive, with a large initial "K" and "U".

Kim Uhlich  
Executive Officer

## **Appendix Glossary of Terms**

**ANNUAL (OPERATING) BUDGET:** A financial plan that outlines proposed expenditures for the coming fiscal year and estimated revenues which will be used to finance them.

**ASSET:** Anything owned, including money, investments and property.

**AUDIT:** A systematic collection of the sufficient, competent evidential matter needed to attest to the fairness of management's assertions in its financial statements or to evaluate whether management has efficiently and effectively carried out its responsibilities.

**BALANCE SHEET:** A basic financial statement, and presentation of an entity's net assets and liabilities on a specified date. A balance sheet is usually accompanied by appropriate disclosures that describe the basis of accounting used in its preparation. Also known as a statement of financial condition.

**BUDGET:** A plan of financial operation including an estimate of proposed expenditures for a given period and the proposed means of financing them.

**BUDGET MESSAGE:** A written overview of the budget from the LAFCo Executive Officer that discusses the major budget items and LAFCo's present and future financial condition.

**CONTINGENCY:** A budgetary expenditure allowance (appropriation) to cover unanticipated expenditures or revenue shortfalls during the fiscal year (LAFCo Budget Account Code 6101). The Ventura LAFCo Commissioner's policies provide that the annual budget include an allocation of 10% of total operating expenses for contingencies, unless the Commission deems a different amount appropriate. Transfers from the contingency account require prior approval of the Commission.

**DEFICIT:** An excess of expenditures or expenses over revenues.

**DESIGNATION FOR SUBSEQUENT YEAR FINANCING:** An account into which any difference between projected fund balance and actual fund balance at the close of each fiscal year is transferred (LAFCo Budget Account Code 5070). Pursuant to Ventura LAFCo Commissioner's policies, this account is considered as a reserve account to cover extraordinary expenses and that monies in this account shall not be used for any current year expenses or considered as a financing source for on-going operations without the prior approval of the Commission. The policies further provide that this account should be augmented, as funds may be available, until it contains an amount equal to at least 25% of the current year budget. Once the account equals at least 25% of the current year budget any remaining funds in excess of the projected fund balance amount in the budget may be appropriated for any allowed expense at the Commission's discretion.

**EXPENDITURE:** Disbursements of cash for the cost of a service, supply or asset.

**FINANCIAL STATEMENT:** Presentation of financial data including balance sheets, income statements and statements of cash flow, or any supporting statement that is intended to communicate an entity's financial position at a point in time and its results of operations for a period then ended.

**FISCAL YEAR:** The 12-month period to which the annual operating budget applies and at the end of which a government determines its financial position and the results of its operations.

**FUND BALANCE:** The difference between a fund's current assets and its current liabilities. With regard to a LAFCo budget, Government Code Section 56381(c) provides, "If, at the end of the fiscal year, the commission has funds in excess of what it needs, the commission may retain those funds and calculate them into the following fiscal year's budget."

**FUND:** A complete accounting entity reflecting financial transactions, both receipts and expenditures, of money that is set up to carry out a special function or attain objectives in accordance with established laws, policies, and regulations. The fund concept also applies to budget activities.

**GIS:** Geographic Information System.

**INCOME STATEMENT:** Summary of the effect of revenues and expenses over a period of time.

**INTEREST:** Interest income earned as idle funds are invested with a goal of protecting each investment while achieving the highest rate of return.

**INTERNAL CONTROL:** Process designed to provide reasonable assurance regarding achievement of various management objectives such as the reliability of financial reports.

**INTERNAL SERVICE FUND:** A fund that accounts for the provision of services by various County departments on a cost reimbursement basis.

**LIABILITIES:** Amounts owed for items received, services rendered, expenses incurred, assets acquired, and amounts received but as yet unearned.

**LINE-ITEM BUDGET:** A budget that lists each expenditure category (salary, materials, telephone service, travel, etc.) separately, along with the dollar amount budgeted for each.

**OBJECT:** An individual expenditure account.

**RESERVE:** The portion of a governmental fund's net assets that is not available for appropriation.

**REVENUES:** Total amounts available during the fiscal year for appropriation including estimated revenues, fund transfers and beginning fund balances.

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**STAFF REPORT**  
Meeting Date: June 9, 2010

## Agenda Item 8

**TO:** LAFCo Commissioners

**FROM:** Kai Luoma, Deputy Executive Officer

**SUBJECT:** LAFCo Fee Schedule

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### RECOMMENDATION

- A. Adopt a resolution updating and revising the LAFCo Fee Schedule to be effective July 1, 2010
- B. Authorize transmittal of the Fee Schedule to the County, Cities and Special Districts

### DISCUSSION

The Commission's policies (Commissioner's Handbook Section 2.3.2.1) provide for an annual review of the fee schedule as a part of the budget process. A notice of hearing for this purpose was published for the June 9 LAFCo meeting, so consideration could occur at the same time as action on the FY 2010-11 budget. Staff is recommending that the Commission consider amending the Fee Schedule to reflect revisions to the Commissioner's Handbook approved at the February 17, March 17, and May 19 LAFCo meetings. In addition, staff is recommending that the Commission consider removal of a fee for study sessions/workshops and the addition a fee to cover any requests for Commission action that are not identified on the Fee Schedule.

### **Fee Schedule Format**

Although the current Fee Schedule continues to be functional, the overall formatting and organization is unclear in some respects. To help improve the organization, staff has revised the format so that related actions are grouped. As revised, all types of changes of organization are listed together, as are changes to spheres, and actions related to out of agency service agreements. Staff believes that the revised format will make the Fee Schedule easier to use.

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#### COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

Attachment 1 is a copy of the current fee schedule. Attachment 2 is the revised fee schedule with the recommended changes (deletions are crossed out; additions are in red and underlined).

### **Fees for LAFCo Actions**

Most LAFCo application fees contain two components; a non-refundable administrative fee and a deposit. For a small number of actions, the administration fee comprises the entirety of the amount collected. Staff charges actual time and processing costs to the deposit portion of the fee. If staff time and/or material costs for processing exceed the amount of the initial deposit, additional funds are collected prior to an action being finalized. Any unspent funds from the deposit portion of the fees that remain after an action is fully completed are refunded to the applicant.

In February, March and May 2010, the Commission adopted various amendments and additions to the Ventura LAFCo Commissioner's Handbook. Some of the amendments resulted in new types of LAFCo actions that are not reflected in the current Fee Schedule. Staff is recommending that the Fee Schedule be revised to include these new actions, as follows:

- At the May meeting, the Commission adopted definitions for a sphere of influence “amendment” and “update”. Pursuant to the adopted policy, an “amendment” is a change to a sphere of influence in conjunction with a related change of organization, and an “update” is a change to a sphere of influence that is not associated with a change of organization. The current Fee Schedule considers any type of change to a sphere as an amendment, regardless of whether there is an associated change of organization. To reflect the new policy, staff recommends that the description of a proposed change to a sphere that is filed separately from a change of organization be amended to replace “amendment” with “update” and add language to clarify the independent nature of a sphere “update”. The current fee for a sphere of influence amendment filed separately from a change of organization is \$5,350. Staff recommends that the fee for an “update” remain the same to reflect the fact the both processes require commensurate amounts of staff time to complete.
- In March, the Commission adopted policies providing for an expiration date for out of agency service agreements (OASA). The new policies also provide for the applicant to request a one year time extension to the approval deadline. The Commission has delegated to the Executive Officer the authority to take action on OASA requests which are exempt from CEQA review or for which a negative declaration was prepared. All other OASA requests (those for which a mitigated negative declaration or EIR was prepared) require action by the Commission. A request for a time extension should be considered and acted on by the same authority which originally approved the OASA, either the Executive Officer or the Commission. Therefore, a fee for each type of time extension must be identified.

OASA requests that are to be acted on by the Executive Officer typically require a relatively small amount of staff time. Staff believes that a time extension request for an OASA approved at staff-level would require a similar amount of staff time and recommends that the fee for a time extension be equal to that of the initial application (\$450). OASA requests requiring Commission action tend to be more complicated and require additional staff time/resources to review, evaluate, and to prepare a staff report. Thus their application fee is higher (\$3,550). However, staff believes that the amount of time needed for the Commission to evaluate a request for a time extension would be minimal. Therefore, staff recommends that the fee for a time extension requiring Commission approval be less than the original fee, but still be adequate to cover anticipated staff time to prepare the request for Commission consideration. Staff estimates that the typical request for a time extension would require approximately seven hours of staff time. At the composite rate of \$150 per hour, an administrative fee and deposit totaling \$1,050 would be adequate to process a time extension request for Commission consideration.

- In February, the Commission adopted amendments to the Handbook requiring that all fees for all requested actions be paid in full prior to any item being scheduled for Commission consideration. Currently, the Fee Schedule does not identify a fee for a request to amend, waive, or establish a Commission policy independent of a change of organization proposal. Staff therefore recommends that the Commission consider adding a fee for such policy considerations. Given that the time and resources necessary to process such a request would likely be similar to that for a request for reconsideration, staff recommends that application fee be equivalent to that of a reconsideration request (\$2,650).

Staff also recommends other revisions to the Fee Schedule unrelated to recent changes in policy, as described below:

- The existing Fee Schedule identifies a fee for a “Commission Study Session or Workshop”. The purpose of a study session or workshop is to allow for a detailed examination of matters of general interest to the Commission and, as such, are conducted at the Commission’s sole discretion. Because there is unlikely to be a circumstance in which it would be appropriate for LAFCo to charge another agency or individual for holding a study session or workshop, staff recommends that this action be removed from the Fee Schedule.
- Staff recommends that a new fee to cover “Other Requests for Commission Action” be added to the fee schedule. This fee would cover the costs associated with any requests that require Commission action but are not specifically identified elsewhere on the Fee Schedule. Although the current Fee Schedule is sufficiently comprehensive for most requests for Commission action, the addition of a “catch all” category would be helpful to address the possibility of unforeseen requests. The recommended \$450 administrative portion of the application fee reflects an estimated staff time of three hours at the staff composite rate

(currently \$150 per hour). The actual additional staff time expended would be billed at the staff composite rate.

- Staff recommends a minor change to the Pre-Application Review action to clarify that applicants will be charged for actual staff time spent after the first three hours.

### **LAFCo Staff Composite Rate**

Application filing fees cover only the costs associated with processing applications. These fees do not apply to other types of LAFCo-mandated functions, such as municipal service reviews and sphere of influence updates. Most of LAFCo staff time is spent on mandated work not subject to application fees. As such, fee revenue provides a relatively small portion of the total revenue. For the FY 2010-11 Recommended Final Budget, filing fees are expected to provide 7.8% of total financing sources and revenue. For the current fiscal year, filing fees are projected to comprise 4% of total financing sources and revenue.

In conjunction with the review of the Recommended Final Budget for fiscal year 2010-11, staff recommends that the LAFCo Staff Composite Rate of \$150 per hour be left unchanged. This recommendation is primarily based on the fact that the County of Ventura Resource Management Agency (RMA) is not proposing any substantial change to their hourly rate for processing land use entitlement applications next year. Historically, LAFCo has tied its hourly staff composite rate to increases in the hourly rate charged by the County RMA for processing land use entitlement applications.

The recommendation to maintain existing fees is also based on overall economic conditions. Although staff is projecting slightly more applications next year compared to this year, we still expect to receive fewer applications than the prior five-year average due to the effects of the ongoing economic recession. As such, increasing LAFCo application fees at this time could further discourage application filings, particularly those for after-the-fact, “clean-up” changes of organization for territory already receiving services from the annexing agency. In real dollar terms, leaving the fees unchanged would represent a decrease in fees and a corresponding decrease in fee revenue. However, as indicated above, fee revenue comprises less than ten percent of LAFCo’s total revenue, so the overall budgetary impact of maintaining existing fees would not be significant.

Attachment 1 – Current Fee Schedule

Attachment 2 – Proposed Fee Schedule Revisions

Attachment 3 – Resolution Revising the LAFCo Fee Schedule



**FEE SCHEDULE**  
(Effective on October 1, 2007)

Fees and deposits are charged and accounted for as described in the Ventura LAFCO Fee and Billing Policies. Each application or petition to LAFCO must be accompanied by payment of the Administrative Fee and the Initial Deposit set forth below. All LAFCO staff time and legal counsel time spent on the proposal shall be billed to the applicant or petitioner at the hourly rates set forth below, and shall be paid from the deposit, with the exception of deposits for incorporation proposals \*. If the hourly charges exceed the amount of the deposit, the applicant or petitioner shall pay excess within 15 days of receipt of a statement from LAFCO. Failure to pay may be cause for denial of the application/petition, and no proceeding or proposal shall be completed until all fees due have been paid in full.

\* For incorporations proposals only, the application deposit shall be held in trust until all outstanding charges are paid and LAFCO proceedings are completed. No LAFCO charges associated with the processing of an incorporation application may be paid from the deposit; the applicant shall be provided with a monthly invoice starting from the date of application submittal in accordance with the applicable LAFCO fee agreement.

TYPE OF ACTION	Administrative Fee (Non Refundable)	Deposit Required (Initial)	Total initial Payment
Proposals for Change of Organization or Reorganization that do NOT require conducting authority protest proceedings (area uninhabited and all owners and subject agencies consent to the proposal)	\$1,750	\$1,800	<b>\$3,550</b>
Proposals for Change of Organization or Reorganization that require conducting authority protest proceedings (area is inhabited and/or all owners and/or subject agencies do not consent to the proposal)	\$1,750	\$3,600	<b>\$5,350</b>
Sphere of Influence Amendments - filed separately	\$1,750	\$3,600	<b>\$5,350</b>
Sphere of Influence Amendments - filed in conjunction with a Change of Organization or Reorganization	\$1,750	\$900	<b>\$2,650</b>
Incorporation	\$5,000	\$25,000	<b>\$30,000</b>
Out of Agency Service Agreements – Commission Action Required	\$1,750	\$1,800	<b>\$3,550</b>
Out of Agency Service Agreements –Administrative	\$450		<b>\$450</b>
Special District Formation	\$1,750	\$5400	<b>\$7,150</b>
Special District – Consolidation, Merger, Dissolution or Formation of a Subsidiary District	\$1,750	\$4,500	<b>\$6,250</b>
Expansion of Special District Powers	\$1,750	\$1,800	<b>\$3,550</b>
Extension of Time Request to Complete Proceedings	\$1,750	\$900	<b>\$2,650</b>
Reconsideration Request	\$1,750	\$900	<b>\$2,650</b>
Fee Waiver or Reduction of Fee Request	\$600		<b>\$600</b>
Commission Study Session or Workshop (Per Hr, 3 hour minimum plus additional actual time)	\$450		<b>\$450</b>
Pre-application Review and Meetings (Per Hr, 3 hr. min. plus additional actual time- due at time of scheduling)	\$450		<b>\$450</b>

**LAFCO TIME BILLING RATES**

LAFCO staff composite rate	\$150/hour
LAFCO legal counsel rate	Actual Costs

**NON-LAFCO FEES**  
**Fees & Charges Related to LAFCO Actions**

<b>FEES</b>	<b>APPLICANT/PETITIONER SHALL PAY:</b>
Mapping fees	Payable to the County Surveyor's Section of the Ventura County Public Works Agency per the applicable County Surveyor's Fee Schedule
State Board of Equalization fees	For changes of organization and reorganization; payable to the State Board of Equalization in accordance with their latest fee schedule; collected by LAFCO prior to County and State filing of an action
Publication costs	Costs for publishing notices in the newspaper will be charged at actual costs
Consultant costs	Costs for any consultants hired by LAFCO (e.g. environmental consultants, fiscal review consultants, etc.) will be charged at actual costs
State Department of Fish and Game fees	Payable to the State Department of Fish and Game; collected, as necessary, by LAFCO prior to filing environmental notices of determination
Charges by County Assessor, County Clerk and Recorder or other County agencies for verifying ownership information, registered voter information, filing notices, recording documents, etc.	Actual costs
State Controller's costs	Costs by the State Controller's Office for fiscal reviews to be paid by the party making the request; payable to the State Controller in accordance with their latest fee schedule; collected by LAFCO prior to submittal to the State Controller.
Special legal counsel and any legal defense costs	Actual costs
Reproductions and Copies	Per County Ordinance No. 4330 Audio Tape Duplication - Actual costs

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION REVISING THE LAFCO FEE  
SCHEDULE**

WHEREAS, California Government Code Section 56383 allows for a Local Agency Formation Commission to establish a schedule of fees for the costs of proceedings; and

WHEREAS, Section 2.3.2.1 of the Commissioners Handbook states that the Commission shall establish fees for any proceeding or action not set forth in the fee schedule prior to processing of the proceeding or action consistent with state law; and

WHEREAS, the Commission determines that the Fee Schedule does not identify the deposit and fee amount for requests to; update a sphere of influence; extend the approval period for an out of agency service agreement; amend, waive, or include a LAFCo policy; or other requests for Commission action in the Commissioner's Handbook; and

WHEREAS, the Commission determines that a fees shall be established for a request to update a sphere of influence; extend the approval period for an out of agency service agreement; waive, amend, or include a new policy within the Commissioners Handbook; or other requests for Commission action; and

WHEREAS, the Commission determines that the fees should be based on actual processing costs plus the costs of necessary indirect and administrative functions; and

WHEREAS, the Executive Officer gave notice of this matter in the manner required by law; and

WHEREAS, the Commission complied with the requirements of Government Code Section 66016; and

WHEREAS, the Commission discussed and considered all oral and written testimony for and against this matter including, but not limited to, the Deputy Executive Officer's report and recommendation; and

WHEREAS, the Commission duly considered the matter on June 9, 2010;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The fee schedule set forth in Exhibit A attached hereto is hereby adopted, to become effective on July 1, 2010.
- (2) The fees set forth in Exhibit A attached hereto do not exceed the estimated reasonable costs of providing the services for which the fees are charged, and are necessary to pay the costs of operation of the Ventura Local Agency Formation Commission.
- (3) The Executive Officer is directed to notify all cities and special districts in Ventura County of this action by July 1, 2010.

This resolution was passed and adopted on June 9, 2010.

AYES: Commissioners Cunningham, Lange, Long, Morehouse, Parvin and Pringle

NOES: None

ABSTAINS: None

Dated: \_\_\_\_\_  
Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: Ventura County Cities  
Ventura County Special Districts



**FEE SCHEDULE**  
(Effective on July 1, 2010)

Fees and deposits are charged and accounted for as described in the Ventura LAFCo Fee and Billing Policies. Each application or petition to LAFCo must be accompanied by payment of the Administrative Fee and the Initial Deposit set forth below. All LAFCo staff time and legal counsel time spent on the proposal shall be billed to the applicant or petitioner at the hourly rates set forth below, and shall be paid from the deposit, with the exception of deposits for incorporation proposals \*\*\*. If the hourly charges exceed the amount of the deposit, the applicant or petitioner shall pay excess within 15 days of receipt of a statement from LAFCo. Failure to pay may be cause for denial of the application/petition, and no proceeding or proposal shall be completed until all fees due have been paid in full.

TYPE OF ACTION		Administrative Fee (Non Refundable)	Deposit Required (Initial)	Total Initial Payment	
Changes of Organization or Reorganization	Annexation to, or detachment from, a city or district	Does NOT require conducting authority protest proceedings*	\$1,750	\$1,800	<b>\$3,550</b>
		Requires, or may require, conducting authority protest proceedings**	\$1,750	\$3,600	<b>\$5,350</b>
	Special District - Consolidation, Merger, Dissolution, or Formation of a Subsidiary District		\$1,750	\$4,500	<b>\$6,250</b>
	Expansion of Special District Powers		\$1,750	\$1,800	<b>\$3,550</b>
	Special District Formation		\$1,750	\$5,400	<b>\$7,150</b>
	City Incorporation***		\$5,000	\$25,000	<b>\$30,000</b>
Changes to Spheres of Influence	Update (filed separately from a change of organization or reorganization)		\$1,750	\$3,600	<b>\$5,350</b>
	Amendment (filed in conjunction with a Change of Organization or Reorganization)		\$1,750	\$900	<b>\$2,650</b>
Out of Agency Service Agreements	Administrative Action	Determination	\$450		<b>\$450</b>
		Time Extension	\$450		<b>\$450</b>
	Commission Action	Determination	\$1,750	\$1,800	<b>\$3,550</b>
		Time Extension	\$450	\$600	<b>\$1,050</b>
Other Actions	Extension of Time Request to Complete Proceedings		\$1,750	\$900	<b>\$2,650</b>
	Reconsideration Request		\$1,750	\$900	<b>\$2,650</b>
	Amendment to, Waiver of, or Establishment of New LAFCo Policy		\$1,750	\$900	<b>\$2,650</b>
	Fee Waiver or Reduction of Fee Request		\$600		<b>\$600</b>
Other Requests for Commission Action – Administrative fee plus actual time		\$450		<b>\$450</b>	
Pre-application Review and Meetings - 3 hour minimum plus additional actual time in excess of 3 hours - due at time of scheduling)		\$450		<b>\$450</b>	

\* Area is uninhabited and all owners and subject agencies consent to the proposal.

\*\* Area is inhabited or uninhabited and all owners and/or subject agencies do not consent to the proposal.

\*\*\* For incorporations, the application deposit shall be held in trust until all outstanding charges are paid and LAFCo proceedings are completed. No LAFCo charges associated with the processing of an incorporation application may be paid from the deposit; the applicant shall be provided with a monthly invoice starting from the date of application submittal in accordance with the applicable LAFCo fee agreement.

**LAFCo TIME BILLING RATES**

LAFCo staff composite rate	\$150/hour
LAFCo legal counsel rate	Actual Costs

**NON-LAFCo FEES  
Fees & Charges Related to LAFCo Actions**

<b>FEES</b>	<b>APPLICANT/PETITIONER SHALL PAY:</b>
Mapping fees	Payable to the County Surveyor's Section of the Ventura County Public Works Agency per the applicable County Surveyor's Fee Schedule
State Board of Equalization fees	For changes of organization and reorganization; payable to the State Board of Equalization in accordance with their latest fee schedule; collected by LAFCo prior to County and State filing of an action
Publication costs	Costs for publishing notices in the newspaper will be charged at actual costs
Consultant costs	Costs for any consultants hired by LAFCo (e.g. environmental consultants, fiscal review consultants, etc.) will be charged at actual costs
State Department of Fish and Game fees	Payable to the State Department of Fish and Game; collected, as necessary, by LAFCo prior to filing environmental notices of determination
Charges by County Assessor, County Clerk and Recorder or other County agencies for verifying ownership information, registered voter information, filing notices, recording documents, etc.	Actual costs
State Controller's costs	Costs by the State Controller's Office for fiscal reviews to be paid by the party making the request; payable to the State Controller in accordance with their latest fee schedule; collected by LAFCo prior to submittal to the State Controller.
Special legal counsel and any legal defense costs	Actual costs
Reproductions and Copies	Per County Ordinance No. 4339 Audio Tape Duplication - Actual costs



**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 9**

**TO:** LAFCo Commissioners

**FROM:** Kim Uhlich, Executive Officer *KU*

**SUBJECT:** Sphere of Influence Reviews – Ventura County Service Area Nos. 3, 4 and 14

**RECOMMENDATION:**

- A. Determine that no sphere of influence update or municipal service review is necessary for Ventura County Service Area No. 4 and Ventura County Service Area No. 14.
- B. Continue the public hearing for the sphere of influence review and update for Ventura County Service Area No. 3 until July 21, 2010.

**BACKGROUND:**

Pursuant to state law, LAFCo must determine and adopt a sphere of influence for each city and special district on or before January 1, 2008 and, every five years thereafter, LAFCo must, as necessary, review and update each sphere of influence (Cal. Gov't Code §56425(g)). The Ventura LAFCo has previously reviewed and updated the spheres of influence for Ventura County Service Area (CSA) Nos. 3, 4 and 14 on May 18, 2005.

Ventura County Service Area No. 3

CSA No. 3 was formed in November 1965 for the purpose of providing road maintenance for a private portion of Camp Chaffee Road in the vicinity of Lake Casitas. The boundary and the sphere of influence are coterminous.

Ventura County Service Area No. 4

CSA No. 4 was formed in November 1965 and is authorized to provide street lighting, street sweeping, school crossing guards, and maintenance of roadway landscaping, public bike paths, non-structural subdivision perimeter walls and community identification markers, for the unincorporated community of Oak Park. The boundary and the sphere of influence are coterminous.

COMMISSIONERS AND STAFF

**COUNTY:**

Kathy Long, Chair  
Linda Parks  
*Alternate:*  
Steve Bennett

**CITY:**

Carl Morehouse  
Janice Parvin  
*Alternate:*  
Thomas Holden

**SPECIAL DISTRICT:**

George Lange  
Vacant  
*Alternate:*  
Gail Pringle

**PUBLIC:**

Lou Cunningham, Vice Chair  
*Alternate:*  
Kenneth M. Hess

**Executive Officer:**

Kim Uhlich

**Dep. Exec. Officer**

Kai Luoma

**Office Mgr/Clerk:**

Debbie Schubert

**Office Assistant**

Martha Escandon

**Legal Counsel:**

Leroy Smith

## Ventura County Service Area No. 14

CSA No. 14 was formed in October 1967 to provide street lighting to various unincorporated areas throughout the County and street sweeping services for two unincorporated "islands" within the City of Thousand Oaks. The CSA's sphere of influence is co-terminus with the County boundary.

### **DISCUSSION:**

In accordance with the sphere of influence review schedule included in the municipal service review work plan approved by the Commission in May, 2008, LAFCo staff met with County staff to ascertain whether any changes have occurred with respect to the existing service areas since 2005 and to determine whether changes to their probable future service areas are anticipated. Based on information provided by County staff and a comprehensive review of the boundaries of each CSA, no sphere issues were identified and staff determined that the current sphere of influence boundary for CSAs 4 and 14 accurately reflect the current and anticipated service areas. It is therefore recommended that the Commission review the sphere of influence for CSA Nos. 4 and 14 and determine that no update is necessary. The effect of this recommendation is that the existing spheres of influence will remain the same. Because there would be no changes, the review action by the Commission is not considered a project subject to CEQA.

This matter has been noticed as a public hearing and the County of Ventura has been notified. In addition to the spheres for CSA Nos. 4 and 14, the public hearing notice included a reference to the CSA No. 3 sphere of influence. Since the date the notice was published, staff has identified additional issues that will need to be examined before making a recommendation regarding the sphere review and update for this CSA. It is therefore recommended that the Commission continue the public hearing for the CSA No. 3 sphere of influence review and update to the July 21, 2010 LAFCo meeting.

Though this recommendation may seem simple and straightforward, it has important policy, budget and work load implications. The Commission is aware the law requires that a municipal service review (MSR) must be conducted prior to, or in conjunction with, a sphere of influence update (Cal. Gov't Code §56430(a)). Thus, sphere of influence updates and MSRs are linked. Unless a sphere of influence update is deemed necessary, there is no separate requirement for the Commission to conduct a MSR.

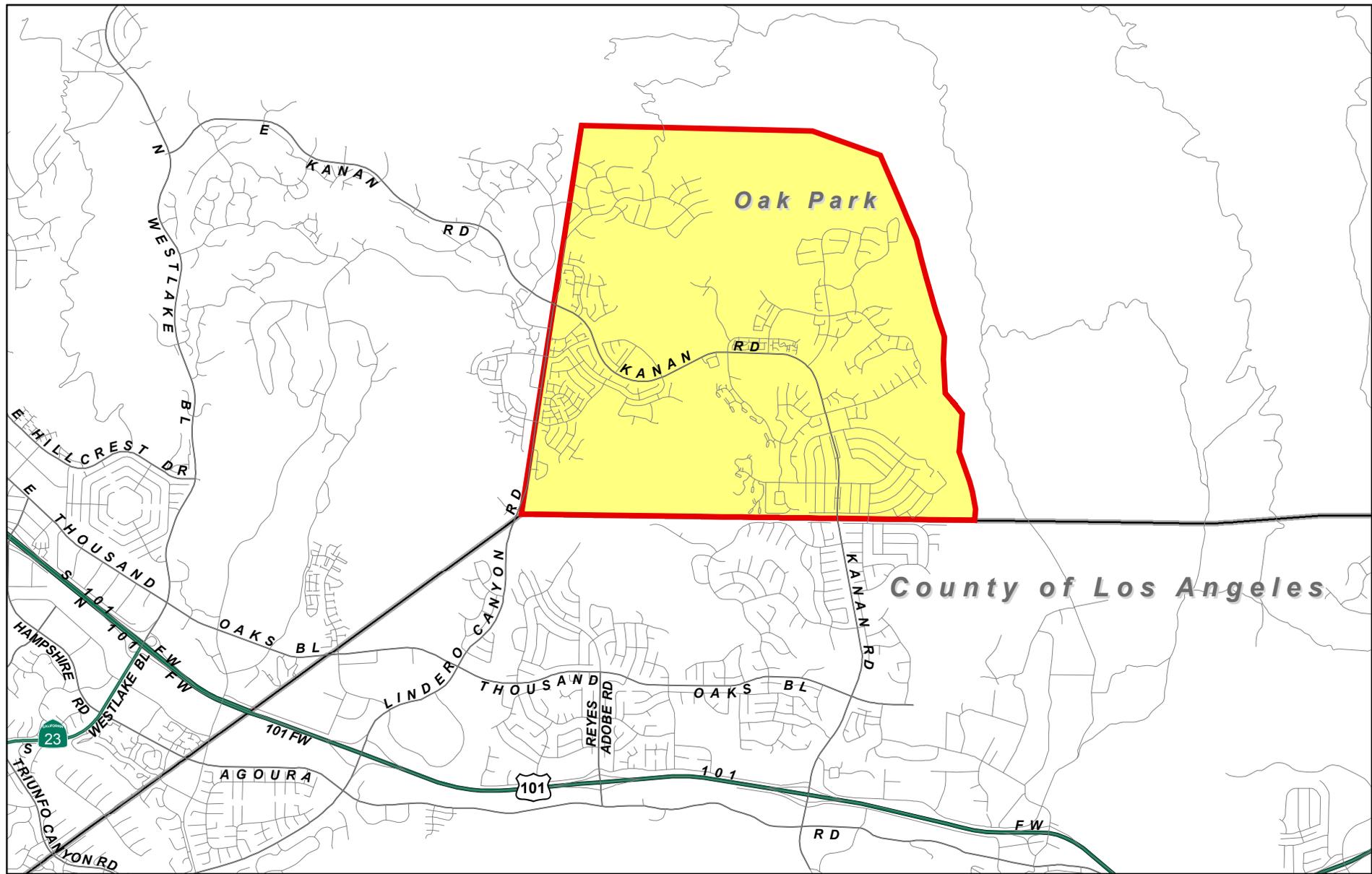
While not mandated, the Commission does have the authority to conduct a MSR or other special study of any agency with a sphere of influence at any time. However, the recommendation is based on staff's determination that such work is not necessary at this time. LAFCo pays for the preparation of MSRs. To the extent that a sphere of influence update is not deemed necessary for CSA Nos. 4 and 14, at least at this time, there will be some cost savings and work efforts can be focused on other districts and the cities. Should circumstances change in the future, the Commission retains the authority to determine that a sphere of influence update is necessary, thereby necessitating a municipal service review at that time. Plus, if the Commission accepts the recommendation, under the law, it must again review the spheres of influence for the two CSAs by 2015.

Attachments: (1) Proposed Ventura County Service Area No. 4 Sphere of Influence Map  
(2) Proposed Ventura County Service Area No. 14 Sphere of Influence Map

Sphere of Influence Review for Ventura County Service Area Nos. 3, 4, & 14

June 9, 2010

Page 2 of 2



**Legend**

 VC Service Area No. 4  
2844.61 acres

 VC Service Area No. 4  
Existing and Proposed Sphere  
2844.61 acres

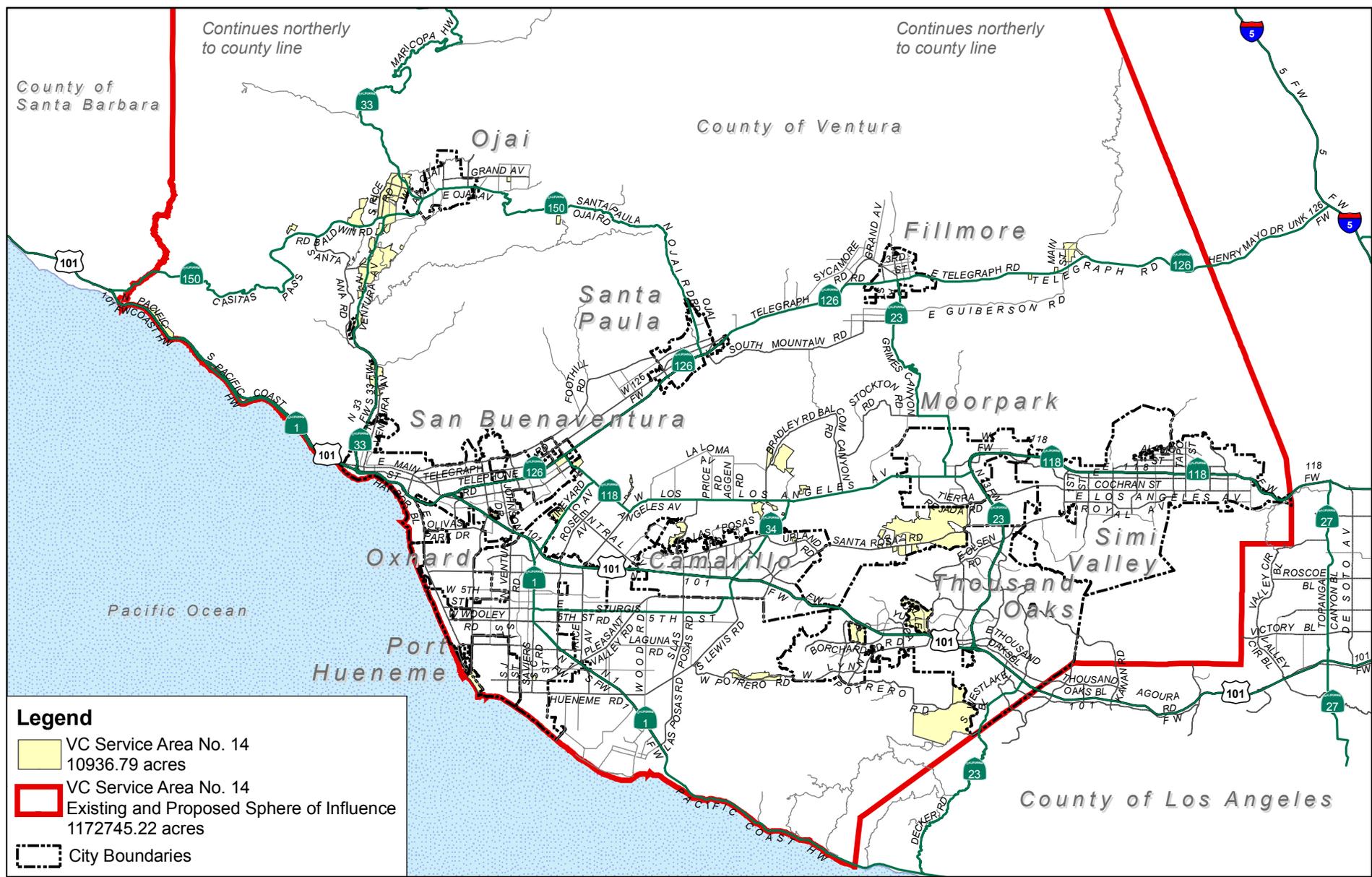
**Ventura County Service Area No. 4  
Ventura LAFCO Proposed Sphere of Influence Review  
June, 2010**

Prepared by County of Ventura - Information Systems Department - GIS Division  
State Plane Coordinate System California Zone V - NAD 27

This map was compiled from records and computations

Published: May, 2010





**Legend**

- VC Service Area No. 14  
10936.79 acres
- VC Service Area No. 14  
Existing and Proposed Sphere of Influence  
1172745.22 acres
- City Boundaries

## Ventura County Service Area No. 14 Ventura LAFCO Proposed Sphere of Influence Review June, 2010



Prepared by County of Ventura - Information Systems Department - GIS Division  
State Plane Coordinate System California Zone V - NAD 27



This map was compiled from records and computations

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Published: May, 2010

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**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 10**

**TO:** LAFCo Commissioners *KU*  
**FROM:** Kim Uhlich, Executive Officer  
**SUBJECT:** Sphere of Influence Review and Update: LAFCo 10-05S  
Ojai Valley Sanitary District

**RECOMMENDATIONS:**

Adopt the attached resolution (LAFCo 10-05S) making determinations and updating the sphere of influence for the Ojai Valley Sanitary District.

**BACKGROUND:**

For each city and special district, LAFCo must determine and adopt a sphere of influence “on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.”(Cal. Gov’t Code §56425(g)). The Ventura LAFCo previously reviewed and updated the sphere of influence for the Ojai Valley Sanitary District on April 20, 2005.

The Ojai Valley Sanitary District is an independent special district that provides wastewater collection and treatment services to the Ojai Valley north of the City of Ventura. Included in the existing service area are the City of Ojai and the unincorporated areas of Meiners Oaks, Oak View, Casitas Springs and the North Ventura Avenue area in the City of Ventura’s sphere of influence. The District was formed in 1985 as a result of the consolidation of the Ventura Avenue, Oak View, and Meiners Oaks Sanitary Districts, and the Sanitation Department of the City of Ojai. These predecessor agencies were formed in the early 1960’s in conjunction with construction of the Oak View treatment plant.

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

## **DISCUSSION:**

The Commission's approved *Schedule for Initiating Service Reviews & Sphere of Influence Reviews/Updates for 2008-2013* established a deadline of April, 2010 to complete the sphere review and update for the Ojai Valley Sanitary District. LAFCo staff initiated the process in December, 2009 by meeting with District staff to determine whether changes have occurred within the District's existing service area since their sphere was last updated and whether any changes to their probable future service area are anticipated. Based on information provided by District staff and a comprehensive review of the District service boundaries, LAFCo staff determined that the current sphere continues to reflect that District's anticipated service area for at least the next five years except for one parcel. As shown on the attached map (Attachment 2), the recommended sphere update includes a parcel located along the easterly side of Creek Road in the Oak View community. This parcel is currently developed with a residential dwelling and was annexed to the District in 2006 to provide an alternative means of wastewater treatment in lieu of a failed onsite sewage disposal system. Due to an oversight by LAFCo staff, LAFCo neither required nor approved an application for a concurrent sphere of influence amendment at the time.

Pursuant to state law, LAFCO must conduct municipal service reviews ("MSRs" or "MSR") prior to or in conjunction with sphere of influence updates. The recommended sphere of influence update involves the addition of one residential parcel, which is approximately one acre in size. For the addition of such a small area of territory, it is reasonable to conclude that the area can be efficiently and effectively served by the District's existing infrastructure and service levels. Pursuant to Commissioner's Handbook Section 4.1.6(b) (Attachment 3), staff therefore recommends that the Commission determine that the preparation of an MSR is not necessary for the subject update to the Ojai Valley Sanitary District sphere of influence.

Sphere of influence updates must occur at noticed public hearings. Accordingly, proper notice has been made as required by law. In addition, the Commission must by law consider and prepare a written statement of its determinations with respect to the following four factors:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for the Ojai Valley Sanitary District has no impact on the present and planned land uses in the area. Although the parcel proposed to be added to the sphere is designated as Open Space on the County General Plan Land Use Map, no new development is proposed or anticipated in conjunction with the sphere of influence update.
- (2) *The present and probable need for public facilities and services in the area.* – No changes in public facilities or services provided by the District will result from this sphere of influence update.
- (3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update will not affect the present capacity of the Ojai Valley Sanitary District or the adequacy of the services provided by the Ojai Valley Sanitary District.

- (4) *The existence of any social or economic community of interest in the area if the commission determines that they are relevant to the agency.* - The sphere of influence update will not affect any social or economic communities of interest in the area.

For CEQA purposes, the Ventura LAFCO is the lead agency under CEQA for the recommended sphere of influence update. In staff's opinion it could easily be argued that the sphere of influence update is not a project under CEQA in that the action will not result in a direct or reasonably foreseeable indirect physical change in the environment. Such a determination, however, would not result in any further public CEQA notice of action and potentially could be challengeable over an extended period of time. Instead, staff has determined that the action qualifies as a project but is exempt from CEQA under the "general rule" exemption of the CEQA Guidelines (Section 15061(b)(3)). The purpose for modifying the current sphere of influence is to recognize existing conditions: 1) the territory is developed to the extent allowed by the applicable County zoning regulations; 2) the territory to be added is currently within the boundaries of the Ojai Valley Sanitary District; and 3) the existing dwelling is currently receiving sewer service from the District. It can therefore be seen with certainty that there is no possibility that LAFCo's action to add approximately 1 acre of additional territory to the sphere of influence of the Ojai Valley Sanitary District would have a significant effect on the environment.

- Attachments: (1) Resolution Making Determinations and Updating the Sphere of Influence for the Ojai Valley Sanitary District  
(2) Commissioner's Handbook Section 4.1.6 – Sphere of Influence Updates

LAFCO 10-05S

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING THE UPDATE OF THE SPHERE OF  
INFLUENCE FOR THE OJAI VALLEY SANITARY  
DISTRICT**

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo) to develop and determine the sphere of influence of each local governmental agency within the County; and

WHEREAS, Government Code Section 56425(g) requires that LAFCo, as necessary, review and update the adopted sphere of influence boundaries on or before January 1, 2008 and every five years thereafter; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's sphere of influence; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission; and

WHEREAS, the sphere of influence update action was duly considered at a public hearing on June 9, 2010; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence update including, but not limited to, testimony at the public hearing on June 9, 2010 and the LAFCo Executive Officer's June 9, 2010 staff report and recommendation;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the sphere of influence update for the Ojai Valley Sanitary District, dated June 9, 2010 is adopted.
- (2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:
  - (a) *The present and planned land uses in the area, including agricultural and open-space lands.* –The sphere of influence update for the Ojai Valley Sanitary District has no impact on the present and planned land uses in the area. Although the parcel proposed

to be added to the sphere is designated as Open Space on the County General Plan Land Use Map, no new development is proposed or anticipated in conjunction with the sphere of influence update.

- (b) *The present and probable need for public facilities and services in the area.* – No changes in public facilities or services provided by the District will result from this sphere of influence update.
  - (c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* –The sphere of influence update will not affect the present capacity of the Ojai Valley Sanitary District or the adequacy of the services provided by the Ojai Valley Sanitary District.
  - (d) *The existence of any social or economic community of interest in the area if the commission determines that they are relevant to the agency.* - The sphere of influence update will not affect the social or economic community of interest in the area.
- (3) The sphere of influence for the Ojai Valley Sanitary District is hereby updated to be the area shown as "Proposed District Sphere Boundary", as generally depicted on Exhibit A attached hereto.
- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCo 10- 05S – OJAI VALLEY SANITARY DISTRICT SPHERE OF INFLUENCE UPDATE – JUNE 9, 2010**
- (5) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the Ventura County Public Works Agency and Information Services Department as the official sphere of influence record for the Ojai Valley Sanitary District updated consistent with this action.
- (6) In accordance with the Executive Officer's determination, the Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the sphere of influence update for the Ojai Valley Sanitary District is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.
- (7) The Commission directs staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

This resolution was adopted on June 9, 2010.

AYES: Commissioner Cunningham, Lange, Long, Morehouse, Parvin and Pringle

NOES: None

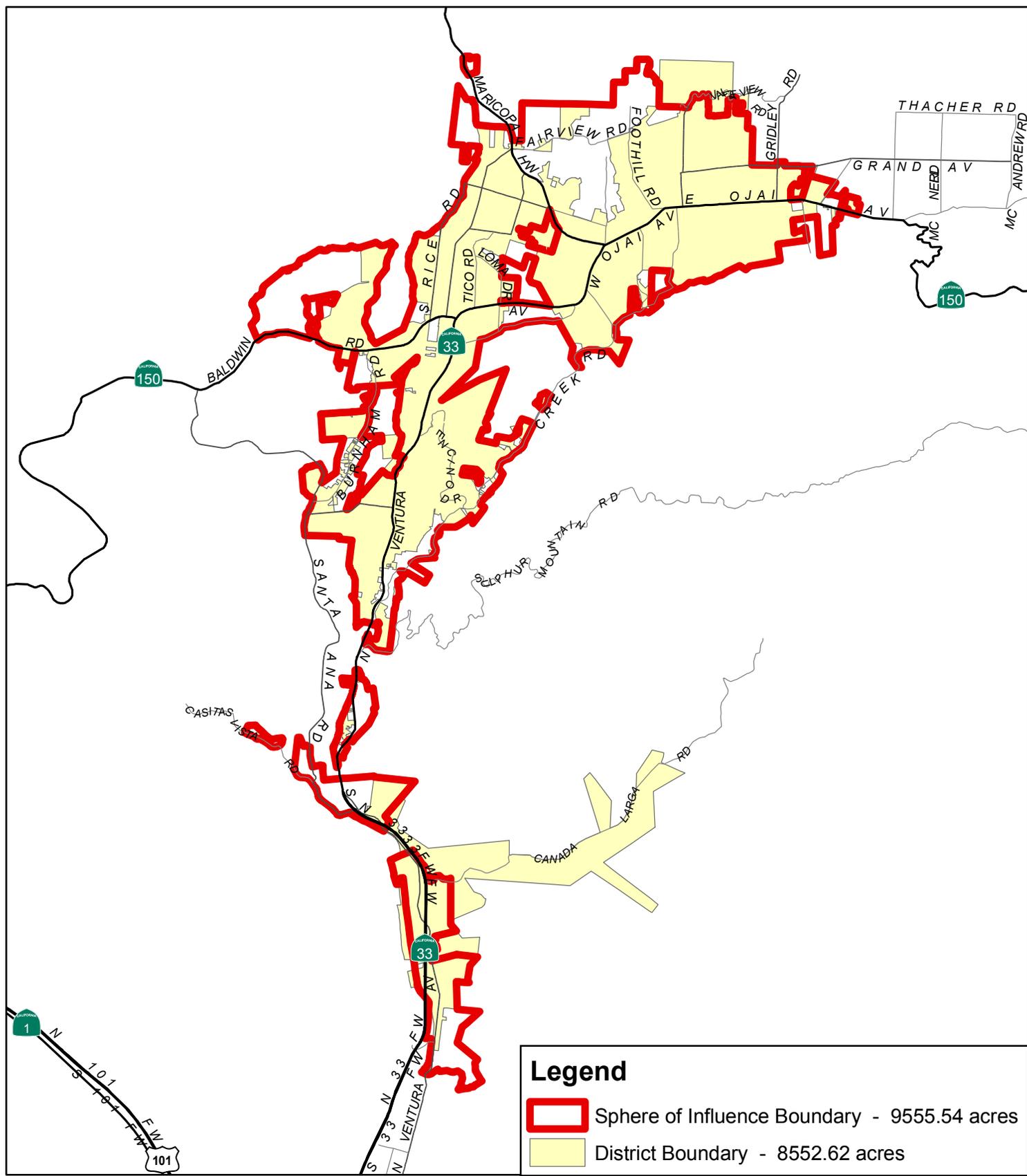
ABSTAINS: None

Dated:

6/9/10

  
\_\_\_\_\_  
Chair, Ventura Local Agency Formation Commission

- c: Ojai Valley Sanitary District  
Ventura County Surveyor  
Ventura County Geographic Information Officer  
Ventura County Planning Department



# Ojai Valley Sanitary District

## Sphere of Influence as Updated by the Ventura LAFCo

June 9, 2010

Prepared by County of Ventura - Information Systems Department - GIS Division  
 State Plane Coordinate System California Zone V - NAD 27  
 This map was compiled from records and computations  
 Published: June, 2010



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**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 11**

**TO:** LAFCo Commissioners

**FROM:** Kim Uhlich, Executive Officer *KU*

**SUBJECT:** Ventura County Service Area No. 34 Municipal Service Review (MSR) Report and Sphere of Influence Establishment

**RECOMMENDATION:**

Continue discussion and action on the municipal service review and establishment of a sphere of influence for County Service Area No. 34 to July 21, 2010.

**DISCUSSION:**

As the Commission is aware, staff has been working with staff from the County of Ventura Water and Sanitation Division to finalize a municipal service review (MSR) report for County Service Area No. 34 (CSA 34). Based on staff's initial estimate of when the MSR would be completed, the public hearing and Commission consideration of this matter was scheduled for the June 9 meeting. Because notice must be published 21 days prior to the LAFCo hearing date, a notice was published for possible LAFCo action on June 9. Thus, this matter has to appear on the Commission's agenda.

Since the publication of the public hearing notice, staff determined that additional time is needed to discuss and analyze various changes to the administrative draft MSR that were requested by Water and Sanitation Division staff. Staff has recently resolved the remaining issues and is in the process of completing the final revisions to the MSR report. The revised document will then be forwarded to Water and Sanitation Division staff for review before being released for public review prior to the July LAFCo meeting.

**COMMISSIONERS AND STAFF**

**COUNTY:**  
Kathy Long, Chair  
Linda Parks  
*Alternate:*  
Steve Bennett

**CITY:**  
Carl Morehouse  
Janice Parvin  
*Alternate:*  
Thomas Holden

**SPECIAL DISTRICT:**  
George Lange  
Vacant  
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Gail Pringle

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Lou Cunningham, Vice Chair  
*Alternate:*  
Kenneth M. Hess

**Executive Officer:**  
Kim Uhlich

**Dep. Exec. Officer**  
Kai Luoma

**Office Mgr/Clerk:**  
Debbie Schubert

**Office Assistant**  
Martha Escandon

**Legal Counsel:**  
Leroy Smith



**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 12**

**TO:** LAFCo Commissioners

**FROM:** Kai Luoma, AICP *KL*  
Deputy Executive Officer

**SUBJECT:** County of Ventura Initial Study Assessment Guidelines

**RECOMMENDATION**

Receive information regarding the June 1, 2010 meeting of staff from LAFCo, the County Planning Division and the Agricultural Commissioner's office regarding the Agricultural Resources Section of the draft update of the County of Ventura Initial Study Assessment Guidelines and determine whether to take further action as appropriate.

**BACKGROUND**

At the May 19, 2010 LAFCo meeting, the Commission directed staff to meet with County staff to discuss concerns regarding the County of Ventura Draft Initial Study Assessment Guidelines and report back to the Commission. A meeting with staff from the County Planning Division and the Agricultural Commissioner's office occurred on June 1. Staff will provide an oral summary of the meeting to the Commission at the June 9 LAFCo meeting.

**COMMISSIONERS AND STAFF**

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith



**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 13**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Authorize Transfer of Unclaimed Monies from the LAFCo Trust Account to Revenue Account 9772

**RECOMMENDATION:**

Authorize transfer of unclaimed monies totaling \$698 from the LAFCo Trust Balance Sheet 4400 to Revenue Account 9772.

**BACKGROUND:**

To minimize year-end reporting issues, staff completes capital asset reconciliations on a regular basis in accordance with County Auditor-Controller requirements. Based on a recent reconciliation process, staff identified a total of \$698 in trust fund assets that were not associated with any application fees or other identifiable revenue source since 2001. Based on a discussion of the excess trust balance with the audit firm that performed the biennial audit of LAFCo's annual financial reports for the fiscal years ended 2008 and 2009, it was recommended that LAFCo transfer the amount to revenue account 9772 as soon as possible and before the close of the current fiscal year.

Staff has consulted with the County Auditor-Controller's staff, who recommended that LAFCo conduct an escheatment process pursuant to Government Code Sections 50050-50053. Pursuant to these provisions, a public notification process must be undertaken any time a local government agency holds intangible property on behalf of an owner and the property is unclaimed by the owner or heirs after a specified period of time. Under certain circumstances, the property reverts to state ownership if it remains unclaimed after the conclusion of the escheatment process.

As Sections 50050-50053 of the Government Code apply specifically to cities, counties and special districts but not LAFCo, staff requested assistance from Legal Counsel. In the resulting opinion (Attachment 1), Counsel agreed that LAFCo is not subject to

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

Government Code Sections 50050-50053. With regard to other statutes governing unclaimed property, Counsel advised that they would not apply in this circumstance because LAFCo has no information to indicate that the assets are being held for or on behalf of any owner. Counsel therefore advised that no escheatment process is necessary and that the Commission is free to transfer the assets to revenue however it deems appropriate.

**DISCUSSION:**

Based on the recommendation of LAFCo's independent auditor and the advice of LAFCo Counsel, staff is recommending that the Commission authorize transfer of unclaimed monies totaling \$698 from the LAFCo Trust Balance Sheet 4400 to Revenue Account 9772.

Attachment: (1) May 28, 2010 Memorandum from County Counsel's Office

**ATTACHMENT 1**

**MEMORANDUM  
COUNTY OF VENTURA  
COUNTY COUNSEL'S OFFICE**

**R E C E I V E D**  
MAY 28 2010

Ventura LAFCo

May 28, 2010

TO: Kim Uhlich, Executive Officer, Local Agency Formation Commission

FROM: Leroy Smith, Chief Assistant County Counsel *LS*  
Eric Bleuel, Civil Law Clerk *EB*

RE: UNCLAIMED MONEY

You have asked whether the Local Agency Formation Commission ("LAFCo") can transfer \$698 of unknown origin from its trust fund account to its general revenue account. Your inquiry raises two related questions.

**QUESTIONS**

1. Do the laws of escheatment apply to this situation?
2. Can LAFCo transfer the money to revenue?

**ANSWER**

1. The laws of escheatment do not apply to this situation because the money in question cannot be traced to a prior owner.
2. Because the money is untraceable to a prior owner the money in question can be considered surplus and may be reported as such in LAFCo's preliminary budget for the 2010-2011 fiscal year.

**ANALYSIS**

**A. BACKGROUND OF ISSUE**

We have been informed that the LAFCo trust fund account contains \$698 that cannot be traced to any individual or entity. Possible sources of the money, such as interest revenue or deposits by previous applicants, have been ruled out. LAFCo cannot determine the specific origin of the money.

LAFCo staff would like to transfer the money to LAFCo's revenue account prior to the end of the current fiscal year, as recommended by an independent auditor. Staff has been advised by the Auditor-Controller's office, however, that the County transfers unclaimed money pursuant to an escheatment process provided for in Government Code sections 50050-50053. LAFCo staff has asked whether it needs to comply with the escheatment process described by the Auditor-Controller's office.

## **B. UNCLAIMED PROPERTY LAW AND ESCHEATMENT**

Unclaimed property law is generally set forth in part 3, title 10, chapter 7 of the Code of Civil Procedure (§§ 1500-1582). In general, unclaimed property is property held on behalf of or for the benefit of another, but the person for whom the property is held cannot be located, has died without heirs, or otherwise makes no claim on the property. Within the governing laws regarding unclaimed property the escheatment process is described in detail. "Escheat" is "[a] reversion of property to the state in consequence of a want of any individual competent to inherit." (Black's Law Dict. (5th ed. 1979) p. 488, col. 2.)

As relevant here, unclaimed property is "all intangible personal property, held for the owner by any government or governmental subdivision or agency, that has remained unclaimed by the owner for more than three years . . . ." (Code Civ. Proc., § 1519.) In the situation you describe, it does not appear that the \$698 is "unclaimed money" within the meaning of the escheatment law. Based on the independent audit, there appears to be no reason to believe LAFCo is holding the money for or on behalf of any owner and escheatment to the state would be inappropriate. A more likely explanation is that in the past an accounting error was made or staff failed to make required budget transfers.

## **C. GOVERNMENT CODE SECTIONS 50001 AND 50050-50051**

The statutes referred to by the Auditor-Controller's office primarily go to the issue of which governmental agency gets to keep money that escheats to the state. In general, the State Controller gets all escheated moneys. (Code Civil Proc., § 1560.) The statutes mentioned by the Auditor-Controller's office allow "local agencies" to keep escheated moneys they hold on behalf of persons (or heirs, etc.) who no longer claim the moneys. Those statutes are irrelevant here because we have determined that the \$698 is not "unclaimed property" under the escheatment laws.

Kim Uhlich  
May 28, 2010  
Page 3

For your information, however, we note that local agencies are defined as cities, counties and districts for purposes of the escheatment law. (Gov. Code, §§ 50001, 50050.) Because LAFCo is an independent, quasi-legislative agency whose main purpose is to control the boundaries of cities and special districts, it probably would not qualify as a local agency under that statutory definition.

#### **D. POSSIBLE RESOLUTION FOR THE MONEY**

Because LAFCo is not holding the money for or on behalf of any prior owner that can be identified, it appears that the money is merely surplus carried over from prior LAFCo budgets. If this is the case, LAFCo may report it as such in its preliminary budget for the upcoming fiscal year.

#### **CONCLUSION**

In conclusion, because the money in question cannot be traced to a prior owner or source it falls outside the realm of unclaimed property, and escheatment to the state would be inappropriate. LAFCo may report the money as surplus and transfer it to its general fund account.

LS/EB:csb



**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 14**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Proposed Changes to CALAFCO Board of Directors Election Process

**RECOMMENDATION:**

Authorize the Chair to Vote 'YES' in response to a ballot proposal by the CALAFCO Board of Directors to amend the Corporation Bylaws to revise the process by which new Directors are elected.

**DISCUSSION:**

As the Commission is aware, CALAFCO has embarked on a process to address issues of geographic imbalance in its governance structure. Currently the CALAFCO Bylaws provide for the Board of Directors to be comprised of 15 voting members: four city members or alternates; four county members or alternates; four special district members or alternates; and three public members or alternates. New Directors are elected at large and each member LAFCo is entitled to one vote. Because a majority of the counties are located in the northern half of the State and a majority of CALAFCO Directors represent northern California LAFCos, several southern California LAFCos have expressed concerns about inequalities in representation and recommended that the election process be revised to elect Directors by region. As the Commission may also recall, the Imperial, Los Angeles, Orange, Riverside and San Bernardino LAFCos have since notified CALAFCO of their intentions not to renew their memberships beyond the current fiscal year.

Attached is a letter from CALAFCO Board Chair Roger Anderson announcing the Board's decision to amend its Bylaws to replace the current at-large elections process with a regional system and asking for your approval of the amendments as a member LAFCo. Also attached is an information booklet and a copy of the ballot. In general, the proposal

**COMMISSIONERS AND STAFF**

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

would divide the state into four regions: southern; coastal; central; and northern and four board members would be selected from within each region beginning in 2010 at the CALAFCO Conference in Palm Springs. The Ventura LAFCo is proposed to be included in the coastal region. The Board is also proposing to terminate all current terms of office as of this October so that all 16 seats will be open for election (eight for a one-year term and eight for a two-year term). This means that Commissioner Lange's term on CALAFCO would end later this year rather than in 2011 if the proposal is ratified by the membership.

In his letter, Chairman Anderson acknowledges that the membership of all LAFCos is important and that we are much stronger together than separately. In support of this principle, the CALAFCO Board unanimously recommends a "YES" vote on the proposed Bylaw amendment. Staff concurs with this recommendation. Although ratification of the Bylaws amendment would not necessarily guarantee the return of the southern California LAFCos to CALAFCO, staff believes that the proposed changes would nevertheless be an effective means to diversify the CALAFCO Board membership.

Attachments: (1) Letter of May 14, 2010 regarding CALAFCO Bylaws amendment ballot  
(2) Member Ballot: Amendment to the [CALAFCO] Corporation Bylaws

Enclosed separately with the packet materials: CALAFCO pamphlet:  
*Reshaping the CALAFCO Board of Directors Election Process*

# ATTACHMENT 1

CALIFORNIA  
ASSOCIATION OF  
LOCAL AGENCY  
FORMATION  
COMMISSIONS



2010

14 May 2010

**Board of Directors**

**Chair**

ROGER ANDERSON  
Santa Cruz LAFCo

Chair and Members of the Commission  
Member Local Agency Formation Commissions

**Vice Chair**

SUSAN VICKLUND WILSON  
Santa Clara LAFCo

**RE: CALAFCO Bylaws Amendment Mail Ballot**

**Treasurer**

JERRY GLADBACH  
Los Angeles LAFCo

Dear LAFCo Commissioners:

**Secretary**

SEPI RICHARDSON  
San Mateo LAFCo

Over the last 18 months the CALAFCO Board of Directors has studied how to insure a sustained, balanced representation on the Board. After examining a number of options and much input from members, the Board unanimously approved a Bylaws change for consideration by the membership. Attached please find 1) detailed information describing the proposed amendments, and 2) a mail-in ballot to approve the amendments.

BILL CONNELLY  
Butte LAFCo

MARY JANE GRIEGO  
Yuba LAFCo

KAY HOSMER  
Colusa LAFCo

GAY JONES  
Sacramento LAFCo

GEORGE LANGE  
Ventura LAFCo

THEODORE NOVELLI  
Amador LAFCo

DENISE RUSHING  
Lake LAFCo

CATHY SCHLOTTMANN  
Santa Barbara LAFCo

ALLEN SETTLE  
San Luis Obispo LAFCo

STEPHEN SOUZA  
Yolo LAFCo

CHRIS TOOKER  
Sacramento LAFCo

The proposal creates four regions for nominating and electing members to the Board and replaces the current at-large system. The regions have no other required function. The regional elections will take place during the CALAFCO annual conference. This modification is not expected to result in any additional costs for member LAFCos or the Association.

The primary goal is to assure a sustained, balanced Board whose members represent interests and viewpoints from throughout the state. Under the current at-large system the Board could be – and has been – unbalanced in the past and important LAFCo perspectives may have been missed.

The membership of all LAFCos is important. Some LAFCos have signaled their intent to leave CALAFCO unless a more balanced election system is implemented.

A truly statewide association of LAFCos allows us to:

- ♦ Benefit from staff and commissioner experience and expertise from all LAFCos including membership on the Board of Directors.
- ♦ Share and learn from the expertise and resources of all LAFCos at workshops, conferences, educational courses and the CALAFCO website.
- ♦ Participate as a peer with other statewide local government associations such as the League, CSAC and CSDA.
- ♦ Serve as the recognized voice for LAFCos and their interests. Continue our respected relationships with the Legislature and regulatory agencies such as the Public Utilities Commission, Housing & Community Development, Conservation Department, Air Resources Board, Office of Planning & Research and many more.
- ♦ Sustain the broad range of services the Association is able to offer member LAFCos and other stakeholders.

We are much stronger together than separately. The Board feels so strongly about resolving this issue that it wants to amend the Bylaws by mailed ballot so the revised elections system can be implemented at this year's Annual Conference in Palm Springs.

1215 K Street, Suite 1650  
Sacramento, CA 95814

Voice 916-442-6536  
Fax 916-442-6535

[www.calafco.org](http://www.calafco.org)

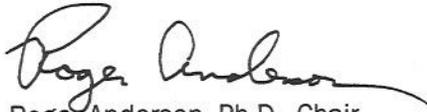
The Board's commitment is further exemplified by our unanimous vote to put all of our seats up for election this year.

Please review the attached materials. Any members of the Board and our executive director are available and would be pleased to answer your questions.

***Please Note: To be counted, all ballots must be received in the CALAFCO office by the close of business on Friday, 9 July 2010.***

The Board unanimously recommends a YES vote on the proposed Bylaw amendment. Thank you for your consideration. I look forward to seeing you in Palm Springs in October.

Sincerely,



Roger Anderson, Ph.D., Chair  
CALAFCO Board of Directors and  
Commissioner, Santa Cruz LAFCo

## ATTACHMENT 2

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS



Sharing information and resources

# MEMBER BALLOT

## Amendment to the Corporation Bylaws

14 May 2010

The Board of Directors of the California Association of Local Agency Formation Commissions is placing a proposal to amend the Corporation Bylaws by the Members through a mailed ballot.

The Board recommends approval of the amendments to the process to elect the Board of Directors as shown below. If approved by the membership, the new process will take effect at the next annual business meeting on 7 October 2010 in Palm Springs.

### ARTICLE IV DIRECTORS

#### 4.1 Number.

4.1.1 The authorized number of Directors of the Corporation shall be ~~eighteen~~ nineteen (19), of which ~~fifteen (15)~~ sixteen (16) shall be voting members and elected from among the Commission Members as follows:

- (1) Four (4) Directors shall be city members or alternates of LAFCOs, of which and two (2) Directors shall be elected at each annual meeting;
- (2) Four (4) Directors shall be county members or alternates of LAFCOs, of which and two (2) Directors shall be elected at each annual meeting;
- (3) ~~Four (4) Three (3)~~ Directors shall be public members or alternates of LAFCOs, of which and two (2) Directors shall be elected at each annual meetings ~~held in odd-numbered years and one (1) Director shall be elected at annual meetings held in even-numbered years~~;
- (4) Four (4) Directors shall be special district members or alternates of LAFCOs, of which and two (2) Directors shall be elected at each annual meeting;

#### 4.1.2 Three (3) nonvoting Directors shall be appointed as follows:

- ~~(1)(5)~~ One Director, appointed by the voting members of the Board, shall be an Executive Officer or a person functioning as executive officer of a Member LAFCO;
- ~~(2)(6)~~ One Director, appointed by the voting members of the Board, shall be the Executive Director of the Corporation; and
- ~~(3)(7)~~ One Director, appointed by the voting members of the Board, shall be a legal counsel or deputy legal counsel of a Member LAFCO.

Collectively, the Directors shall be known as the Board of Directors ("Board").

4.1.3 The State shall be divided into four (4) regions as follows for the purpose of electing Board Members: Northern, Central, Coastal and Southern. The counties in each of the four (4) regions shall be determined by the Board of Directors.

Each region shall elect four (4) Directors comprised of one city member, one county member, one public member and one special district member.

#### 4.2 Nomination; Election; and Term.

4.2.1 Prior to the annual meeting, the Board shall appoint a recruitment committee consisting of one member from each Region ~~Commissioner representing cities, one Commissioner representing counties, one Commissioner representing the general public, and one Commissioner representing special districts~~, in accordance with election procedures adopted by the Board. The committee shall solicit ~~submit~~ nominations and conduct regional elections for all positions on the Board, the terms of which will expire with the annual ~~that~~ meeting. ~~Nominations may~~

~~also be made from the floor at the annual meeting. The Board shall make such rules as are necessary to carry out the provisions of this section.~~

4.2.2 In the event that: (a) less than fifty (50) percent of the regions' Member LAFCOs vote, or (b) no nominations are received for an open director position in the region, then the open director position becomes at-large for one term and shall be elected at the annual meeting.

4.2.3 Nominations shall be made from the floor at the annual meeting for any at-large position described in Section 4.2.2. The nominations shall be from the same category as the open director position.

4.2.4.2 Only Commissioners of Member LAFCOs in good standing and whose membership dues and assessments are fully paid may be nominated to be a Director by the method of nomination authorized by the Board or by any other method authorized by law.

4.2.5.3 Directors shall be elected at a regular or special meeting or by written ballot as authorized by Section 3.8 of these Bylaws. Directors shall be eligible for reelection without limitation on the number of terms they may serve, unless elected to an at-large position that is not within their region.

4.2.6.4 Directors are elected for a term of two (2) years.

4.2.7.5 A vacancy occurring in the office of Director may be filled by the Board for the balance of the unexpired term and until a successor has been elected and qualified by the Board in accordance with Board-adopted election procedures.

4.2.8.6 Each elected Director shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

4.2.9 The Board shall make such rules as are necessary to carry out the provisions of Section 4.2.

This mailed ballot is being conducted pursuant to Section 3.8 (Written Ballot of the Members) of the Bylaws. To pass the proposal must be approved by a majority of the written ballots voting on the proposal. A quorum will be established once at least 50% of the Members have voted.

CALAFCO Bylaws (§3.7.1) provide that each Member LAFCo is entitled to one vote. That vote may be cast by either the commission, a designated member of the commission, or the executive officer as designated by the commission.

Ballots must be received at the CALAFCO office by **Friday, 9 July at 5:00 p.m.** Ballots may be mailed or faxed.

---

## BALLOT

LAFCo: \_\_\_\_\_

*Anonymous ballots will not be counted*

VOTE:

- YES. Support the recommended amendments to the Corporation Bylaws.
- NO. Oppose the recommended amendments to the Corporation Bylaws.

SIGNATURE: \_\_\_\_\_

Please return completed ballot to: Executive Director, CALAFCO, 1215 K Street, Suite 1650, Sacramento, CA 95814 or fax to Executive Director at 916.442.6535 by 9 July 2010.



**STAFF REPORT**

Meeting Date: June 9, 2010

**Agenda Item 15**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Tierra Rejada Greenbelt Endorsement

**RECOMMENDATIONS:**

Approve the attached Resolution recognizing and endorsing revisions to the Tierra Rejada Greenbelt Agreement between the Cities of Moorpark, Simi Valley and Thousand Oaks and the County of Ventura.

**BACKGROUND:**

The Tierra Rejada Greenbelt was originally established by the Cities of Thousand Oaks and Simi Valley in 1982 and the County of Ventura in 1983 for the purpose of maintaining open space and agricultural land uses and pursuing a policy of non-annexation in the area generally defined as the Tierra Rejada Valley. Following its incorporation in 1983, the City of Moorpark became a signatory to the Greenbelt Agreement in 1984. A subsequent process to approve a minor adjustment to the Greenbelt map by all of the signatories was initiated in 1986 and completed in 1987.

On August 31, 2009, the City of Simi Valley adopted a resolution approving an amendment to the Tierra Rejada Greenbelt boundary to remove a total of approximately 229 acres. The purpose of this amendment was to accommodate the annexation of the Reagan Library site and seven other parcels. The City of Thousand Oaks subsequently adopted a resolution approving the same amendment on October 13, 2009. On October 21, 2009, the City of Moorpark approved a similar amendment with the exception of one 68-acre parcel located immediately east of the Reagan Library which is commonly referred to as the Chiu parcel (Attachment 2). Likewise, the Ventura County Board of Supervisors acted on November 3, 2009 to approve an amendment without the Chiu parcel. At that time, the County enacted the Tierra Rejada Greenbelt Ordinance which supercedes all previous County resolutions pertaining to the same Greenbelt (Attachment 3). On November 18, 2009, the Commission considered the proposal to annex the

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Vacant <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer:</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant:</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

Reagan Library and seven adjoining parcels. Upon consideration, the Commission approved the annexation of a modified boundary map to exclude the Chiu parcel.

**DISCUSSION:**

Subsequent to the approval of the Reagan Library reorganization proposal by LAFCo, the Cities of Simi Valley and Thousand Oaks adopted resolutions which rescinded their 2009 resolutions and amended the Greenbelt boundary to exclude only the Reagan Library site and six adjacent parcels exclusive of the Chiu parcel (Attachments 4 and 5, respectively). As a result, the Greenbelt boundary map is now consistent among all parties.

Except for the resolution from the City of Simi Valley, the city resolutions and the County ordinance request that LAFCo “endorse” the Greenbelt and continue to act in a manner consistent with the preservation of lands within the Greenbelt boundaries for agricultural and other open space purposes. LAFCo is not a formal party to greenbelt agreements or local agency resolutions or ordinances. However, due to the fact that the greenbelt agreements provide that the parties will abide by a policy of non-annexation, LAFCo has endorsed them as statements of local policy to be considered as a part of LAFCo actions relating to change of organization/reorganization proposals (Commissioner’s Handbook Section 2.5.3). LAFCo first endorsed the Tierra Rejada Greenbelt in 1983, 1984 and 1987 after each corresponding amendment. The recommended action is therefore consistent with past LAFCo actions concerning the Tierra Rejada Greenbelt.

With regard to the California Environmental Quality Act (CEQA), the recommended action to endorse the amended Tierra Rejada Greenbelt boundary is exempt from CEQA pursuant to the CEQA Guidelines Section 15061(b)(3) because there is no possibility that it will have a significant effect on the environment. As discussed in the previous paragraphs, LAFCo is not a party to the locally adopted greenbelt agreements and ordinances. The endorsement merely acknowledges, after the fact, that the Greenbelt boundaries were amended by those local agencies having direct authority or interest in land use and development within the Tierra Rejada Valley. In itself, LAFCo’s action would not change land use regulations, accommodate any reasonably foreseeable development or alter current LAFCo policies.

- Attachments: (1) LAFCo Resolution Endorsing Revisions to the Tierra Rejada Greenbelt  
(2) City of Moorpark Resolution No. 2009-2861  
(3) County of Ventura Ordinance No. 4404  
(4) City of Simi Valley Resolution No. 2010-08  
(5) City of Thousand Oaks Resolution No. 2010-021

## ATTACHMENT 1

### A RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION RECOGNIZING AND ENDORING REVISIONS TO THE TIERRA REJADA GREENBELT BETWEEN THE COUNTY OF VENTURA AND THE CITIES OF SIMI VALLEY, THOUSAND OAKS AND MOORPARK

WHEREAS, the County of Ventura and the Cities of Simi Valley, Thousand Oaks and Moorpark established the Tierra Rejada Greenbelt in 1984 to enact a policy of non-annexation and retention of open space and agricultural land uses within the Tierra Rejada Valley; and

WHEREAS, the Tierra Rejada Greenbelt has been periodically reaffirmed or amended by the County of Ventura and the Cities of Simi Valley, Thousand Oaks and Moorpark; and

WHEREAS, the Local Agency Formation Commission (LAFCo) endorsed the original four-party Tierra Rejada Greenbelt Agreement in 1984 and a revised Tierra Rejada Greenbelt Agreement in 1987 as statements of local policy; and

WHEREAS, in October, 2009, March, 2010 and April, 2010 the Cities of Moorpark, Simi Valley and Thousand Oaks adopted resolutions amending the boundary of the Tierra Rejada Greenbelt and in November, 2009 the County of Ventura adopted a Tierra Rejada Greenbelt Ordinance; and

WHEREAS, the resolutions of the cities of Thousand Oaks and Moorpark and the County Ordinance each request LAFCo to endorse the revisions to the Greenbelt.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

1. The Commission hereby recognizes and endorses the revisions to the Tierra Rejada Greenbelt as described and approved by City of Moorpark Resolution No. 2009-2861, dated October 21, 2009, City of Simi Valley Resolution No. 2010-08, dated March 8, 2010, City of Thousand Oaks Resolution No. 2010-021 dated April 13, 2010 and County of Ventura Ordinance No. 4404, dated November 10, 2009.
2. In accordance with the Executive Officer's determination, the Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the endorsement of the amended Tierra Rejada Greenbelt boundary is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.
3. The Commission directs staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

4. The Commission directs the Executive Officer to advise the Cities of Simi Valley, Thousand Oaks and Moorpark and the County of Ventura of the Commission's action.

This resolution was adopted on June 9, 2010.

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chair, Ventura Local Agency Formation  
Commission

Copies:  
City of Simi Valley  
City of Thousand Oaks  
City of Moorpark  
Clerk of the Ventura County Board of Supervisors  
Ventura County Planning Department

## ATTACHMENT 2

### RESOLUTION NO. 2009-2861

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING AN AMENDMENT TO THE TIERRA REJADA GREENBELT AGREEMENT BY REMOVING 161.08 ACRES FROM THE GREENBELT, INCLUDING THE RONALD REAGAN PRESIDENTIAL LIBRARY, ON THE REQUEST OF THE CITY OF SIMI VALLEY

WHEREAS, a greenbelt can be defined as an area consisting of prime agricultural or other open space land, as defined in Section 35046 and 65560 of the Government Code, which is preserved in agricultural or other open space uses;

WHEREAS, the cities of Moorpark, Thousand Oaks, and Simi Valley and the County of Ventura have adopted a joint resolution which has established a greenbelt within the Tierra Rejada Valley for agricultural and open space uses and that area is excluded from all City spheres of influence;

WHEREAS, the greenbelt established for the Tierra Rejada Valley is generally described as the area lying in the Tierra Rejada Valley west of the City of Simi Valley, north of the City of Thousand Oaks, and south of the City of Moorpark, and within the County of Ventura as shown on Exhibit A;

WHEREAS, the Simi Valley City Council intends to request approval from the Local Agency Formation Commission of Ventura County to annex territory within the greenbelt for the purpose of providing urban services to the Ronald Reagan Presidential Library and adjoining properties as shown on Exhibit B;

WHEREAS, the policies of the Local Agency Formation Commission of Ventura County do not allow for approval of an annexation proposal from a city that is in conflict with any greenbelt agreement except under exceptional circumstances and encourages that greenbelt agreements be amended by all parties involved prior to the filing of any proposal that may be in conflict with agreement; and

WHEREAS, the City Council finds and determines that the amendment to the Tierra Rejada Valley Greenbelt will not result in a change of land use for the subject site; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES HEREBY RESOLVE AS FOLLOWS:

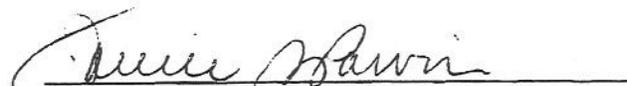
SECTION 1. The City Council finds that the amendment to the Tierra Rejada Valley Greenbelt map as shown on Exhibit B will not result in a change of land use for the subject site as described in the proposed Simi Valley Zone Change Z-S-643. Simi Valley Zone Change Z-S-643 is proposed to pre-zone the subject parcels so that the zoning designation, density, and lot sizes will remain the same as under the current zoning designations of the County of Ventura. The pre-zone designations are depicted on Exhibit C.

SECTION 2. The City Council finds that the amendment to the Tierra Rejada Valley Greenbelt as shown on Exhibit B reflects the revised boundary of the Tierra Rejada Valley Greenbelt.

SECTION 3. The City requests that the Local Agency Formation Commission endorse the Greenbelt as shown on Exhibit B and to continue to act in a manner consistent with the preservation of the aforementioned lands for agricultural and other open space purposes.

SECTION 4. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 21st day of October, 2009.

  
Janice S. Parvin, Mayor

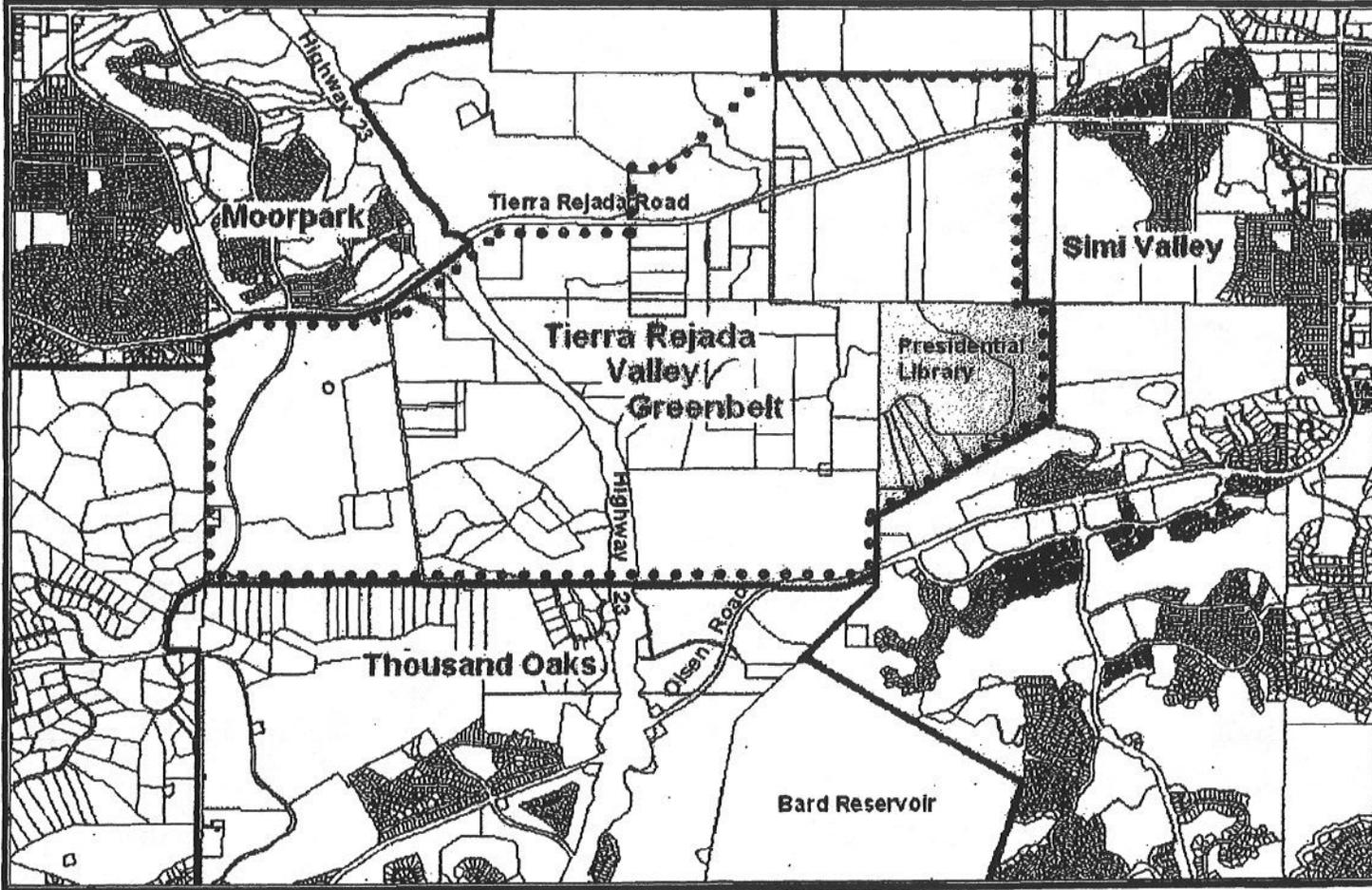
ATTEST:

  
Maureen Benson, Assistant City Clerk



Exhibit A: Tierra Rejada Greenbelt (Existing)  
Exhibit B: Tierra Rejada Greenbelt (Amended)  
Exhibit C: Proposed Zoning

# Tierra Rejada Valley Greenbelt (Existing)



1 Mile

North

EXHIBIT A

# Tierra Rejada Valley Greenbelt (Amended)

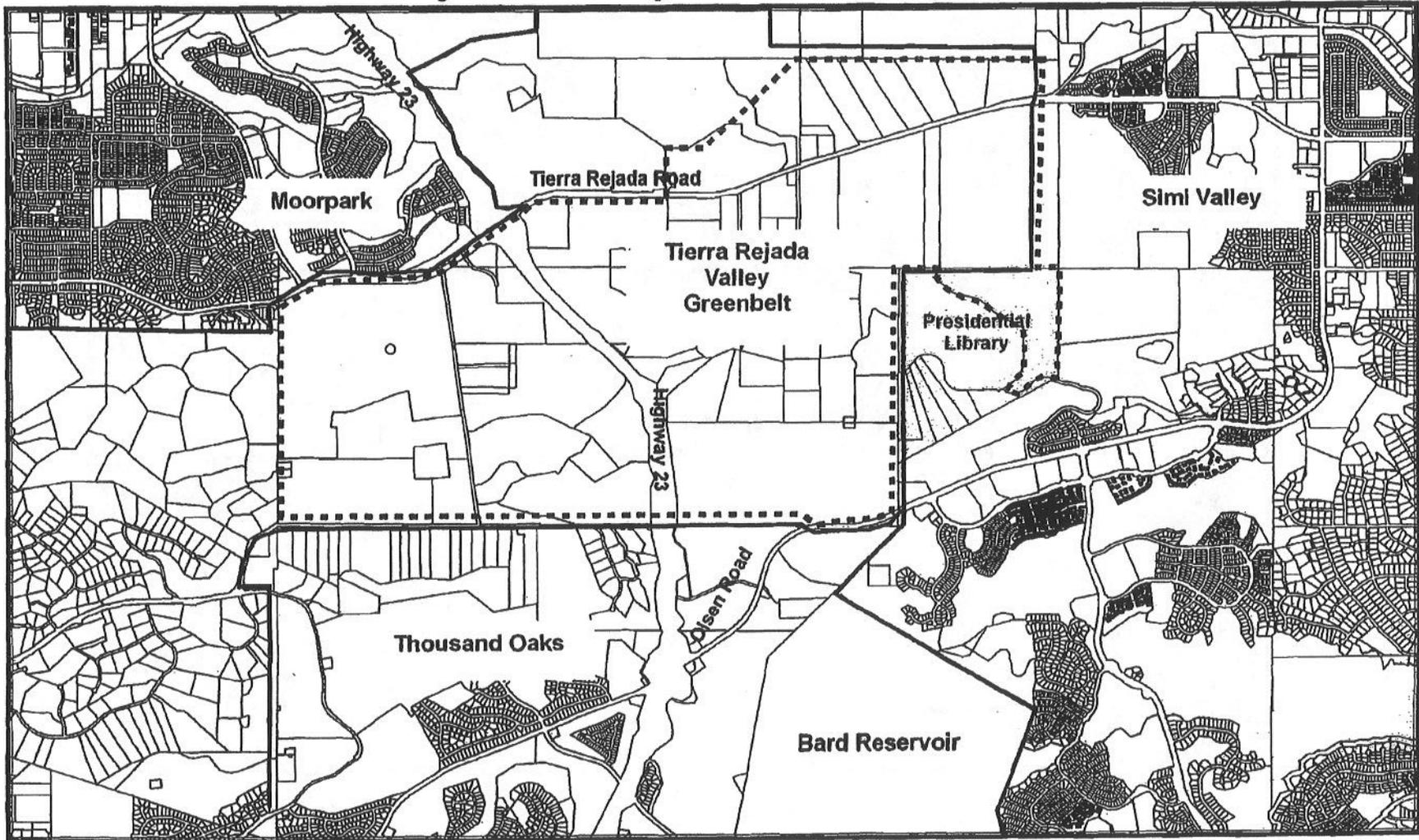


EXHIBIT B

N

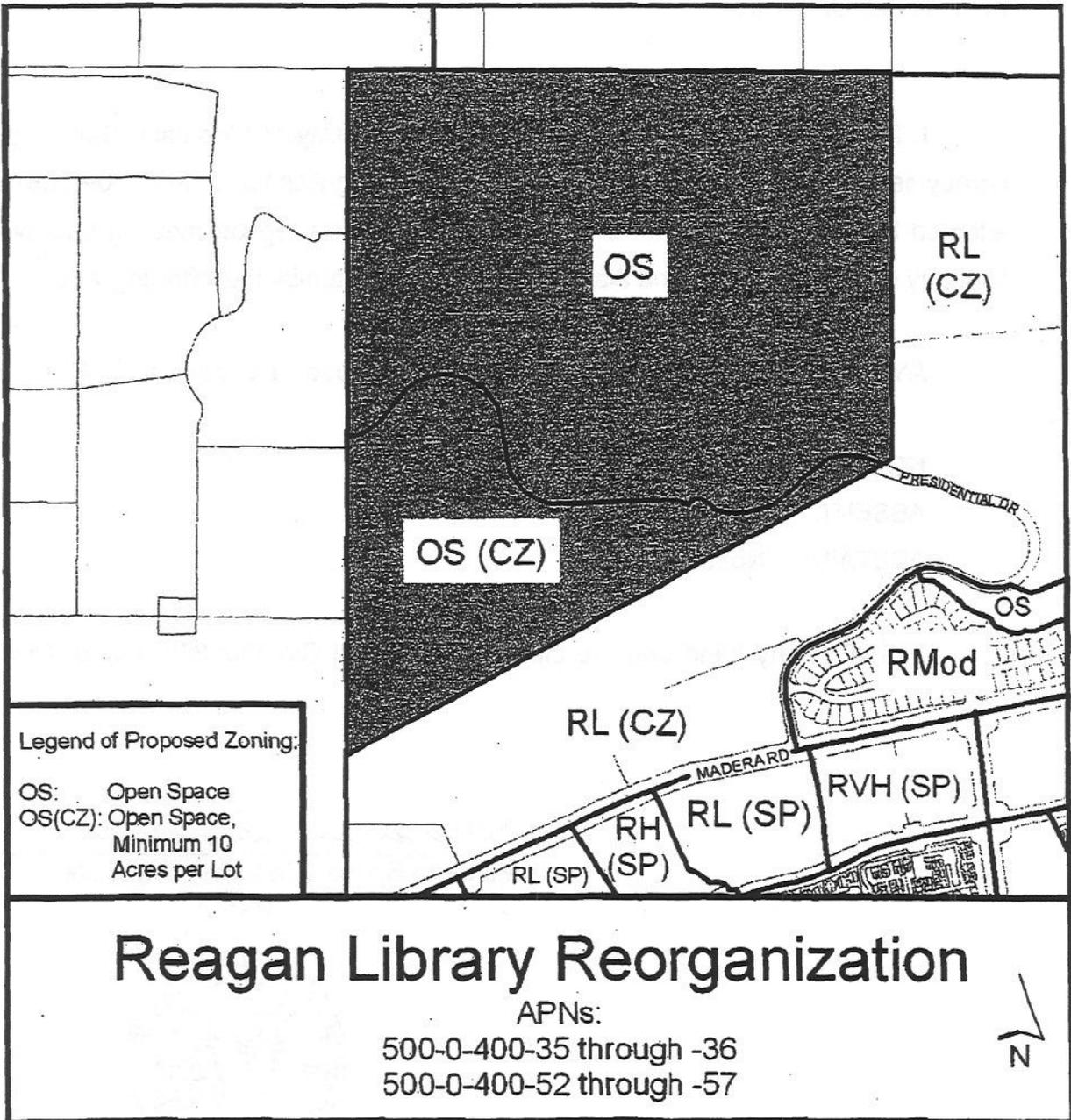


Miles

1

82

**EXHIBIT C**



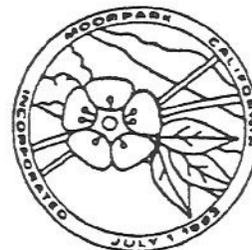
STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                 )     ss.  
CITY OF MOORPARK                    )

I, Maureen Benson, Assistant City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2009-2861 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 21st day of October, 2009, and that the same was adopted by the following vote:

- AYES:       Councilmembers Mikos, Millhouse, Pollock, Van Dam, and  
                  Mayor Parvin
- NOES:       None
- ABSENT:     None
- ABSTAIN:   None

WITNESS my hand and the official seal of said City this 30th day of October, 2009.

  
\_\_\_\_\_  
Maureen Benson, Assistant City Clerk  
(seal)



## ATTACHMENT 3

### ORDINANCE NO. 4404

# AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA REGARDING THE TIERRA REJADA GREENBELT

**Section 1. PURPOSE AND INTENT** -- The purpose of this Ordinance is to express the County of Ventura's commitment to agricultural and open space land conservation goals and policies contained in the Ventura County General Plan with a greenbelt program designed to protect unincorporated County agricultural and open space lands that are contiguous to the incorporated cities of Thousand Oaks, Simi Valley and Moorpark.

**Section 2. BOUNDARIES OF THE TIERRA REJADA GREENBELT** -- The Tierra Rejada Greenbelt is comprised of 2,331 acres of unincorporated County territory, and is located between the Cities of Moorpark, Simi Valley and Thousand Oaks. The Tierra Rejada Greenbelt is shown on the attached Exhibit 1, which is incorporated herein by reference. As a general description, the Greenbelt's boundaries are as follows:

- On the west by the Arroyo Santa Rosa and the Las Posas Hills;
- On the north by Tierra Rejada Road, the Tierra Rejada Valley Watershed, and the Cities of Moorpark and Simi Valley;
- On the east by the City of Simi Valley; and
- On the south by the Cities of Simi Valley and Thousand Oaks.

**Section 3. NON-ANNEXATION AND NON-URBAN DEVELOPMENT POLICY** -- This ordinance manifests the County of Ventura's intent to maintain agricultural and open space uses within the Tierra Rejada Greenbelt. The City Council of the Cities of Moorpark, Simi Valley and Thousand Oaks, have agreed to a policy of non-urban development, non-annexation and the retention of agricultural and open space uses on the land within the Tierra Rejada Greenbelt.

**Section 4. FINDINGS** -- The Cities of Moorpark, Simi Valley and Thousand Oaks, and the Ventura County Board of Supervisors adoption of: 1) general plan policies and zoning regulations; 2) the Guidelines for Orderly Development; and 3) greenbelt programs, together with the County-administered Land Conservation Act (LCA) Program, has demonstrated a long term commitment to agricultural and open space land conservation. The Board hereby reaffirms the following findings:

1. Maintaining lands in agricultural and open space uses within the Greenbelt area is in the overall best interest of the Cities of Moorpark, Simi Valley and Thousand Oaks, the County of Ventura and the State;
2. The Greenbelt area is not currently served with sewers, water, or other municipal services from the cities of Moorpark, Simi Valley or Thousand Oaks;
3. California is losing farmland and natural open space at a rapid rate and some of Ventura County's most developable land is also its most productive agricultural land;

4. Acre-for-acre, Ventura County's agricultural lands are among the most productive in California, nearing three times the production level of the Statewide average;
5. Encroaching urban development poses a threat to the continued viability of Ventura County's open space lands, especially for parcels located adjacent to urban areas;
6. The protection and conservation of agricultural land, especially in areas that are presently farmed or feature *Prime* or *Statewide Importance* soils as defined by the Important Farmlands Inventory (IFI), represents a primary objective;
7. The continuation of agricultural operations and open space uses protects Ventura County's landscape and environmental resources;
8. Protecting open space, maintaining the integrity of separate distinct cities and preventing inappropriate urban development from locating between city boundaries represent important "quality of life" goals; and
9. The retention of open space lands protects scenic resources and natural habitats and provides opportunities for passive and active recreational activities, parks and trail systems.

**Section 5. DEFINITIONS** -- As used in this Greenbelt Ordinance, the following terms shall have the meanings set forth in this section:

**GENERAL PLAN** -- A long term plan for the physical development of a city or county and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning needs. The California Government Code requires that each planning agency prepare, and its legislative body adopt, seven mandatory elements of the *General Plan* (including Open Space and Conservation Elements). An Agriculture Element is optional.

**GREENBELT** -- An area consisting of irrigated agricultural land or other Important Farmlands Inventory (IFI) and/or designated open space lands as defined in Sections 56064 and 65560 of the Government Code.

**GUIDELINES FOR ORDERLY DEVELOPMENT (GUIDELINES)** -- The *Guidelines* provide that urban development should be located within incorporated cities whenever and wherever practical. All city councils within Ventura County, the Ventura County Board of Supervisors and the Local Agency Formation Commission (LAFCo) have adopted the *Guidelines*.

**IMPORTANT FARMLANDS INVENTORY (IFI)** -- The *IFI* are maps for California which are compiled from United States Department of Agriculture (USDA) and Natural Resources Conservation Service (NRCS) soil surveys and current land use information using eight mapping categories. Ventura County uses five of the eight IFI classifications including *Prime Farmland*, *Farmland of Statewide Importance*, *Unique Farmland*, *Farmland of Local Importance* and *Grazing Land*.

**LOCAL AGENCY FORMATION COMMISSION (LAFCO)** -- County *LAFCo*'s are State-mandated agencies that are responsible for orderly growth, logical boundaries, efficient services and the preservation of agriculture and open space. *LAFCo*'s are required to guide urban development away from prime farmland and open space unless such actions would not promote planned, orderly and efficient development.

**MEASURE A** – An advisory measure, initiated by the Ventura County Board of Supervisors in 1998, that recommended the County and the ten cities adopt by ordinance the six existing and five proposed Greenbelts, prohibit changes to the external growth boundaries unless approved by the voters and form an Agriculture/Open Space Conservation District. Sixty-eight percent of Ventura County’s voters approved the measure.

**OPEN SPACE LANDS** -- Land or water area that either remains in its natural state or is used for agriculture or is otherwise essentially undeveloped as defined in 65560 of the Government Code.

**ADMINISTRATIVE REVIEW COMMITTEE** – A committee consisting of one staff person from the City of Moorpark, the City of Simi Valley, the City of Thousand Oaks, the County of Ventura and LAFCo, appointed or otherwise authorized by the jurisdiction’s decision-making body to meet and review proposed amendments to this Ordinance.

**SPHERES OF INFLUENCE** -- Plans adopted by a Local Agency Formation Commission (LAFCo) which designates the probable ultimate boundary of a city or special district.

**ZONING ORDINANCE** – The Ventura County Non-Coastal Zoning Ordinance is the principal tool in which the County General Plan and other policies are implemented. The Ordinance establishes building standards (height limits, lot coverage, setbacks, etc.) and allowable land uses.

**Section 6. PERMITTED USES** – The Ventura County General Plan and Zoning Ordinance shall control land uses within the Greenbelt.

1. The Greenbelt’s General Plan designations include Agriculture and Open Space.
2. The Zoning Ordinance designations include *Agriculture-Exclusive (A-E)* and *Open Space (O-S)*.
3. Only permitted land uses that are consistent with these general plan and zoning ordinance designations, subject to permit conditions, use standards, performance standards and permit findings, will be permitted within the Greenbelt.

**Section 7. SPHERES OF INFLUENCE** -- The boundaries of this Greenbelt should be consistent with the Moorpark, Simi Valley, and Thousand Oaks spheres of influence, where applicable. The coterminous greenbelt/sphere of influence boundary, consistent with LAFCo’s policies and procedures, should serve as the limit for the extension of urban services and infrastructure.

Because spheres of influence represent the probable ultimate boundaries of incorporated cities, the Greenbelt should not extend into the sphere of influence of any of the three Cities until there is a comparable adjustment to the sphere of influence (urban growth boundary). If a future expansion or reduction of the spheres of influence is approved by the Ventura LAFCO, then the Greenbelt boundaries should be adjusted accordingly, so as to assure consistency. This ordinance does not establish any regulatory authority over spheres of influence or annexations.

**Section 8. AMENDMENT PROCEDURES** -- Proposals for amending the boundaries or features of the Greenbelt could be initiated by the Cities of Moorpark, Simi Valley and/or Thousand Oaks, or the County of Ventura. Proposed amendments shall be reviewed by an Administrative Review Committee, as defined in Section 5, prior to being considered by the City or County decision-making bodies.

Any changes to Exhibit "1" of this Greenbelt Ordinance (except changes to match LAFCo-approved sphere of influence revisions or expansion to the Greenbelt boundaries) shall require a super-majority vote of the Ventura County Board of Supervisors. A super-majority vote is defined as a 4/5<sup>th</sup> vote of the Board of Supervisors.

**Section 9. LAFCO ACTION** – The Board of Supervisors, by this Greenbelt Ordinance, and the City Councils of the Cities of Moorpark, Simi Valley and Thousand Oaks by separate resolution or ordinance, request that the Ventura Local Agency Formation Commission (LAFCo) endorse and certify this Greenbelt Ordinance and each cities' corresponding Greenbelt resolution or ordinance and continue to take action consistent with the preservation of agricultural and open space land with the Greenbelt.

**Section 10. SEVERABILITY** -- If any section, subsection, sentence, clause or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 11. SUPERSEDE**-- This Greenbelt Ordinance shall supersede any previous Resolution adopted by the County with respect to the Tierra Rejada Greenbelt.

**Section 12. UNIQUE CONSIDERATIONS**

**Subsection A. Additional Goals**

The Cities of Moorpark, Simi Valley, and Thousand Oaks, and the County of Ventura recognize that land use decisions should balance many goals, including the provision of housing and urban services as well as the preservation and development of natural resources. To reach a balance among these goals, jurisdictions must consider the specific circumstances of each case.

The primary purpose of this Ordinance is to establish that within the boundaries of the Tierra Rejada Greenbelt, the goals of protection of agricultural land, the maintenance of a healthy agricultural economy and the preservation of open space land shall be of critical importance.

The above recognition is based on the Findings set forth in Section 4 of this Ordinance. In addition, it is in conformance with the purpose and goals of the Cities of Moorpark, Simi Valley and Thousand Oaks General Plans, and the Ventura County General Plan.

**Subsection B. Land Use Issues of Concern**

When making land use decisions, the Ventura County Planning Director, the Ventura County Planning Commission and the Board of Supervisors shall give careful consideration to whether the proposed action would impair the open space values that this Greenbelt is designed to protect. Of particular concern is the use of night lighting within the Greenbelt. Night lighting, particularly unshielded, upward facing and/or high intensity lighting, compromises open space values in terms of visual impact and effect on animal mobility, among others

PASSED AND ADOPTED this 10<sup>TH</sup> day of NOVEMBER, 2009, by the following vote:

AYES: Supervisors PARKS, LONG, FOY, ZARAGOZA AND BENNETT

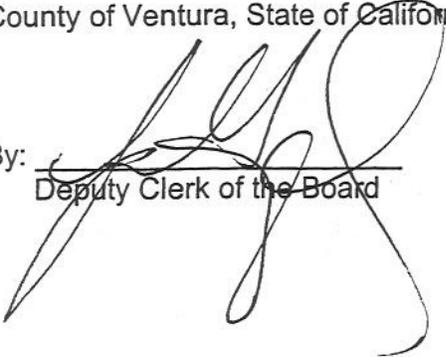
NOES: NONE

ABSENT: NONE

  
CHAIR, BOARD OF SUPERVISORS

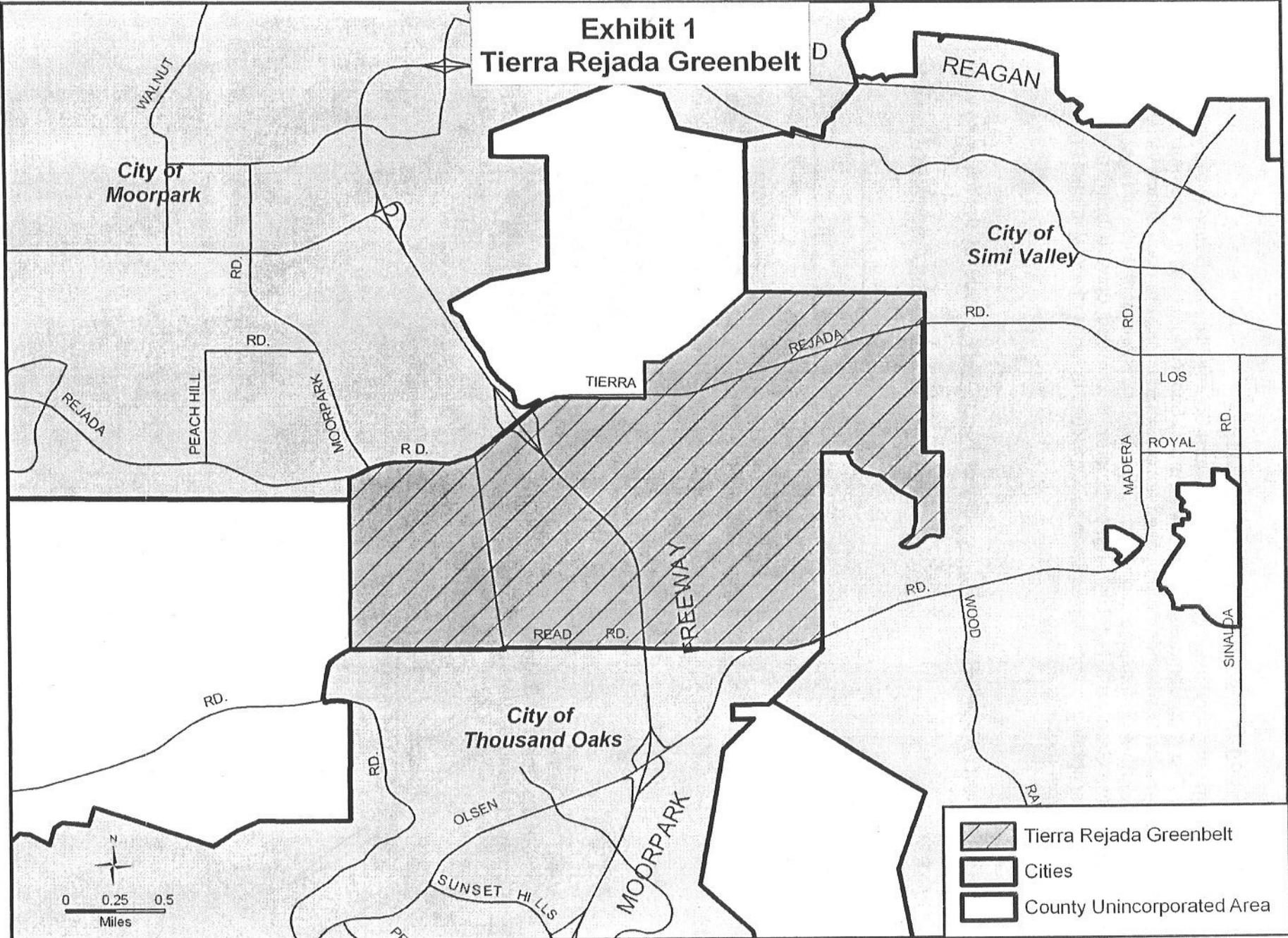
ATTEST:

MARTY ROBINSON  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By:   
Deputy Clerk of the Board



# Exhibit 1 Tierra Rejada Greenbelt



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-  Tierra Rejada Greenbelt
-  Cities
-  County Unincorporated Area

## ATTACHMENT 4

RESOLUTION NO. 2010-08

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY, MODIFYING THE BOUNDARY OF THE TIERRA REJADA GREENBELT

WHEREAS, a greenbelt can be defined as an area consisting of prime agricultural or other open space land, as defined in Sections 35046 and 65560 of the Government Code, which is preserved in agricultural or other open space uses; and

WHEREAS, on March 26, 1984, the cities of Moorpark, Thousand Oaks, and Simi Valley, and the County of Ventura adopted a joint resolution which established the Tierra Rejada Valley Greenbelt (Greenbelt) for the purpose of preserving agricultural and open space uses and excluding the Greenbelt from all City spheres of influence; and

WHEREAS, the Greenbelt is generally described as the area lying in the Tierra Rejada Valley west of the City of Simi Valley, north of the City of Thousand Oaks, and south of the City of Moorpark, and within the County of Ventura as shown on Exhibit 1; and

WHEREAS, the Local Agency Formation Commission of Ventura County has certified the annexation of seven parcels totaling 161.39 acres within the Greenbelt to the City of Simi Valley for the purpose of providing urban services to the Ronald Reagan Presidential Library and adjoining properties as shown on Exhibit 1, excluding a 68-acre parcel previously removed by the City of Simi Valley upon adoption of Resolution No. 2009-42; and

WHEREAS, the Local Agency Formation Commission of Ventura County policies requires cities to remove territories from greenbelts that are within city boundaries; and

WHEREAS, the City of Moorpark adopted Resolution 2009-2861 amending the Tierra Rejada Valley Greenbelt as shown on Exhibit 1; and

WHEREAS, the County of Ventura adopted Ordinance No. 4404 amending the Tierra Rejada Valley Greenbelt as shown on Exhibit 1.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY, DOES HEREBY RESOLVE AS FOLLOWS:

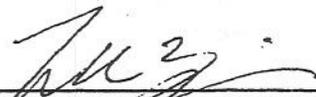
SECTION 1. Resolution No. 2009-42 is repealed in its entirety.

SECTION 2. The City Council finds that the modification to the Tierra Rejada Valley Greenbelt as shown on Exhibit 1 reflects the revised boundary of the Tierra Rejada Valley Greenbelt.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 8th day of March 2010.

**Attest:**

  
\_\_\_\_\_  
Wendy K. Zimmerman  
Assistant City Clerk

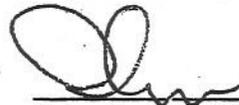
  
\_\_\_\_\_  
Paul Miller, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

  
\_\_\_\_\_  
Tracy M. Noonan, City Attorney

**Approved as to Content:**

  
\_\_\_\_\_  
Mike Sedell, City Manager

  
\_\_\_\_\_  
Peter Lyons, Director  
Department of Environmental Services

I, Assistant City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing Resolution No. 2010-08 was regularly introduced and adopted by the City Council of the City of Simi Valley, California, at an adjourned meeting thereof held on the 8<sup>th</sup> day of March 2010, by the following vote of the City Council:

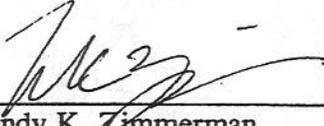
AYES: Council Members Foster, Sojka, Williamson,  
Mayor Pro Tem Becerra and Mayor Miller

NAYS: None

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 9<sup>th</sup> day of March 2010.

  
\_\_\_\_\_  
Wendy K. Zimmerman  
Assistant City Clerk

# Tierra Rejada Valley Greenbelt (Amended)

H 10 / 2-10 (2)

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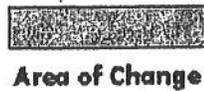
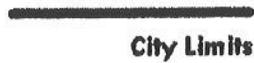
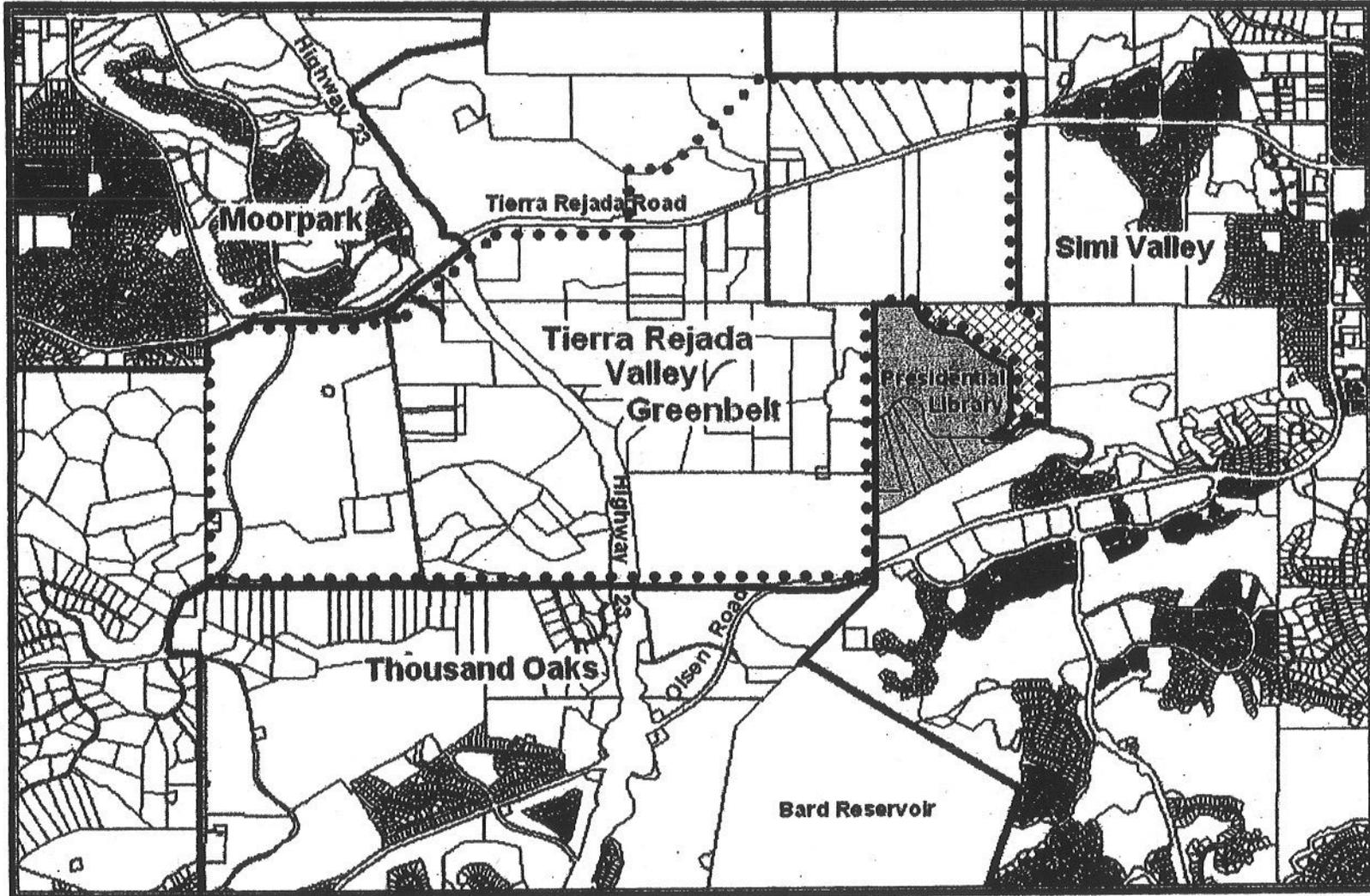


EXHIBIT 1

RES. NO. 2010-08

## ATTACHMENT 5

RESOLUTION NO. 2010-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS APPROVING AN AMENDMENT TO THE BOUNDARY OF THE TIERRA REJADA VALLEY GREENBELT TO EXCLUDE THE RONALD REAGAN PRESIDENTIAL LIBRARY AND SIX ADJACENT PARCELS AND RESCINDING RESOLUTION NO. 2009-088

WHEREAS, a greenbelt can be defined as an area consisting of prime agricultural or other open space land, as defined in Sections 35046 and 65560 of the Government Code, which is preserved in agricultural or other open space uses; and,

WHEREAS, in 1983, the cities of Thousand Oaks and Simi Valley and the County of Ventura adopted a joint resolution (Thousand Oaks City Council Resolution 83-42) which established a greenbelt within the Tierra Rejada Valley, as described and mapped in said resolution, for agricultural and open space uses and that area is excluded from all City spheres of influence and for which all of the cities have agreed to a policy of non-annexation; and,

WHEREAS, in 1984, a new joint resolution (Thousand Oaks City Council Resolution 84-143) establishing said Greenbelt was adopted, including the newly-incorporated City of Moorpark as a signatory and removing a contingency in the prior joint resolution related to the Kavian property; and,

WHEREAS, in 1986, a joint resolution (Thousand Oaks City Council Resolution 86-223) was adopted to make a minor revision to the boundary of the Greenbelt in the vicinity of Olsen Road and the (then) East Valley Sheriff's Station to provide a more logical boundary; and,

WHEREAS, the existing boundary of the Tierra Rejada Valley Greenbelt as established by these prior resolutions is generally described as the area lying in the Tierra Rejada Valley west of the City of Simi Valley, north of the City of Thousand Oaks, and south of the City of Moorpark, and within the County of Ventura, and as more precisely shown on Exhibit A hereto; and,

WHEREAS, the current Greenbelt Agreement does not allow any City to annex land within the boundaries of the Greenbelt area; and,

WHEREAS, the policies of the Local Agency Formation Commission of Ventura County do not allow for approval of an annexation proposal from a city that is in conflict with any greenbelt agreement, except under exceptional

circumstances, and encourages that greenbelt agreements be amended by all parties involved prior to the filing of any proposal that may be in conflict with such agreement; and,

WHEREAS, the Simi Valley City Council requested approval from the Local Agency Formation Commission of Ventura County to annex territory currently within the Greenbelt for the purpose of providing urban services to the Ronald Reagan Presidential Library and seven (7) adjoining properties, and had accordingly pre-zoned the property; and,

WHEREAS, the City Council of the City of Simi Valley found that the proposed amendment to the Greenbelt boundary will not result in a change of land use due to the pre-zoning adopted; and,

WHEREAS, the City of Simi Valley requested the other signatories to the Greenbelt Agreement to approve an amendment thereto, for the purpose of revising the Greenbelt boundary to exclude said territory from the Greenbelt; and,

WHEREAS, on October 13, 2009, the City Council honored the request by the City of Simi Valley and adopted Resolution 2009-088 for that purpose; and,

WHEREAS, two of the other signatories to the Greenbelt Agreement – the County of Ventura by Ordinance 4044 and the City of Moorpark by Resolution 2009-2681 – approved changes to the Greenbelt Agreement to exclude only the Ronald Reagan Presidential Library and six (6) adjoining properties, retaining the seventh parcel (APN 500-0-400-355 - 68-acre Chiu parcel) within the Greenbelt boundary as shown on Exhibit B; and,

WHEREAS, on November 18, 2009 the Ventura Local Agency Formation Commission approved Simi Valley's request for annexation, with the exclusion of the afore-mentioned APN 500-0-400-355, and on December 30, 2009 issued a certificate of completion for said annexation; and,

WHEREAS, on March 9, 2010, the Simi Valley City Council approved Resolution 2010-08 repealing its earlier Resolution 2009-42 and approving the boundary of the Tierra Rejada Valley Greenbelt at the same location as approved by the County of Ventura and the City of Moorpark; and,

WHEREAS, it is necessary that all signatories agree on the Greenbelt boundaries, and accordingly it is appropriate for the City of Thousand Oaks to adopt a Resolution conforming to those of the other signatories as to Greenbelt boundary.

NOW THEREFORE, the City Council of the City of Thousand Oaks resolves as follows:

Section 1. The revised Greenbelt boundary as shown in Exhibit B is appropriate because the properties excluded are already developed or have development entitlements and are physically separated from the Tierra Rejada Valley floor, vehicular access is available only from the City of Simi Valley streets, and the City of Simi Valley already provides some municipal services to the properties.

Section 2. This removal of properties from the Greenbelt is not precedent-setting because no other land within the Greenbelt is similarly situated with respect to services, access, and topography.

Section 3. The request to revise the boundaries of the Tierra Rejada Greenbelt as shown on Exhibit B is approved in conformance with actions taken by all other signatories to the Greenbelt Agreement.

Section 4. The City of Thousand Oaks requests that the Local Agency Formation Commission endorse the Greenbelt as shown on Exhibit B, and to continue to act in a manner consistent with the preservation of the aforementioned lands for agricultural and other open space purposes.

Section 5. Resolution 2009-088 is hereby rescinded and superseded by this Resolution.

PASSED AND ADOPTED THIS 13th day of April, 2010.



Dennis C. Gillette, Mayor  
City of Thousand Oaks, California

ATTEST:



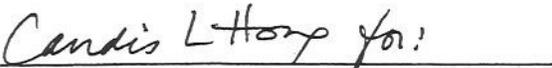
Linda D. Lawrence, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney



Christopher G. Norman, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:



Scott Mitnick, City Manager

CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF VENTURA    ) SS.  
CITY OF THOUSAND OAKS   )

I, LINDA D. LAWRENCE, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2010-021, which was duly and regularly passed and adopted by said City Council at a regular meeting held April 13, 2010, by the following vote:

AYES: Councilmembers Glancy, Irwin, Bill-de la Peña, Fox and Mayor Gillette

NOES: None

ABSENT: None

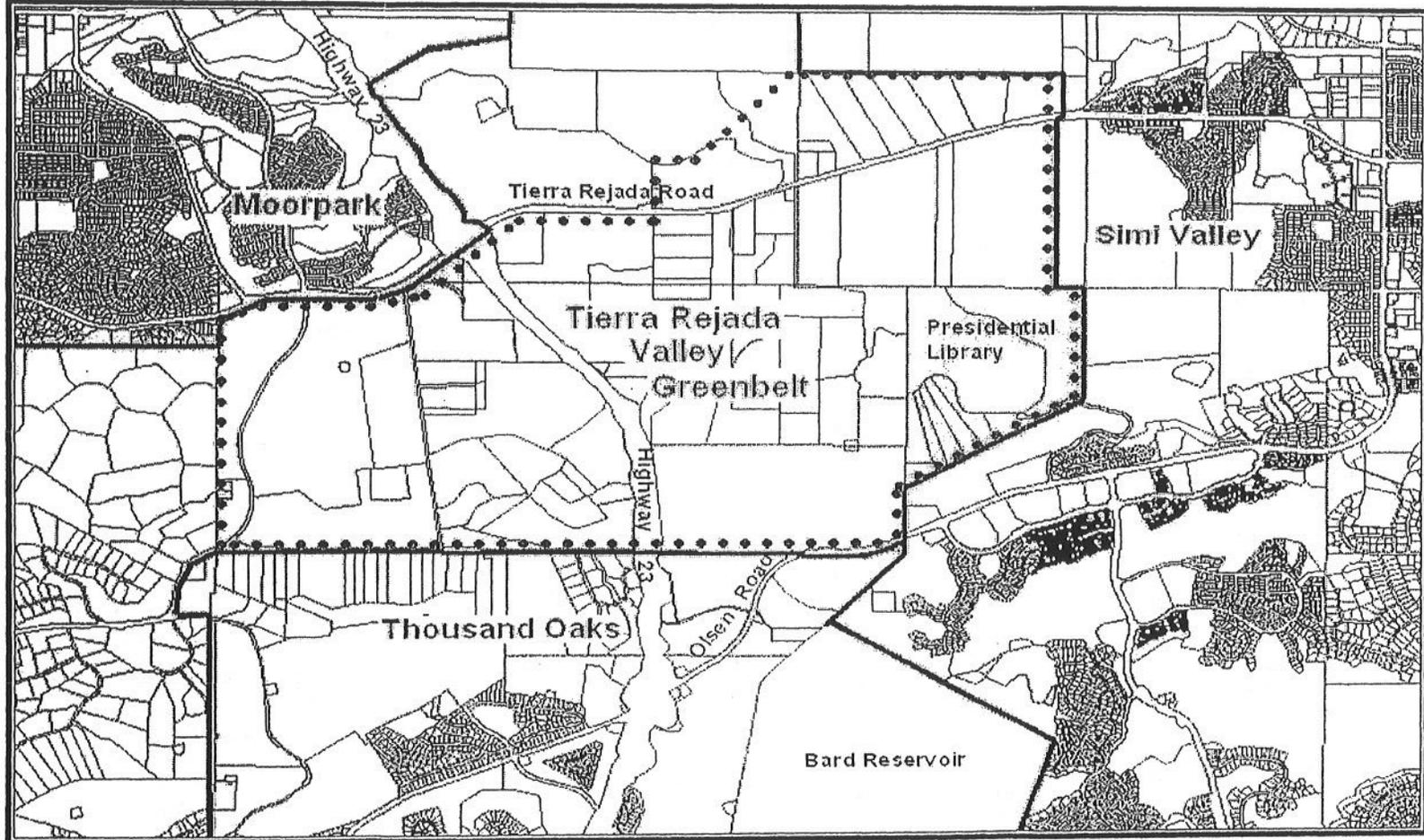
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

  
\_\_\_\_\_  
Linda D. Lawrence, City Clerk  
City of Thousand Oaks, California

Res. No. 2010-021

EXHIBIT A

# Tierra Rejada Valley Greenbelt (Existing)

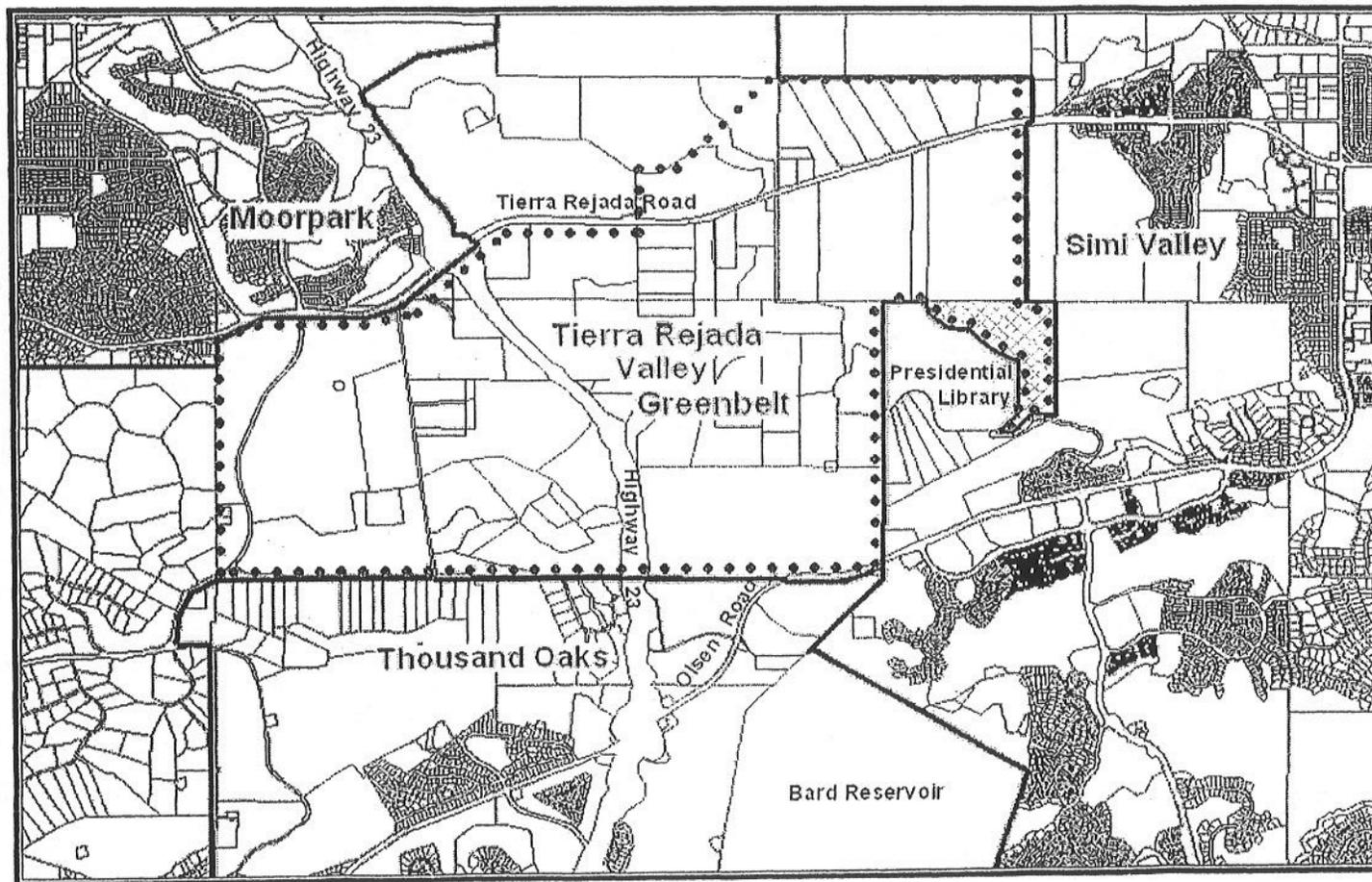


1 Mile

North

EXHIBIT B

# Tierra Rejada Valley Greenbelt (Amended)



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