

# **AGENDA**

## **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

**NORTON REGIONAL EVENT CENTER  
1601 E. 3<sup>rd</sup> STREET, SAN BERNARDINO, CA**

**REGULAR MEETING OF NOVEMBER 19, 2025**

**9:00 A.M. – CALL TO ORDER – FLAG SALUTE**

### **ANNOUNCEMENT:**

The Political Reform Act requires the disclosure of campaign contributions made to any member of the Commission. Any applicant seeking a change of organization/reorganization or approval of a contract/agreement, any financially interested person who actively supports or opposes any such item, or any agent representing an applicant or interested party on any such item, who has made a contribution of more than \$500 in the past 12 months to any member of the Commission must state for the record the amount and the name of the Commissioner to whom the contribution was made and the item to which they are involved. If you are affected, please contact LAFCO staff prior to consideration of the item.

1. Comments from the Public  
(By Commission policy, the public comment period is limited to three minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

### **CONSENT ITEMS:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion unless a request has been received prior to the hearing to discuss the matter.

2. [Approval of Minutes for Regular Meeting of September 17, 2025](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of August and September 2025](#)
5. Consent Items Deferred for Discussion

### **DISCUSSION ITEMS:**

6. [First Quarter Financial Review for FY 2025/26](#)
7. [Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section IV \(Application Processing\)](#)
8. [Presentation by CALAFCO \(California Association of Local Agency Formation Commissions\)](#)

**INFORMATION ITEMS:**

9. [Legislative Update Report](#)

10. [Executive Officer's Report](#)

11. Commissioner Comments

(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1601 E. 3rd Street, Suite 102, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org).

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE LOCAL AGENCY FORMATION COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability or with limited English proficiency may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.

**DRAFT**  
**ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

**REGULAR MEETING**

**9:00 A.M.**

**September 17, 2025**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca Jr.  
Jim Bagley, Vice Chair  
Kimberly Cox  
Steven Farrell, Chair  
Curt Hagman  
Acquanetta Warren

**Alternate Member**

Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Assistant Executive Officer  
Gavin Centeno, Project Manager/Clerk to the Commission  
Arturo Pastor, Analyst  
Tom Dodson, Environmental Consultant

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Phill Dupper

**Alternate Member**

Jesse Armendarez

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:07 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Comments from the Public**

There are none.

**CONSENT ITEMS:**

- 2. Approval of Minutes for Regular Meeting of July 16, 2025**
- 3. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from June 24, 2025, to July 22, 2025 and July 23, 2025 to August 22, 2025.

**4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of June and July 2025 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of June and July 2025 and note revenue receipts for the same period.

**5. Amendment #1 to Agreement with Event Design Lab for Video Production Services**

Recommendation: Staff recommends the Commission:

1. Approve Amendment #1 to the services agreement with Event Design Lab for video production of LAFCO meetings, and
2. Authorize the Executive Officer to sign the amended agreement.

**6. Consent Items Deferred for Discussion**

*Commissioner Hagman moves the approval of the Consent Items. Second by Commissioner Baca. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Dupper (Denison voting in his stead).*

**PUBLIC HEARING ITEMS:**

**7. Consideration LAFCO SC#545 – City of San Bernardino Irrevocable Agreement to Annex No. 2025-383 for Sewer Service (Assessor Parcel Number 0262-021-14)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#545 by taking the following actions:

1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the County of San Bernardino's Addendum to the Glen Helen Specific Plan Environmental Impact Report (SCH # 2000011093) prepared by the County for its review of a Conditional Use Permit for a trailer storage/ leasing facility consisting of 202 truck parking spaces and a 1,641 sq. ft. office building on approximately 10.4 acres;
  - b. Determine that the information substantiating the County's Addendum and Environmental Impact Report are adequate for the Commission's use as a CEQA Responsible Agency for its review and approval of the extension of service contained in LAFCO SC#545;

- c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - d. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#545 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0262-021-14; and,
  3. Adopt LAFCO Resolution #3426 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

*Commissioner Baca moves to approve staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Dupper (Denison voting in his stead).*

**8. LAFCO 3274 - Reorganization to Include Annexation to the City OF San Bernardino and Detachment from County Service Area 70 (Spring Trails Specific Plan Project)**

Recommendation: The staff recommends that the Commission approve LAFCO 3274 by taking the following actions:

1. With respect to the environmental review:
  - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
  - b. Determine that the Complete Final EIR for the project prepared by the City of San Bernardino is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3274;
  - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the mitigation measures identified for the project are the responsibility of the City of San Bernardino and others, not the Commission;
  - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report; and,

- e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.

2. Approve LAFCO 3274, with the following determination and conditions:

Determination – The Commission determines that approval of LAFCO 3274 will create an unincorporated island surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.

Conditions – The standard LAFCO terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.

3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3427 setting forth the Commission's determinations and conditions of approval concerning LAFCO 3274.

*The following provide Public Comment:*

*Gabriel Elliot, Representative for the City of San Bernardino  
Treasure Ortiz, City of San Bernardino Councilmember  
Hank Mitchell  
Barabara Sky  
Rich Kaplan  
Edward Bonadiman  
Corey Evans  
Tim May  
Ken Rosmussen  
Lynette Kaplan  
Candy Evans  
Stacey Evans*

*Commissioner Cox moves to approve staff's recommendation subject to the successful annexation of the adjacent island annexation proposal, LAFCO 3275, as a condition of approval for LAFCO 3274. Second by Commissioner Bagley.*

*Commissioner Hagman makes a substitute motion to approve staff recommendations as originally proposed. Second by Commissioner Warren.*

*The Commission votes on the substitute motion. The substitute motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Denison, Hagman and Warren.  
Noes: Cox and Farrell.  
Abstain: None.  
Absent: Dupper (Denison voting in his stead).*

*Commissioner Baca leaves dais at 11:08 a.m.*

**DISCUSSION ITEM:**

**9. Legislative Report**

Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Regarding the Amicus Brief related to Monterey LAFCO's pending appeal:
  - a. Inform CALAFCO of this Commission's desire to join with other LAFCOs and CALAFCO as a party to the amicus brief to be submitted in the appeal of Monterey Peninsula Water Management District v. Monterey LAFCO (Monterey County Superior Court Case No. 22CV000925);
  - b. Authorize the expenditure of up to \$5,000 from Account 2449 (Outside Legal—Litigation & Special Counsel) to cover San Bernardino LAFCOs share of the legal expense to prepare the amicus brief; and,
  - c. Authorize the Executive Officer to sign the Cost Sharing Agreement with CALAFCO.
3. Provide direction to staff on legislation of interest or future actions, if any.

*Commissioner Hagman moves to approve staff recommendations. Second by Commissioner Warren. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Denison, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: Baca and Dupper (Denison voting in his stead).*

**INFORMATION ITEMS:**

**10. Executive Officer's Report**

Executive Officer Samuel Martinez provides a summary of the staff report.

**11. Commissioner Comments**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 11:15 A.M.**

ATTEST:

\_\_\_\_\_  
GAVIN CENTENO  
Project Manager/Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


\_\_\_\_\_  
STEVEN FARRELL, Chair

DRAFT

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** NOVEMBER 19, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICER’S  
EXPENSE REPORT

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## **RECOMMENDATION:**

Approve the Executive Officer’s Expense Report for Procurement Card Purchases from August 23, 2025, to September 22, 2025, and September 23, 2025, to October 22, 2025.

## **BACKGROUND INFORMATION:**

The Commission participates in the County of San Bernardino’s Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing period of:

- August 23, 2025 to September 22, 2025
- September 23, 2025 to October 22, 2025

Staff recommends that the Commission approve the Executive Officer’s expense reports as shown on the attachments.

SM/GC

Attachment



**PROCUREMENT CARD PROGRAM  
MONTHLY PROCUREMENT CARD PURCHASE REPORT**

**ATTACHMENT G**

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBE	*R/D	SALES TAX INCL
08/25/25	Thomson West	1	Office Supplies	Law Library Updates	8900005012	52002080	\$376.25			
09/18/25	Panera Bread	2	Office Expense	Commission Meeting	8900005012	52002305	\$42.98			

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

<b>Cardholder (Print &amp; Sign)</b>	<b>Date</b>
Samuel Martinez <i>Samuel Martinez</i>	11/10/25


<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
Steven Farrell	11/19/25



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www.sbclafco.org

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DATE: NOVEMBER 19, 2025   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF AUGUST AND SEPTEMBER 2025 AND NOTE  
REVENUE RECEIPTS

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**RECOMMENDATION:**

Ratify payments as reconciled for the months of August and September 2025 and note revenue receipts for the same period.

**BACKGROUND INFORMATION:**

Staff prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of:

- August 1 through August 31, 2025
- September 1 through September 30, 2025

Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.

SM/MT

Attachment

AUGUST 2025 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1902063512	5200 2090	08/04/25	Inland Valley Dev. Authority	INV1768	August Janitorial	\$ 90.00	
1902067387	5200 2424	08/11/25	Tom Dodson	LA-1085-2	Environmental Review	\$ 340.00	
1902067392	5200 2424	08/11/25	Tom Dodson	LA-1088-1	Environmental Review	\$ 595.00	
1902067403	5200 2424	08/11/25	Tom Dodson	LA-1089-1	Environmental Review	\$ 425.00	
1902067405	5200 2424	08/11/25	Tom Dodson	LA-1090-2	Environmental Review	\$ 595.00	
1902070647	5200 2445	08/14/25	Rebecca Lowery	51	Rebecca Lowery 51	\$ 1,400.00	
1902063489	5200 2905	08/04/25	Inland Valley Dev. Authority	INV1443	Auditorium Use May	\$ 405.00	
1902063508	5200 2905	08/04/25	Inland Valley Dev. Authority	INV1756	Auditorium Use July	\$ 405.00	
1902063512	5200 2905	08/04/25	Inland Valley Dev. Authority	INV1768	IVDA August Rent	\$ 2,509.00	
1902069007	5294 2941	08/12/25	CALAFCO	677	Conf Registration- Com Acquanetta Warren	\$ 700.00	
1902069010	5294 2941	08/12/25	CALAFCO	675	Conf Registration- Staff Gavin Centeno	\$ 700.00	
1902069020	5294 2941	08/12/25	CALAFCO	676	Conf Registration- Com Jim Bagley	\$ 700.00	
1902069031	5294 2941	08/12/25	CALAFCO	673	Conf Registration- Staff Art Pasturo	\$ 700.00	
1902069043	5294 2941	08/12/25	CALAFCO	678	Conf Registration-Staff Michael Tuerpe	\$ 700.00	
1902072182	5294 2941	08/18/25	CALAFCO	718	Conf Registration Com Steven Farrell	\$ 700.00	
						<b>\$ 10,964.00</b>	
AUGUST 2025 COUNTY TRANSFERS PROCESSED							
4104047172	5200 2031	08/01/25	IT		JUL 2025 Payroll System Services (EMACS)	\$ 97.63	
4104047189	5200 2037	08/01/25	IT		JUL 2025 Dial Tone	\$ 243.36	
4104048653	5200 2305	08/25/25	Purchasing		Staples surchage	\$ 5.40	
4104048654	5200 2305	08/25/25	Purchasing		Staples surchage	\$ 5.04	
4104047153	5200 2420	08/01/25	IT		JUL 2025 Virtual Server - Additional Core	\$ 9.37	
4104047153	5200 2420	08/01/25	IT		JUL 2025 Virtual Server - Additional Memory	\$ 6.57	
4104047153	5200 2420	08/01/25	IT		JUL 2025 Server Storage	\$ 109.00	
4104047153	5200 2420	08/01/25	IT		JUL 2025 Virtual Server - Base Server	\$ 589.69	
4104047153	5200 2420	08/01/25	IT		JUL 2025 File Sharing Storage	\$ 90.50	
4104047153	5200 2420	08/01/25	IT		JUL 2025 Enterprise Content Management	\$ 100.22	
4104047154	5200 2421	08/01/25	IT		JUL 2025 Desktop Support Services	\$ 697.04	
4104048653	5540 5012	08/25/25	Purchasing		Staples	\$ 45.01	
4104048654	5540 5012	08/25/25	Purchasing		Staples	\$ 41.96	
4200159704	5200 2424	08/04/25	Clerk to the Board		NOD - LAFCO SC#538	\$ 50.00	
4200159705	5200 2424	08/04/25	Clerk to the Board		NOE - LAFCO SC#540	\$ 50.00	
4200159706	5200 2424	08/04/25	Clerk to the Board		NOD - LAFCO 3276	\$ 50.00	
4200159707	5200 2424	08/04/25	Clerk to the Board		NOD - LAFCO 3277	\$ 50.00	
4200159714	5200 2424	08/04/25	Clerk to the Board		NOE - LAFCO SC#543	\$ 50.00	
4200159715	5200 2424	08/04/25	Clerk to the Board		NOE - LAFCO SC#542	\$ 50.00	
4200160624	5200 2424	08/21/25	Clerk to the Board		NOE - LAFCO SC#544	\$ 50.00	
4200160937	5200 2445	08/29/25	ROV		voter listing	\$ 133.02	
4200160015	5200 2310	08/07/25	Mail		Mail Services FLAT	\$ 48.60	
4200160017	5200 2310	08/07/25	Mail		Mail Services HAN	\$ 63.62	
4200160019	5200 2310	08/07/25	Mail		Mail Services DEL	\$ 245.30	
4200160337	5200 2310	08/07/25	Mail		Mail Services HAN	\$ (63.62)	
4200160418	5200 2310	08/14/25	Mail		Mail Services HAN	\$ 50.28	
4200159960	5200 2323	08/06/25	Printing		N30992 - Emacs Reports 8/5/2025	\$ 18.65	
4200160845	5200 2323	08/22/25	Printing		N31356 - Emacs Reports 8/18/2025	\$ 18.65	
2700021020	5200 2400	08/01/25	Auditor		Prior year adjustment, paid July 25 but reversed to prior year	\$ (2,997.20)	
2700021020	5200 2424	08/01/25	Auditor		Prior year adjustment, paid July 25 but reversed to prior year	\$ (340.00)	
2700021020	5200 2445	08/01/25	Auditor		Prior year adjustment, paid July 25 but reversed to prior year	\$ (8,608.81)	

2700021020	5200	2895	08/01/25	Auditor		Prior year adjustment, paid July 25 but reversed to prior year	\$ (914.42)
<b>TOTAL</b>							<b>\$ (9,955.14)</b>
<b>AUGUST 2025 CASH RECEIPTS</b>							
4104045659	4070	9545	08/19/25	City of Montclair		Service Contract 545	\$ 3,655.00
4104045659	4070	9545	08/19/25	City of San Bernardino		Service Contract 546	\$ 650.00
<b>TOTAL</b>							<b>\$ 4,305.00</b>
<b>AUGUST 2025 COUNTY TRANSFERRED RECEIVED</b>							
2700021014	4070	9660	08/01/25	Auditor		Prior Year: Year-end Accrual/Reversal (carry forward)	\$ 8,564.61
2700021015	4070	9800	08/01/25	Auditor		Prior Year: Year-end Accrual/Reversal (carry forward)	\$ 11,030.50
<b>TOTAL</b>							<b>\$ 19,595.11</b>
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Assistant Executive Officer				Executive Officer			
Date: 11/10/2025				11/10/2025			

*Michael Tuerpe*

*Samuel Martinez*


SEPTEMBER 2025 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1902082161	5200	2090	09/04/25	Inland Valley Dev. Auth.	INV1917	Janitorial Services	\$ 90.00
1902081114	5200	2245	09/03/25	SDRMA	78459	Worker Comp 2025-26	\$ 2,374.22
1902081118	5200	2245	09/03/25	SDRMA	77987	Property/Liability Program 2025-26	\$ 11,148.19
1902090369	5200	2315	09/18/25	Corodata	RS7109639	Corodata August Services	\$ 71.66
1902086918	5200	2400	09/15/25	Best Best Krieger	1039025	Legal Services	\$ 6,378.30
1902067383	5200	2424	09/16/25	Tom Dodson	LA-1082-2	LAFCO 3271	\$ 425.00
1902087519	5200	2445	09/15/25	Rebecca Lowery	53	Rebecca Lowery Inv 53	\$ 1,330.00
1902091182	5200	2445	09/19/25	Baca	BACA9-19	Stipend for Sept Meeting	\$ 200.00
1902091184	5200	2445	09/19/25	Bagley	BAGLEY9-19	Stipend for Sept Meeting	\$ 200.00
1902091185	5200	2445	09/19/25	Cox	COX9-19	Stipend for Sept Meeting	\$ 200.00
1902091186	5200	2445	09/19/25	Denison	DENISON9-19	Stipend for Sept Meeting	\$ 200.00
1902091187	5200	2445	09/19/25	Farrell	FARRELL9-19	Stipend for Sept Meeting	\$ 200.00
1902091188	5200	2445	09/19/25	Hagman	HAGMAN9-19	Stipend for Sept Meeting	\$ 200.00
1902091189	5200	2445	09/19/25	Harvey	HARVEY9-19	Stipend for Sept Meeting	\$ 200.00
1902091190	5200	2445	09/19/25	Kenley	KENLEY9-19	Stipend for Sept Meeting	\$ 200.00
1902091192	5200	2445	09/19/25	Warren	WARREN9-19	Stipend for Sept Meeting	\$ 200.00
1902091202	5200	2445	09/19/25	Event Design Lab	08202025	Event Design Lam video services	\$ 900.00
1902093648	5200	2445	09/24/25	Event Design Lab	09172025	September Video Services	\$ 1,200.00
1902082156	5200	2905	09/04/25	Inland Valley Dev. Auth.	INV1922	Auditorium Use Sept	\$ 405.00
1902082161	5200	2905	09/04/25	Inland Valley Dev. Auth.	INV1917	IVDA Sept Rent	\$ 2,509.00
1902091184	5294	2940	09/19/25	Bagley	BAGLEY9-19	Mileage for Sept Meeting	\$ 121.80
1902091185	5294	2940	09/19/25	Cox	COX9-19	Mileage for Sept Meeting	\$ 82.60
1902091186	5294	2940	09/19/25	Denison	DENISON9-19	Mileage for Sept Meeting	\$ 93.66
1902091187	5294	2940	09/19/25	Farrell	FARRELL9-19	Mileage for Sept Meeting	\$ 25.62
1902091189	5294	2940	09/19/25	Harvey	HARVEY9-19	Mileage for Sept Meeting	\$ 117.60
1902091190	5294	2940	09/19/25	Kenley	KENLEY9-19	Mileage for Sept Meeting	\$ 33.88
1902091192	5294	2940	09/19/25	Warren	WARREN9-19	Mileage for Sept Meeting	\$ 27.44
							<b>\$ 29,133.97</b>
SEPTEMBER 2025 COUNTY TRANSFERS PROCESSED							
4104083254	5200	2031	09/01/25	IT		AUG 2025 Payroll System Services (EMACS)	\$ 60.08
4104083035	5200	2037	09/01/25	IT		AUG 2025 Dial Tone	\$ 243.36
4104073911	5200	2305	09/08/25	Purchasing		7664236679000001	\$ 2.41
4104083039	5200	2420	09/01/25	IT		AUG 2025 Enterprise Content Management	\$ 100.22
4104083039	5200	2420	09/01/25	IT		AUG 2025 File Sharing Storage	\$ 90.50
4104083039	5200	2420	09/01/25	IT		AUG 2025 Server Storage	\$ 109.00
4104083039	5200	2420	09/01/25	IT		AUG 2025 Virtual Server - Additional Core	\$ 9.37
4104083039	5200	2420	09/01/25	IT		AUG 2025 Virtual Server - Additional Memory	\$ 6.57
4104083039	5200	2420	09/01/25	IT		AUG 2025 Virtual Server - Base Server	\$ 589.69
4104083040	5200	2421	09/01/25	IT		AUG 2025 Desktop Support Services	\$ 697.04
4104073911	5540	5012	09/08/25	Purchasing		7664236679000001	\$ 20.09
4200161999	5200	2424	09/24/25	Clerk to the Board		NOE - LAFCO SC#546	\$ 50.00
4200161348	5200	2310	09/03/25	Mail		Mail Services DEL	\$ 237.30
4200161349	5200	2310	09/03/25	Mail		Mail Services FLAT	\$ 75.98
4200161352	5200	2310	09/03/25	Mail		Mail Services HAN	\$ 272.97
4200161459	5200	2323	09/08/25	Purchasing		N31702 - Emacs Reports 9/2/2025	\$ 18.65
4200162236	5200	2323	09/19/25	Purchasing		N32163 - Emacs Reports 9/15/2025	\$ 18.65
4200161353	5200	2415	09/03/25	Auditor		2025/2026 COWCAP-QTR1 Local Agency Formation Commi	\$ 2,295.50
<b>TOTAL</b>							<b>\$ 4,897.38</b>

SEPTEMBER 2025 CASH RECEIPTS							
4200161848	4080	9930	09/16/25	San Bernardino		SC #545, credit from ROV	\$ 66.51
4104079741	4070	9555	09/16/25	San Bernardino		SC #545, environmental analysis deposit	\$ 4,123.50
4104083270	4070	9545	09/23/25	Chino		SC #547	\$ 650.00
4104083270	4070	9545	09/23/25	Chino		SC #548	\$ 650.00
4104083270	4070	9545	09/23/25	Chino		SC #549	\$ 650.00
<b>TOTAL</b>							<b>\$ 6,140.01</b>
SEPTEMBER 2025 COUNTY TRANSFERRED RECEIVED							
				none			
<b>TOTAL</b>							<b>\$ -</b>
COMPLETED BY:	MICHAEL TUERPE			<i>Michael Tuerpe</i>	APPROVED BY:	SAMUEL MARTINEZ	<i>Samuel Martinez</i>
	Assistant Executive Officer					Executive Officer	
Date:		11/10/2025				11/10/2025	

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #6: First Quarter Financial Review for FY 2025/26

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## **RECOMMENDATION:**

Staff recommends that the Commission note receipt of this report and file.

## **SUMMARY:**

### **1. Budget Markers**

The first quarter of Fiscal Year 2025/26 has concluded and staff is presenting the Commission with its first financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (Attachment #1) showing the line item expenditures and revenues during the period. The summary table below shows that Total Expenditures are below First Quarter markers. For Revenues, as of the First Quarter not all the Apportionment receipts were received; however, all have been processed as of this writing. Fees and Deposits represent 15% of projections through the first quarter and increased to 22% through October. The table below is a snapshot through the quarter.

<b>Expenditures</b>		<b>Revenues</b>	
Salaries and Benefits <i>(below appropriations)</i>	22%	Apportionment <i>(below goal)</i>	67%*
Services and Supplies <i>(below appropriations)</i>	17%	Fees and Deposits <i>(below goal)</i>	15%**
<b>TOTAL</b>	<b>20%</b>	<b>TOTAL</b>	<b>61%</b>

\* 100% as of November 12

\*\* 22% as of October 31

**2. Applications**

The table below identifies the number of proposals and service contracts received. When taking activity that the Commission approves (proposals and one category of service contracts), one of ten have been received through the first quarter (10%).

Activity	Budget	THRU Q1	
		No.	% of Budget
Commission: Proposals	6	0	0%
Commission: Service Contracts	4	1	25%
Administrative: Service Contracts	4	7	175%

**3. Cash in Treasury**

As of September 30, the Commission's cash in the County Treasury was \$1,297,801. A breakdown of this amount is shown below. After accounting for reserves and the remaining budget, at this time the year is projected to end with a positive cash carryover. However, staff will refine this figure with subsequent financial updates.

<b>SEPTEMBER 30, 2025 Balance</b>		<b>\$1,297,801</b>
<b>Cash Balance is composed of the following:</b>		
<b>Reserves: Committed</b> <i>(constrained to specific purposes)</i>		
Compensated Absences (Account 6030)		177,967
Salary for Extra Pay Period: Year 5 of 10 (Account 6035)		15,000
<b>Reserves: Assigned</b> <i>(intended for specific purposes)</i>		
Contingency (Account 6000)		45,000
Application (Account 6010)		150,000
General (Account 6025)		275,000
<b>Remaining Activity</b>		
Open Proposals, Deposits on File		20,000
Budgeted Revenues (shown as negative)		(513,292)
Budgeted Expenditures		1,036,887
<b>Additional Cash Carryover</b>		<b>\$ 91,239</b>

**DETAIL:**

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

## 1. Expenditures

Expenditures are composed of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the first quarter, expenditures were at 19% of Approved Budget authority. No request is being presented, at this time, by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

### A. Salaries and Benefits (1000 series)

#### *(1) First Quarter Activity*

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$180,858, representing 22% of Approved Budget authority. The quarter mark should be closer to 25%. However, the second quarter will have an extra pay period so the mid-year should be closer to the 50% mark.

#### *(2) Anticipated Activity*

The Administrative/Finance Ad Hoc Committee has given the Executive Officer approval to begin the hiring process for a new staff member (Admin Assistant) in March, with the possibility of employment beginning this fiscal year. If this occurs, staff will return at the Third Quarter report in April with recommendations to increase Appropriation Authority.

### B. Services and Supplies (2000 and 5000 series)

#### *(1) First Quarter Activity*

For the first quarter, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$67,440, or 17% of Approved Budget authority. The first quarter mark should be close to 30% due to full-year and one-time payments that occur at the beginning of the fiscal year. Staff reviewed outstanding invoices and several invoices were processed in September but cleared in October.

#### *(2) Anticipated Activity*

Not included in the budget is the revamp of the website to comply with accessibility laws. This is explained in detail on the next page. Staff will return to the Commission for contract approval and budget adjustment.

## 2. Reserves

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts during the first quarter. Reserve balances are shown in the Cash Balance figure on page 2.

### 3. Projects and Programs

The following provides an update on expenditures and progress on projects approved by the Commission.

#### A. Service Reviews and Special Studies

The *Countywide Service Review for Local Parks and Recreation* is scheduled for the March 2026 meeting.

With most of the Parks and Recreation review in draft form, staff will soon begin work on the *Countywide Service Review for Healthcare Districts*, which is anticipated to be presented to the Commission by July 2026. The Little Hoover Commission identified systemic concerns regarding healthcare districts, but the Commission delayed this service review due to the pandemic because health agencies were facing extra ordinary burdens.

#### B. Website

The current website is not suited to comply with accessibility laws. The Executive Officer and the Administrative/Finance Ad Hoc Committee discussed remediation of current content on the site, posting future content, and how the County hosts the LAFCO site. The Committee gave the Executive Officer approval to begin removing the site from the County domain and to obtain quotes for a new host. Removal from the County domain is beneficial for both LAFCO and the County because LAFCO is a liability risk for the County. Further, use of an independent domain allows for the add-on of liability coverage for potential accessibility claims.

#### C. Governance Training Program

LAFCO and CSDA are partnering on this year's Governance Training sessions. The first session, *SB 827 Finance and Fiscal Training Requirement*, will be held at the Mojave Water Agency on January 7 at 1:00pm.

The second session is *AB 1234 Ethics Training*, online, date TBD.

### 4. Revenues

The Commission has received 61% of Adopted Budget revenues through the first quarter. The items below outline the revenue activity:

- Interest (Account 8500) – The County made a negative interest adjustment in August of \$10,475. Not identified in the first quarter sheets, in October the interest gain was \$11,360.

- Apportionment (Account 8842) - The mandatory apportionment payments from the cities and independent special districts billed by the County Auditor have been received. The County's share was received in November.
- Fees and Deposits (Accounts 9545 – 9800) – Through the first quarter, the Fees and Deposits series of accounts received 15% of its budgeted revenue (\$12,297). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery.

### **CONCLUSION:**

For the first quarter, total expenditures are below the quarter mark. However, the second quarter contains an additional pay period and invoices anticipated for receipt in the first quarter but received in the second quarter have been promptly processed. 100% of the apportionment receipts were processed (through November), and proposal revenue is below expectation.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

**Attachment #1**

**Budget Spreadsheets**

ACCT. #	ACCOUNT NAME	APPROVED BUDGET FY 25/26	JULY	AUG	SEPT	AMOUNT THRU Q1	% THRU Q1
<b>Salaries and Benefits:</b>							
1010	Earnable Compensation	547,695	38,448.32	39,766.18	39,766.18	117,981	22%
1030	Auto and Cell Phone Allowances	9,275	700.00	700.00	700.00	2,100	23%
1045	Termination Payment	-				-	
1110	General Member Retirement	131,150	9,835.14	9,519.28	9,519.28	28,874	22%
1130	Survivors Benefits	96	7.24	7.28	7.28	22	23%
1200	Medical Premium Subsidy	63,919	4,697.22	5,232.12	5,232.12	15,161	24%
1205	Long-Term Disability	1,568	113.14	115.04	115.24	343	22%
1207	Vision Care Insurance	635	47.92	47.92	47.92	144	23%
1215	Dental Insurance Subsidy	762	76.52	101.80	101.80	280	37%
1222	Short-Term Disability	5,814	419.82	416.65	403.28	1,240	21%
1225	Medicare	7,838	541.24	560.71	565.71	1,668	21%
1240	Life Insurance & Medical Trust Fund	16,654	1,129.44	1,157.06	1,157.34	3,444	21%
1305	Medical Reimbursement Plan	5,212	241.16	221.35	201.54	664	13%
1314	457/401a Contribution	3,664	257.26	263.06	263.06	783	21%
1315	401k Contribution	41,803	2,677.04	2,738.88	2,738.88	8,155	20%
<b>Total Salaries and Benefits</b>		<b>\$ 836,085</b>	<b>\$ 59,191.46</b>	<b>\$ 60,847.33</b>	<b>\$ 60,819.63</b>	<b>\$ 180,858</b>	<b>22%</b>
<b>Services and Supplies:</b>							
2031	Payroll System Services (County IT)	832		97.63	60.08	158	19%
2032	Virtual Private Network (County IT)	144				-	0%
2033	Network Labor Services (County IT)	11,538				-	0%
2037	Dial Tone (County IT)	2,976		243.36	243.36	487	16%
2041	Data Line	9,600	757.37		3,029.48	3,787	39%
2043	Telecommunications Labor (County IT)					-	
2075	Membership Dues	13,854				-	0%
2076	Tuition Reimbursement	2,000				-	0%
2080	Publications	4,438	428.71		614.25	1,043	24%
2085	Legal Notices	24,500	1,701.28		913.68	2,615	11%
2090	Building Expense	1,080	90.00	90.00	90.00	270	25%
2115	Software	840			300.00	300	36%
2180	Electricity	-				-	
2245	Other Insurance	17,500			13,522.41	13,522	77%
2305	General Office Expense	2,058	3,189.74	10.44	404.38	3,605	175%
2308	Credit Card Clearing Account	-	(4,209.05)	3,050.33	(3,050.33)	(4,209)	
2310	Mail (County Mail)	8,568	1,017.16	344.18	586.25	1,948	23%
2315	Records Storage	840	69.48	71.66	71.66	213	25%
2316	Surplus Handling Fee (County IT)					-	
2322	Enterprise Printing (County IT)	72				-	0%

**Attachment #1**

**Budget Spreadsheets**

ACCT. #	ACCOUNT NAME	APPROVED BUDGET FY 25/26	JULY	AUG	SEPT	AMOUNT THRU Q1	% THRU Q1
2323	Reproduction Services	1,000	58.44	37.30	37.30	133	13%
2335	Temporary Services	-				-	
2400	Legal Counsel	52,000	4,233.50	825.32	6,378.30	11,437	22%
2405	Auditing	11,500				-	0%
2410	IT Infrastructure (County IT)	9,000				-	0%
2414	Application Dev. & Maint. (County IT)	-				-	
2415	Countywide Cost Allocation Program	9,182			2,295.50	2,296	25%
2416	Enterprise Printing (County IT)	-				-	
2417	Inactive Account (County IT)	-				-	
2418	Data Storage Services (County IT)	-				-	
2420	Enterprise Content Management (County IT)	1,200		905.35	905.35	1,811	151%
2421	Desktop Support Services (County IT)	7,620		697.04	697.04	1,394	18%
2424	Environmental Consultant	12,000	390.00	1,965.00	475.00	2,830	24%
2444	Security Services	-				-	
2445	Other Professional Services	88,262	6,235.03	(5,640.79)	6,244.66	6,839	8%
2449	Outside Legal (Litigation & Special Counsel)	15,000				-	0%
2450	Systems Development Charges (County IT)	1,300				-	0%
2460	Aerial Imagery (County IT)	3,000				-	0%
2895	Rent/Lease Equipment (copier)	5,400	1,755.61	(914.42)	369.02	1,210	22%
2905	Office/Hearing Chamber Rental	34,665	2,509.00	3,319.00	2,914.00	8,742	25%
2940	Private Mileage	7,700	649.60		502.60	1,152	15%
2941	Conference/Training	10,680		4,200.00		4,200	39%
2942	Hotel	12,707	1,239.88			1,240	10%
2943	Meals	1,050	159.97			160	15%
2944	Car Rental	-				-	
2945	Air Travel	800				-	0%
2946	Other Travel	300				-	0%
5012	Transfer to County (Staples & Microsoft)	7,497	152.18	86.97	20.09	259	3%
<b>Total Services and Supplies</b>		<b>\$ 392,703</b>	<b>\$ 20,427.90</b>	<b>\$ 9,388.37</b>	<b>\$ 37,624.08</b>	<b>\$ 67,440</b>	<b>17%</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,228,788</b>	<b>\$ 79,619.36</b>	<b>\$ 70,235.70</b>	<b>\$ 98,443.71</b>	<b>\$ 248,299</b>	<b>20%</b>
<b>Trust Transfers:</b>							
9990	SBCERA Additional Payment	56,397					
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,285,185</b>	<b>\$ 79,619.36</b>	<b>\$ 70,235.70</b>	<b>\$ 98,443.71</b>	<b>\$ 248,299</b>	<b>19%</b>

**Attachment #1**

**Budget Spreadsheets**

<b>ACCT.</b>	<b>ACCOUNT NAME</b>	<b>APPROVED</b>	<b>JULY</b>	<b>AUG</b>	<b>SEPT</b>	<b>AMOUNT</b>
<b>#</b>		<b>BUDGET</b>				<b>THRU</b>
		<b>FY 25/26</b>				<b>Q1</b>
	<b>RESERVES</b>					
6000	Contingency (Assigned)	45,000				45,000
6010	Application (Assigned)	150,000				150,000
6025	General (Assigned)	275,000				275,000
6030	Compensated Absences (Committed)	177,967				177,967
6035	Salary for Extra Pay Period (Committed)	15,000				15,000
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 662,967</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 662,967</b>

**Attachment #1**

**Budget Spreadsheets**

ACCT #	ACCOUNT NAME	BUDGET APPROVED FY 25/26	JULY	AUG	SEPT	AMOUNT THRU Q1	% THRU Q1
	<b>County Treasury:</b>						
8500	Interest and Investments	25,000	12,283.54	(12,283.54)		-	0%
9984	Interest Adjustment	15,000		(10,475.02)		(10,475)	-70%
8842	Apportionment	1,201,590	801,156.14			801,156	67%
<b>Total County Treasury</b>		<b>1,241,590</b>	<b>813,439.68</b>	<b>(22,758.56)</b>	<b>-</b>	<b>790,681</b>	<b>-3%</b>
	<b>Applications:</b>						
6010	Application Reserve	80,000					
9545	Application Fee		1,918.00	4,305.00	1,950.00	8,173	
9655	Digital Mapping Fee (inactive)					-	
9555	Application Deposits				4,123.50	4,124	
9595	Protest Hearing Deposit					-	
<b>Total Applications</b>		<b>80,000</b>	<b>1,918.00</b>	<b>4,305.00</b>	<b>6,073.50</b>	<b>12,297</b>	<b>15%</b>
	<b>Other:</b>						
9910	Prior Year Activity (refunds, collections)		(3,567.94)	19,595.11		16,027	
9930	Miscellaneous				66.51	67	
9955	Returned Deposits: Non-Sufficient Funds					-	
9970	Accrued Payroll Liability				(10,773.00)	(10,773)	
9973	Returned Checks: Stale-dated					-	
<b>Total Other</b>		<b>-</b>	<b>(3,567.94)</b>	<b>19,595.11</b>	<b>(10,706.49)</b>	<b>5,321</b>	<b>-</b>
<b>TOTAL REVENUES</b>		<b>\$ 1,321,590</b>	<b>\$ 811,789.74</b>	<b>\$ 1,141.55</b>	<b>\$ (4,632.99)</b>	<b>\$ 808,298</b>	<b>61%</b>

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #7 – REVIEW AND ADOPTION OF AMENDMENTS TO  
POLICY AND PROCEDURE MANUAL:  
SECTION IV (APPLICATION PROCESSING)

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Provide staff with any additional changes, corrections, or amendments to the Policy and Procedure Manual as presented.
2. Adopt the amendments to the Policy and Procedure Manual.
3. Adopt Resolution No. 3429 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **BACKGROUND:**

In 2023 staff and the Commission comprehensively updated each section of the Policy and Procedure Manual. This included the addition of a new Information Technology section; and amendments to rules of order, service contract policies and reserve policies, and non-substantive updates to clarify language. Following the 2023 comprehensive review, legal counsel recommended that the Commission conduct a legal review of each Section to identify areas of improvement to comply with current laws and regulations. To date, the Commission amended:

- Section I (Mission Statement and Commission Operations) March 2025
- Section II (Internal Operations, Accounting, and Financial) March 2025
- Section III (Human Resources) May 2025

This item includes a review of Section IV (Application Processing). Below are the amendments which are composed of substantial amendments and non-substantial amendments.

## **CHAPTER 1: PROPOSALS**

### Language clarified and updated for the following:

- Policy 1: Priorities for Annexation and Special District Formation
- Policy 2: Pre-Zoning for City Annexations
- Policy 3: Concurrent City/District Annexation
- Policy 4: Number of Registered Voters and Landowners within a Proposal
- Policy 5: Plan for Service
- Policy 6: Effective Date as a Function of the Certificate of Completion
- Policy 7: Requests for Reconsideration
- Policy 9B: Individual Notice of Commission Hearings to Landowners and Registered Voters, When Total Number of Notices Exceeds 1,000
- Policy 10: Waiver of LAFCO Legal Counsel Conflicts of Interest
- Policy 11: Island Annexation Pursuant to Government Code Section 56375.3
- Policy 13: Resolution of Initiation Requirement
- Policy 14: Disadvantaged Unincorporated Community Annexation
- Policy 15: Campaign Disclosure Requirements

### Policy 8: Incorporation Policies

Staff recommends significant updates to this policy.

- Deletion of current subsection B. As written, should a portion of a city desire to secede from said city and incorporate its own city (e.g. past effort of San Fernando Valley seceding from Los Angeles, current effort of La Jolla seceding from San Diego) then current LAFCO policy requires a preceding sphere of influence reduction before the proponents could circulate a petition. Staff and legal counsel's position is that the current policy includes a step that is not required by law and would prohibit the proponents from circulating a petition as allowed by law.
- Deletion of current subsection H. The law requires a minimum of 500 registered voters to qualify for potential incorporation. As currently written, the policy dictates a minimum of 10,000 people. However, this 10,000 requirement is over the minimum requirement of the law and places LAFCO at risk. A review of the records does not identify why the Commission in 1994 includes this requirement. Further, the law and Commission's policies for

incorporations require robust financial feasibility analysis. Therefore, staff recommends deletion of subsection H.

Policy 9A: Individual Notice of Commission Hearings to Landowners and Registered Voters, Individual Notice

The current policy requires notice of Commission hearings to landowners and registered voters to a distance surrounding the proposal or development-related service contract. The surrounding distance is marked by parcels (4) or feet (700 or 1,350). Marking by parcels has not occurred in many years because the GIS buffering tool by feet is accurate and more defensible. Therefore, staff recommends that the sole method to notice surrounding landowners and registered voters be a distance from the proposal area.

Also, recommended is removal of development-related service contracts from this subsection. Noticing of development-related service contracts is now included in Chapter 2.

**CHAPTER 2: OUT OF AGENCY SERVICE CONTRACTS**

Language clarified and updated for the following:

- Policy 1: Definitions
- Policy 2: Executive Officer Authority
- Policy 5: Delegation to Executive Officer
- Review Procedures for Government Code Section 56133

Policy 3: Government Code Section 56133.5

Government Code Section 56133.5 expires January 1, 2026; therefore, the policy related to said section is moot and recommended for removal.

Policy 4: When a City/District Acquired a Private Water System

This policy was written for when a city or district has acquired the system of a private or mutual water system prior the enactment of Government Code Section 56133 in 1994. There are no circumstances remaining in this county. Therefore, the policy related to said section is moot and recommended for removal.

Application and Review Procedures for Government Code Section 56133

- Change the noticing requirement regarding service contracts. "LAFCO shall provide individual notice for all development-related applications to all landowners and registered voters surrounding within 300 feet of the parcel(s) associated with the development-related application."

- Removes language that all development-related service contracts require a hearing, as the law requires Commission approval but not via a hearing. Noticing requirements still apply. The policy is rewritten to identify that items for a residential tract development or development processed through a conditional use permit shall be placed as a hearing agenda item. All other items shall be placed as a consent agenda item.
- Removal of language regarding expiring Section 56133.5.
- Language clarified and updated.

### **CHAPTER 3: SERVICE REVIEWS**

Language clarified and updated for the following:

- Policy 1: Service Reviews

### **CHAPTER 4: SPHERES OF INFLUENCE**

Language clarified and updated for the following:

- Purpose
- Policy 6: Modification of a Sphere Review Area

### **CHAPTER 5: OUT OF AGENCY FIRE PROTECTION CONTRACT**

Language clarified and updated for the following:

- Background
- Policy 1: Definitions
- Policy 2: Documentation Required
- Policy 3: Contract Request by State Agency
- Policy 6: Existing Contracts
- Application Procedures
- Review Procedures

The remaining sections of the Policy Manual will be provided to the Commission in the coming months.

### **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendments to the Policy and Procedure Manual for staff to include in the document. Staff recommends that the Commission take the actions outlined on page 1 of this report to approve the changes.

Attachment:

1. [Proposed Section IV – Application Processing Amendments in Track Change Format](#)
2. [Draft LAFCO Resolution No. 3429 with Exhibit A \(Clean Version of Proposed Section IV – Application Processing\)](#)

## **SECTION IV** **APPLICATION PROCESSING**

### **CHAPTER 1: PROPOSALS**

#### **PURPOSE:**

Beginning at Section 56000 of the California Government Code, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to review and make determinations on all changes of organization and reorganization. Section 56375(g) further requires that LAFCO adopt written procedures for the evaluation of proposals and requires that any policies for this purpose be in writing. Pursuant to this requirement, the following policies, procedures, and standards have been adopted by the San Bernardino LAFCO in order to assist in their evaluation of proposals filed.

These policies are based on existing circumstances unique to San Bernardino County and are primarily designed to ensure that local services are provided efficiently and economically and that the provision of the service(s) is/are sustainable. The following policies have been adopted to direct [San Bernardino](#) ~~its~~ LAFCO's staff, communities, agencies, and citizens in the pursuit of jurisdictional change.

#### **POLICIES:**

##### **1. PRIORITIES FOR ANNEXATION AND SPECIAL DISTRICT FORMATION** *(Adopted April 12, 1972; Amended August 27, 1986.)*

The Commission will consider the following priorities or guidelines for annexation and [special district](#) formation ~~with proposals, subject to~~ the provision that overriding circumstances [justifying annexation or special district formation inconsistent with these priorities and/or guidelines](#) must be stated in exceptions:

- A. Annexation to an existing city or district instead of formation of a new agency.
- B. Annexation to a city rather than a district if both can provide comparable services.
- C. Annexation to a multi-purpose district ~~in preference to~~ [rather than](#) annexation to a single purpose district.
- D. Formation of a new political entity as the last and least desirable alternative.

2. **PRE-ZONING FOR CITY ANNEXATIONS** *(Adopted June 14, 1978; legislatively amended January 1, 2001).*

Effective January 1, 2001, pre-zoning is mandated by Government Code Section 56375, which specifies that all pre-zoning designations shall remain in effect for at least two years after completion of the annexation unless the ~~C~~city ~~C~~council makes specified findings relating to changed conditions and circumstances. No city annexation application will be deemed complete unless the pre-zoning process has been completed. Exceptions to this requirement include the provision of evidence ~~of vested~~that existing development entitlements ~~for development study area or demonstration of buildout of~~on the territory are vested or at build-out, and are consistent with the city's general plan.

3. **CONCURRENT CITY-/DISTRICT ANNEXATION** *(Adopted April 12, 1972; Amended December 12, 1979, May 16, 1980 and April 16, 1997.)*

For any annexation within to a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community ~~(concurrent city/district annexations).~~

For purpose of this Policy 3 and Policy 8G below, the term “community-based local agencies” mean agencies that provide a service or a variety of services to a community and are generally associated with such community.

4. **SUFFICIENCY OF SIGNATURES ON PETITIONS AND NUMBER OF REGISTERED VOTERS AND LANDOWNERS WITHIN A PROPOSAL** *(Adopted November 9, 1977; Amended June 14, 1978, April 16, 1997, August 19, 2015.)*

~~The Commission recognizes that the review and approval process for many proposals may be changed, and the number of registered voters affected:~~

~~A. For proposals which require petitions to be circulated, after LAFCO approval, the number of registered voters residing in an area on the date of LAFCO approval is the number of registered voters on which the sufficiency of any petition is based.~~

~~B. For proposals in which the determination of inhabited or uninhabited actions is required, the date of the Certificate of Filing issued by LAFCO shall be the determining date for the number of registered voters residing within the affected area.~~

For the purpose of registered voter and/or landowner notification and/or calculating registered voter and/or assessing landowner protest thresholds:

- A. The number of registered voters as determined by the Registrar of Voters shall be calculated as of the date the certificate of filing is issued pursuant to Government Code Sections 56046 and 56079.5.
- B. The number of landowners and the assessed value of their land shall be calculated as shown on the County Assessor’s most current assessment roll as of the date the certificate of filing is issued.
- A.C. For incorporation of a new city or formation of a new special district, the number of registered voters shall be calculated based on the last voter registration report by the Registrar of Voters to the Secretary of State prior to the date the first signature was affixed to the petition. For formation of a new landowner-voter special district, the number of landowners and the assessed value of their land shall be calculated as shown on the County Assessor’s last equalized assessment roll.

5. **PLAN FOR SERVICE** ~~(Amended May 17, 1989, December 20, 2000, August 19, 2015.)~~

The plan for service shall be prepared and submitted by each local agency affected by a proposed change of organization or reorganization, regardless whether that proposal is initiated by resolution or petition. ~~In the case of a proposed annexation, the plan for service must demonstrate that the range and level of services currently available within the study area will, at least, be maintained by the annexing agency. For those proposals involving a reorganization consisting of annexations to multiple agencies, a plan for service shall also be required for each affected agency.~~

**PROCEDURES AND STANDARDS FOR REVIEW:**

- A. The Plan for Service submitted shall include a narrative description of the information ~~outlined~~required pursuant to Government Code Section 56653.
- B. The Plan for Service shall be ~~prepared and submitted~~certified by the local agency providing the service for all proposed changes of jurisdiction, regardless whether that proposal is initiated by resolution or by petition.
- C. The Plan for Service shall be signed and dated by an official representative of the affected city or district(s), certifying the completeness and accuracy of the Plan.
- ~~D. The Plan for Service submitted for each proposal shall be attached to the staff report and distributed for review by the Commission, affected agencies, and the public no less than five days prior to the scheduled hearing on the proposal.~~

E.D. In the case of a proposed annexation or reorganization including annexation, the Plan for Service must demonstrate that the range and level of services currently available within the affected territory study area will, at least, be maintained by the annexing agency(ies).

F.E. In the case of a proposed reorganization consisting of annexations to multiple agencies, the Plan for Service shall address each of the items specified above for each affected agency.

6. **EFFECTIVE DATE AS A FUNCTION OF THE CERTIFICATE OF COMPLETION** *(Adopted June 13, 1979.)*

Unless otherwise specified by the Commission, the effective date for all LAFCO actions shall be the date of issuance execution of the Certificate of Completion.

7. **REQUESTS FOR RECONSIDERATION** *(Adopted January 24, 1979; Amended April 9, 1980, June 8, 1983, May 18, 1988, August 29, 1990 and legislatively amended January 1, 2001.)*

Requests for reconsideration will be granted only when the petitioner person or affected agency requesting reconsideration can present ~~some compelling new evidence, or show that significant factors~~ the specific modification to the resolution being requested and/or state what new or different facts relative relevant to the situation proposal that were overlooked or have changed to warrant reconsideration. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's ~~decision~~ adoption of a resolution making determinations. No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

**PROCEDURE:**

Upon receipt of a legally timely filed request for reconsideration that meets the requirements outlined in Government Code Section 56895 and Commission policy, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

- A. The Commission may approve the request, [with or without amendment, wholly, partially, or conditionally](#), and adopt a resolution superseding the resolution previously issued;
- B. The Commission may deny the request; or
- C. The Commission may continue the hearing for a maximum of ~~seventythree~~ [fifty \(50\)](#) days.

8. **INCORPORATION POLICIES** *(Adopted March 30, 1994.)*

- A. In accordance with Government Code Section 56815.2, the Governor's Office of Planning and Research (OPR) issued Incorporation Guidelines that provide a step-by-step approach to understanding the cityhood process set forth in the law of the State of California. The San Bernardino LAFCO has adopted the OPR ~~issued~~ [Incorporation](#) Guidelines by reference and ~~has indicated~~ [recommends](#) the incorporation proponents ~~should~~ undertake the cityhood process in the manner identified in the [Incorporation](#) Guidelines (~~copies~~ [copy](#) of the guidelines are included as Appendix 1).

*In addition, the Commission has adopted the following policy statements unique to circumstances in San Bernardino County to assist in the guidance of unincorporated communities in their review of governmental options.*

- ~~B. — Incorporation proposals involving land within an existing city sphere of influence will not be accepted for filing. If a cityhood proposal would conflict with an established city's sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.~~
- C. The Commission defines "financial feasibility" to mean the ability of a new city to maintain pre-incorporation service levels, with sufficient resources to provide a municipal-level law enforcement service consistent with the recommendations of the County Sheriff.
- D. In determining feasibility, the Commission ~~will consider only those revenues that are currently available to all general law cities.~~ It will not consider ~~revenues derived through special taxes or assessments, nor will it consider~~ hypothetical revenues available through possible actions of a future city council (e.g., utility users taxes) ~~in the determination of financial feasibility.~~ [Any revenue proposed for the incorporation to be financially viable —either through a special tax or assessment that will require a vote of the residents within the incorporation area—will be made a condition of approval for the incorporation.](#)

- E. In determining feasibility, the Commission requires that proposed staff salary costs shall be based on an average of similar-sized cities or those cities which have the most comparable population within San Bernardino and Riverside Counties.
- F. In determining compliance with Government Code Section 56720, the Commission finds that a "reasonable reserve" is a contingency fund equal to 10% of the projected general and special funds of the new city.
- G. The Commission requires that a new city shall assume jurisdiction over all community-based special districts serving the incorporation area whose boundaries are wholly within the area or would meet subsidiary district status pursuant to Government Code Section 57105. A clear and compelling rationale must be provided if the continued overlay of a community-based district is proposed.
- ~~H. In order to qualify for incorporation, the community in question must contain a minimum of 10,000 people as determined by available census data or other reliable means (e.g., utility connections), and the sales tax revenues attributable to the study area must at least cover the expected administrative and legislative costs of the new city.~~

9. **INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS** *(Adopted February 19, 1997; Amended February 17, 1999, February 21, 2001{legislatively required}, April 17, 2002, January 17, 2007, April 21, 2010, and October 22, 2014)*

A. INDIVIDUAL NOTICE

In implementing the provisions of Government Code Section 56157, the Commission determines that LAFCO staff shall provide individual notice to all landowners and registered voters of Commission hearings within the boundaries of a proposal for change of organization, reorganization, or sphere of influence change amendment, ~~or development related service contract~~. In addition, the distance requirements for providing notice to landowners and registered voters surrounding the exterior boundaries, as required by Section 56157, will be determined according to the following criteria:

**PROPOSAL AREA**

Less than 20 acres  
20 acres or more

**DISTANCE**

~~Four (4) parcels or~~ 700 feet  
~~Four (4) parcels or~~ 1,350 feet

For the periodic sphere of influence review and update program required by Government Code Section 56425, notice will be limited to the manner required by law unless specific sphere changes are identified.

PROCEDURE FOR INDIVIDUAL NOTICE:

- (1) LAFCO staff shall prepare landowner information within and surrounding the affected territory ~~proposal for change of organization, sphere of influence change or development-related service contract~~ through data included on the County Assessor's most current Assessment Roll ~~prepared by the County Assessor's office~~. LAFCO staff shall also utilize the parcel information to coordinate with the Registrar of Voters ~~office~~ to ~~provide~~obtain information on the registered voters within and surrounding the ~~area proposed for change~~ affected territory.
- (2) The parameters for preparing the notice for surrounding landowners and registered voters by LAFCO staff shall include the distance requirement, ~~or number of parcels, in a linear direction from all points of the area proposed for change.~~
- (3) The individual notice of Commission proceedings shall be provided for all changes of organization, reorganization, or sphere of influence amendment ~~changes or development-related service contracts~~. Exceptions to this requirement are noted in ~~Item~~ Policy 9B below.

B. WAIVER OF INDIVIDUAL NOTICE WHEN TOTAL NUMBER OF NOTICES EXCEEDS 1,000

- (1) Automatic Waiver - In implementing Government Code Section 56157, the Commission determines that for a dissolution, merger, or establishment of subsidiary district; formation or consolidation of special districts; activation or divestiture of powers for special districts; consolidation of cities; incorporation or disincorporation of a city proposal or the establishment or amendment update of a sphere of influence, ~~the individual notice requirement will be waived~~ notice will instead be provided by publishing a display advertisement on the basis that such items routinely exceed 1,000 notices. As required by §Section 56157, ~~an~~ a 1/8<sup>th</sup> page ~~legal~~ ad display advertisement will be placed in a newspaper of general circulation within ~~the area of consideration~~ each affected county, affected city, or affected district. However, the Commission retains the right to require individual notice should it deem it appropriate based ~~upon significant controversy~~ on the facts and circumstances of the proposal.
- (2) Commission Waiver - Pursuant to Government Code Section 56157, in cases where ~~such~~ a change of organization or

reorganization, other than those described in Item 1 above, would involve mailing more than 1,000 notices, notice may instead be provided by publishing a ~~the Commission may waive the individual notice requirement and direct its staff to publish a 1/8<sup>th</sup> page legal~~ ad display advertisement in a newspaper of general circulation within ~~the area~~ each affected county, affected city, or affected district. However, the Commission directs that individual notice to landowners and registered voters ~~shall not be waived~~ will occur for city island annexations filed pursuant to Government Code Section 56375.3, or where the facts and circumstances warrant, even if it ~~includes~~ would require more than 1,000 notices.

**PROCEDURE FOR COMMISSION WAIVER OF INDIVIDUAL NOTICE:**

The adopted procedure for the publication of 1/8<sup>th</sup> page ~~legal~~ ad display advertisement in lieu of individual notice to landowners and registered voters, is as follows:

- a. After consultation with the applicant, if the Executive Officer has identified significant controversy based on the facts and circumstances related to the proposal, no waiver shall be granted.
- b. Where no significant controversy has been identified by the Executive Officer, the waiver will be tentatively authorized subject to the following:
  - i. The Executive Officer is to provide individual notice to each Commission member identifying the determination of no controversy and the preliminary determination to waive individual notice.
  - ii. If the Executive Officer receives objection from any Commissioner to the tentative determination, no waiver shall be granted.

**10. WAIVER OF LAFCO LEGAL COUNSEL CONFLICTS OF INTEREST *(Adopted May 18, 2005)***

- A. Subject to procedures defined below, the Commission authorizes the Executive Officer to waive conflicts of interest under Rule ~~3-310~~ 3-310 of the California Rules of Professional Conduct for LAFCO Counsel's public agency clients.

**PROCEDURE:**

LAFCO Counsel and the Executive Officer shall discuss each potential conflict and make the following determinations:

- A. Where controversy is identified by either party, no waiver is approved.
- B. Where no controversy is identified, a waiver will be tentatively approved subject to the following:
  - (1) In each case where a waiver is tentatively approved, the Executive Officer shall individually notify the Commission members of his/her proposed decision.
  - (2) In the event the Executive Officer receives no objection from any Commissioner, the waiver is approved.
- B. The Commission may enter into a blanket legal counsel conflict waiver with respect to conflicts involving a specific public agency and/or specific types of proposals involving a specific public agency. The issuance of the blanket waiver would be subject to approval by the ~~San Bernardino~~-Commission.

**11. ISLAND ANNEXATION PURSUANT TO GOVERNMENT CODE SECTION**

**56375.3** ~~(Policy was repealed and replaced by action of the Commission March 31, 2005; Amended October 18, 2006; June 20, 2012)~~

- A. For the purpose of applying the provisions of Government Code Section 56375.3, the territory ~~of~~subject to an annexation proposal shall be deemed “substantially surrounded” if 60% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, ~~or~~ ~~(c) the affected City and a county boundary, or~~ (d) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or government owned land.
- B. The Commission directs that a City that ~~proposes~~initiates an island annexation application ~~proposal as such is defined~~meeting all criteria described in Government Code Section 56375.3 shall be required to have conducted a public relations/education effort within the affected area prior to the placement of the item on a Commission agenda for consideration. Such outreach/education efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses of the affected territory into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation

of these efforts shall be a part of the staff report presented for consideration by the Commission.

- C. The Commission identifies that following passage of SB 89, an urgency budget bill for Fiscal Year 2011-12 removing the motor vehicle in-lieu fees that were provided to incorporations and inhabited annexations completed after 2004, it will no longer automatically require annexation of island areas as a part of a development-related annexation application. The Commission believes that the removal of this discretionary funding renders inhabited annexations unsustainable and discussion of supplemental funding would necessitate a protest process.

In order for the Commission to be apprised of the effects of this change in philosophy and policy, it directs that upon receipt of a development-related annexation or reorganization application, which anticipates development of 500 or more dwelling units and/or 500,000 square feet of commercial/ industrial development, LAFCO staff shall, within 90-days, place an item on the Commission's Information Item calendar to review that City's unincorporated island areas which meet the criteria identified in Government Code Section 56375.3. It is understood that this is a policy declaration of the Commission which may be overridden based upon individual circumstance.

12. **CONDUCT OF PROTEST HEARINGS** ~~(Adopted December 20, 2000; Amended November 21, 2001)~~

The Commission determines that the responsibility for conduct of protest hearings, including notice and evaluation of protest levels, is delegated to the Executive Officer. The Executive Officer shall issue the final resolution certifying the completion of the proceedings based upon the level of protest submitted.

13. **RESOLUTION OF INITIATION REQUIREMENT** ~~(Adopted June 20, 2012)~~

The Commission requires that ~~for~~ any resolution initiating an application for change of organization, [reorganization or sphere of influence amendment](#), in addition to the requirements outlined in Government Code Section 56654, ~~it~~ shall include a provision acknowledging the Commission's requirement for legal indemnification as outlined in [Chapter 2 - Application Processing](#), Policy 3 ~~Ch. 2 - Financial Policies for Application Processing~~ of Section II of this Manual.

14. **DISADVANTAGED UNINCORPORATED COMMUNITY ANNEXATION** ~~(Adopted June 20, 2012; Amended October 22, 2014; August 17, 2016)~~

- A. LAFCO shall utilize the ESRI [Community Business](#) Analyst Online, a web-based application, to develop the demographic data needed to define the "disadvantaged unincorporated community" as outlined in Government

Code Section 56033.5. The data shall be developed and mapped every five years in years ending in 1 and 6 (for example 2011 and 2016) and made available on the LAFCO website. A community, ~~as identified in~~ [for purposes of this section Policy 14](#), means an inhabited area that is comprised of no less than 10 dwellings adjacent or near one another.

- B. The Commission determines that no annexation required to be submitted pursuant to this ~~section~~ [Policy 14](#) shall create an island or peninsula of unincorporated territory substantially surrounded by the City to which the annexation is proposed or the annexing city and an adjacent city.
- C. The Commission determines that in implementing [Government Code Section 56375\(a\)\(8\)](#) ~~subsection (B)-(2)~~, it shall consider written evidence of opposition to include an application for sphere of influence removal, ~~or~~ petitions for creation of a new government which were unsuccessful, ~~or~~ [written protest submitted for a previous change of organization/ reorganization](#).

15. **CAMPAIGN DISCLOSURE REQUIREMENTS** *(Added October 22, 2014)*

In order to comply with the California Government Code and Political Reform Act, the following procedure will be followed:

PROCEDURE

A. DEFINITIONS

- (1) “Contribution” as used herein shall have the same definition as provided in Government Code Section 82015, as amended.
- (2) “Expenditure” as used herein shall have the same definition as provided in Government Code Section 82025, as amended.
- (3) “Independent expenditure” as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term “measure” as used in Section 82031 shall be replaced with the term “proposal for [change of](#) organization or reorganization.”
- (4) “Political Purposes” as used herein shall mean for the purpose(s) of:
  - a. Influencing public opinion;
  - b. Lobbying public officials; ~~and/or,~~
  - c. [Influencing or attempting to influence the actions of voters or a local agency formation commission for or against the](#)

[qualification, adoption, or passage of a LAFCO proposal;](#)  
[and/or,](#)

[e.d.](#) Influencing legislative or administrative action as defined in Government Code § 82032.

It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

B. DISCLOSURE REQUIREMENTS FOR PETITIONS FOR PROPOSALS FOR ORGANIZATION OR REORGANIZATION

- (1) Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- (2) Disclosures made pursuant to this ~~Section~~[Policy 15](#) shall be filed with the Fair Political Practices Commission as designated in ~~Section 5~~[Policy 15E](#) below.
- (3) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the “election” date for this purpose.

- (4) In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues. Reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

C. DISCLOSURE REQUIREMENTS FOR CONDUCTING AUTHORITY PROCEEDINGS

- (1) Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section 57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- (2) Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section E below.
- (3) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the “election” date for this purpose.
- (4) In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar

month up to and including the third calendar month following final action by the commission on the proposal.

D. Certain Reports and Disclosures Excluded

This policy requires only that the persons subject to it disclose via reports to the Fair Political Practices Commission contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition to the commission for a proposal for an organization or reorganization and does not impose on such persons the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

E. Where to File

All reports and disclosures required hereunder shall be filed with the Fair Political Practices Commission.

## **CHAPTER 2: OUT OF AGENCY SERVICE CONTRACTS**

### **BACKGROUND:**

Beginning January 1, 1994 the Local Agency Formation Commission was charged with the responsibility for reviewing and taking action on a city or district contract to extend service outside its jurisdiction under the provisions of Government Code Section 56133. These are unique actions not directly related to the processing of other types of proposals as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act [of 2000](#) and these policies and procedures will provide guidance on their processing.

### **POLICIES:**

~~(Adopted May 18, 1994; Amended December 20, 2000; March 16, 2016; August 16, 2023.)~~

#### **1. DEFINITIONS**

The definition of terms that follow has been developed to assist in the implementation of Government Code Section 56133 since its terminology, in some areas, is not reflective of current statutory definitions or has no statutory definition within Cortese-Knox-Hertzberg:

- A. "New or extended services" shall mean for cities, the provision of those services ~~authorized~~ a city [is authorized to provide](#) under its enabling legislation; and for special districts, [shall have the same meaning as "service shall remain"](#) as defined in Government Code Section 56074. It is important to note that a district would be precluded from providing a "new service" unless it has been first authorized [to provide](#) that service under existing special district regulations regarding activation of latent [powers, functions or services, as defined in Section 56050.5](#).
- B. "Contract or agreement" shall mean a contract, agreement, or other legal instrument, which requires or agrees to the delivery of service to a property or a defined service area.
- C. "Written approval of the Commission" shall mean the adoption of a resolution of the Commission ~~approving~~ [authorizing](#) the service agreement/contract ~~at a noticed public hearing~~ or the document signed by the Executive Officer authorizing the ~~completion of the~~ [service agreement/contract](#) in cases where the Executive Officer has been ~~authorized to delegated to~~ approve the [request for](#) service ~~agreement/contract~~ (see ~~Policy~~ [Section Policy 2](#) below).

- D. "Affected County" shall be defined in the same manner as Government Code Section 56012 but relating to the area to which contractual service will be delivered.
- E. "Anticipation of a later change of organization." The inclusion of an area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.
- F. "Public Agency" shall be defined in ~~compliance with~~ the same manner as Government Code Section 56070. The definition of public agency does not include a private or mutual water company. Any contract by a city or district to extend service to territory served by these types of service companies would require ~~approval~~ authorization from the Commission prior to contract execution.
- G. "Health and safety concern" shall mean the extension of service to alleviate an immediate health and/or safety problem. Such connections would be limited to the provision of water and/or sewer service to an existing structure, the connection to a failing mutual or private water system requiring auxiliary service, and other similar threats related to health and safety.
2. EXECUTIVE OFFICER AUTHORITY. The Commission has determined that the Executive Officer shall have the authority to approve, ~~or~~ conditionally approve, or deny applications requesting to extend services outside ~~jurisdictional~~ an agency's boundaries in cases where the service extension ~~is~~ proposed is to remedy a health and safety concern as defined by Commission policy. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extension requests where the service(s) in question will not ~~facilitate~~ support or induce development or the service is to provide water and/or sewer service to accessory dwelling units ~~or junior accessory dwelling units~~ being created on lots where a single-family or a multifamily dwelling unit already exists. In cases where the Executive Officer recommends denial of a ~~proposed~~ service extension request, that application shall be placed on the next agenda for which notice can be provided. ~~After the public hearing, t~~ he Commission may approve, conditionally approve, or deny the request for authorization of an out-of-agency service agreement/contract.
- ~~3. GOVERNMENT CODE SECTION 56133.5. An application by a city or district to provide new or extended services under the provisions of Government Code Section 56133.5, will require Commission approval at a noticed public hearing prior to the signing of an agreement/contract for the provision of the service.~~
- ~~4. In the case where a city or district authorized to provide water service has acquired the system of a private or mutual water company prior to the enactment of this legislation, those agencies shall be authorized to continue such service~~

~~and provide additional connections within the service area of the private or mutual water company defined by the Public Utilities Commission or other appropriate agency, at the time of acquisition without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency provided that the area to be served is within the service area of the private or mutual water company previously defined by the PUC or other appropriate agency.~~

~~Applications to extend service outside this previously defined area and outside the sphere of influence of the agency providing service would come under the provisions of Government Code Section 56133.5, which will require Commission approval at a noticed public hearing prior to the signing of an agreement/contract for the provision of the service.~~

53. For a request for exemption pursuant to Government Code Section 56133(e), the Commission shall make the determination that the service(s) to be provided is/are exempt from LAFCO review. The Commission has, in cases where the service extension proposed does not ~~facilitate support or induce~~ development ~~or directly affect employees~~, delegated the authority to make the determination for exemption pursuant to Government Code Section 56133(e) to the Executive Officer.

### APPLICATION PROCEDURES FOR GOVERNMENT CODE SECTIONS 56133 and 56133.5:

Unlike the normal initiation process for proposals for jurisdictional change, Government Code Section 56133 provides that only a city or district may request ~~LAFCO review~~ LAFCO to authorize ~~of~~ an out-of-agency service agreement/contract.

Government Code Section 56133 gives LAFCO the authority to ~~review and~~ approve, conditionally approve ~~with conditions~~, or deny applications requesting extension of service(s) through an out-of-agency service agreement/contract. ~~For all development-related applications for service, the item will be considered by the Commission at a noticed public hearing. The authority for action for a non-development related agreement/contract has been delegated to the LAFCO Executive Officer by the Commission, pursuant to policies adopted on December 20, 2000.~~

~~In addition, the pilot program for Napa and San Bernardino LAFCOs pursuant to Government Code Section 56133.5, which authorizes a city or district to extend services outside an agency's boundaries and outside its sphere of influence, will also be subject to Commission approval at a noticed public hearing.~~

1. Application for Review:

The filing requirements for review of an out-of-agency service contract/ agreement shall consist of:

- A. Official Request from Applying Agency. A written request signed by the City Manager/District General Manager requesting authorization approval ~~for~~ of an out-of-agency service agreement/contract or an adopted resolution from the city/district proposing to ~~serve~~ provide service outside its boundaries must be submitted.
- B. Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees, and deposits for legal counsel, environmental review, and individual notice, as outlined in the LAFCO Schedule of Fees, Deposits, and Charges in effect at the time of application. ~~In addition, these types of applications are also subject to the following deposits: legal counsel, environmental review, and individual notice.~~ Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined above or will be refunded the balance at the close of the application.
- C. A completed application form including the submission of a copy of the ~~proposed~~ agreement/contract that has been signed by the property owner(s) and, if necessary, the agency providing service(s), and maps showing the location of the property to be served, existing agency boundaries, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
- D. Any other information deemed appropriate by the Executive Officer in order to review the service extension request based upon its special circumstances.

2. Environmental Review Requirements:

The review of a request for authorization of an out-of-agency service agreement/contract is subject to environmental review procedures as outlined in Section V of this Manual.

REVIEW PROCEDURES FOR GOVERNMENT CODE SECTION ~~S~~ 56133 and ~~56133.5~~:

1. Commission Review Procedures:

A development-related agreement/contract associated with the development of a tract, a subdivision, a single-family or multi-family dwelling unit including accessory dwelling units ~~or junior accessory dwelling units~~ being created in

conjunction with a new single-family dwelling or a new multifamily dwelling on the lot, a commercial/industrial development and other types of development-related projects or an application to provide new or extended services outside an agency's boundaries and outside its sphere of influence will require the following review:

- A. The city or district proposing to provide service(s) outside its boundaries shall submit to LAFCO a completed application, with all its ~~component parts~~ filing requirements as previously defined, for review and consideration. Within 30 days, the LAFCO Executive Officer shall notify the entity whether or not the application filing is complete. If incomplete, the applying agency will be notified of the specific insufficiencies within 30 days, as required by law.
- B. The LAFCO staff shall forward a copy of the application to various County departments for their review and comment.
- C. Completion of the CEQA review process will be required prior to placement on the Commission's agenda.
- D. If necessary, a meeting with the applying agency and/or the various County departments may be held dependent upon the circumstances and/or issues related to the service agreement/contract. The determination of whether or not to hold the meeting shall be made by the LAFCO Executive Officer.
- E. Once these required elements have been completed, the item will be placed on ~~a the agenda for~~ Commission ~~Agenda~~ consideration for which adequate notice can be given, but in no event shall the item be placed on an agenda more than 90 days from the date the application is deemed complete. In addition to providing notice in one or more newspapers of general circulation within the affected city or district, LAFCO shall provide individual notice for all development-related applications to all landowners and registered voters surrounding within 300 feet of the parcel(s) associated with the development-related application. Items for a residential tract development or development processed through a conditional use permit shall be placed as a hearing agenda item. All other items shall be placed as a consent agenda item. Surrounding property owners/registered voters will be notified of the proposed service extension request through individual notification. At a noticed public hearing, tThe Commission will consider the staff report and/or staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
- F. The Commission has the authority to approve, approve with conditions, or deny the request for authorization of an out-of-agency service

agreement/contract. The Commission's determination and any required findings will be set out in a resolution which specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

2. LAFCO Executive Officer Administrative Review Procedures:

A non-development related agreement/contract\_ to provide service(s) to an existing dwelling unit or to accessory dwelling units ~~or junior accessory dwelling units~~ being created on lots where a single-family or multifamily dwelling unit already exists, an agreement/contract between public agencies for fire protection mutual or automatic aid, or an agreement/contract where the services will not ~~facilitate~~ support or induce development, will be processed as follows:

- A. Prior to the execution of an agreement/contract for service outside their boundaries, the city/district proposing to provide the service shall submit to LAFCO a completed application, with all its component parts as previously defined, for review and consideration.
- B. Completion of the CEQA review process will be required prior to action by the Executive Officer.
- C. The Executive Officer's administrative review will include the following determinations, and shall otherwise comply with applicable provisions of Government Code Section 56133:
  - (1) The proposed service extension is either nondevelopment-related, ~~to an~~ accessory dwelling unit(s) ~~or junior accessory dwelling units~~ being created on lots where a single-family or multifamily dwelling unit already exists, and/or ~~involves~~ is proposed to remedy health and safety concerns as defined by Commission policy.
  - (2) The area to be served is within the sphere of influence of the agency requesting to provide service outside its boundaries.
  - (3) The environmental analysis/assessment, as required by CEQA, has been completed.
- D. The Executive officer ~~can~~ may approve, conditionally approve ~~with conditions~~, or deny the request for authorization of an out-of-agency service extension ~~agreement/contract~~. If the Executive Officer's recommendation is denial, that determination will be placed on the next available Commission agenda for which notice can be provided for discussion of the determination.

## **CHAPTER 3: SERVICE REVIEWS**

### **PURPOSE:** ~~(Adopted May 21, 2003)~~

Requirements for conducting a review of municipal services provided in the county or other appropriate area designated by the Commission are outlined in Government Code Section 56430 as well as requiring sphere of influence updates for all agencies under LAFCO purview on a reoccurring cycle pursuant to Section 56425.

### **POLICIES:**

#### 1. **SERVICE REVIEW** ~~(Adopted February 20, 2002; Amended May 21, 2003)~~ November 19, 2025)

- A. The Commission determines that service reviews are an important tool in promoting logical, orderly, and efficient service patterns for local agencies. The Commission also recognizes that such reviews, to be meaningful, must be accomplished with the participation and cooperation of affected local agencies. Finally, the Commission recognizes that the applicability of specific factors required for such reviews may substantially vary based on the unique conditions and circumstances found in San Bernardino County.

In accordance with the requirements outlined in [§ Government Code Section 56430](#), the Governor's Office of Planning and Research (OPR) in 2003 issued Municipal Service Review Guidelines that provide a step-by-step approach to understanding the service review process as set forth in the laws of the State of California. The San Bernardino LAFCO has adopted the OPR Municipal Service Review Guidelines by reference for its use during the conduct of its ~~Service Reviews~~ [service reviews](#). In 2007 the legislature amended [§ Government Code Section 56430](#), reducing the number of factors to be considered and establishing a deadline for consideration. [The Legislature again amended Government Code Section 56430 in 2011, requiring the consideration of factors related to disadvantaged unincorporated communities, adding the ability to review alternatives for improving efficiency and affordability of service, compliance with the California Safe Drinking Water Act, and authorizing LAFCO to request information from wholesale and retail water providers.](#) The Guidelines were not updated after these changes; however, the Commission has retained them as a source document for the conduct of service reviews. A copy of the guidelines is included as Appendix 2 of this manual.

B. APPROACH

In furtherance of the goals of Government Code Section 56430, the Commission determines to conduct such service reviews on a sub-regional basis, utilizing its community-by-community sphere approach and policies. Within this parameter, the Commission shall provide a function-by-function review (e.g., water functions, fire functions, etc.) of municipal services. The service review shall include the participation of management staff and/or board members responsible for delivering such services.

C. RESPONSES TO STATUTORY FINDINGS

The Commission recognizes that Section 56430 requires written responses to specific determinations in the conduct of service reviews. The Commission also recognizes, however, that some or all of the factors listed may not be applicable to specific reviews. Based on discussions, testimony, and appropriate other input from affected agencies and interested parties, the Commission finds that its statutory obligation for written findings will be fulfilled by indicating that, “No substantive issues relative to this factor were identified” when appropriate. ~~For further clarification see~~ [Demographic data to define “disadvantaged unincorporated communities” collected in the manner described in Policy #14 in the general Application Processing Section related to Disadvantaged Unincorporated Communities.](#) ~~shall be used to conduct service reviews.~~

PROCEDURES:

It is the Commission’s position that service reviews must be conducted, whenever possible, through a participative and cooperative approach with affected agencies. As the Commission begins to undertake its sphere review/service review responsibilities, the first step shall be to convene a meeting with managers/board members of affected agencies.

Through those discussions, specific service review factors can be identified for further review, and some review factors might be set aside as not requiring further study. Where disagreements among agencies or LAFCO staff might exist as to the applicability of a specific factor, the matter will be brought back to the Commission for a public hearing and decision.

Should a sphere of influence update/study be conducted in conjunction with a service review, the Commission determines that it shall incorporate its findings related to the service reviews within the staff report prepared for the required sphere of influence update/study. This streamlines the

process and provides for a more efficient Commission hearing schedule. The Commission will then incorporate its sphere of influence review/update and service review determinations within one resolution.

2. **SERVICE REVIEW REQUIREMENT FOR SPHERE OF INFLUENCE AMENDMENTS** *(Adopted February 20, 2002; Amended May 21, 2003)*

- A. An amendment to a retail water district sphere of influence will require a service review if both the following are met:
  - (1) The area is currently outside the sphere of influence of the appropriate wholesale purveyor.
  - (2) Objection is received from any agency that provides water service and whose Sphere of Influence underlies or is adjacent to the subject territory.
- B. Notwithstanding the foregoing, the Commission reserves the discretion to conduct a service review when it deems appropriate based upon unique conditions and circumstances.

## **CHAPTER 4: SPHERES OF INFLUENCE**

### **PURPOSE:**

Government Code Section 56425 requires that LAFCO establish spheres of influence for each city and special district under its purview within San Bernardino County. In addition Government Code Section 56425(g) requires that the Commission shall review, as necessary, and update an agency's sphere of influence every five years.

Government Code Section 56076 defines a sphere of influence as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow into overtime. In those instances where a sphere of influence is drawn less than the jurisdictional boundary of the agency, it is the Commission's position that overtime a reorganization should take place to address a redistribution of service provision.

The purpose of a sphere of influence is to encourage the “logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities.”

The following enumerated items comprise the statement of purpose adopted by San Bernardino LAFCO for spheres of influence:

1. To promote orderly growth of communities, whether or not services are provided by a city or district (board governed or independently governed);
2. To promote coordination of cooperative planning efforts among the county, cities, special districts, and identifiable communities by encouraging compatibility in their respective general plans;
3. To guide timely changes in jurisdiction by approving annexations, reorganizations, etc., within a sphere of influence only when reasonable and feasible provision of adequate services is assured;
4. To encourage economical use and extension of facilities by assisting governmental agencies in planning the logical and economical extension of governmental facilities and services, thereby avoiding duplication of services;
5. To provide assistance to property owners in relating to the proper agency to comprehensively plan for the use of their property;
6. To review, update, and/or change existing spheres of influence periodically to reflect planned, coordinated changes in factors which impact on spheres of influence; and

7. To encourage the establishment of urban-type services only within an adopted sphere of influence.

The Commission emphasizes that a sphere of influence is a planning tool and the establishment of a sphere of influence, or the inclusion of territory within a sphere of influence of an existing governmental entity, does not automatically mean that the area is being proposed for annexation or development.

1. Establishment of a Sphere:

As outlined under state law, the Commission is designated as the public body responsible for determining spheres of influence for each city and district within its jurisdiction.

As a function of incorporation and as outlined in Government Code Section 56426.5, the Commission must establish a sphere of influence for a newly-incorporated city or a newly formed special district ~~within~~at the time of Commission approval, but no later than one year of ~~its~~the effective date of the incorporation/formation. Usually within six months of the agency's effective date of incorporation/formation, the LAFCO staff notifies the city or district of the requirement pursuant to state law. The sphere proposal may be initiated by the Commission, the city council, special districts board of directors or the County Board of Supervisors, through adoption of a resolution of the governing body.

State law also stipulates that a sphere of influence will not be established or changed without specific review and study ~~independent of any action before the Commission at the time~~. Public hearings are held to review sphere of influence proposals such as establishment, amendment, or amendment in connection with any proposed annexation, which may or may not involve another agency's sphere of influence.

2. Factors of Consideration:

As part of a sphere of influence review and as outlined in Government Code Section 56425(e), LAFCO is required to review five "factors of consideration" in connection with any sphere of influence proposal. The factors of consideration are as follows:

- A. The present and planned land uses in the area, including agricultural and open-space lands;
- B. The present and probable need for public facilities and services in the ~~study~~-area;

- C. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;
- D. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
- E. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

In these categories of review, a city or district must show that its planning activities can be beneficial to the area, and that the initiation of those activities is appropriate. None of the above factors by themselves shall be deemed to be a determining factor in the establishment or revision of a sphere of influence for a city, district, or community area, but shall be reviewed as part of the total project.

The factors of consideration noted above are addressed individually within the staff's report for each sphere of influence proposal.

## **POLICIES:**

### **1. CONCURRENT SPHERE REVIEWS**

The Commission may include additional agencies as part of its review of a sphere of influence proposal. In considering the sphere of influence of a community, the Commission will concurrently evaluate all agencies serving that community, and as a policy guideline, it will need to establish a single, coterminous sphere for all such agencies.

### **2. COMMUNITY-BY-COMMUNITY APPROACH**

The community-by-community approach is a guide used to establish spheres of influence. The idea was adopted by San Bernardino LAFCO prior to the mandate for spheres of influence, and includes the practice of looking at a total area, which could be considered a community, and defining its boundaries. This approach also considers the existence of inter-related economic, environmental, geographic, and social interests, and attempts to harmonize the conflicting plans and services of the various service entities. Under this approach, an attempt is made to keep the spheres of influence of the various service districts as nearly the same as possible.

**3. COTERMINOUS BOUNDARIES**

The Commission may establish a sphere of influence which is coterminous with existing city/district boundaries when it is not feasible for the public agency to expand beyond its present boundaries. However, as outlined in state law, a sphere of influence must be established for each city and district, regardless whether the sphere boundary is the same as the city or district boundary.

**4. ZERO SPHERE OF INFLUENCE**

The Commission may designate a “zero” sphere of influence indicating its position that a change of organization should take place assigning the entity’s service obligations and responsibilities to another agency. Such future action could be either a consolidation or dissolution process.

**5. EXCLUSION OF TERRITORY**

Under certain circumstances, a sphere of influence may exclude portions of the existing boundaries of a city or district. The Commission encourages reorganization and special studies in this situation to make final determination of which city or district should serve.

**6. MODIFICATION OF A SPHERE REVIEW AREA**

During the review of a sphere of influence proposal, the Commission may modify the area of review by expanding or reducing the area of review. The expansion or reduction of a sphere can be for several reasons, ~~such as~~ including, but not limited to, to include areas that may be better served by a public agency, or exclude areas that may be better served by another public agency.

**7. PERIODIC REVIEW/UPDATE OF A SPHERE**

As a function of its duties and responsibilities, LAFCO is required to periodically review and/or update spheres of influence. Government Code Section 56425(e) requires the Commission to review and update, if necessary, all spheres of influence for cities and special districts at least once every five years.

The periodic sphere review does not preclude a public agency (city or district), or an individual from initiating a sphere proposal. The purpose of the periodic sphere review plan is to keep abreast of changes occurring within the public agencies under the jurisdiction of LAFCO.

**8. REQUIREMENT FOR A SPHERE REVIEW IN RELATIONSHIP TO ANNEXATION**

State law precludes the Commission from approving annexation proposals lying outside of current sphere of influence boundaries for the affected city or district. If an annexation proposal lies outside the sphere of influence of a city or district, the annexation proposal must also include a sphere review. The joint sphere and annexation review is to maintain consistency in city or district boundaries and their sphere boundaries, for the extension and provision of services as it relates to proposed annexation sites.

**9. RESPONSIBILITY/OBLIGATION FOR A SPHERE OF INFLUENCE AREA**

When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city or district agrees to plan for the provision of services.

**10. URBAN DEVELOPMENT WITHIN A CITY SPHERE**

LAFCO takes the position that any new urban development which occurs within a city sphere of influence should take place as close to the city's urban area as possible. This position is emphasized for two reasons: First, so that contiguous areas may easily be annexed to the city; and secondly, so that the new urban area can be served by reasonable extension of the city's already developed municipal services.

## **CHAPTER 5: OUT OF AGENCY FIRE PROTECTION CONTRACT**

### **BACKGROUND:**

Beginning January 1, 2016, a Local Agency Formation Commission has been charged with the responsibility for reviewing and taking action on fire protection contracts that either: ~~transfers~~ (1) transfer responsibility for providing services in more than 25 percent of the ~~service area~~ jurisdictional boundary of an affected public agency ~~or changes~~, (2) change the employment status of more than 25 percent of the employees of an affected public agency, or (3) in combination with other contracts or agreements, would produce the results described in (1) or (2); pursuant to Government Code Section 56134. These are unique actions not directly related to the processing of other types of proposals and the following policies and procedures will provide guidance on their processing.

### **POLICIES:**

*(Adopted August 17, 2016)*

#### 1. DEFINITIONS:

- A. "Affected Public Agency(ies)" for the purpose of fire protection contracts, shall be defined as the public agency(ies), as described pursuant to Government Code Section 56070, that is(are) affected by the fire protection contract, either as the agency providing or receiving the new or extended fire protection service(s).
- B. "Employment Status" for the purpose of fire protection contracts, shall be defined as either inter-agency or intra-agency transfer of employee(s), and/or employee(s) whose employment is/are terminated as a result of the contract.
- C. "Jurisdictional boundary(ies)" for the purpose of fire protection contracts, shall be as defined pursuant to Government Code Section 56134(a)(3). ~~Any~~ In any other instance, jurisdictional boundary(ies) shall mean the actual boundaries of a public agency such as the corporate boundaries of a city or the boundary of a special district."

#### 2. Documentation Required - The applicant must provide the Commission with documentation on whether the fire protection contract meets either threshold outlined in Government Code Section 56134(a)(1)(A) and (B), or 56134(a)(2):

- Transfers service responsibility of more than 25 percent of an affected public agency's ~~service area~~ jurisdictional boundaries; ~~or,~~
- Changes the employment status of more than 25 percent of the employees of an affected public agency. ~~;~~ or

- In combination with other contracts or agreements, would produce the results described in either bullet point above.

If the area to be served by the fire protection contract is not the entire jurisdictional boundaries of an affected agency, a map of the contract area must be provided. If the fire protection contract affects more than 25 percent of the employees of an affected agency, a document with a listing of all employees for the affected agency that clearly identifies all the employees affected by the fire protection contract must be provided.

3. For a fire protection contract application request made by a state agency, the director of the state agency must provide a letter, addressed to the Commission, outlining the agency's intent to provide service(s) outside its jurisdictional boundaries as defined by Government Code Section 56134. The letter must include, as an attachment, all supporting documents that are required to be submitted for a fire protection contract pursuant to Section 56134 and Section IV, Chapter 5 Manual. In the case where the Director of Finance must provide approval of the fire protection contract, the Director must provide a letter, addressed to the Commission, outlining ~~its~~their support for the fire protection contract application request.
4. The required written agreement from an affected public agency shall be in the form of a resolution adopted by its legislative body. The written agreement from the employee organization shall be in a form of a letter signed by the President of the employee organization. In the case of providing written notice, proof that the notice was provided or delivered to each affected agency and employee organization shall be in the form of a signed affidavit or any similar type of proof that the written notices were provided. Such proof must be included as part of the application submission. In addition, all documents related to the public hearing on the resolution of application including, but not limited to, a copy of the agenda, staff report, and meeting minutes must also be included as part of the application submission.
5. The Plan for Service must include, but is not limited to, all the required information as outlined in Government Code Section 56134(e). In addition, the required independent Fiscal Impact Analysis must include, at a minimum, the following:
  - a five year projection of revenues and expenditures;
  - a discussion of the sufficiency of general existing revenues to provide the new or extended fire protection service; and,
  - a comprehensive review of all retirement plans impacting the affected agency/agencies and employees including any unfunded retirement

obligations and the identification of retirement debt, if any, and the responsible agency or agencies to assume such debt.

6. Existing fire protection contracts, and their renewal, will not be subject to the requirements of Government Code Section 56134 unless a subsequent change to an existing fire protection contract either transfers [responsibility for providing services in](#) more than 25 percent of the ~~service area~~ [jurisdictional boundaries](#) of an affected public agency or ~~affects~~ [changes the employment status of](#) more than 25 percent of the employees of an affected public agency. In addition, mutual or automatic aid agreements are not subject to Government Code Section 56134.

### **APPLICATION PROCEDURES FOR AN OUT OF AGENCY FIRE PROTECTION CONTRACT** *(Adopted August 17, 2016; Amended April 18, 2018)*

Government Code Section 56134 charges LAFCO with the responsibility to review and approve, approve with conditions, or deny requests for approval of a fire protection contract that provide new or extended fire protection services outside an agency's jurisdictional boundaries provided such contracts meet one of the following thresholds: (1) transfers service responsibility of more than 25 percent of an affected public agency's ~~service area; or (2) affects~~ [jurisdictional boundaries](#); (2) [changes the employment status of](#) more than 25 percent of the employees of an affected public agency; ~~or (3) or (3) in combination with other contracts or agreements, would produce the results described in (1) or (2).~~ Requests under this provision are subject to Commission review.

1. Application for Review:

The filing requirements for review of a fire protection contract shall include:

- A. Official Request from Applicant. The request must be made by adoption of a Resolution of Application pursuant to Government Code Section 53134(c).
  - The resolution of application shall not be submitted to LAFCO unless the provisions outlined in Government Code Section 56134(d) have been met: 1) Submission of written agreement from each affected ~~public~~ [public](#) agency and each affected [recognized](#) employee organization consenting to the proposed fire protection contract, or proof that written notices were provided to each affected agency and [recognized](#) employee organization at least 30 days prior to the public hearing on the resolution of application is held; and 2) the applicant conducts an open public hearing on the resolution of application. The resolution of application must also include a provision acknowledging the Commission's requirement for indemnification pursuant to Commission policy (see Policy and Procedure Manual, [Section II –](#)

[Internal Operations, Accounting, and Financial Policies](#), Chapter 2 -  
[Accounting and Financial Section Application Processing](#), Policy #3)

In addition, all documents related to the applicant's hearing on the resolution of application such as agenda, staff report, minutes, etc. shall also be submitted.

- The resolution of application must be submitted with a Plan for Service that includes, but is not limited to, all the required information as outlined in Government Code Section 56134(e).
- The resolution of application must be submitted with an independent Fiscal Impact Analysis pursuant to Government Code Section 56134(f) that includes, at a minimum, the following: a) a five year projection of revenues and expenditures, b) a discussion of the sufficiency of general existing revenues to provide the new or extended fire protection service, and c) a comprehensive review of all retirement plans impacting the affected agencies and employees including any unfunded retirement obligations and the identification of retirement debt, if any, and the responsible agency or agencies to assume such debt.

B. Documentation Required to Establish Thresholds Related to [Service Area Jurisdictional Boundaries](#) and Employment Status:

- [Service Area Jurisdictional Boundaries](#): The applicant must submit a map of the fire protection contract area if the fire protection contract area is not the entirety of the affected public agency. *If the applicant already serves the affected public agency (agency receiving service) by contract to a portion of its current jurisdictional boundaries, the map must clearly identify the area it currently serves by contract and the new area it is proposing to serve by contract.*
- Employment Status: The applicant must submit a document with a listing of all employee classifications/titles of an affected public agency that clearly identify the employee classifications/titles that are affected by the fire protection contract.

C. Payment of Appropriate Filing Fees. The applicant must submit, as part of the application, the appropriate filing fee as outlined in the LAFCO Schedule of Fees, Deposits, and Charges in effect at the time of submission. In addition, a review of a fire protection contract is also subject to the following deposits: legal counsel, environmental review, and individual notice. Applicants will be required to reimburse the Commission for all charges and costs in excess of the deposits outlined

above. If charges billed are less than the amount of deposits, the balance will be refunded at the close of the application.

Should a fire protection contract require the extension of an existing per parcel special fee or charge, the applicant will be required to submit an additional deposit for the direct costs associated with mailing individual notices to each billed landowner within the fire protection contract area.

- D. A completed Application Form for Fire Protection Contracts including the submission of a copy of the fire protection contract that has been signed by one of the affected public agencies. Submission of additional map(s) showing the jurisdictional boundaries of the affected public agencies may also be required.
  - E. Any other information deemed appropriate by the Executive Officer in order to review the fire protection contract based upon its special circumstances.
2. Environmental Review Requirements:

The review of a fire protection contract is subject to environmental review procedures as outlined in Section V of this Manual.

### **REVIEW PROCEDURES FOR AN OUT OF AGENCY FIRE PROTECTION CONTRACT** *(Adopted August 17, 2016):*

A fire protection contract will require the following review:

1. The applicant must submit to LAFCO a completed Application Form for Fire Protection Contracts, with all its component parts as previously defined, for review and consideration. Within 30 days, the LAFCO Executive Officer will notify the applicant and any other affected public agency whether or not the application filing is complete. If incomplete, the applicant and any other affected public agency will be notified of the specific insufficiencies.
2. The LAFCO staff shall forward a copy of the application to various County departments, all local fire authorities and other affected/interested agencies for their review and comment.
3. Completion of the CEQA review process will be required prior to placement on the Commission's agenda.
4. A meeting with the applicant and any other affected public agency, and/or the various County departments and other affected/interested agencies will be held to discuss the circumstances and/or issues related to the fire protection contract.

*San Bernardino LAFCO Policy and Procedure Manual*  
*Section IV – Application Processing*

5. Once these required elements have been completed and the application deemed complete, the item will be placed on the next agenda for which notice can be provided but no more than 90 days from the date the application is deemed complete. At least 21 days prior to the date of the hearing, notice of the hearing will be mailed to each affected local agency or affected county, and to any interested party who has filed a written request for notice. In addition, at least 21 days prior to the hearing, notice of hearing will be published in a newspaper of general circulation within the [affected territory](#) and posted on the Commission's website.

At least 21 days prior to the date of the hearing, individual notice will be mailed to each billed landowner within the fire protection contract area if the fire protection contract will require the extension of an existing per parcel special fee or charge.

6. At a noticed public hearing, the Commission will consider the staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
7. The Commission has the authority to approve, approve with conditions, or deny a fire protection contract. The Commission's determination regarding 56134(h)(2), (i) and (j) and any required findings will be set out in a resolution which specifies the area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.
8. Reconsideration: Following an action by the Commission on the contract request, reconsideration by the Commission may be requested pursuant to existing Commission policies.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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HEARING DATE: NOVEMBER 19, 2025

## RESOLUTION NO. 3429

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING ITS POLICY AND PROCEDURE MANUAL

On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_,  
and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to amend its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. The following section of the Policy and Procedure Manual is amended:

Section IV – Application Processing

2. The amended section of the Policy and Procedure Manual is attached to this resolution as Exhibit "A" and incorporated herein by reference, is adopted and approved.

**SECTION 3.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website.

**THIS ACTION APPROVED AND ADOPTED BY THE LOCAL AGENCY FORMATION  
COMMISSION FOR SAN BERNARDINO COUNTY BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

.....

**RESOLUTION NO. 3429**

STATE OF CALIFORNIA            )  
  )ss.  
COUNTY OF SAN BERNARDINO )

I, **SAMUEL MARTINEZ**, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of November 19, 2025.

**DATED:**

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**SAMUEL MARTINEZ**  
Executive Officer

DRAFT

**SECTION IV**  
**APPLICATION PROCESSING****CHAPTER 1: PROPOSALS****PURPOSE:**

Beginning at Section 56000 of the California Government Code, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to review and make determinations on all changes of organization and reorganization. Section 56375(g) further requires that LAFCO adopt written procedures for the evaluation of proposals and requires that any policies for this purpose be in writing. Pursuant to this requirement, the following policies, procedures, and standards have been adopted by the San Bernardino LAFCO in order to assist in their evaluation of proposals filed.

These policies are based on existing circumstances unique to San Bernardino County and are primarily designed to ensure that local services are provided efficiently and economically and that the provision of the service(s) is/are sustainable. The following policies have been adopted to direct San Bernardino LAFCO staff, communities, agencies, and citizens in the pursuit of jurisdictional change.

**POLICIES:****1. PRIORITIES FOR ANNEXATION AND SPECIAL DISTRICT FORMATION**

The Commission will consider the following priorities or guidelines for annexation and special district formation proposals, subject to the provision that overriding circumstances justifying annexation or special district formation inconsistent with these priorities and/or guidelines must be stated in exceptions:

- A. Annexation to an existing city or district instead of formation of a new agency.
- B. Annexation to a city rather than a district if both can provide comparable services.
- C. Annexation to a multi-purpose district rather than annexation to a single purpose district.
- D. Formation of a new political entity as the last and least desirable alternative.

**2. PRE-ZONING FOR CITY ANNEXATIONS**

Effective January 1, 2001, pre-zoning is mandated by Government Code Section 56375, which specifies that all pre-zoning designations shall remain in effect for at least two years after completion of the annexation unless the city council makes specified findings relating to changed conditions and circumstances. No city annexation application will be deemed complete unless the pre-zoning process has been completed. Exceptions to this requirement include the provision of evidence that existing development entitlements on the territory are vested or at build-out, and are consistent with the city's general plan.

**3. CONCURRENT CITY/DISTRICT ANNEXATION**

For any annexation to a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community.

For purpose of this Policy 3 and Policy 8G below, the term "community-based local agencies" mean agencies that provide a service or a variety of services to a community and are generally associated with such community.

**4. NUMBER OF REGISTERED VOTERS AND LANDOWNERS WITHIN A PROPOSAL**

For the purpose of registered voter and/or landowner notification and/or calculating registered voter and/or assessing landowner protest thresholds:

- A. The number of registered voters as determined by the Registrar of Voters shall be calculated as of the date the certificate of filing is issued pursuant to Government Code Sections 56046 and 56079.5.
- B. The number of landowners and the assessed value of their land shall be calculated as shown on the County Assessor's most current assessment roll as of the date the certificate of filing is issued.
- C. For incorporation of a new city or formation of a new special district, the number of registered voters shall be calculated based on the last voter registration report by the Registrar of Voters to the Secretary of State prior to the date the first signature was affixed to the petition. For formation of a new landowner-voter special district, the number of landowners and the assessed value of their land shall be calculated as shown on the County Assessor's last equalized assessment roll.

**5. PLAN FOR SERVICE**

The plan for service shall be prepared and submitted by each local agency

affected by a proposed change of organization or reorganization, regardless whether that proposal is initiated by resolution or petition.

**PROCEDURES AND STANDARDS FOR REVIEW:**

- A. The Plan for Service submitted shall include a narrative description of the information required pursuant to Government Code Section 56653.
- B. The Plan for Service shall be certified by the local agency providing the service for all proposed changes of jurisdiction, regardless whether that proposal is initiated by resolution or by petition.
- C. The Plan for Service shall be signed and dated by an official representative of the affected city or district(s), certifying the completeness and accuracy of the Plan.
- D. In the case of a proposed annexation or reorganization including annexation, the Plan for Service must demonstrate that the range and level of services currently available within the affected territory will, at least, be maintained by the annexing agency(ies).
- E. In the case of a proposed reorganization consisting of annexations to multiple agencies, the Plan for Service shall address each of the items specified above for each affected agency.

**6. EFFECTIVE DATE AS A FUNCTION OF THE CERTIFICATE OF COMPLETION**

Unless otherwise specified by the Commission, the effective date for all LAFCO actions shall be the date of execution of the Certificate of Completion.

**7. REQUESTS FOR RECONSIDERATION**

Requests for reconsideration will be granted only when the person or affected agency requesting reconsideration can present the specific modification to the resolution being requested and/or state what new or different facts relevant to the proposal that were overlooked or have changed to warrant reconsideration. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's adoption of a resolution making determinations. No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

**PROCEDURE:**

Upon receipt of a timely filed request for reconsideration that meets the requirements outlined in Government Code Section 56895 and Commission policy, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

- A. The Commission may approve the request, with or without amendment, wholly, partially, or conditionally, and adopt a resolution superseding the resolution previously issued;
- B. The Commission may deny the request; or
- C. The Commission may continue the hearing for a maximum of 35 days.

**8. INCORPORATION POLICIES**

- A. In accordance with Government Code Section 56815.2, the Governor's Office of Planning and Research (OPR) issued Incorporation Guidelines that provide a step-by-step approach to understanding the cityhood process set forth in the law of the State of California. The San Bernardino LAFCO has adopted the OPR issued Incorporation Guidelines by reference and recommends the incorporation proponents undertake the cityhood process in the manner identified in the Incorporation Guidelines (copy of the guidelines are included as Appendix 1).

*In addition, the Commission has adopted the following policy statements unique to circumstances in San Bernardino County to assist in the guidance of unincorporated communities in their review of governmental options.*

- C. The Commission defines "financial feasibility" to mean the ability of a new city to maintain pre-incorporation service levels, with sufficient resources to provide a municipal-level law enforcement service consistent with the recommendations of the County Sheriff.
- D. In determining feasibility, the Commission will not consider hypothetical revenues available through possible actions of a future city council (e.g., utility users taxes). Any revenue proposed for the incorporation to be financially viable—either through a special tax or assessment that will require a vote of the residents within the incorporation area—will be made a condition of approval for the incorporation.

- E. In determining feasibility, the Commission requires that proposed staff salary costs shall be based on an average of similar-sized cities or those cities which have the most comparable population within San Bernardino and Riverside Counties.
- F. In determining compliance with Government Code Section 56720, the Commission finds that a "reasonable reserve" is a contingency fund equal to 10% of the projected general and special funds of the new city.
- G. The Commission requires that a new city shall assume jurisdiction over all community-based special districts serving the incorporation area whose boundaries are wholly within the area or would meet subsidiary district status pursuant to Government Code Section 57105. A clear and compelling rationale must be provided if the continued overlay of a community-based district is proposed.

9. **INDIVIDUAL NOTICE OF COMMISSION HEARINGS TO LANDOWNERS AND REGISTERED VOTERS**

A. INDIVIDUAL NOTICE

In implementing the provisions of Government Code Section 56157, the Commission determines that LAFCO staff shall provide individual notice to all landowners and registered voters of Commission hearings within the boundaries of a proposal for change of organization, reorganization, or sphere of influence amendment. In addition, the distance requirements for providing notice to landowners and registered voters surrounding the exterior boundaries, as required by Section 56157, will be determined according to the following criteria:

<b><u>PROPOSAL AREA</u></b>	<b><u>DISTANCE</u></b>
Less than 20 acres	700 feet
20 acres or more	1,350 feet

For the periodic sphere of influence review and update program required by Government Code Section 56425, notice will be limited to the manner required by law unless specific sphere changes are identified.

**PROCEDURE FOR INDIVIDUAL NOTICE:**

- (1) LAFCO staff shall prepare landowner information within and surrounding the affected territory through data included on the County Assessor's most current assessment roll. LAFCO staff shall also utilize the parcel information to coordinate with the

Registrar of Voters to obtain information on the registered voters within and surrounding the affected territory.

- (2) The parameters for preparing the notice for surrounding landowners and registered voters by LAFCO staff shall include the distance requirement.
- (3) The individual notice of Commission proceedings shall be provided for all changes of organization, reorganization, or sphere of influence amendment. Exceptions to this requirement are noted in Policy 9B below.

**B. WHEN TOTAL NUMBER OF NOTICES EXCEEDS 1,000**

- (1) Automatic Waiver - In implementing Government Code Section 56157, the Commission determines that for a dissolution, merger, or establishment of subsidiary district; formation or consolidation of special districts; activation or divestiture of powers for special districts; consolidation of cities; incorporation or disincorporation of a city proposal or the establishment or update of a sphere of influence, notice will instead be provided by publishing a display advertisement on the basis that such items routinely exceed 1,000 notices. As required by Section 56157, a 1/8<sup>th</sup> page display advertisement will be placed in a newspaper of general circulation within each affected county, affected city, or affected district. However, the Commission retains the right to require individual notice should it deem it appropriate based on the facts and circumstances of the proposal.
- (2) Commission Waiver - Pursuant to Government Code Section 56157, in cases where a change of organization or reorganization, other than those described in Item 1 above, would involve mailing more than 1,000 notices, notice may instead be provided by publishing a display advertisement in a newspaper of general circulation within each affected county, affected city, or affected district. However, the Commission directs that individual notice to landowners and registered voters will occur for city island annexations filed pursuant to Government Code Section 56375.3, or where the facts and circumstances warrant, even if it would require more than 1,000 notices.

**PROCEDURE FOR COMMISSION WAIVER OF INDIVIDUAL NOTICE:**

The adopted procedure for the publication of 1/8<sup>th</sup> page display advertisement in lieu of individual notice to landowners and registered voters, is as follows:

- a. After consultation with the applicant, if the Executive Officer has identified significant controversy based on the facts and circumstances related to the proposal, no waiver shall be granted.
- b. Where no significant controversy has been identified by the Executive Officer, the waiver will be tentatively authorized subject to the following:
  - i. The Executive Officer is to provide individual notice to each Commission member identifying the determination of no controversy and the preliminary determination to waive individual notice.
  - ii. If the Executive Officer receives objection from any Commissioner to the tentative determination, no waiver shall be granted.

**10. WAIVER OF LAFCO LEGAL COUNSEL CONFLICTS OF INTEREST**

- A. Subject to procedures defined below, the Commission authorizes the Executive Officer to waive conflicts of interest under Rule 3-310 of the California Rules of Professional Conduct for LAFCO Counsel's public agency clients.

**PROCEDURE:**

LAFCO Counsel and the Executive Officer shall discuss each potential conflict and make the following determinations:

- A. Where controversy is identified by either party, no waiver is approved.
- B. Where no controversy is identified, a waiver will be tentatively approved subject to the following:
  - (1) In each case where a waiver is tentatively approved, the Executive Officer shall individually notify the Commission

members of his/her proposed decision.

- (2) In the event the Executive Officer receives no objection from any Commissioner, the waiver is approved.

B. The Commission may enter into a blanket legal counsel conflict waiver with respect to conflicts involving a specific public agency and/or specific types of proposals involving a specific public agency. The issuance of the blanket waiver would be subject to approval by the Commission.

**11. ISLAND ANNEXATION PURSUANT TO GOVERNMENT CODE SECTION 56375.3**

- A. For the purpose of applying the provisions of Government Code Section 56375.3, the territory subject to an annexation proposal shall be deemed “substantially surrounded” if 60% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, (c) the affected City and a county boundary, or (d) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or government owned land.
- B. The Commission directs that a City that initiates an island annexation application meeting all criteria described in Government Code Section 56375.3 shall be required to have conducted a public relations/education effort within the affected area prior to the placement of the item on a Commission agenda for consideration. Such outreach/education efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses of the affected territory into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the staff report presented for consideration by the Commission.
- C. The Commission identifies that following passage of SB 89, an urgency budget bill for Fiscal Year 2011-12 removing the motor vehicle in-lieu fees that were provided to incorporations and inhabited annexations completed after 2004, it will no longer automatically require annexation of island areas as a part of a development-related annexation application. The Commission believes that the removal of this discretionary funding renders inhabited annexations unsustainable and discussion of supplemental funding would necessitate a protest process.

In order for the Commission to be apprised of the effects of this change in philosophy and policy, it directs that upon receipt of a development-related annexation or reorganization application, which anticipates development of 500 or more dwelling units and/or 500,000 square feet of commercial/

industrial development, LAFCO staff shall, within 90-days, place an item on the Commission's Information Item calendar to review that City's unincorporated island areas which meet the criteria identified in Government Code Section 56375.3. It is understood that this is a policy declaration of the Commission which may be overridden based upon individual circumstance.

**12. CONDUCT OF PROTEST HEARINGS**

The Commission determines that the responsibility for conduct of protest hearings, including notice and evaluation of protest levels, is delegated to the Executive Officer. The Executive Officer shall issue the final resolution certifying the completion of the proceedings based upon the level of protest submitted.

**13. RESOLUTION OF INITIATION REQUIREMENT**

The Commission requires that any resolution initiating an application for change of organization, reorganization or sphere of influence amendment, in addition to the requirements outlined in Government Code Section 56654, shall include a provision acknowledging the Commission's requirement for legal indemnification as outlined in Chapter 2 - Application Processing, Policy 3 of Section II of this Manual.

**14. DISADVANTAGED UNINCORPORATED COMMUNITY ANNEXATION**

- A. LAFCO shall utilize the ESRI Business Analyst Online, a web-based application, to develop the demographic data needed to define the "disadvantaged unincorporated community" as outlined in Government Code Section 56033.5. The data shall be developed and mapped every five years in years ending in 1 and 6 (for example 2011 and 2016) and made available on the LAFCO website. A community, for purposes of this Policy 14, means an inhabited area that is comprised of no less than 10 dwellings adjacent or near one another.
- B. The Commission determines that no annexation required to be submitted pursuant to this Policy 14 shall create an island or peninsula of unincorporated territory substantially surrounded by the City to which the annexation is proposed or the annexing city and an adjacent city.
- C. The Commission determines that in implementing Government Code Section 56375(a)(8)(B)(2), it shall consider written evidence of opposition to include an application for sphere of influence removal, petitions for creation of a new government which were unsuccessful, or written protest submitted for a previous change of organization/ reorganization.

**15. CAMPAIGN DISCLOSURE REQUIREMENTS**

In order to comply with the California Government Code and Political Reform Act, the following procedure will be followed:

**PROCEDURE****A. DEFINITIONS**

- (1) “Contribution” as used herein shall have the same definition as provided in Government Code Section 82015, as amended.
- (2) “Expenditure” as used herein shall have the same definition as provided in Government Code Section 82025, as amended.
- (3) “Independent expenditure” as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term “measure” as used in Section 82031 shall be replaced with the term “proposal for change of organization or reorganization.”
- (4) “Political Purposes” as used herein shall mean for the purpose(s) of:
  - a. Influencing public opinion;
  - b. Lobbying public officials;
  - c. Influencing or attempting to influence the actions of voters or a local agency formation commission for or against the qualification, adoption, or passage of a LAFCO proposal; and/or,
  - d. Influencing legislative or administrative action as defined in Government Code § 82032.

It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

**B. DISCLOSURE REQUIREMENTS FOR PETITIONS FOR PROPOSALS FOR ORGANIZATION OR REORGANIZATION**

- (1) Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization or reorganization submitted to the commission to which Government Code Section 56700.1 applies, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- (2) Disclosures made pursuant to this Policy 15 shall be filed with the Fair Political Practices Commission as designated in Policy 15E below.
- (3) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the "election" date for this purpose.
- (4) In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues. Reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

**C. DISCLOSURE REQUIREMENTS FOR CONDUCTING AUTHORITY PROCEEDINGS**

- (1) Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Government Code Section

57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

- (2) Disclosures made pursuant to this Section shall be filed with the Fair Political Practices Commission as designated in Section E below.
- (3) For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the Fair Political Practices Commission establish a date to serve as the "election" date for this purpose.
- (4) In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10<sup>th</sup> day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

D. Certain Reports and Disclosures Excluded

This policy requires only that the persons subject to it disclose via reports to the Fair Political Practices Commission contributions, expenditures and independent expenditures with respect to expenditures for political purposes related to a petition to the commission for a proposal for an organization or reorganization and does not impose on such persons the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

E. Where to File

All reports and disclosures required hereunder shall be filed with the Fair Political Practices Commission.

**CHAPTER 2: OUT OF AGENCY SERVICE CONTRACTS****BACKGROUND:**

Beginning January 1, 1994 the Local Agency Formation Commission was charged with the responsibility for reviewing and taking action on a city or district contract to extend service outside its jurisdiction under the provisions of Government Code Section 56133. These are unique actions not directly related to the processing of other types of proposals as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and these policies and procedures will provide guidance on their processing.

**POLICIES:****1. DEFINITIONS**

The definition of terms that follow has been developed to assist in the implementation of Government Code Section 56133 since its terminology, in some areas, is not reflective of current statutory definitions or has no statutory definition within Cortese-Knox-Hertzberg:

- A. "New or extended services" shall mean for cities, the provision of those services a city is authorized to provide under its enabling legislation; and for special districts, shall have the same meaning as "service" as defined in Government Code Section 56074. It is important to note that a district would be precluded from providing a "new service" unless it has been first authorized to provide that service under existing special district regulations regarding activation of latent powers, functions or services, as defined in Section 56050.5.
- B. "Contract or agreement" shall mean a contract, agreement, or other legal instrument, which requires or agrees to the delivery of service to a property or a defined service area.
- C. "Written approval of the Commission" shall mean the adoption of a resolution of the Commission authorizing the service agreement/contract or the document signed by the Executive Officer authorizing the service agreement/contract in cases where the Executive Officer has been delegated to approve the request for service (see Policy 2 below).
- D. "Affected County" shall be defined in the same manner as Government Code Section 56012 but relating to the area to which contractual service will be delivered.

- E. "Anticipation of a later change of organization." The inclusion of an area to be served within the sphere of influence of the serving agency shall be sufficient to comply with this provision.
  - F. "Public Agency" shall be defined in the same manner as Government Code Section 56070. The definition of public agency does not include a private or mutual water company. Any contract by a city or district to extend service to territory served by these types of service companies would require authorization from the Commission prior to contract execution.
  - G. "Health and safety concern" shall mean the extension of service to alleviate an immediate health and/or safety problem. Such connections would be limited to the provision of water and/or sewer service to an existing structure, the connection to a failing mutual or private water system requiring auxiliary service, and other similar threats related to health and safety.
2. EXECUTIVE OFFICER AUTHORITY. The Commission has determined that the Executive Officer shall have the authority to approve, conditionally approve, or deny applications requesting to extend services outside an agency's boundaries in cases where the service extension proposed is to remedy a health and safety concern as defined by Commission policy. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extension requests where the service(s) in question will not support or induce development or the service is to provide water and/or sewer service to accessory dwelling units being created on lots where a single-family or a multifamily dwelling unit already exists. In cases where the Executive Officer recommends denial of a service extension request, that application shall be placed on the next agenda for which notice can be provided. The Commission may approve, conditionally approve, or deny the request for authorization of an out-of-agency service agreement/contract.
3. For a request for exemption pursuant to Government Code Section 56133(e), the Commission shall make the determination that the service(s) to be provided is/are exempt from LAFCO review. The Commission has, in cases where the service extension proposed does not support or induce development, delegated the authority to make the determination for exemption pursuant to Government Code Section 56133(e) to the Executive Officer.

### APPLICATION PROCEDURES FOR GOVERNMENT CODE SECTION 56133:

Unlike the normal initiation process for proposals for jurisdictional change, Government Code Section 56133 provides that only a city or district may request LAFCO to authorize an out-of-agency service agreement/contract. Government Code Section 56133 gives LAFCO the authority to approve, conditionally approve, or deny

applications requesting extension of service(s) through an out-of-agency service agreement/contract.

1. Application for Review:

The filing requirements for review of an out-of-agency service contract/ agreement shall consist of:

- A. Official Request from Applying Agency. A written request signed by the City Manager/District General Manager requesting authorization of an out-of-agency service agreement/contract or an adopted resolution from the city/district proposing to provide service outside its boundaries must be submitted.
- B. Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees, and deposits for legal counsel, environmental review, and individual notice, as outlined in the LAFCO Schedule of Fees, Deposits, and Charges in effect at the time of application. Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined above or will be refunded the balance at the close of the application.
- C. A completed application form including the submission of a copy of the agreement/contract that has been signed by the property owner(s) and, if necessary, the agency providing service(s), and maps showing the location of the property to be served, existing agency boundaries, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
- D. Any other information deemed appropriate by the Executive Officer in order to review the service extension request based upon its special circumstances.

2. Environmental Review Requirements:

The review of a request for authorization of an out-of-agency service agreement/contract is subject to environmental review procedures as outlined in Section V of this Manual.

**REVIEW PROCEDURES FOR GOVERNMENT CODE SECTION 56133:**

1. Commission Review Procedures:

A development-related agreement/contract associated with the development of a tract, a subdivision, a single-family or multi-family dwelling unit including accessory dwelling units being created in conjunction with a new single-family

dwelling or a new multifamily dwelling on the lot, a commercial/industrial development and other types of development-related projects or an application to provide new or extended services outside an agency's boundaries and outside its sphere of influence will require the following review:

- A. The city or district proposing to provide service(s) outside its boundaries shall submit to LAFCO a completed application, with all its filing requirements as previously defined, for review and consideration. Within 30 days, the LAFCO Executive Officer shall notify the entity whether or not the application filing is complete. If incomplete, the applying agency will be notified of the specific insufficiencies within 30 days, as required by law.
- B. The LAFCO staff shall forward a copy of the application to various County departments for their review and comment.
- C. Completion of the CEQA review process will be required prior to placement on the Commission's agenda.
- D. If necessary, a meeting with the applying agency and/or the various County departments may be held dependent upon the circumstances and/or issues related to the service agreement/contract. The determination of whether or not to hold the meeting shall be made by the LAFCO Executive Officer.
- E. Once these required elements have been completed, the item will be placed on the agenda for Commission consideration for which adequate notice can be given, but in no event shall the item be placed on an agenda more than 90 days from the date the application is deemed complete. In addition to providing notice in one or more newspapers of general circulation within the affected city or district, LAFCO shall provide individual notice for all development-related applications to all landowners and registered voters surrounding within 300 feet of the parcel(s) associated with the development-related application. Items for a residential tract development or development processed through a conditional use permit shall be placed as a hearing agenda item. All other items shall be placed as a consent agenda item. The Commission will consider the staff report and/or staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
- F. The Commission has the authority to approve, approve with conditions, or deny the request for authorization of an out-of-agency service agreement/contract. The Commission's determination and any required findings will be set out in a resolution which specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

**2. LAFCO Executive Officer Administrative Review Procedures:**

A non-development related agreement/contract to provide service(s) to an existing dwelling unit or to accessory dwelling units being created on lots where a single-family or multifamily dwelling unit already exists, an agreement/contract between public agencies for fire protection mutual or automatic aid, or an agreement/contract where the services will not support or induce development, will be processed as follows:

- A. Prior to the execution of an agreement/contract for service outside their boundaries, the city/district proposing to provide the service shall submit to LAFCO a completed application, with all its component parts as previously defined, for review and consideration.
- B. Completion of the CEQA review process will be required prior to action by the Executive Officer.
- C. The Executive Officer's administrative review will include the following determinations, and shall otherwise comply with applicable provisions of Government Code Section 56133:
  - (1) The proposed service extension is either nondevelopment-related, an accessory dwelling unit(s) being created on lots where a single-family or multifamily dwelling unit already exists, and/or is proposed to remedy health and safety concerns as defined by Commission policy.
  - (2) The area to be served is within the sphere of influence of the agency requesting to provide service outside its boundaries.
  - (3) The environmental analysis/assessment, as required by CEQA, has been completed.
- D. The Executive officer may approve, conditionally approve, or deny the request for authorization of an out-of-agency service agreement/contract. If the Executive Officer's recommendation is denial, that determination will be placed on the next available Commission agenda for which notice can be provided for discussion of the determination.

**CHAPTER 3: SERVICE REVIEWS****PURPOSE:**

Requirements for conducting a review of municipal services provided in the county or other appropriate area designated by the Commission are outlined in Government Code Section 56430 as well as requiring sphere of influence updates for all agencies under LAFCO purview on a reoccurring cycle pursuant to Section 56425.

**POLICIES:****1. SERVICE REVIEW *(Amended November 19, 2025)***

- A. The Commission determines that service reviews are an important tool in promoting logical, orderly, and efficient service patterns for local agencies. The Commission also recognizes that such reviews, to be meaningful, must be accomplished with the participation and cooperation of affected local agencies. Finally, the Commission recognizes that the applicability of specific factors required for such reviews may substantially vary based on the unique conditions and circumstances found in San Bernardino County.

In accordance with the requirements outlined in Government Code Section 56430, the Governor's Office of Planning and Research (OPR) in 2003 issued Municipal Service Review Guidelines that provide a step-by-step approach to understanding the service review process as set forth in the laws of the State of California. The San Bernardino LAFCO has adopted the OPR Municipal Service Review Guidelines by reference for its use during the conduct of its service reviews. In 2007 the legislature amended Government Code Section 56430, reducing the number of factors to be considered and establishing a deadline for consideration. The Legislature again amended Government Code Section 56430 in 2011, requiring the consideration of factors related to disadvantaged unincorporated communities, adding the ability to review alternatives for improving efficiency and affordability of service, compliance with the California Safe Drinking Water Act, and authorizing LAFCO to request information from wholesale and retail water providers. The Guidelines were not updated after these changes; however, the Commission has retained them as a source document for the conduct of service reviews. A copy of the guidelines is included as Appendix 2 of this manual.

**B. APPROACH**

In furtherance of the goals of Government Code Section 56430, the Commission determines to conduct such service reviews on a sub-

regional basis, utilizing its community-by-community sphere approach and policies. Within this parameter, the Commission shall provide a function-by-function review (e.g., water functions, fire functions, etc.) of municipal services. The service review shall include the participation of management staff and/or board members responsible for delivering such services.

#### C. RESPONSES TO STATUTORY FINDINGS

The Commission recognizes that Section 56430 requires written responses to specific determinations in the conduct of service reviews. The Commission also recognizes, however, that some or all of the factors listed may not be applicable to specific reviews. Based on discussions, testimony, and appropriate other input from affected agencies and interested parties, the Commission finds that its statutory obligation for written findings will be fulfilled by indicating that, "No substantive issues relative to this factor were identified" when appropriate. *Demographic data to define "disadvantaged unincorporated communities" collected in the manner described in Policy 14 in the general Application Processing Section related to Disadvantaged Unincorporated Communities shall be used to conduct service reviews.*

#### PROCEDURES:

It is the Commission's position that service reviews must be conducted, whenever possible, through a participative and cooperative approach with affected agencies. As the Commission begins to undertake its sphere review/service review responsibilities, the first step shall be to convene a meeting with managers/board members of affected agencies.

Through those discussions, specific service review factors can be identified for further review, and some review factors might be set aside as not requiring further study. Where disagreements among agencies or LAFCO staff might exist as to the applicability of a specific factor, the matter will be brought back to the Commission for a public hearing and decision.

Should a sphere of influence update/study be conducted in conjunction with a service review, the Commission determines that it shall incorporate its findings related to the service review within the staff report prepared for the required sphere of influence update/study. This streamlines the process and provides for a more efficient Commission hearing schedule. The Commission will then incorporate its sphere of influence review/update and service review determinations within one resolution.

**2. SERVICE REVIEW REQUIREMENT FOR SPHERE OF INFLUENCE  
AMENDMENTS**

- A. An amendment to a retail water district sphere of influence will require a service review if both the following are met:
- (1) The area is currently outside the sphere of influence of the appropriate wholesale purveyor.
  - (2) Objection is received from any agency that provides water service and whose Sphere of Influence underlies or is adjacent to the subject territory.
- B. Notwithstanding the foregoing, the Commission reserves the discretion to conduct a service review when it deems appropriate based upon unique conditions and circumstances.

**CHAPTER 4: SPHERES OF INFLUENCE****PURPOSE:**

Government Code Section 56425 requires that LAFCO establish spheres of influence for each city and special district under its purview within San Bernardino County. In addition Government Code Section 56425(g) requires that the Commission shall review, as necessary, and update an agency's sphere of influence every five years.

Government Code Section 56076 defines a sphere of influence as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission." It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow into overtime. In those instances where a sphere of influence is drawn less than the jurisdictional boundary of the agency, it is the Commission's position that overtime a reorganization should take place to address a redistribution of service provision.

The purpose of a sphere of influence is to encourage the "logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities."

The following enumerated items comprise the statement of purpose adopted by San Bernardino LAFCO for spheres of influence:

1. To promote orderly growth of communities, whether or not services are provided by a city or district (board governed or independently governed);
2. To promote coordination of cooperative planning efforts among the county, cities, special districts, and identifiable communities by encouraging compatibility in their respective general plans;
3. To guide timely changes in jurisdiction by approving annexations, reorganizations, etc., within a sphere of influence only when reasonable and feasible provision of adequate services is assured;
4. To encourage economical use and extension of facilities by assisting governmental agencies in planning the logical and economical extension of governmental facilities and services, thereby avoiding duplication of services;
5. To provide assistance to property owners in relating to the proper agency to comprehensively plan for the use of their property;
6. To review, update, and/or change existing spheres of influence periodically to reflect planned, coordinated changes in factors which impact on spheres of influence; and

7. To encourage the establishment of urban-type services only within an adopted sphere of influence.

The Commission emphasizes that a sphere of influence is a planning tool and the establishment of a sphere of influence, or the inclusion of territory within a sphere of influence of an existing governmental entity, does not automatically mean that the area is being proposed for annexation or development.

1. Establishment of a Sphere:

As outlined under state law, the Commission is designated as the public body responsible for determining spheres of influence for each city and district within its jurisdiction.

As a function of incorporation and as outlined in Government Code Section 56426.5, the Commission must establish a sphere of influence for a newly-incorporated city or a newly formed special district at the time of Commission approval, but no later than one year of the effective date of the incorporation/formation. Usually within six months of the agency's effective date of incorporation/formation, the LAFCO staff notifies the city or district of the requirement pursuant to state law. The sphere proposal may be initiated by the Commission, the city council, special districts board of directors or the County Board of Supervisors, through adoption of a resolution of the governing body.

State law also stipulates that a sphere of influence will not be established or changed without specific review and study. Public hearings are held to review sphere of influence proposals such as establishment, amendment, or amendment in connection with any proposed annexation, which may or may not involve another agency's sphere of influence.

2. Factors of Consideration:

As part of a sphere of influence review and as outlined in Government Code Section 56425(e), LAFCO is required to review five "factors of consideration" in connection with any sphere of influence proposal. The factors of consideration are as follows:

- A. The present and planned land uses in the area, including agricultural and open-space lands;
- B. The present and probable need for public facilities and services in the area;
- C. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;

- D. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency; and
- E. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

In these categories of review, a city or district must show that its planning activities can be beneficial to the area, and that the initiation of those activities is appropriate. None of the above factors by themselves shall be deemed to be a determining factor in the establishment or revision of a sphere of influence for a city, district, or community area, but shall be reviewed as part of the total project.

The factors of consideration noted above are addressed individually within the staff's report for each sphere of influence proposal.

## **POLICIES:**

### **1. CONCURRENT SPHERE REVIEWS**

The Commission may include additional agencies as part of its review of a sphere of influence proposal. In considering the sphere of influence of a community, the Commission will concurrently evaluate all agencies serving that community, and as a policy guideline, it will need to establish a single, coterminous sphere for all such agencies.

### **2. COMMUNITY-BY-COMMUNITY APPROACH**

The community-by-community approach is a guide used to establish spheres of influence. The idea was adopted by San Bernardino LAFCO prior to the mandate for spheres of influence, and includes the practice of looking at a total area, which could be considered a community, and defining its boundaries. This approach also considers the existence of inter-related economic, environmental, geographic, and social interests, and attempts to harmonize the conflicting plans and services of the various service entities. Under this approach, an attempt is made to keep the spheres of influence of the various service districts as nearly the same as possible.

### **3. COTERMINOUS BOUNDARIES**

The Commission may establish a sphere of influence which is coterminous with existing city/district boundaries when it is not feasible for the public agency to

expand beyond its present boundaries. However, as outlined in state law, a sphere of influence must be established for each city and district, regardless whether the sphere boundary is the same as the city or district boundary.

**4. ZERO SPHERE OF INFLUENCE**

The Commission may designate a “zero” sphere of influence indicating its position that a change of organization should take place assigning the entity’s service obligations and responsibilities to another agency. Such future action could be either a consolidation or dissolution process.

**5. EXCLUSION OF TERRITORY**

Under certain circumstances, a sphere of influence may exclude portions of the existing boundaries of a city or district. The Commission encourages reorganization and special studies in this situation to make final determination of which city or district should serve.

**6. MODIFICATION OF A SPHERE REVIEW AREA**

During the review of a sphere of influence proposal, the Commission may modify the area of review by expanding or reducing the area of review. The expansion or reduction of a sphere can be for several reasons, including, but not limited to, to include areas that may be better served by a public agency, or exclude areas that may be better served by another public agency.

**7. PERIODIC REVIEW/UPDATE OF A SPHERE**

As a function of its duties and responsibilities, LAFCO is required to periodically review and/or update spheres of influence. Government Code Section 56425(e) requires the Commission to review and update, if necessary, all spheres of influence for cities and special districts at least once every five years.

The periodic sphere review does not preclude a public agency (city or district), or an individual from initiating a sphere proposal. The purpose of the periodic sphere review plan is to keep abreast of changes occurring within the public agencies under the jurisdiction of LAFCO.

**8. REQUIREMENT FOR A SPHERE REVIEW IN RELATIONSHIP TO ANNEXATION**

State law precludes the Commission from approving annexation proposals lying outside of current sphere of influence boundaries for the affected city or district. If an annexation proposal lies outside the sphere of influence of a city or district, the annexation proposal must also include a sphere review. The joint sphere and annexation review is to maintain consistency in city or district boundaries and

their sphere boundaries, for the extension and provision of services as it relates to proposed annexation sites.

**9. RESPONSIBILITY/OBLIGATION FOR A SPHERE OF INFLUENCE AREA**

When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city or district agrees to plan for the provision of services.

**10. URBAN DEVELOPMENT WITHIN A CITY SPHERE**

LAFCO takes the position that any new urban development which occurs within a city sphere of influence should take place as close to the city's urban area as possible. This position is emphasized for two reasons: First, so that contiguous areas may easily be annexed to the city; and secondly, so that the new urban area can be served by reasonable extension of the city's already developed municipal services.

**CHAPTER 5: OUT OF AGENCY FIRE PROTECTION CONTRACT****BACKGROUND:**

Beginning January 1, 2016, a Local Agency Formation Commission has been charged with the responsibility for reviewing and taking action on fire protection contracts that either: (1) transfer responsibility for providing services in more than 25 percent of the jurisdictional boundary of an affected public agency, (2) change the employment status of more than 25 percent of the employees of an affected public agency, or (3) in combination with other contracts or agreements, would produce the results described in (1) or (2); pursuant to Government Code Section 56134. These are unique actions not directly related to the processing of other types of proposals and the following policies and procedures will provide guidance on their processing.

**POLICIES:**

## 1. DEFINITIONS:

- A. "Affected Public Agency(ies)" for the purpose of fire protection contracts, shall be defined as the public agency(ies), as described pursuant to Government Code Section 56070, that is(are) affected by the fire protection contract, either as the agency providing or receiving the new or extended fire protection service(s).
- B. "Employment Status" for the purpose of fire protection contracts, shall be defined as either inter-agency or intra-agency transfer of employee(s), and/or employee(s) whose employment is/are terminated as a result of the contract.
- C. "Jurisdictional boundary(ies)" for the purpose of fire protection contracts, shall be as defined pursuant to Government Code Section 56134(a)(3). In any other instance, jurisdictional boundary(ies) shall mean the actual boundaries of a public agency such as the corporate boundaries of a city or the boundary of a special district."

## 2. Documentation Required - The applicant must provide the Commission with documentation on whether the fire protection contract meets either threshold outlined in Government Code Section 56134(a)(1)(A) and (B), or 56134(a)(2):

- Transfers service responsibility of more than 25 percent of an affected public agency's jurisdictional boundaries;
- Changes the employment status of more than 25 percent of the employees of an affected public agency; or

- In combination with other contracts or agreements, would produce the results described in either bullet point above.

If the area to be served by the fire protection contract is not the entire jurisdictional boundaries of an affected agency, a map of the contract area must be provided. If the fire protection contract affects more than 25 percent of the employees of an affected agency, a document with a listing of all employees for the affected agency that clearly identifies all the employees affected by the fire protection contract must be provided.

3. For a fire protection contract application request made by a state agency, the director of the state agency must provide a letter, addressed to the Commission, outlining the agency's intent to provide service(s) outside its jurisdictional boundaries as defined by Government Code Section 56134. The letter must include, as an attachment, all supporting documents that are required to be submitted for a fire protection contract pursuant to Section 56134 and Section IV, Chapter 5 Manual. In the case where the Director of Finance must provide approval of the fire protection contract, the Director must provide a letter, addressed to the Commission, outlining their support for the fire protection contract application request.
4. The required written agreement from an affected public agency shall be in the form of a resolution adopted by its legislative body. The written agreement from the employee organization shall be in a form of a letter signed by the President of the employee organization. In the case of providing written notice, proof that the notice was provided or delivered to each affected agency and employee organization shall be in the form of a signed affidavit or any similar type of proof that the written notices were provided. Such proof must be included as part of the application submission. In addition, all documents related to the public hearing on the resolution of application including, but not limited to, a copy of the agenda, staff report, and meeting minutes must also be included as part of the application submission.
5. The Plan for Service must include, but is not limited to, all the required information as outlined in Government Code Section 56134(e). In addition, the required independent Fiscal Impact Analysis must include, at a minimum, the following:
  - a five year projection of revenues and expenditures;
  - a discussion of the sufficiency of general existing revenues to provide the new or extended fire protection service; and,
  - a comprehensive review of all retirement plans impacting the affected agency/agencies and employees including any unfunded retirement

obligations and the identification of retirement debt, if any, and the responsible agency or agencies to assume such debt.

6. Existing fire protection contracts, and their renewal, will not be subject to the requirements of Government Code Section 56134 unless a subsequent change to an existing fire protection contract either transfers responsibility for providing services in more than 25 percent of the jurisdictional boundaries of an affected public agency or changes the employment status of more than 25 percent of the employees of an affected public agency. In addition, mutual or automatic aid agreements are not subject to Government Code Section 56134.

### **APPLICATION PROCEDURES FOR AN OUT OF AGENCY FIRE PROTECTION CONTRACT**

Government Code Section 56134 charges LAFCO with the responsibility to review and approve, approve with conditions, or deny requests for approval of a fire protection contract that provide new or extended fire protection services outside an agency's jurisdictional boundaries provided such contracts meet one of the following thresholds: (1) transfers service responsibility of more than 25 percent of an affected public agency's jurisdictional boundaries; (2) changes the employment status of more than 25 percent of the employees of an affected public agency; or (3) or (3) in combination with other contracts or agreements, would produce the results described in (1) or (2). Requests under this provision are subject to Commission review.

1. Application for Review:

The filing requirements for review of a fire protection contract shall include:

- A. Official Request from Applicant. The request must be made by adoption of a Resolution of Application pursuant to Government Code Section 53134(c).
  - The resolution of application shall not be submitted to LAFCO unless the provisions outlined in Government Code Section 56134(d) have been met: 1) Submission of written agreement from each affected public agency and each affected recognized employee organization consenting to the proposed fire protection contract, or proof that written notices were provided to each affected agency and recognized employee organization at least 30 days prior to the public hearing on the resolution of application is held; and 2) the applicant conducts an open public hearing on the resolution of application. The resolution of application must also include a provision acknowledging the Commission's requirement for indemnification pursuant to Commission policy (see Policy and Procedure Manual, Section II – Internal Operations, Accounting, and Financial Policies, Chapter 2 - Application Processing, Policy #3)

In addition, all documents related to the applicant's hearing on the resolution of application such as agenda, staff report, minutes, etc. shall also be submitted.

- The resolution of application must be submitted with a Plan for Service that includes, but is not limited to, all the required information as outlined in Government Code Section 56134(e).
- The resolution of application must be submitted with an independent Fiscal Impact Analysis pursuant to Government Code Section 56134(f) that includes, at a minimum, the following: a) a five year projection of revenues and expenditures, b) a discussion of the sufficiency of general existing revenues to provide the new or extended fire protection service, and c) a comprehensive review of all retirement plans impacting the affected agencies and employees including any unfunded retirement obligations and the identification of retirement debt, if any, and the responsible agency or agencies to assume such debt.

**B. Documentation Required to Establish Thresholds Related to Jurisdictional Boundaries and Employment Status:**

- **Jurisdictional Boundaries:** The applicant must submit a map of the fire protection contract area if the fire protection contract area is not the entirety of the affected public agency. *If the applicant already serves the affected public agency (agency receiving service) by contract to a portion of its current jurisdictional boundaries, the map must clearly identify the area it currently serves by contract and the new area it is proposing to serve by contract.*
- **Employment Status:** The applicant must submit a document with a listing of all employee classifications/titles of an affected public agency that clearly identify the employee classifications/titles that are affected by the fire protection contract.

**C. Payment of Appropriate Filing Fees.** The applicant must submit, as part of the application, the appropriate filing fee as outlined in the LAFCO Schedule of Fees, Deposits, and Charges in effect at the time of submission. In addition, a review of a fire protection contract is also subject to the following deposits: legal counsel, environmental review, and individual notice. Applicants will be required to reimburse the Commission for all charges and costs in excess of the deposits outlined above. If charges billed are less than the amount of deposits, the balance will be refunded at the close of the application.

Should a fire protection contract require the extension of an existing per parcel special fee or charge, the applicant will be required to submit an additional deposit for the direct costs associated with mailing individual notices to each billed landowner within the fire protection contract area.

- D. A completed Application Form for Fire Protection Contracts including the submission of a copy of the fire protection contract that has been signed by one of the affected public agencies. Submission of additional map(s) showing the jurisdictional boundaries of the affected public agencies may also be required.
  - E. Any other information deemed appropriate by the Executive Officer in order to review the fire protection contract based upon its special circumstances.
2. Environmental Review Requirements:

The review of a fire protection contract is subject to environmental review procedures as outlined in Section V of this Manual.

### **REVIEW PROCEDURES FOR AN OUT OF AGENCY FIRE PROTECTION CONTRACT**

A fire protection contract will require the following review:

1. The applicant must submit to LAFCO a completed Application Form for Fire Protection Contracts, with all its component parts as previously defined, for review and consideration. Within 30 days, the LAFCO Executive Officer will notify the applicant and any other affected public agency whether or not the application filing is complete. If incomplete, the applicant and any other affected public agency will be notified of the specific insufficiencies.
2. The LAFCO staff shall forward a copy of the application to various County departments, all local fire authorities and other affected/interested agencies for their review and comment.
3. Completion of the CEQA review process will be required prior to placement on the Commission's agenda.
4. A meeting with the applicant and any other affected public agency, and/or the various County departments and other affected/interested agencies will be held to discuss the circumstances and/or issues related to the fire protection contract.
5. Once these required elements have been completed and the application deemed complete, the item will be placed on the next agenda for which notice can be provided but no more than 90 days from the date the application is deemed

complete. At least 21 days prior to the date of the hearing, notice of the hearing will be mailed to each affected local agency or affected county, and to any interested party who has filed a written request for notice. In addition, at least 21 days prior to the hearing, notice of hearing will be published in a newspaper of general circulation within the affected territory and posted on the Commission's website.

At least 21 days prior to the date of the hearing, individual notice will be mailed to each billed landowner within the fire protection contract area if the fire protection contract will require the extension of an existing per parcel special fee or charge.

6. At a noticed public hearing, the Commission will consider the staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
7. The Commission has the authority to approve, approve with conditions, or deny a fire protection contract. The Commission's determination regarding 56134(h)(2), (i) and (j) and any required findings will be set out in a resolution which specifies the area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.
8. Reconsideration: Following an action by the Commission on the contract request, reconsideration by the Commission may be requested pursuant to existing Commission policies.

# Rebuilding Relationship & Trust



**Local Agency Formation Commission**  
for San Bernardino County

**José C. Henríquez, CALAFCO Executive Officer**  
**Michelle McIntyre, Interim Executive Director**  
**Pamela Miller, Consultant**  
**November 19, 2025**

- Founded 1971
- 501(c)3
- Membership focused & driven Association
- Transitioned through & transformed by several challenging periods



# Who Is CALAFCO – Why It Matters

- Valuable Statewide Resources
  - Advocate & Voice for LAFCOs
  - Education & Training
  - Collaboration & Networking
- Policy Leadership
- Support & Other Resources



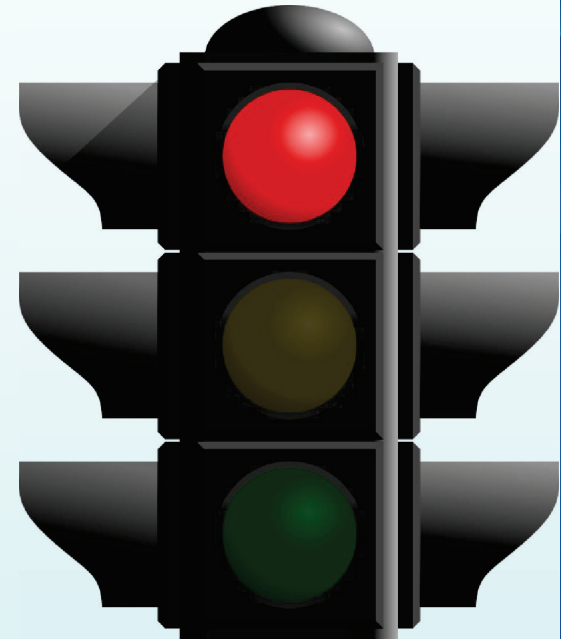
## **Why CALAFCO Matters to San Bernardino LAFCO**

- Access to professional development for your Commissioners and Staff.
- Opportunity to lead and shape the future of LAFCOs statewide.
- Strength in numbers: your participation makes CALAFCO stronger, and CALAFCO makes your LAFCO stronger.

## Where We Were

By the end of 2024 and beginning in 2025, CALAFCO faced serious challenges:

- Trust was shaken among many members.
- The Association lacked effective leadership & direction.
- A series of difficult Board meetings & decisions underscored the need for change.
- Several LAFCOs, left or signaled that they were considered leaving. Ultimately, 8 left the Association.



## Where We Are Now

- José Henríquez (CALAFCO & Sac LAFCO EO) served as Interim Executive Director until recently - October 31.
- Michelle McIntyre Interim Executive Director began November 1, 2025.
- Pamela Miller returned to advise the Board & Association on governance, structural, and policy reforms.
- Jeni Tickler restored office & admin procedures.



## Where We Are Now

- Series of successful & productive Board meetings, retreat, Conference, and Business Meeting which have resulted in an effective Action Plan that continues to move the Association forward.
- Legislative Committee revitalized with an Omnibus Bill that was signed and chaptered in 2025.
- Ongoing comprehensive review & overhaul of CALAFCO Policies & Procedures, Bylaws, & structure.



# Ongoing Governance & Structure Changes

- Amendments to Bylaws approved in October 2025 with more amendments to come in February 2026.
- Ongoing development of policies, procedures, & Board training to support proposed structural changes & strengthen governance capabilities.
- Committee formed to redesign “regional” structure for more effective regional collaboration & stronger regional representation.
- Board & Committee restructuring for greater effectiveness.



# Ongoing Education & Professional Development

- Staff Mentorship initiative soft launched at the Conference with official launch at the Staff Workshop scheduled for May 6-8, 2026, in Pismo Beach.
- Expansion of CALAFCO-U sessions for Commissioners and Staff. Next session scheduled for February 25, 2026.
- CALAFCO Academy for emerging EOs set to launch in 2026.



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## Ongoing Legislative Efforts

- CALAFCO Omnibus Bill and Association-sponsored legislation returning in 2026.
- Solicitations for both have already been completed.
- Renewed Leg Committee membership.
- Re-establishment & strengthening of Capitol relationships.



## Ongoing Collaborative Focus

- Increase strategies to ensure transparent, consistent, & effective communication with all LAFCOs & Associate Members.
- Overhaul CALAFCO Associate Membership program for enhanced value & mutual benefit for CALAFCO and all its business partners.
- Continue to strengthen CALAFCO's reputation, credibility, & statewide advocacy efforts.



# The Path Forward In Partnership



## Local Agency Formation Commission for San Bernardino County

- San Bernardino LAFCO has always been a leader and a voice of influence within CALAFCO. Your absence has been strongly felt, and your return would be mutually beneficial.
- We understand that trust is earned, not demanded, and CALAFCO is committed to continually earning that trust.
- We invite San Bernardino LAFCO to rejoin us in rebuilding, strengthening, and shaping the future of local government in California.

## **Thank You For Your Time**

***José Henríquez***

CALAFCO Executive Officer

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Interim Executive Director

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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : NOVEMBER 12, 2025   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: Agenda Item #9 – Legislative Report

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## **RECOMMENDATION:**

Staff recommends that the Commission note receipt of the report and file.

## **BACKGROUND:**

### **2025 Legislative Session:**

October 12, 2025 was the last day for the Governor to sign bills. The Legislature is now in recess until it reconvenes at the beginning of the year. Below is a summary of the bills that the Commission either supported, opposed, or placed a watch position:

SB 489 (Arreguín)	This bill requires LAFCOs to include any forms related to changes of organization/reorganization on their websites. In addition, the bill amends the existing requirement for LAFCOs to also post its written policies and procedures on their website.  <i>Note: This LAFCO already meets the requirements outlined in the bill.</i>	Chaptered on 10/10/2025
SB 707 (Durazo)	This bill revises and recasts existing alternative teleconferencing provisions, until January 1, 2030. SB 707 makes numerous changes to the Brown Act including modifying existing and adding new types of teleconferencing flexibility.  <i>Note: This LAFCO has elected not to utilize any alternative teleconferencing provisions.</i>	Chaptered on 10/3/2025
SB 777 (Richardson)	This bill was amended and made a study bill. It requires the Cemetery and Funeral Bureau to convene a working group with representatives from all impacted stakeholders by March 1, 2026, and for that working group to provide a	Chaptered on 10/11/2025

	report to the Legislature with its recommendations on how to deal with abandoned cemeteries on June 1, 2026.	
SBs 735, 736, & 737 (Senate Local Gov't Committee)	These are the Senate Local Government Committee's three annual validating acts of 2025. Validating acts provide legislative protection to public agencies and private investors from minor and technical errors that might otherwise threaten bonds, boundary changes, and other official acts.	Chaptered on 7/14/2025
SB 858 (Senate Local Gov't Committee)	Although this LAFCO was not tracking SB 858, CALAFCO submitted two non-substantive changes to the Senate Local Government Committee as part of its annual Omnibus Bill. The first one corrects a typo in Government Code Section 37396(b) that cross-references Section 56472 instead of 56742. The second amendment corrects an inaccurate reference in Government Code Section 57002 related to noticing.	Chaptered on 10/1/2025

Other bills this Commission tracked such as AB 259 (Blanca Rubio), AB 810 (Irwin), SB 740 (Susan Rubio) were either made a two-year bill or did not pass out of committee.

AB 259 was the bill that extends the sunset date on teleconferencing flexibility for just cause and emergency situations. Some of the provisions in AB 259 were later incorporated into SB 707. AB 810 was the bill that expands the list of local agencies (including special districts and JPAs) that are required to use a ".gov" or ".ca.gov" domain name for websites and email addresses by January 1, 2031. SB 740 was the bill that extends the timeframe that a municipal wastewater agency must file with their respective LAFCO a copy of an agreement/amendment for managing stormwater runoff.

**2026 Legislative Session:**

The 2026 Legislative Session will convene on January 5, 2026. Attached is the 2026 Tentative Legislative Calendar.

Attachment

## 2026 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 9-29-25

### DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
					1	2	3
Wk. 1	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Wk. 3	18	19	20	21	22	23	24
Wk. 4	25	26	27	28	29	30	31

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 5** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 19** Martin Luther King, Jr. Day observed.
- Jan. 23** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).  
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (Art. IV, Sec. 10(c), J.R. 61(b)(3)).

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28

- Feb. 16** Presidents' Day observed.
- Feb. 20** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).

MARCH							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Spring Recess	29	30	31				

- Mar. 26** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

APRIL							
	S	M	T	W	TH	F	S
Spring Recess				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

- Apr. 6** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 24** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

MAY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
No hrgs.	24	25	26	27	28	29	30
Wk. 4	31						

- May 1** Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(b)(6)).
- May 8** Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).
- May 15** Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61(b)(8)).  
Last day for **fiscal committees** to meet prior to June 1 (J.R. 61(b)(9)).
- May 25** Memorial Day observed.
- May 26-29** **Floor Session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 29** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

\* Holiday schedule subject to final approval by Rules Committee.

**2026 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 9-29-25

JUNE							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
Wk. 4	28	29	30				

**June 1** Committee meetings may resume (J.R. 61(b)(12)).

**June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

**June 25** Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Summer Recess	5	6	7	8	9	10	11
Summer Recess	12	13	14	15	16	17	18
Summer Recess	19	20	21	22	23	24	25
Summer Recess	26	27	28	29	30	31	

**July 2** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

**Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

**July 3** Independence Day observed.

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
No Hrgs.	16	17	18	19	20	21	22
No Hrgs.	23	24	25	26	27	28	29
No Hrgs.	30	31					

**Aug. 3** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 14** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

**Aug. 17-31 Floor Session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(15)).

**Aug. 21** Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

**Aug. 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(17)).

**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

**IMPORTANT DATES OCCURRING DURING INTERIM RECESS**

**2026**

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2027. (Art. IV, Sec. 8(c)).

Nov. 3 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7 2027-28 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

**2027**


Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

\*Holiday schedule subject to final approval by Rules Committee.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sbclafco.org

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**DATE:** NOVEMBER 12, 2025   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #10: EXECUTIVE OFFICER'S REPORT

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## REMINDER:

The Commission will be dark in December. Please note that the next Commission meeting will be on January 21, 2026.

## CY 2026 LAFCO CALENDAR:

Every year, LAFCO staff provides the Commission with its proposed schedule for the upcoming calendar year, which includes the Commission's meetings, holidays, as well as the Fridays that the LAFCO Office is closed for the entire year. Enclosed is the proposed 2026 LAFCO Calendar.

## UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES

- LAFCO 3274 – Reorganization to Include Annexation to the City of San Bernardino and Detachment from County Service Area 70 (Specific Trails Specific Plan Project)

*LAFCO 3274 was approved by the Commission on September 17, 2025.*

*Reconsideration period for LAFCO 3274 ended October 17, 2025. The Certificate of Completion for LAFCO 3274 was issued on October 20, 2025.*

- LAFCO 3275 – Reorganization to Include Annexation to the City of San Bernardino and Detachment from County Service Area 70 (26-Acre Island)

*LAFCO 3275 is currently undergoing the required property tax exchange/transfer process. The 60-day negotiation period ends December 16, 2025.*

## UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:

- LAFCO SC #546 - City of Chino Covenant Agreement to Annex for Sewer and Water Service (APN 1016-521-02)

*The City of Chino submitted a request for authorization to provide sewer and water service to an existing single-family residence (to be converted as accessory dwelling unit) and a new single-family residence on said parcel. The EO authorized this request on 9/12/2025.*

- LAFCO SC #547 - City of Chino Covenant Agreement to Annex for Sanitary Sewer Service (APN 1013-501-05)

*The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence and a new attached accessory dwelling unit on said parcel. The EO authorized this request on 11/12/2025.*

- LAFCO SC #548 - City of Chino Covenant Agreement to Annex for Sewer Service (APN 1019-271-06)

*The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence and two (new) accessory dwelling units on said parcel. The EO authorized this request on 9/30/2025.*

- LAFCO SC #549 - City of Chino Covenant Agreement to Annex for Sewer Service (APN 1019-262-14)

*The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence that includes a proposed accessory dwelling unit on said parcel. The EO authorized this request on 10/30/2025.*

- LAFCO SC #550 - City of San Bernardino Irrevocable Agreement to Annex No. 2025-382 for Sewer Service (APN 0265-171-37)

*The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence that includes a proposed accessory dwelling unit on said parcel. The EO authorized this request on 10/9/2025.*

## UPCOMING PROJECTS

- City of Barstow Proposed General Plan Update and Barstow International Gateway Project

*On November 9, 2025, the City of Barstow released a Notice of Availability (NOA) of the Draft Environmental Impact Report for the City's General Plan Update and its Barstow International Gateway Project, which will require a reorganization to include*

*annexation to the City and Odessa Water District (subsidiary district of the City) and detachment from CSA 70 of approximately 2,686 acres, and annexation to the Barstow Fire Protection District (subsidiary district of the City) and detachment from County Fire, its North Desert Service Zone and its Zone FP-5 of approximately 2,605 acres. Staff will provide updates to the Commission on this project as it moves through its approval process through the City.*

**LAFCO NEWS:**

The Commission will be sponsoring its first Governance Training session for FY 25/26 on January 7, 2026, 1:00 p.m., at the Mojave Water Agency. The workshop will be on the new SB 827 Finance and Fiscal Training Requirement. SB 827 (Gonzalez) is a new mandate that establishes a new training requirement for every local agency official on duties like budgeting, contracting, and procurement.

**ALLIANCE NEWS:**

The Alliance of LAFCOs (Alliance) met on October 14 via Zoom (Alliance member Commissioner Steve Farrell and staff were in attendance). The Alliance approved a mission statement and its official logo. It also received updates on the joint RFP for auditing services. The Alliance will again have a Zoom meeting on December 9 to finalize plans for a one-day workshop for all commissioners and staff sometime in March 2026.

**CALAFCO NEWS:**

Commissioners Steve Farrell, Jim Bagley, and Acquanetta Warren as well as staff members Michael Tuerpe, Art Pastor, and Gavin Centeno attended the CALAFCO Annual Conference in San Diego from October 22-24.

Enclosure: 2026 LAFCO Calendar

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## LAFCO Office Calendar – 2026

### JANUARY 2026

1 *New Year's Holiday (Office Closed)*  
2 *Office Closed*  
16 *Office Closed*  
19 *Martin Luther King Jr. Day Holiday (Office Closed)*  
21 **LAFCO Meeting**  
30 *Office Closed*

### JULY 2026

3 *Office Closed*  
4 *Independence Day Holiday*  
15 **LAFCO Meeting**  
17 *Office Closed*  
31 *Office Closed*

### FEBRUARY 2026

13 *Office Closed*  
16 *Presidents' Day Holiday (Office Closed)*  
18 **NO LAFCO MEETING - TENTATIVE**  
27 *Office Closed*

### AUGUST 2026

14 *Office Closed*  
19 **NO LAFCO MEETING**  
28 *Office Closed*

### MARCH 2026

13 *Office Closed*  
18 **LAFCO Meeting**  
24 *ALLIANCE Workshop*  
27 *Office Closed*

### SEPTEMBER 2026

7 *Labor Day Holiday (Office Closed)*  
11 *Office Closed*  
16 **LAFCO Meeting**  
25 *Office Closed*

### APRIL 2026

10 *Office Closed*  
15 **LAFCO Meeting**  
24 *Office Closed*

### OCTOBER 2026

9 *Office Closed*  
12 *Columbus Day Holiday (Office Closed)*  
21 **NO LAFCO MEETING - TENTATIVE**  
21-23 *CALAFCO Annual Conference -- Sacramento*  
23 *Office Closed*

### MAY 2026

8 *Office Closed*  
20 **LAFCO Meeting**  
22 *Office Close*  
25 *Memorial Day Holiday (Office Closed)*

### NOVEMBER 2026

6 *Office Closed*  
11 *Veterans Day Holiday (Office Closed)*  
18 **LAFCO Meeting**  
20 *Office Closed*  
26-27 *Thanksgiving Day & Day After Thanksgiving Holiday (Office Closed)*

### JUNE 2026

5 *Office Closed*  
17 **NO LAFCO MEETING**  
19 *Juneteenth Holiday (Office Closed)*

### DECEMBER 2026

4 *Office Closed*  
16 **NO LAFCO MEETING**  
18 *Office Closed*  
24-25 *Day Before Christmas and Christmas Holiday (Office Closed)*  
31 *New Year's Holiday (Office Closed)*