



## Solano Local Agency Formation Commission

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### Staff Report

DATE: April 8, 2013  
TO: Local Agency Formation Commission  
FROM: Elliot Mulberg, Interim Executive Officer  
SUBJECT: **Policy Committee Report**

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**RECOMMENDATION:** That the Commission adopt the Committee's recommended policy changes as follows:

- 1) Approve an update to the Sphere of Influence Policy;
- 2) Approve an update to Section V of the Standards and Procedures Policy on Municipal Service Reviews that establishes a format for service reviews;
- 3) Approve a correction to our Personnel Policies with regard to bereavement leave to remedy an oversight and make it retroactive to January 1, 2013. The correction will make it consistent with Resolution 08-07.

### BACKGROUND:

The Policy Committee was established at the December 12, 2012 commissioner meeting to review and update policies as necessary. The Committee has met on January 4 and again on March 25, 2013 to review and update policies.

### DISCUSSION:

The Committee met on March 25 to discuss changes to current policies for spheres of influence, municipal service reviews, and adjustments to the personnel policy. The proposed sphere of influence changes were circulated to the seven cities, Solano Irrigation District, Doris Goodrich of the Solano Cemetery District and Steve Chappell of the Suisun Resource Conservation District for comments. The comment period lasted from February 11 to March 8. The only comments received were from the cities of Rio Vista and Benicia and Steve Chappell. The cities were concerned they would have to modify their general plans to accommodate the near term and long term sphere designations. They were assured they would not since LAFCO has no land use authority so the sphere could be changed based on the general plan but not vice versa. Steve Chappell was concerned about the zero sphere designation and its affect on the reclamation districts. He was assured it was only a designation to indicate the district needs to make some modification on how it operates and would not necessarily result in LAFCO dissolving a district.

The Committee suggested additional clarifications and recommended the policy for approval by the commission (Attachment A).

Item 2 on the agenda was a revision to the Standards and Procedures Policy for municipal service reviews. The present policy is inaccurate and could result in an inadequate MSR prepared by the cities. The proposal is to require a standard format that would continue the practice of allowing the cities to do their own reviews with LAFCO developing the determinations based on information provided by the cities (Attachment B).

Item 3 dealt with an oversight discovered this past month in our Personal Policies with regard to bereavement leave. The present policy was adopted by Resolution 08-07 which transferred benefits from the County to LAFCO when LAFCO became independent of the County. The resolution stated that benefits should be the same as when staff was considered County employees. The policy adopted included some additional relations for which bereavement leave was appropriate and omitted a few relationships that were included in the County's policy. The committee recommended amending the policy to make it consistent with Resolution 08-07 retroactive to January 1, 2013 (Attachment C and Attachment D).

GUIDELINES FOR ESTABLISHING SPHERES OF INFLUENCE IN SOLANO COUNTY

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Adopted by the Local Agency Formation Commission December 4, 1972.

Amended by the Local Agency Formation Commission February 5, 1973.

With Proposed Amendments February 2013

I. BACKGROUND:

The requirement for establishment of the spheres of influence is quoted from the Government Code, Section ~~54774~~56425.

"In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission ~~as~~ to advantageously provide for the present and future needs of the county and its communities, the ~~local agency formation~~ commission shall develop and determine the sphere of influence of each city and each special district, as defined by Section 56036 ~~local governmental agency~~ within the county and enact policies designed to promote the logical and orderly development of areas within the sphere."

Government Code Section 56076 defines ~~As used in this section~~ "sphere of influence" ~~means~~ as "a plan for the probable ~~ultimate~~ physical boundaries and service area of a local ~~governmental~~ agency as determined by the commission."

In determining the sphere of influence of each local governmental agency the commission shall consider:

- 1) The present and planned land uses in the area, including agricultural and open-space lands.

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- 2) The present and probable need for public facilities and service in the area.
- 3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- 4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- 5) 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, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
- ~~6) The maximum possible service area of the agency based upon present and possible service capabilities of the the agency.~~
- ~~7) The range of services the agency is providing or could provide.~~
- ~~8) The projected future population growth of the area.~~
- ~~9) The type of development occurring or planned for the area, including, but not limited to, residential, commercial and industrial development.~~
- ~~10) The present and probably future service needs of the area.~~
- ~~11) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.~~
- ~~12) The existence of social and economic~~

~~interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's spheres of influence.~~

~~The commission shall periodically review and update the spheres of influence developed and determined by them.~~

The commission shall, as necessary, review and update each sphere of influence every five years. The review and update shall be made to ensure a current sphere is in place to process a proposed change of organization. In some cases it may be necessary to update a sphere more frequently than every five years.

The spheres of influence shall be used by the commission as a basis for regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county using spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public."

II. GOALS:

A. Local agencies should be so constituted and organized as to best provide:

1. for the social and economic needs of all county residents.
2. efficient governmental services for orderly land use development.
3. controls required to conserve environmental resources. The public interest shall be served by considering "resource" in a broad sense to include ecological factors such as open space, wildlife and agricultural productivity in addition to the commonly accepted elements of land, water and air.
4. Prime agricultural, park, recreation, and lands of extraordinary beauty should be retained for these purposes.

III. GENERAL POLICIES:

- A. Once established, a sphere of influence shall be a declaration of a policy which shall be a primary guide to the commission in the determination of any proposal concerning cities, special districts, incorporated cities and territory adjacent thereto. Any such sphere of influence may be amended from time to time and its application in any particular case shall depend upon its applicability under the precise facts of each particular case.

~~In addition to city spheres of influence lines,~~ spheres of influence could be used by LAPFCO to establish special holding zones in order to retain , prime agricultural areas, park and recreation areas and other open space areas ~~may to be retained~~ for these purposes. These zones can be termed sphere exclusion areas.

- B. Urban development should occur within cities. As a matter of general policy, whenever the services desired are of municipal or urban type and can be supplied by annexation to an existing city, annexation to that city shall be considered the most favorable method of obtaining the service.
- C. Annexation to an adjacent city will be favored over a proposal for providing urban services by special districts. Annexations to existing special districts will be approved only when by reason of terrain, distance, or lack of community interest, annexation to an existing city is impractical and/or when the urban-type services provided by an existing district are needed and annexation to that district is the most economical and practical method of obtaining the services.
- D. Annexation to an existing agency will be favored over a proposal for forming a new agency to provide the same services.

- E. Spheres may be amended or updated. An amendment is considered a small adjustment to the sphere, typically 40 acres or less. An update, which is required every five years, is a major review of the sphere which could add or remove areas of the present sphere.
  
- F. LAFCO discourages inclusion of land in an agency's SOI if a need for services provided by that agency within a 5-20 year period cannot be demonstrated. To demonstrate that a proposed SOI amendment is timely, an applicant should indicate expected absorption and development rates for land already in the SOI, as well as land proposed to be added.

IV. GUIDELINES FOR ESTABLISHING SPHERES OF INFLUENCE:

A. Sphere Of Influence Boundaries:

Sphere of influence boundaries, as used in Solano County, are boundaries adopted by Local Agency Formation Commission which delineate limits of probably future growth within the next 20 years as reflected in the General Plans of the various Cities and the County. It is not necessarily implied that all lands within a sphere of influence boundary will be eventually annexed.

B. Areas of Concern:

LAFCO may, at its discretion, designate a geographic area beyond the sphere of influence as an Area of Concern to any local agency.

a) An Area of Concern is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency (the "Concerned Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of

influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such a situation would be the Concerned Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.

b) When LAFCO receives notice of a proposal from another agency relating to the Area of Concern, LAFCo will notify the Concerned Agency and will give great weight to its comments.

c) LAFCO will encourage Acting and Concerned Agencies to establish Joint Powers Agreements or other commitments as appropriate.

C. Zero Spheres.

The Commission may adopt a "zero" sphere of influence (encompassing no territory) for an agency when the Commission has determined that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency of government. Adoption of a "zero" sphere indicates the agency should ultimately be dissolved. The Commission may initiate dissolution of an agency when it deems such action appropriate.

BD. Urban Service Areas:

Urban Service Areas consist of existing urban developed areas and vacant and agricultural land either incorporated or unincorporated, within a city's sphere of influence, which are now served by existing urban facilities, utilities and services or are proposed to be served by urban facilities, utilities and services within the next five to

20 years. The boundary around these urban areas will be called "Urban Service Area Boundary". Urban Service Areas may be divided into two categories:

1. Urbanized Areas:

This includes all urbanized areas that are now part of the city. It also includes urbanized areas that are presently unincorporated that are within the city's "Urban Service Area Boundary".

2. Near Term Sphere (Urban Expansion Areas)

The Near Term Sphere consists of unincorporated territory vacant and agricultural land proposed for urbanization, served by utilities or public facilities now existing or expected to be provided in the next five years. The Near Term Sphere area is likely to be annexed prior to the next sphere review or update.

3. Long Term Sphere (Urban Transition Areas)—~~(short term open space)~~

The Long Term Sphere areas consists of unincorporated territory adjacent to Urban Service Areas that which are neither programmed for public facilities nor utility extensions. The land in this category is generally the residual between designated Urban Service Areas and the total sphere of influence. This land will most likely receive services and annexed be used for urban expansion within approximately 5 to 20 years; however, some of this land may be placed in the open space category as the need arises.

E. Urban Open Space Areas:

Urban Open Space Areas include land within Urban Service Areas which have a value for parks and recreation purposes, conservation of land and other natural resources, historic or scenic purposes. This includes publicly-owned lands such as parks, utility corridors, water areas and flood control channels. It could also include certain privately-owned lands upon which development should be prohibited for reasons of

public health, safety and welfare, such as landslide areas, earthquake hazard areas, and airport flight path zones.

F. Non-Urban/Open Space Areas:

Non-Urban Open Space Areas include land which has value for parks and recreation purposes, conservation of land and other natural resources, historic or scenic purposes, or agriculture. It is divided into two broad categories, long term and permanent.

1. Long Term Open Space.

This category would include both lands which may be suitable for urbanization but which will not be needed for development for at least 20 years, and lands which may eventually become permanent open space but which are not classified as such at the present time. It may include undeveloped, privately-owned land which is virtually precluded from development in the long-term future due to lack of highway access and/or year round water supply. It could also include land that should be retained in its present state because its use as a managed resource contributes to the well-being of the general community, such as, agriculture and grazing lands or watershed and ground water recharge areas, or mineral extraction areas. It might also include some large estate areas that may be retained for their scenic, historic, or cultural values. Isolated institutional, research and testing areas could be included.

2. Permanent Open Space

This category would include publicly (owned lands which should remain undeveloped including parks, utility corridors, water areas, and flood channels : It should also include lands upon which development is to be permanently prohibited for reasons of public health, welfare, and safety; more specifically to meet such needs as: the aesthetic and psychological needs of an urban population for open space; the requirements for an adequate air basin, water shed, and ground water recharge areas for the maintenance

## Agenda Item 8C, Attachment A

of adequate air and water quality; the maintenance of acceptable noise levels; the consideration of public safety with regard to landslide, earthquake, fire hazard, flooding, and air flight areas; and the maintenance of an ecological balance.

## SECTION V. MUNICIPAL SERVICE REVIEW

### I. PURPOSE

To provide guidance to Solano LAFCO and agencies within its purview in preparing and conducting municipal service reviews (MSR).

### II. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires LAFCO to review municipal services. The service review provides LAFCO and agencies within its purview with a tool to comprehensively study existing and future public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl while supporting California's anticipated growth, and ensuring that critical services are efficiently and cost-effectively provided. CKH requires all LAFCOs to conduct the MSR prior to updating the spheres of influence (SOI) of the various cities and special districts in the County (Government Code Section 56430). CKH requires an MSR and SOI update every 5 years.

### III. FUNCTION OF MUNICIPAL SERVICE REVIEW

Government Code Section 56430 requires LAFCO to conduct MSRs and prepare a written statement of determination with respect to each of the following:

~~Growth and population projections for the affected area.~~

~~The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.~~

~~Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including need or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence~~

~~Financial ability of agencies to provide services.~~

~~Status of, and opportunities for, shared facilities.~~

~~Accountability for community services needs, including governmental structure and operational efficiencies.~~

~~Any other matter related to effective or efficient service delivery, as required by commission policy.~~

1. **Growth and Population Projections for the Affected Area.** This section reviews projected growth within the existing service boundaries of the city or district and analyzes the city's or district's plans to accommodate future growth.

2. **The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.** A disadvantaged community is defined as one with a median household income of 80 percent or less of the statewide median income.
3. **Present and Planned Capacity of Public Facilities and Adequacy of Public Services Including Infrastructure Needs or Deficiencies.** This section discusses the services provided including the quality and the ability of the city or district to provide those services, and it will include a discussion of capital improvement projects currently underway and projects planned for the future where applicable.
4. **Financial Ability of Agencies to Provide Services.** This section reviews the city's or district's fiscal data and rate structure to determine viability and ability to meet service demands. It also addresses funding for capital improvement projects.
5. **Status of and Opportunities for Shared Facilities.** This section examines efficiencies in service delivery that could include sharing facilities with other agencies to reduce costs by avoiding duplication.
6. **Accountability for Community Service Needs, including Government Structure and Operational Efficiencies.** This section examines the city's or district's current government structure, and considers the overall managerial practices. It also examines how well the city or district makes its processes transparent to the public and invites and encourages public participation.
7. **Matters Related to Effective or Efficient Service Delivery Required by Commission Policy.** This section includes a discussion of any Solano LAFCO policies that may affect the ability of a city or district to provide efficient services.

The MSR process does not require LAFCO to initiate changes of organization based on service reviews; it only requires that LAFCO make determinations regarding the provision of public services per the provisions of Government Code Section 56430. However, LAFCO, local agencies, and the public may subsequently use the determinations to pursue changes to services, local jurisdictions, or spheres of influence. Service Reviews are intended to provide a broad analysis of service provision. ~~In addition, Service reviews must be completed in order to update agency Sphere of Influence (SOI) boundaries.~~

#### **IV. WHEN PREPARED**

LAFCO will determine when municipal service reviews are necessary. Generally, reviews will be prepared prior to SOI studies or updates. ~~however, s~~ Service reviews may also be conducted independent of the SOI update. ~~LAFCO may conduct service reviews independent of the updates~~ based on a number of factors, including but not limited to, concerns of affected agencies, the public or LAFCO; public demand for a service review; public health, safety, or welfare issues; service provision issues associated with areas of growth and/or development.

Minor amendments to SOI, as determined by LAFCO, will not require a municipal service review. An amendment to the SOI of any agency may be processed and acted upon by the Commission if all of the following are met:

- The requested amendment, considered along with all other amendments approved in the last 12 months for the agency in aggregate, are less than 40 acres.
- There are no objections from other agencies that are authorized to provide the services the subject agency provides and whose SOI underlies or is adjacent to the subject territory.
- The Commission finds that the proposed amendment would not significantly interfere with the development of the updated SOI of the agency.

#### **V. ENVIRONMENTAL DETERMINATION**

Cities that submit MSR proposals to LAFCO will be considered lead agencies for purposes of environmental review and should approve whatever environmental determination is appropriate under the California Environmental Quality Act (i.e., exemption, negative declaration, environmental impact report).

#### **VI. LAFCO REVIEW OF MSR PROCESS**

~~It is LAFCO's policy that cities prepare their MSR absent determinations. Upon review of the data LAFCO may request additional information and will add the determinations. Cities may consult with the LAFCO Executive Officer during preparation of the draft MSR. Municipal Service Review shall be adopted by the City. Upon adoption, LAFCo will review the document and shall accept or reject MSRs for the completeness of data required by the criteria listed below. LAFCo shall review, comment, and make determinations through resolution as to the consistency of the MSRs with these Standards, the Cortese-Knox-Hertzberg Act, and other considerations as appropriate.~~

#### **VII. FACTORS FOR REVIEW**

The MSR should be produced in the following format. A sample Table of Contents is shown below along with the sections that LAFCO will complete.

**Table of Contents**

**Acronyms and Abbreviations** .....

**1: Introduction- (Provided by LAFCO)**.....

1.1 – Role and Responsibility of LAFCO.....

1.2 – Purpose of the Municipal Service Review.....

1.3 – Uses of the Municipal Service Review .....

1.4 – Sphere of Influence.....

1.5 – California Environmental Quality Act (CEQA) .....

**2: Executive Summary**.....

2.1 – The Municipal Service Review (Provided by LAFCO) .....

2.2 – City Profile .....

2.3 – Growth and Population Projections.....

2.4 – Disadvantaged Unincorporated Communities .....

2.5 – Present and Planned Capacity of Public Facilities .....

2.6 – Financial Ability to Provide Services .....

2.7 – Status and Opportunities for Shared Facilities .....

2.8 – Government Structure and Accountability.....

2.9 – LAFCO Policies Affecting Service Delivery .....

**3: City Profile**.....

**4: Growth and Population Projections** .....

**5: Disadvantaged Unincorporated Communities**.....

**6: Present and Planned Capacity of Public Facilities**.....

6.1 – Airport (If appropriate).....

6.2 – Animal Control .....

6.3 – Fire .....

6.4 – Law Enforcement.....

6.5 – Parks and Recreation .....

6.6 – Public Works.....

6.7 – Solid Waste .....

6.8 – Stormwater .....

6.9 – Wastewater .....

6.10 – Water.....

**7: Financial Ability to Provide Services**.....

7.1 – General Fund.....

7.2 – Enterprise Funds .....

7.3 – Capital Improvements.....

**8: Status and Opportunities for Shared Facilities**.....

8.1 – Shared Facilities and Regional Cooperation .....

8.2 – Management Efficiencies.....

**9: Government Structure and Accountability** .....

**10: LAFCO Policies Affecting Service Delivery** .....

**13: Summary of Determinations - (Provided by LAFCO)**.....

- Growth and Population Projections.....
- Disadvantaged Unincorporated Communities.....
- Present and Planned Capacity of Public Facilities .....
- Financial Ability to Provide Services .....
- Status and Opportunities for Shared Facilities.....
- Government Structure and Accountability.....
- LAFCO Policies Affecting Service Delivery.....

**14: References**

**A. Growth and Population**

~~Purpose: To evaluate service needs for the SOI based upon existing and anticipated growth patterns and population projections based upon adopted growth policies of the jurisdiction, with the horizon year identified in the jurisdiction’s current General Plan.~~

~~1. City Background~~

- ~~a) Annexations since 1990~~
- ~~b) Sphere of Influence changes since 1990~~
- ~~c) Map of existing City Limits and existing sphere of influence~~

~~2. Population Information~~

- ~~a) Past growth trends~~
- ~~b) Future projections based upon current General Plan or ABAG Projections~~
- ~~c) Employment Projections~~
- ~~d) Jobs to housing ration, current and projected~~

~~3. Urban Growth Strategy—The urban growth strategy explains the city’s expansion plans, documenting growth potential, identifying planned annexations, geographic areas of special significance as determined by the city and showing the timing relationship between planned annexations and capital improvement plans. It is recognized that projections beyond five years will tend to be more conceptual and less reliable than near term estimates. Annexations in the City’s long term category, beyond the five year time increment, can be proposed for annexation within the near-term to LAFCo with a concurrent amendment to the City’s MSR.~~

- a) ~~Population and housing projections for the first ten-year period or the horizon year of the General Plan, whichever comes first.~~
  - b) ~~The location of planned growth areas~~
  - c) ~~Probable annexations within each time increment and identification of annexation interdependence necessitating either sequenced or concurrent annexation approvals~~
  - d) ~~Identification of areas of critical concern~~
4. ~~Agricultural Preserve Strategy~~—The agricultural preservation strategy shall include documentation identifying prime agricultural lands and lands under agricultural preserve contracts within the city's Sphere of Influence, and shall contain specific provisions and policies for guiding future growth away from such land. This strategy does not apply to lands under agricultural preserve within existing city limits.
5. ~~Infill Strategy~~—The purpose of Infill Strategy is to facilitate the Commission's determination as to whether a proposed annexation will significantly affect a city's ability to meet its infill goals. It is appropriate in some situations for municipalities to reserve lands for a needed use for which there is not now a market. For example, there is a need for high density and rental housing, but finance costs inhibit construction. A significant inventory of property zoned for these uses should not necessarily be a bar to annexation. Similarly, the existence of policies to promote infill may support a determination that the proposed annexation will not result in the premature conversion of open space because the city is taking effective measures to develop existing vacant lands. The ability to assess progress on Infill Goals, in conjunction with other appropriate considerations will further assist LAFCo in determining whether particular annexation proposals are premature.
- In requiring Infill Goals, it is not LAFCo's intent to base annexation decisions solely on the vacancy factor or the effectiveness of infill policies. Nor is it required that every unit projected for construction for a given year be actually built. Moreover, the Infill Goal is only one factor in the overall Municipal Service Review which will be used to determine compliance with Standard No. 8. The significance of incorporated vacant lands will depend on the particular circumstances of each city.
- The Infill Strategy shall include the following:
- 1. ~~An inventory and extent of vacant lands larger than 5 acres by land use designations and the number of units in residential designations:~~
    - a) ~~Location and extent of vacant lands larger than 5 acres by land use designation and the number of units in residential designations.~~
    - b) ~~Approved but as yet not built projects, including tentative maps, final maps, master plans, and site plans for developments larger than five acres or accommodating more than 20 dwelling units.~~
    - c) ~~Agricultural preserve contracts within the city limits and their status.~~
    - d) ~~Factors which may impede the development of vacant land already within the city limits.~~

- e) ~~Past practices, existing policies, and future options to eliminate obstacles and to promote infill development.~~
- f) ~~Numerical goals for residential units of infill construction for each of the first five years of the plan. Infill goals will be based on the Growth Strategies, vacant land data, and other particular circumstances within affected city.~~

**B. Present and Planned Capacity Including Infrastructure Needs and Deficiencies**

~~Purpose: To evaluate each municipal service which serves both existing and future City development, identifying infrastructure needs and deficiencies. If any of the services are not provided by a city, the city may choose to either provide the information or defer to the Municipal Service Review of the service provider. *Some examples of information*~~

~~1. Water Supply and Distribution~~

- a) ~~Service area boundary in relationship to existing City limit and sphere of influence service provider.~~
- b) ~~Supply and demand information for, including description of amount of entitlement (include copies of all water entitlement documentation in appendices) from each source, existing and buildout of General Plan~~
- e) ~~Distribution, treatment and storage systems needs~~
- d) ~~Ability to provide service to existing and new growth~~
- e) ~~Opportunities for shared facilities~~

~~2. Wastewater Treatment~~

- a) ~~Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- b) ~~Treatment capacity, Permit Capacity, and wastewater flow information, existing and buildout of General Plan~~
- e) ~~Collection systems needs~~
- d) ~~Ability to provide service to existing and new growth~~
- e) ~~Opportunities for shared facilities~~

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~~3. Storm Drainage and Flood Control Capacity~~

- a) ~~Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- b) ~~Drainage system capacity and need for improvements, existing and buildout of General Plan~~
- e) ~~Ability to provide service to existing and new growth~~
- d) ~~Opportunities for shared facilities~~

~~4. Solid Waste Disposal Capacity~~

- a) ~~Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- b) ~~Solid waste disposal capacity and need for improvements, existing and buildout of General Plan~~
- e) ~~Ability to provide service to existing and new growth~~

~~d) Opportunities for shared facilities~~

~~5. Circulation and Transportation~~

- ~~a) Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- ~~b) Existing and projected levels of service for major roadways and need for improvements, existing and buildout of General Plan~~
- ~~c) Ability to provide service to existing and new growth~~
- ~~d) Opportunities for shared facilities~~

~~6. Public Safety~~

- ~~a) Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- ~~b) Existing and projected response time for emergency (Police and Fire) service and need for improvements, existing and buildout of General Plan~~
- ~~c) Ability to provide service to existing and new growth~~
- ~~d) Opportunities for shared facilities~~

~~7. Parks and Recreation~~

- ~~a) Service area boundary in relationship to existing City limit and sphere of influence, service provider~~
- ~~b) Drainage system capacity and need for improvements, existing and buildout of General Plan~~
- ~~c) Ability to provide service to existing and new growth~~
- ~~d) Opportunities for shared facilities~~

**~~C. Financial ability of agencies to provide services~~**

~~Purpose: To evaluate factors that affects the financing of needed improvements and services~~

- ~~1. The cities shall demonstrate that it has/or will have financing ability to fund existing and/or future municipal infrastructure and services.~~
- ~~2. The Cities shall evaluate the cost of services versus revenue~~

**~~D. Status of and opportunities for shared facilities~~**

~~Purpose: To identify practices or opportunities that may help eliminate unnecessary costs~~

- ~~1. The cities shall identify overlapping/duplicative services with other agencies~~

**~~E. Opportunities for Rate Structuring~~**

~~Purpose: To identify opportunities to positively impact rates without decreasing service levels.~~

1. ~~The Cities shall evaluate the cost of services versus revenue~~

#### **~~F. Government Structure Options~~**

~~Purpose: To consider the advantages and disadvantages of different government structures that could provide public services.~~

1. ~~The Cities shall identify opportunities to amend the sphere of influence to coincide with current or future planned municipal services~~
2. ~~The cities shall identify non-city service providers of municipal services within the sphere of influence~~

#### **~~G. Local Accountability and Governance~~**

~~Purpose: To evaluate the accessibility of the governing body and public participation~~

1. ~~The Cities shall describe methods of public outreach and participation in the operation of municipal affairs~~

#### **~~H. Evaluation of Management Efficiencies~~**

~~Purpose: To evaluate the quality of public services in comparison to cost~~

1. ~~The Cities shall describe the efforts to maintain and improve municipal operations.~~

#### **Section 4.5 BEREAVEMENT LEAVE**

Employees shall be entitled to a bereavement leave, not chargeable to vacation or sick leave, in the event of the death of one of the following members of the employee's family: natural, step, adoptive parents and grandparents of the employee; natural, step, adopted children and grandchildren of the employee; natural and step brothers and sisters of the employee; present spouse of the employee; ex spouse who is a natural parent of a minor child in the custody of the employee; natural brothers and sisters of the employee's spouse; present spouses of the employee's natural brothers and sisters; son-in-law and daughter-in-law of the employee; a person assuming the role of the employee's spouse; natural parents and grandparents of the employee's spouse; grandchildren of the employee's spouse. Such leave shall be a maximum of forty (40) hours within ten (10) consecutive calendar days, whether services are within the State or outside the State of California. Leave benefits will be prorated for part-time employees based upon the number of hours worked (for example, a halftime employee has a maximum of twenty (20) hours). Employees desiring more time off under these circumstance may request vacation or other appropriate leaves which may or may not granted at the sole discretion of the Executive Officer when appropriate, the Chairperson. LAFCo may require an affected employee to submit proof of qualifying relationship in order to be eligible for bereavement leave.

**RESOLUTION NO. 08-07**

**RESOLUTION OF INTENT TO SEPARATE FROM STAFFING SERVICES OF THE  
COUNTY SYSTEM AND SEEK AN INTERIM AND FINAL MEMORANDUM OF  
UNDERSTANDING BETWEEN  
SOLANO LAFCO AND SOLANO COUNTY**

**WHEREAS**, the Solano Local Agency Formation Commission (LAFCo) has been informed by officials from the California Public Employees' Retirement System (CalPERS) that Solano County (County) staff working for LAFCo should have a separate CALPERS contract, and

**WHEREAS**, the Solano Local Agency Formation Commission (LAFCo) has been informed by officials from CalPERS that their agency is forming a non-compliance unit to separate out agencies that have relationships similar to that of the County and LAFCo, and

**WHEREAS**, LAFCo is appreciative of the County's long-standing provision of staffing and support services, and

**WHEREAS**, LAFCo now seeks to amend the Memorandum of Understanding (Attachment A) between this agency and the County to transition the two County employees to LAFCo employees, and

**WHEREAS**, LAFCo also seeks to amend the existing Memorandum of Understanding for the provision of County services to contractual cost, as opposed to departmental cost allocation, and

**WHEREAS**, LAFCo requests that this modification with the County take effect at the beginning of first full payroll after July 1, 2009 for which LAFCo and California Public Employees' Retirement System have entered into a separate contract, and,

**WHEREAS**, the two employees of the County, currently serving LAFCo, have interest in separation from the County system with the assurance that there will be no negative impact to the current salary and benefits of said employees.

**NOW, THEREFORE, THE COMMISSION MAKES THE FOLLOWING  
FINDINGS AND DETERMINATIONS:**

1. Solano LAFCo has determined that it is in the public interest and more consistent with the independent role of LAFCo for its staff to transition out of the Solano County's employment to become employees of the LAFCo
2. It is the intent of the Commission that to the maximum extent feasible, current employees maintain their present salary, benefits, vacation/sick leave accrual, credit for length of employment, union status/benefits (Local One Unit #16) and all related employment rights and benefits.

3. Solano LAFCo has agreed to consider opting-out of Social Security in accordance with Section 218 of the Social Security Act at the preference of LAFCo staff. Further stating that the employer rate to be placed in a 401(a) Savings Plan for the employee and the employee rate to be returned to the employee or, at the option of the employee, contributed to said 401 (a) Savings Plan at an after-tax basis.
4. Solano LAFCo directs the Executive Officer and LAFCo Counsel to seek immediate amendment to LAFCo's current Memorandum of Understanding with the County through negotiation of a Transitional Memorandum of Understanding which will provide that LAFCo staff remain county employees through the end of the 2008-2009 Fiscal Year .
5. It is the intent of the Commission to then proceed to negotiate a new long-term MOU with the County for the limited services that LAFCo will continue to need from the County, such as financial management through the Auditor's Office, limited information technology support and GIS, use of Board of Supervisors Room, communications, etc.
6. The Commission directs its Personnel Committee and the Executive Officer to begin work on Personnel Policies and to bring policies back to the full Commission for consideration of adoption.
7. The Commission directs the Executive Officer to draft purchasing policies for Commission review.

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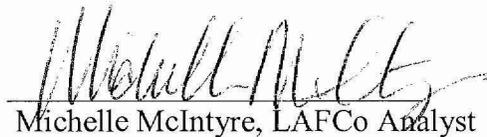
I, **SHAUN PRITCHARD**, Executive Officer of the Local Agency Formation Commission of Solano County, California, do hereby certify that the above and foregoing resolution was regularly introduced, passed, and adopted by said Commission at a regular meeting thereof held November 10, 2008 by the following vote:

AYES:	Commissioners: <u>Augustine, Courville, Saunderson,</u> <u>and, Spering</u>
NOES:	Commissioners: <u>Silva</u>
ABSENT:	Commissioners: _____
ABSTAINED:	Commissioners: _____

**WITNESS** my hand for the said Local Agency Formation Commission on this 10th day of November, 2008.



Shaun Pritchard, Executive Officer



Michelle McIntyre, LAFCo Analyst

**F. Bereavement Leave**

1. Employees shall be entitled to bereavement leave, not chargeable to vacation or sick leave, in the event of the death of one of the following members of the employee's family:
  - Natural, step, adoptive parents and grandparents of the employee
  - Natural, step, adopted children and grandchildren of the employee
  - Natural and step brothers and sisters of the employee
  - Present spouse of the employee
  - A person assuming the role of the employee's spouse
  - Ex-spouse who is the natural parent of a minor child in the custody of the employee
  - Natural parents and grandparents of the employee's spouse
  - Grandchildren of the employee's spouse
  - Natural brothers and sisters of the employee's spouse
  - Present spouses of the employee's natural brothers and sisters
  
2. Bereavement leave shall be a maximum of 40 hours within ten (10) consecutive calendar days, whether services are within the state or outside the State of California. Employees desiring more leave may request vacation or other appropriate leaves to be granted at the sole discretion of the department head.