



**Local Agency
Formation Commission
of Santa Clara County**
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

Commissioners
Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Terry Trumbull
Mark Turner

Alternate Commissioners
Pamela Campos
Helen Chapman
Betty Duong
Zach Hilton
Teresa O'Neill
Executive Officer
Neelima Palacherla

REGULAR MEETING

Board of Supervisors' Chambers, 70 West Hedding Street, First Floor, San Jose

August 6, 2025 ▪ 1:15 PM

AGENDA

Chairperson: Sylvia Arenas ▪ Vice-Chairperson: Rosemary Kamei

PUBLIC ACCESS AND PARTICIPATION

This meeting will be held in person at the location listed above. As a courtesy, and technology permitting, members of the public may also attend by virtual teleconference. However, LAFCO cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option. To attend the meeting by virtual teleconference, access the meeting at <https://sccgov-org.zoom.us/j/89908918731> or by dialing **(669) 900-6833** and entering **Meeting ID 899 0891 8731#** when prompted.

PUBLIC COMMENT INSTRUCTIONS

Written Public Comments may be submitted by email to LAFCO@ceo.sccgov.org. Written comments will be distributed to the Commission and posted to the agenda on the LAFCO website as quickly as possible but may take up to 24 hours.

Spoken public comments may be provided in-person at the meeting. Persons who wish to address the Commission on an item are requested to complete a Request to Speak Form and place it in the designated tray near the dais. Request to Speak Forms must be submitted prior to the start of public comment for the desired item. For items on the Consent Calendar or items added to the Consent Calendar, Request to Speak Forms must be submitted prior to the call for public comment on the Consent Calendar. Individual speakers will be called to speak in turn. Speakers are requested to limit their comments to the time limit allotted.

Spoken public comments may also be provided through the teleconference meeting. To address the Commission virtually, click on the link <https://sccgov-org.zoom.us/j/89908918731> to access the meeting and follow the instructions below:

- You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you when it is your turn to speak.
- When the Chairperson calls for the item on which you wish to speak, click on "raise hand" icon. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. Call-in attendees press *9 to request to speak, and *6 to unmute when prompted.
- When called to speak, please limit your remarks to the time limit allotted.

NOTICE TO THE PUBLIC

- Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$500 from any party, or a party's agent; or any participant or the participant's agent if the commission knows or has reason to know that the participant has a financial interest, while a LAFCO proceeding is pending, and for 12 months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$500 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days from the time the commissioner knows or should have known, about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$500 within the preceding 12 months by the party, or the party's agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclaralafco.org. No party, or the party's agent and no participant, or the participant's agent, shall make a contribution of more than \$500 to any LAFCO commissioner during the proceeding or for 12 months following the date a final decision is rendered by LAFCO.
- Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275- 3772).
- Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally, every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclaralafco.org.
- Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
- In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to meeting at (408) 993- 4709.

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off-agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE CONSENT CALENDAR

The Consent Calendar includes Agenda Items marked with an asterisk (*). The Commission may add to or remove agenda items from the Consent Calendar.

All items that remain on the Consent Calendar are voted on in one motion. If an item is approved on the Consent Calendar, the specific action recommended by staff is adopted. Members of the public who wish to address the Commission on Consent Calendar items should comment under this item.

***4. APPROVE MINUTES OF JUNE 4, 2025 LAFCO MEETING**

PUBLIC HEARING

5. COMPREHENSIVE REVIEW AND UPDATE OF LAFCO POLICIES – PHASE 2

Recommended Action:

1. Adopt the proposed updated Chapter 10: Service Review Policies.
2. Adopt the proposed updated Chapter 11: Policies and Procedures for Processing Proposals Affecting More than One County.
3. Adopt the proposed updated Chapter 12: LAFCO Indemnification Policy.
4. Adopt the proposed updated Chapter X: Records Retention Policy and Schedule.
5. Determine that the proposed update of LAFCO policies is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(c)(2) and §15060(c)(3).

ITEMS FOR ACTION / INFORMATION

***6. EXECUTIVE OFFICER'S REPORT**

Recommended Action: Accept report and provide direction, as necessary.

- 6.1 Pre-Application Meetings on Potential Gilroy Urban Service Area Amendment**
- 6.2 Meeting with City of Morgan Hill Staff**
- 6.3 Quarterly Meeting with County Planning Department**
- 6.4 LAFCO Orientation for Alternate Commissioner Betty Duong and Staff**

7. CALAFCO RELATED ACTIVITIES

7.1 CALAFCO UNIVERSITY (U) COURSES

For Information Only.

7.2 2025 CALAFCO Annual Conference (October 22 – October 24)

For Information Only.

7.3 Nominations to the CALAFCO Board of Directors

Recommended Action: Nominate interested commissioners and provide further direction to staff, as necessary.

7.4 Designate Voting Delegate and Alternate for 2025 CALAFCO Board of Directors Election

Recommended Action: Appoint a voting delegate and an alternate voting delegate for the 2025 CALAFCO Board of Directors Election.

8. COMMISSIONER REPORTS

9. NEWSPAPER ARTICLES / NEWSLETTERS

10. WRITTEN CORRESPONDENCE

11. ADJOURN

Adjourn to the regular LAFCO meeting on October 1, 2025 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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Executive Officer

Neelima Palacherla

ITEM # 4

**LAFCO MEETING MINUTES
WEDNESDAY, JUNE 4, 2025**

CALL TO ORDER

The meeting was called to order at 1:24 p.m.

1. ROLL CALL

Commissioners

- Sylvia Arenas, Chairperson
- Rosemary Kamei, Vice Chairperson
- Jim Beall
- Yoriko Kishimoto
- Otto Lee (Absent)
- Terry Trumbull
- Mark Turner (Absent)

Alternate Commissioners

- Pamela Campos (Absent)
- Helen Chapman (Arrived at 1:27 p.m.)
- Betty Duong (Absent)
- Zach Hilton (Voting for Mark Turner)
- Teresa O'Neill

Staff

- Dunia Noel, Assistant Executive Officer
- Emmanuel Abello, Analyst
- Sonia Humphrey, Clerk
- Mala Subramanian, Counsel

2. PUBLIC COMMENTS

There were none.

3. APPROVE CONSENT CALENDAR

MOTION: Kishimoto	SECOND: Trumbull	
AYES: Arenas, Beall, Hilton, Kamei, Kishimoto, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: Lee

Commission Action: The Commission added #4 and #11 to the consent calendar and approved the Consent Calendar, including Items #4, #5, #7, #8, #9 and #11.

4. TAKEN ON CONSENT: COMMISSIONER APPOINTMENTS BY THE INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE

For Information Only.

5. TAKEN ON CONSENT: APPROVE MINUTES OF APRIL 2, 2025 LAFCO MEETING

The Commission approved the minutes of the April 2, 2025 meeting.

PUBLIC HEARINGS

6. FINAL WORK PLAN AND BUDGET FOR FY 2026 AND AB 2561 DISCUSSION ON STATUS OF EMPLOYEE VACANCIES AND RECRUITMENT AND RETENTION EFFORTS

MOTION: Arenas	SECOND: Trumbull	
AYES: Arenas, Beall, Hilton, Kamei, Kishimoto, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: Lee

Commission Action:

1. The Commission revised the work plan to add a goal of advancing innovative LAFCO policies through a strategic plan including conducting a Strategic Planning Workshop for the Commission to consider the development of Environmental Justice Policies and other emerging policies.
2. The Commission adopted the Final Budget for Fiscal Year 2025-2026.
3. The Commission found that the Final Budget for Fiscal Year 2026 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. The Commission authorized staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
5. The Commission directed the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

ITEMS FOR ACTION / INFORMATION

7. **TAKEN ON CONSENT: RESULT OF THE PROTEST PROCEEDINGS FOR THE REORGANIZATION PROPOSAL: SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT DISSOLUTION AND SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT ANNEXATION**

For Information Only.

8. **TAKEN ON CONSENT: CALAFCO RELATED ACTIVITIES**

8.1 **Report on the 2025 CALAFCO Staff Workshop (April 30 – May 2, 2025)**

For Information Only.

8.2 **2025 CALAFCO Regional Meetings and Cultural Assessment Survey**

For Information Only.

8.3 **2025 CALAFCO Annual Conference (October 22 – 24, 2025)**

The Commission authorized commissioners and staff to attend the Annual Conference and directed that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2026.

9. **TAKEN ON CONSENT: FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ASSURA SOFTWARE, LLC FOR THE DEVELOPMENT OF A CUSTOMIZED DATABASE AND FOR PROVIDING ONGOING LICENSING AND ANCILLARY SUPPORT SERVICES**

Commission Action: The Commission approved the first amendment to the professional services agreement with Assura Software, LLC for the Development of Customized Database and for Providing Ongoing Licensing and Ancillary Support Services.

10. **COMMISSIONER REPORTS**

Vice Chairperson Kamei noted that CALAFCO recently hosted a regional meeting at the San Jose City Hall. She thanked LAFCO staff for coordinating the meeting. She stated that she enjoyed the opportunity to welcome attendees from different parts of the state to the meeting.

Commissioner Kishimoto thanked the Special Districts Association for voting for herself and Alternate Commissioner Chapman to serve for another four years.

Alternate Commissioner Chapman also shared her appreciation for being able to serve another four years.

11. NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

12. WRITTEN CORRESPONDENCE

There were none.

13. ADJOURN

The Commission adjourned at 1:43 p.m. to the next regular LAFCO meeting on August 6, 2025, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on August 6, 2025

Sylvia Arenas, Chairperson
Local Agency Formation Commission of Santa Clara County

Prepared by: _____
Sonia Humphrey, LAFCO Clerk



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ITEM # 5

Alternate Commissioners

Pamela Campos
Helen Chapman
Betty Duong
Zach Hilton
Teresa O'Neill

Executive Officer

Neelima Palacherla

LAFCO MEETING: August 6, 2025

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Analyst**

**SUBJECT: COMPREHENSIVE REVIEW AND UPDATE OF LAFCO
POLICIES – PHASE 2**

STAFF RECOMMENDATIONS

1. Adopt the proposed updated Chapter 10: Service Review Policies.
2. Adopt the proposed updated Chapter 11: Policies and Procedures for Processing Proposals Affecting More than One County.
3. Adopt the proposed updated Chapter 12: LAFCO Indemnification Policy.
4. Adopt the proposed updated Chapter X: Records Retention Policy and Schedule.
5. Determine that the proposed update of LAFCO policies is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(c)(2) and §15060(c)(3).

PROJECT BACKGROUND

Scope and Purpose of the Comprehensive Review and Update of LAFCO's Policies

The purpose of the comprehensive review and update of the current LAFCO policies is to:

- Better enable LAFCO to meet its legislative mandate,
- Make the policies consistent with recent changes to the CKH Act,
- Better document current/historic practices, and
- Provide better guidance to affected agencies, the public, and potential applicants; and increase clarity and transparency of LAFCO's policies and expectations.

The project is divided into two phases (Phase 1 and Phase 2).

Phase 1 Complete

On December 4, 2024, LAFCO completed the first phase of the Comprehensive Review and Update of LAFCO Policies which focused on reviewing and updating, as necessary, the key policies that apply to processing typical LAFCO applications.

Phase 2 Underway

On April 4, 2025, LAFCO approved a workplan for the second phase of the Comprehensive Review and Update of LAFCO Policies. This phase focuses on reviewing and updating, as needed, LAFCO's remaining policies — including the service review policies, indemnification policy, incorporation policies (used less frequently), and policies and procedures related to administrative functions. The following policies are the subject of this staff report:

- Service Review Policies (Chapter 10)
- Policies and Procedures for Processing Proposals Affecting More than One County (Chapter 11)
- Indemnification Policy (Chapter 12)
- Records Retention Policy and Schedule (Chapter X)

Proposed updates to LAFCO's other remaining policies will be presented at upcoming LAFCO meetings (e.g. October 6, 2025, and December 3, 2025) for the Commission's consideration and potential adoption.

Type of Revisions Proposed to the Current LAFCO Policies

The proposed policy revisions include the following types of changes:

Overall Organization and Structure

Each of the current policies has been restructured as individual numbered chapters with corresponding numbered policies and subtitles, to be part of a single comprehensive document.

Each chapter is reformatted to begin with an introduction section that includes historical context and legislative background; followed by any key definition(s) where appropriate; followed by procedural policies (if any); and then policies on evaluation criteria, distinguishing policies for city proposals from policies for special district proposals, where appropriate.

References to State law

Incorrect and/or expired references to State law in the current policies are removed and replaced with the correct/current references.

New references to relevant code sections of State law have been added, where appropriate.

Text changes

New language has been added to the current policies to reflect recent changes in State law.

New language has been added to document current and longstanding Santa Clara LAFCO practices and procedures.

New language has been added to provide key background information and historical context, and to explain goals/intent/purpose of policies.

Organization of Proposed LAFCO Policy Revisions

The proposed revisions to Chapter 10: Service Review Policies resulted in a substantial reformatting, reordering, and rewriting of these current policies. As such, a tracked change version of the current Service Review Policies would have resulted in a document that is difficult to read and review. Instead, a set of documents have been prepared for Chapter 10: Service Review Policies as follows:

- **Proposed policies**
- **Reference table** showing the proposed policies in relation to the current policies and the reason(s) for the proposed revisions
- Corresponding **current policies**

Only minor reformatting and less substantial text revisions are proposed for the following policies:

- Chapter 11: Policies and Procedures for Processing Proposals Affecting More than One County
- Chapter 12: LAFCO Indemnification Policy
- Chapter X: Records Retention Policy and Schedule.

Therefore, only a tracked change version of each of these current policies has been prepared for the Commission's review and potential adoption.

CHAPTER 10: SERVICE REVIEW POLICIES

Background

On December 11, 2002, LAFCO adopted its initial service review policies to guide the preparation of service reviews pursuant to Government Code §56430. The current "Service Review Policies" were last revised by the Commission on October 14, 2009, to incorporate updated statutory service review determinations and to note that the deadline for completing the first round of service reviews was January 1, 2008.

Since then, additional statutory changes have been enacted, including further changes to the required service review determinations. Santa Clara LAFCO has also successfully completed multiple rounds of service reviews, resulting in a refined process for conducting service reviews, including stakeholder/public outreach and community engagement throughout the process; and for encouraging affected agencies and organizations to implement service review recommendations. All of these changes and best practices have been incorporated into the policies.

Proposed Revisions

The current “Service Review Policies,” have been edited, reformatted, and reorganized as the proposed “Chapter 10: Service Review Policies.” These policies date back to 2002 and there have been changes since that time. Major proposed changes are highlighted below:

The first section (10.1) is a new introduction which is largely based on the “background” section of the current policies but also includes additional language on the history of the LAFCO’s service review requirement.

Subsection 10.8.4 includes new language outlining Santa Clara LAFCO’s key steps in conducting a service review.

Subsections 10.8.4(b) and (k) include new language explaining Santa Clara LAFCO’s public outreach and community engagement process for service reviews.

Section 10.9 is a new section added to explain Santa Clara LAFCO’s process for encouraging and monitoring implementation of service review recommendations, based on current and historical LAFCO practice.

Please see **Attachment A** for the proposed Service Review Policies, the reference table, and the current Service Review Policies.

CHAPTER 11: POLICIES AND PROCEDURES FOR PROCESSING PROPOSALS AFFECTING MORE THAN ONE COUNTY

Background

On December 11, 2002, LAFCO adopted “Policies and Procedures for Processing Proposals Affecting More Than One County” which formalized the then existing practice of referring multi-county annexations between Santa Clara and San Mateo LAFCOs. Since 1987, San Mateo and Santa Clara LAFCOs have had an informal agreement by which the principal LAFCO refers applications involving territory in another county to the affected LAFCO for consideration and recommendation prior to the hearing of the principal LAFCO. However, this referral process is not mandated by the CKH Act.

Santa Clara LAFCO has three multi-county special districts, as follows:

- West Bay Sanitary District (WBSD), which includes territory in Santa Clara and San Mateo counties,
- Midpeninsula Regional Open Space District (MROSD), which includes territory in Santa Clara, San Mateo, and Santa Cruz counties, and
- Pacheco Pass Water District (PPWD), which includes territory in Santa Clara and San Benito Counties.

Santa Clara LAFCO is the principal LAFCO for MROSD, San Mateo LAFCO is the principal LAFCO for WBSD, and San Benito LAFCO is the principal LAFCO for PPWD.

Proposed Revisions

The current “Policies and Procedures for Processing Proposals Affecting More Than One County” have been edited, reformatted, and reorganized as the proposed “Chapter 11: Policies and Procedures for Processing Proposals Affecting More Than One County.”

The first section of the policies has been retitled “Introduction” to be more consistent with the other recently updated LAFCO policies. Very minor text changes have been made for greater clarity and readability, and references to relevant code sections in State law have also been added.

Please see **Attachment B** for the current Policies and Procedures for Processing Proposals Affecting More Than One County with proposed revisions shown in tracked changes.

CHAPTER 12: LAFCO INDEMNIFICATION POLICY

Background

On June 3, 2009, LAFCO adopted an “Indemnification Policy” which requires an applicant to indemnify LAFCO for any litigation associated with LAFCO’s review and approval of the application and requires applicants to submit a signed indemnification agreement in the form prescribed in the policy as part of the filing requirements for submittal of any application.

The indemnification policy acknowledges that LAFCO frequently reviews and acts on proposals that are complex and potentially controversial. Such reviews and actions can expose LAFCO to litigation, the cost of which would otherwise be borne by the Commission. Santa Clara LAFCO is funded jointly by the 15 cities, the County, and the 19 independent special districts; thus, any litigation costs incurred by LAFCO are effectively borne by these funding agencies.

The indemnification policy shifts the financial burden of litigation defense from LAFCO and its funding agencies to the applicant. Nearly all LAFCOs have indemnification requirements, with the majority requiring indemnification as a condition of filing an application.

Proposed Revisions

The current “Indemnification Policy” has been edited, reformatted, and reorganized as the proposed “Chapter 12: Indemnification Policy.” LAFCO Counsel has reviewed the current policy and recommended these specific changes to be consistent with State law.

On September 28, 2024, the CKH Act was amended to expressly authorize LAFCO to require, as a condition of processing an application, that the applicant agrees to defend, indemnify, and hold harmless LAFCO. Government Code §56383.5 further provides that any such agreement shall require LAFCO to promptly notify the applicant of any claim and to cooperate fully in the defense.

Accordingly, staff proposes deleting the language requiring a deposit from the applicant, since the applicant may choose to directly defend the lawsuit, in which case a deposit would not be necessary. However, if the applicant requests that LAFCO handle the defense, LAFCO will enter into an agreement with the applicant providing for a deposit and timely payment of invoices. Other minor edits are also proposed to improve clarity and internal consistency, including revisions to Exhibit A: Indemnification Agreement.

Please see **Attachment C** for the current Indemnification Policy with proposed revisions shown in tracked changes.

CHAPTER X: RECORDS RETENTION POLICY AND SCHEDULE

Background

On October 14, 2009, LAFCO adopted a “Records Retention Policy” to provide staff with guidance on how to manage LAFCO records based on Government Code §56382 of the CKH Act, which allows for the destruction of LAFCO records in a manner specified in that section. However, the CKH Act does not define the term “record.” The current policy defines “records” to include LAFCO meeting minutes, LAFCO resolutions, and those documents related to LAFCO proposals. Per the policy, other documents that are not listed as LAFCO records are retained and disposed of in accordance with the accompanying Records Retention Schedule (i.e. Exhibit A of the Records Retention Policy). In 2010, staff began implementing an electronic digital management system for LAFCO files based on these policies.

Proposed Revisions

The current “Records Retention Policy” has been edited, reformatted, and reorganized as the proposed “Chapter X: Records Retention Policy.” LAFCO Counsel has reviewed the current policy and recommended these specific changes to align the policy with current state and federal laws and regulations and to provide LAFCO staff with clear guidance on records management practices.

Please see **Attachment D** for the current Records Retention Policy with proposed revisions shown in tracked changes.

NOTICE OF PUBLIC HEARING

Staff created a [project webpage for the Comprehensive Review and Update of LAFCO Policies](#) with information on the proposed revisions, including related documents / resources.

LAFCO staff provided a 21-day notice of the LAFCO public hearing pursuant to GC §56660. A Notice of Public Hearing was posted on the LAFCO website and the County’s Official Bulletin Board on July 16, 2025, and published in the *San Jose Post Record* on the same day. The staff report for this agenda item will be posted on the LAFCO website by August 1, 2025 and affected agencies, interested parties, and others that have requested to receive LAFCO agendas will be noticed accordingly.

ENVIRONMENTAL ANALYSIS

The purpose of the comprehensive review and update of the current LAFCO policies is to better enable LAFCO to meet its legislative mandate, make the policies consistent with recent changes to LAFCO law, better document current/historic practices, and provide ease of use and better guidance to affected agencies, public, and potential applicants; and increase clarity and transparency of LAFCO's policies and expectations.

The proposed Phase 2 LAFCO policies revisions include changes to the overall organization and structure of the current LAFCO policies; removal of incorrect and/or expired references to State law and inclusion of new references to relevant code sections of State law; text changes to reflect changes in State law or to provide background information.

The approval of the proposed Phase 2 LAFCO policies revisions is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and, Section 15060(c)(3) (the activity is not a project as defined in Section 15378) because the proposed revisions to Santa Clara LAFCO policies reflect existing provisions of the Government Code that are already State law, existing policies of LAFCO that are already under implementation, historic or current Santa Clara LAFCO practice, or are entirely procedural (non-substantive) in nature.

NEXT STEPS

Upon the Commission's adoption of these policies, staff will finalize the updated LAFCO policies, compile them into a policies handbook, and publish it on the LAFCO website as well as distribute it digitally to local agencies and interested parties.

In accordance with the approved workplan for Phase 2 of the project, staff will continue reviewing and preparing updates, as necessary, to the remaining LAFCO policies for the Commission's consideration and potential adoption as follows:

- LAFCO Bylaws (October 2025)
- Policies for Use of LAFCO Issued Electronic Devices (October 2025)
- Procedures for Preparing and Processing Environmental Documents (October 2025)
- Conflict of Interest Code (October 2025)
- Incorporation Policies (December 2025)
- Legislative Policies (December 2025)

ATTACHMENTS

Attachment A: Chapter 10: Service Review Policies
A-1: Proposed Service Review Policies

A-2: Reference Table

A-3: Current Service Review Policies

Attachment B: Chapter 11: Policies and Procedures for Processing Proposals
Affecting More than One County (tracked changes)

Attachment C: Chapter 12: Indemnification Policy (tracked changes)

Attachment D: Chapter X: Records Retention Policy Schedule (tracked
changes)

CHAPTER 10. SERVICE REVIEW POLICIES

10.1 INTRODUCTION

Pursuant to Government Code (GC) §56430, LAFCO is required to conduct service reviews and prepare the requisite written statement of its determinations prior to establishing or updating city and special district spheres of influence.

The mandate for LAFCOs to conduct services reviews was enacted as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and is based on the recommendation contained in [Growth Within Bounds](#) – a Report of the Commission on Local Governance for the 21st Century. The Report noted that for LAFCOs to achieve their fundamental purposes they must have a comprehensive knowledge of the services available within the county, the current efficiency of providing service within various areas of the county, future needs for each service, and expansion capacity of each service provider. The Report identified service reviews as an opportunity for LAFCOs to gain that knowledge and promote efficient service delivery to meet future growth and development needs in the county.

In Santa Clara County, service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand public service governance and delivery and evaluate options for the provision of efficient and effective public services.

These policies will provide guidance to LAFCO in the preparation and implementation of service reviews.

10.2 SERVICE REVIEW DEFINED

A service review is a comprehensive review of services within a designated geographic area and includes steps to:

- Obtain information about services in the geographic area,
- Evaluate the provision of services from a comprehensive perspective, and
- Recommend actions when necessary, to promote the efficient provision of those services.

LAFCO is not required to initiate boundary changes based on service reviews. However, LAFCO, local agencies or the public may subsequently use the service reviews to pursue changes in jurisdictional boundaries or spheres of influence.

10.3 SERVICES TO BE REVIEWED

GC §56074 defines a “service” as a specific governmental activity established within, and as part of, a function of a local agency.

Service reviews will cover the range of services that a public agency provides or is authorized to provide (examples include fire, water, sewer, lighting, library, police, storm water and solid waste collection/ disposal, gas and electricity). General government services such as social and health services, courts and criminal justice will be excluded from the reviews. Service reviews are triggered by requirements to create or update the Sphere of Influence (SOI) for public agencies. Therefore, Santa Clara LAFCO will review

services that are provided by public agencies that have, or are required to have, SOIs. In doing so, Santa Clara LAFCO will also take into consideration other services (e.g., emergency response along with fire protection services) and the operation of other providers that service the same region (e.g., private water providers or volunteer fire crews).

10.4 GEOGRAPHIC SCOPE OF A SERVICE REVIEW

LAFCO will determine how service reviews will be organized and conducted in Santa Clara County. Consistent with GC §56430 (a), LAFCO may conduct a service review for sub-regional areas within the county or on a countywide basis, it may review a single agency or multiple agencies, and it may review a single service or multiple services.

Generally, Santa Clara LAFCO will include in a service review the geographic area and agency(ies) that best facilitate a logical, comprehensive and adequate review of services in the area. LAFCO may need to include a service provider in more than one service review area, only review services of some providers to the extent that they affect the service review area and services under study, or only review a portion of services provided. Service reviews may extend beyond the county boundary in some cases, to provide a more useful and accurate analysis of service provision, especially where multi-county service providers are involved.

10.5 SERVICE PROVIDERS TO BE INCLUDED

Consistent with GC §56430(b), LAFCO shall comprehensively review all the agencies that provide the identified service or services within the designated geographic area. Agencies that are required to have SOIs will be the focus of service reviews. These agencies include the 15 cities, and the special districts under LAFCO jurisdiction, such as, but not limited to, county service areas, community service districts, fire protection districts, sanitary/sanitation districts, water districts, vector control districts, health care districts, open space districts and resource conservation districts.

Agencies that do not have SOIs include school districts, private providers, state or federal agencies and other agencies such as Joint Powers Authorities, that provide support or overlapping services in the region. These agencies will also be reviewed to the extent necessary to establish relationships, quantify services, designate or map service locations / facilities and provide a complete overview of services in the area. These agencies may be requested to participate and provide information necessary to conduct the review. Pursuant to GC §56430(d), LAFCO may request information from entities that provide wholesale or retail supply of drinking water, including mutual water companies.

10.6 TIMING OF SERVICE REVIEWS

1. Consistent with GC §56430(e), LAFCO will prepare a service review as necessary, prior to or in conjunction with the establishment or update of the SOI. Minor amendments of a SOI, as determined by Santa Clara LAFCO, may not require a new service review.
2. Service reviews may need to be conducted independent of SOI reviews and updates, to facilitate review of a pending application or other LAFCO action, unless

Santa Clara LAFCO determines that prior service reviews are adequate for the purpose.

10.7 SERVICE REVIEW FUNDING

1. Santa Clara LAFCO will include the funding for LAFCO-initiated service reviews in its annual work plan and budget development process. Sufficient funds necessary to satisfactorily complete the required reviews including consultant costs will be allocated in the Santa Clara LAFCO budget for each fiscal year service reviews are to be conducted.
2. An application-processing fee for conducting the service reviews will be charged when LAFCO applications (such as, but not limited to sphere of influence amendments, urban service area amendments or annexation applications) trigger the service review requirement and an applicable service review does not exist.

10.8 SERVICE REVIEW PROCESS

1. The Commission will develop a multi-year workplan, including schedule, priority, and general scope for each round of service reviews.
2. Prior to the start of each service review, the Commission will determine a work plan including the timeline, the services and service providers that will be covered, the geographic scope of the review, and an initial list of emerging/focus issues to be addressed.
3. Service reviews may be conducted by consultants with specialized expertise or by Santa Clara LAFCO staff, depending on the complexity of the study, the presence of any controversial issues, and the availability of staff resources.
4. The key steps in conducting a service review are outlined as follows:
 - a. **Technical Advisory Committee (TAC):** As appropriate, form a TAC for a specific service review composed of representatives of stakeholder agencies and interested commissioners to provide guidance and serve as a liaison between Santa Clara LAFCO and the affected agencies.
 - b. **Initial Stakeholder/Public Outreach and Engagement:** To promote early stakeholder and public engagement in service reviews, Santa Clara LAFCO shall:
 - i. Identity stakeholders, including affected local agencies, service providers, community organizations, other interested parties, at the outset of the service review process
 - ii. Create a dedicated webpage for each service review to provide key information, timelines, and regular progress updates, helping to keep stakeholders and the public informed and engaged throughout the review process
 - iii. Raise awareness of the start of each service review through a combination of emails, newsletters, and social media

- iv. Provide opportunities for early stakeholder and public input through at least one of the following mechanisms: kickoff meetings, community meetings, stakeholder listening sessions, or online surveys
- c. **Evaluation Criteria:** Where appropriate, establish specific evaluation criteria to be used in making the required service review determinations
- d. **Data Collection:** Collect and compile necessary data from available data resources (i.e., agency websites, and other relevant sources). Create a custom questionnaire for each agency to collect any other necessary data and distribute the questionnaire to each agency for their completion.
- e. **Agency Interviews:** Conduct interviews with affected agencies as necessary to follow up on information gaps and seek clarification on matters
- f. **Agency Profiles:** Compile profiles of each of the agencies using a standard format, based on the interviews and data collected and obtain a level of consistency in the data
- g. **Agency Review for Accuracy:** Provide each agency with their agency profile for their internal review and comment, to ensure accuracy prior to analysis
- h. **Data Analysis and Preliminary Findings:** Analyze the data to make the required determinations for each agency and to develop any recommendations
- i. **Administrative Draft Report:** Prepare an administrative draft report for internal LAFCO staff review and comment before public release
- j. **Public Review Draft:** Prepare and release a draft report for 21-day public review and comment period
- k. **Stakeholder/Public Outreach and Engagement on Public Review Draft:** To promote stakeholder/public review of the draft service review report, Santa Clara LAFCO shall:
 - i. Conduct public outreach to the various stakeholders and the public to notify them of the availability of the draft report and to obtain their feedback on the draft report using a combination of mechanisms: updates to the project webpage, project newsletters, emails, social media, and press releases
 - ii. Provide opportunities for various stakeholders and the public to comment on the draft service review through the following mechanisms: community workshops, written comment periods, and public hearings
- l. **LAFCO Public Hearing:** Hold a LAFCO public hearing for the Commission to accept comments on the draft report
 - i. A draft report may be considered final if no substantive comments are received prior to the end of the hearing and the Commission determines it satisfactory
- m. **Revised Draft:** Prepare and release for public review a revised redlined draft document, as necessary, in response to the comments received

n. **Second LAFCO Public Hearing:**

- i. Hold a LAFCO public hearing for the Commission to consider and adopt the final report

o. **Final Report**

- i. Publish the adopted report on the Santa Clara LAFCO website and notify all stakeholders and interested parties of the availability of the Final Service Review Report

10.9. IMPLEMENTATION OF SERVICE REVIEW RECOMMENDATIONS

1. Santa Clara LAFCO will encourage and monitor the implementation of service review recommendations.
2. Santa Clara LAFCO staff will compile recommendations from the service review report and send a letter to affected agencies requesting a written response on:
 - i. How the affected agency plans to implement the recommendation(s)
 - ii. What is the affected agency's timeline for implementation of the recommendation(s)
 - iii. Explanation if the affected agency does not plan to implement the recommendation(s)

Staff will report to the Commission on the agencies' plans and progress in implementing service review recommendations.

3. The Commission will consider affected agencies responses, consider next steps, and determine if further action is needed.

10.10 APPLICABILITY OF CEQA TO SERVICE REVIEWS

1. LAFCO will consider and adopt service reviews in a manner consistent with the requirements of CEQA.

10.11 EVALUATION CATEGORIES FOR SERVICE REVIEW DETERMINATIONS

GC §56430(a) requires LAFCO to conduct service reviews and prepare a written statement of determinations on a set of evaluation categories. The following is a general description of the required evaluation categories:

1. **Growth and population projections for the affected area.**

A plan for service provision to an area should take into consideration the existing as well as future need for public services in the area. Service reviews will examine the existing and future need for public services and will evaluate whether projections for future growth and population patterns are integrated into an agency's planning function. This analysis may be used to determine whether the SOI / USA boundaries reflect the expected growth boundaries, if future SOI changes are necessary or feasible, and if agencies are aware of, and planning for anticipated changes in service demand.

In order to examine the existing and future levels of demand for a service, the service review will contain and consider existing and projected population and their relationship to agency plans, planning boundaries and existing and proposed land uses.

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

GC §56033.50 defines a "disadvantaged unincorporated community" (DUC) as an inhabited territory that constitutes all or a portion of a "disadvantaged community," as defined by Section §79505.5 of the Water Code, i.e., a community with an annual median household income that is less than 80 percent of the statewide annual median household income. GC §56046 defines inhabited territory as territory within which there reside 12 or more registered voters. Through service reviews, Santa Clara LAFCO shall identify the location and service characteristics of a DUC within, or contiguous to an agency's sphere of influence, if any.

3. **Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs 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.**

One of LAFCO's goals is to encourage the efficient provision of public services. Any area needing or planned for services must have the infrastructure necessary to support the provision of those services. Infrastructure needs and deficiencies refers to the adequacy of existing and planned infrastructure and its relationship to the level of service that is being provided or needs to be provided in an area. Infrastructure can be evaluated in terms of capacity, condition, availability, quality and levels of service and quality of plans and programs.

Through service reviews, Santa Clara LAFCO shall regularly monitor the existence of DUCs in Santa Clara County and the infrastructure needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the sphere of influence.

4. **Financial ability of agencies to provide services.**

A community's public service needs should be viewed in light of the resources available to fund the services. The service review will assess fiscal viability of the agency to provide services and analyze if agencies are capitalizing on financing opportunities and collaborative strategies to deal with financial constraints. The service review will contain information on current and planned financing mechanisms, funding practices and revenue sources and examine their relationship with service boundaries.

5. **Status of, and opportunities for, shared facilities.**

The service review will identify opportunities for service providers to share facilities with the intent of lowering current and potential infrastructure / capital improvement costs. When applicable, the service review will inventory facilities within the study area to determine if facilities are currently being utilized to

capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies. Options for planning for future shared facilities and services, for eliminating duplicative services, replacing outdated or underutilized equipment / facilities and/or implementing economies of scale may also be considered.

6. **Accountability for community service needs, including governmental structure and operational efficiencies.**

Accountable local government is marked by processes and actions that consist of accessible and accountable elected or appointed decision-making body and agency staff; that encourage public participation and solicit public input in the consideration of work plans, budgets, and programs; and that evaluate the agency's plans and programs and publish results to the public.

The service review will study existing and future public service conditions and evaluate governmental structure alternatives for organizational and operational efficiencies in order to accommodate orderly growth, prevent urban sprawl, ensure efficient delivery of services and improve accountability or governing practices.

Santa Clara LAFCO may evaluate the advantages and disadvantages of potential government structure options or boundary changes including: amending the SOI, annexations to or detachments from cities or special districts, formation of new special districts, incorporation of cities, dissolutions, mergers, consolidations and other reorganization options found in the CKH Act. While there is no requirement that LAFCO initiate any changes of organization as part of the service review, Santa Clara LAFCO, the public or local agencies may pursue subsequent changes to government structure.

7. **Any other matter related to effective or efficient service delivery, as required by LAFCO policy.**

The Commission may adopt other determinations on a case-by-case basis based on unique local conditions, or changes to regulatory requirements or legislation.

10.12 ADOPTION OF SERVICE REVIEW DETERMINATIONS

Any service review determinations will be adopted by resolution.

PROPOSED SERVICE REVIEW POLICIES WITH NOTES AND REFERENCES TO CURRENT POLICIES

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
10.1	INTRODUCTION	<p>Pursuant to Government Code (GC) §56430, LAFCO is required to conduct service reviews and prepare the requisite written statement of its determinations prior to establishing or updating city and special district spheres of influence.</p> <p>The mandate for LAFCOs to conduct services reviews was enacted as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and is based on the recommendation contained in Growth Within Bounds – a Report of the Commission on Local Governance for the 21st Century. The Report noted that for LAFCOs to achieve their fundamental purposes they must have a comprehensive knowledge of the services available within the county, the current efficiency of providing service within various areas of the county, future needs for each service, and expansion capacity of each service provider. The Report identified service reviews as an opportunity for LAFCOs to gain that knowledge and promote efficient service delivery to meet future growth and development needs in the county.</p> <p>In Santa Clara County, service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand public service governance and delivery and evaluate options for the provision of efficient and effective public services.</p> <p>These policies will provide guidance to LAFCO in the preparation and implementation of service reviews.</p>	Substantially the same as Service Review Policies “Background” Section, with additional clarification	<ul style="list-style-type: none">• To provide greater clarity, transparency, and context, added new language on the history of the LAFCO’s service review requirement. The reference to the 2003 State Office of Planning and Research’s Municipal Service Review Guidelines was removed, as the Guidelines are outdated. A copy of the Guidelines is available on the LAFCO website under “Publications should there be a need to reference it in the future.
10.2	SERVICE REVIEW DEFINED	<p>A service review is a comprehensive review of services within a designated geographic area and includes steps to:</p> <ul style="list-style-type: none">• Obtain information about services in the geographic area,• Evaluate the provision of services from a comprehensive perspective, and	Same as Service Review Policies #1	

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		<ul style="list-style-type: none"> Recommend actions when necessary, to promote the efficient provision of those services. <p>LAFCO is not required to initiate boundary changes based on service reviews. However, LAFCO, local agencies or the public may subsequently use the service reviews to pursue changes in jurisdictional boundaries or spheres of influence.</p>		
10.3	SERVICES TO BE REVIEWED	<p>GC §56074 defines a “service” as a specific governmental activity established within, and as part of, a function of a local agency.</p> <p>Service reviews will cover the range of services that a public agency provides or is authorized to provide (examples include fire, water, sewer, lighting, library, police, storm water and solid waste collection/ disposal, gas and electricity). General government services such as social and health services, courts and criminal justice will be excluded from the reviews. Service reviews are triggered by requirements to create or update the Sphere of Influence (SOI) for public agencies. Therefore, Santa Clara LAFCO will review services that are provided by public agencies that have, or are required to have, SOIs. In doing so, Santa Clara LAFCO will also take into consideration other services (e.g., emergency response along with fire protection services) and the operation of other providers that service the same region (e.g., private water providers or volunteer fire crews).</p>	Same as Service Review Policies #2, with additional clarification	<ul style="list-style-type: none"> Added reference to the relevant code section in State law
10.4	GEOGRAPHIC SCOPE OF A SERVICE REVIEW	<p>LAFCO will determine how service reviews will be organized and conducted in Santa Clara County. LAFCO may conduct a service review for sub-regional areas within the county or on a countywide basis, it may review a single agency or multiple agencies, and it may review a single service or multiple services.</p> <p>Generally, Santa Clara LAFCO will include in a service review the geographic area and agency(ies) that best facilitate a logical, comprehensive and adequate review of services in the area. LAFCO may need to include a service provider in more than one service review area, only review services of some providers to the extent that they</p>	Same as Service Review Policies #5, with very minor reorganization of language in first paragraph for greater clarity	

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		affect the service review area and services under study, or only review a portion of services provided. Service reviews may extend beyond the county boundary in some cases, to provide a more useful and accurate analysis of service provision, especially where multi-county service providers are involved.		
10.5	SERVICE PROVIDERS TO BE INCLUDED	<p>Consistent with GC §56430(b), LAFCO shall comprehensively review all the agencies that provide the identified service or services within the designated geographic area. Agencies that are required to have SOIs will be the focus of service reviews. These agencies include the 15 cities, and the special districts under LAFCO jurisdiction, such as, but not limited to, county service areas, community service districts, fire protection districts, sanitary/sanitation districts, water districts, vector control districts, health care districts, open space districts and resource conservation districts.</p> <p>Agencies that do not have SOIs include school districts, private providers, state or federal agencies and other agencies such as Joint Powers Authorities, that provide support or overlapping services in the region. These agencies will also be reviewed to the extent necessary to establish relationships, quantify services, designate or map service locations / facilities and provide a complete overview of services in the area. These agencies may be requested to participate and provide information necessary to conduct the review. Pursuant to GC §56430(d), LAFCO may request information from entities that provide wholesale or retail supply of drinking water, including mutual water companies.</p>	Substantially the same as Service Review Policies #3, with clarifications	<ul style="list-style-type: none"> • Restated to be consistent with State law, and added references to the relevant code sections in State law
10.6	TIMING OF SERVICE REVIEWS	1. Consistent with GC §56430 (e), LAFCO will prepare a service review as necessary, prior to or in conjunction with the establishment or update of the SOI. Minor amendments of a SOI, as determined by Santa Clara LAFCO, may not require a new service review.	Same as Sphere of Influence Policies #2.4c and Service Review Policies #4b (last sentence)	
		2. Service reviews may need to be conducted independent of SOI reviews and updates, to facilitate review of a pending application or other LAFCO action,	Same as Service Review Policies #4c	

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		unless Santa Clara LAFCO determines that prior service reviews are adequate for the purpose.		
10.7	SERVICE REVIEW FUNDING	1. Santa Clara LAFCO will include the funding for LAFCO-initiated service reviews in its annual work plan and budget development process. Sufficient funds necessary to satisfactorily complete the required reviews including consultant costs will be allocated in the Santa Clara LAFCO budget for each fiscal year service reviews are to be conducted.	Same as Service Review Policies #6a	
		2. An application-processing fee for conducting the service reviews will be charged when LAFCO applications (such as, but not limited to sphere of influence amendments, urban service area amendments or annexation applications) trigger the service review requirement and an applicable service review does not exist.	Same as Service Review Policies #6b	
10.8	SERVICE REVIEW PROCESS	1. The Commission will develop a multi-year workplan, including schedule, priority, and general scope for each round of service reviews.		<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added a new section to explain how LAFCO plans for and conducts service reviews, based on current and historical LAFCO practice
		2. Prior to the start of each service review, the Commission will determine a work plan including the timeline, the services and service providers that will be covered, the geographic scope of the review, and an initial list of emerging/focus issues to be addressed		“
		3. Service reviews may be conducted by consultants with specialized expertise or by Santa Clara LAFCO staff, depending on the complexity of the study, the presence of any controversial issues, and the availability of staff resources.		“

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		4. The keys steps in conducting a service review are outlined as follows:		<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added new language addressing key steps in conducting a service review, based on current and historical LAFCO practice
		a. Technical Advisory Committee (TAC): As appropriate, form a TAC for a specific service review composed of representatives of stakeholder agencies and interested commissioners to provide guidance and serve as a liaison between Santa Clara LAFCO and the affected agencies.		“
		b. Initial Public Outreach and Community Engagement: To promote early stakeholder and public engagement in service reviews, Santa Clara LAFCO shall:		
		i. Identity stakeholders, including affected local agencies, service providers, community organizations, other interested parties, at the outset of the service review process	Restated and expanded on Service Review Policies #7, with additional clarifications	<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added new language on how initial public outreach and community engagement will occur as part of the service review process, based on current and historical LAFCO practice
		ii. Create a dedicated webpage for each service review to provide key information, timelines, and regular progress updates, helping to keep stakeholders and the public informed and engaged throughout the review process.	“	“

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		iii. Raise awareness of the start of each service review through a combination of emails, newsletters, and social media	"	"
		iv. Provide opportunities for early stakeholder and public input through at least one of the following mechanisms: kickoff meetings, community meetings, stakeholder listening sessions, or online surveys	"	"
		c. Evaluation Criteria: Where appropriate, establish specific evaluation criteria to be used in making the required service review determinations		<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added new language addressing key steps in conducting a service review, based on current and historical LAFCO practice
		d. Data Collection: Collect and compile necessary data from available data resources (i.e., agency websites, and other relevant sources). Create a custom questionnaire for each agency to collect any other necessary data and distribute the questionnaire to each agency for their completion.	Similar to Service Review Policies #8a	"
		e. Agency Interviews: Conduct interviews with affected agencies as necessary to follow up on information gaps and seek clarification on matters		"
		f. Agency Profiles: Compile profiles of each of the agencies using a standard format, based on the interviews and data collected and obtain a level of consistency in the data		"
		g. Agency Review for Accuracy: Provide each agency with their agency profile for their internal review and comment, to ensure accuracy prior to analysis		"

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		h. Data Analysis and Preliminary Findings: Analyze the data to make the required determinations for each agency and to develop any recommendations		“
		i. Administrative Draft Report: Prepare an administrative draft report for internal LAFCO staff review and comment before public release		“
		j. Public Review Draft: Prepare and release a draft report for 21-day public review and comment period	Substantially the same as Service Review Policies #8c	
		k. Stakeholder/Public Outreach and Community Engagement on Public Review Draft: To promote stakeholder/public review of the draft service review report, Santa Clara LAFCO shall:		
		i. Conduct public outreach to the various stakeholders and the public to notify them of the availability of the draft report and to obtain their feedback on the draft report using a combination of mechanisms: updates to the project webpage, project newsletters, emails, postcards, social media, and press releases	Substantially the same as Service Review Policies #7, with additional clarification	<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added new language on how public outreach and community engagement on the public review draft will occur, based on current and historical LAFCO practice
		ii. Provide opportunities for various stakeholders and the public to comment on the draft service review through the following mechanisms: community workshops, written comment periods, and public hearings	“	“
		l. LAFCO Public Hearing: Hold a LAFCO public hearing for the Commission to accept comments on the draft report	Substantially the same as Service Review Policies #8d	<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added new language

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
				addressing a key step in conducting a service review, based on current and historical LAFCO practice
		i. A draft report may be considered final if no substantive comments are received prior to the end of the hearing and the Commission determines it satisfactory	Substantially the same as Service Review Policies #8e	“
		m. Revised Draft: Prepare and release for public review a revised redlined draft document, as necessary, in response to the comments received	Substantially the same as Service Review Policies #8f	“
		n. Second LAFCO Public Hearing:		
		i. Hold a LAFCO public hearing for the Commission to consider and adopt the final report.	Substantially the same as Service Review Policies #8h	“
		o. Final Report:		
		i. Publish the adopted report on the Santa Clara LAFCO website and notify all stakeholders and interested parties of the availability of the Final Service Review Report	Substantially the same as Service Review Policies #8j	“
10.9	IMPLEMENTATION OF SERVICE REVIEW RECOMMENDATIONS	1. Santa Clara LAFCO will encourage and monitor the implementation of service review recommendations.		<ul style="list-style-type: none"> To provide greater clarity, transparency, and guidance, added a new section explaining how LAFCO encourages and monitors implementation of service review recommendations,

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
				based on current and historical LAFCO practice
		2. Santa Clara LAFCO will compile recommendations from the service review report and send a letter to affected agencies requesting a written response on:		“
		i. How the affected agency plans to implement the recommendation(s)		“
		ii. What is the affected agency's timeline for implementation of the recommendation(s)		“
		iii. Explanation if the affected agency does not plan to implement the recommendation(s)		“
		Staff will report to the Commission on the agencies' plans and progress in implementing service review recommendations		“
		3. The Commission will consider affected agencies responses, consider next steps, and determine if further action is needed.		“
10.10	APPLICABILITY OF CEQA TO SERVICE REVIEWS	1. LAFCO will consider and adopt service reviews in a manner consistent with the requirements of CEQA.	Substantially the same as Service Review Policies #9, with minor rewording for clarity	
10.11	EVALUATION CATEGORIES FOR SERVICE REVIEW DETERMINATIONS	GC §56430(a) requires LAFCO to conduct service reviews and prepare a written statement of determinations on a set of evaluation categories. The following is a general description of the required evaluation categories:	Same as Service Review Policies #10, with added reference to relevant code section in State law	<ul style="list-style-type: none"> Added reference to the relevant code section in State law

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		<p>1. Growth and population projections for the affected area.</p> <p>A plan for service provision to an area should take into consideration the existing as well as future need for public services in the area. Service reviews will examine the existing and future need for public services and will evaluate whether projections for future growth and population patterns are integrated into an agency's planning function. This analysis may be used to determine whether the SOI / USA boundaries reflect the expected growth boundaries, if future SOI changes are necessary or feasible, and if agencies are aware of, and planning for anticipated changes in service demand.</p>	Substantially the same as Service Review Policies #10a, with minor rewording	<ul style="list-style-type: none"> • Reworded to remove redundant text and provide greater clarity
		<p>2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence</p> <p>GC §56033.50 defines a "disadvantaged unincorporated community" (DUC) as an inhabited territory that constitutes all or a portion of a "disadvantaged community," as defined by Section §79505.5 of the Water Code, i.e., a community with an annual median household income that is less than 80 percent of the statewide annual median household income. GC §56046 defines inhabited territory as territory within which there reside 12 or more registered voters. Through service reviews, Santa Clara LAFCO shall identify the location and service characteristics of a DUC within, or contiguous to an agency's sphere of influence, if any.</p>		<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56430(a)(2) • Since 2012, State law requires LAFCO to analyze and prepare a written statement of determination on this issue, and more particularly in respect to any DUCs
		<p>3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs 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.</p> <p>One of LAFCO's goals is to encourage the efficient provision of public services. Any area needing or planned for services must have the infrastructure necessary to support the provision of those services. Infrastructure needs and deficiencies</p>	Substantially similar to Service Review Policies #10b, with additional clarification	<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56430(a)(3) • Since 2012, State law requires LAFCO to analyze and prepare a written statement of determination on this issue,

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		<p>refers to the adequacy of existing and planned infrastructure and its relationship to the level of service that is being provided or needs to be provided in an area. Infrastructure can be evaluated in terms of capacity, condition, availability, quality and levels of service and quality of plans and programs.</p> <p>Through service reviews, Santa Clara LAFCO shall regularly monitor the existence of DUCs in Santa Clara County and the infrastructure needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the sphere of influence.</p>		and more particularly in respect to any DUCs
		<p>4. Financial ability of agencies to provide services.</p> <p>A community's public service needs should be viewed in light of the resources available to fund the services. The service review will assess fiscal viability of the agency to provide services and analyze if agencies are capitalizing on financing opportunities and collaborative strategies to deal with financial constraints. The service review will contain information on current and planned financing mechanisms, funding practices and revenue sources and examine their relationship with service boundaries.</p>	Same as Review Policies #10c	
		<p>5. Status of, and opportunities for, shared facilities.</p> <p>The service review will identify opportunities for service providers to share facilities with the intent of lowering current and potential infrastructure / capital improvement costs. When applicable, the service review will inventory facilities within the study area to determine if facilities are currently being utilized to capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies. Options for planning for future shared facilities and services, for eliminating duplicative services, replacing outdated or underutilized equipment / facilities and/or implementing economies of scale may also be considered.</p>	Same as Service Review Policies #10d	

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
		<p>6. Accountability for community service needs, including governmental structure and operational efficiencies.</p> <p>Accountable local government is marked by processes and actions that consist of accessible and accountable elected or appointed decision-making body and agency staff; that encourage public participation and solicit public input in the consideration of work plans, budgets, and programs; and that evaluate the agency's plans and programs and publish results to the public.</p> <p>The service review will study existing and future public service conditions and evaluate governmental structure alternatives for organizational and operational efficiencies in order to accommodate orderly growth, prevent urban sprawl, ensure efficient delivery of services and improve accountability or governing practices.</p> <p>Santa Clara LAFCO may evaluate the advantages and disadvantages of potential government structure options or boundary changes including: amending the SOI, annexations to or detachments from cities or special districts, formation of new special districts, incorporation of cities, dissolutions, mergers, consolidations and other reorganization options found in the CKH Act. While there is no requirement that Santa Clara LAFCO initiate any changes of organization as part of the service review, Santa Clara LAFCO, the public or local agencies may pursue subsequent changes to government structure.</p>	Same as Service Review Policies #10e, with minor reorganization of last paragraph for clarity	<ul style="list-style-type: none"> • Reworded for clarity and readability
		<p>7. Any other matter related to effective or efficient service delivery, as required by LAFCO policy.</p> <p>The Commission may adopt other determinations on a case-by-case basis based on unique local conditions, or changes to regulatory requirements or legislation.</p>	Substantially the same as Service Review Policies #10f, with minor rewording for clarity	<ul style="list-style-type: none"> • Reworded to remove redundant text and provide greater clarity

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
10.12	ADOPTION OF SERVICE REVIEW DETERMINATIONS	Any service review determinations will be adopted by resolution.	Substantially similar to Service Review Policies #8h	<ul style="list-style-type: none">• To provide greater clarity, transparency, and guidance, added new section on how service review determinations will be adopted, based on current and historical LAFCO practice

SERVICE REVIEW POLICIES

Background

Section 56430 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires LAFCO to conduct municipal service reviews prior to establishing or updating spheres of influence. The service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services.

These policies, along with the State Office of Planning and Research's Municipal Service Review Guidelines will provide guidance to LAFCO in preparing and conducting service reviews.

1. Service Review

A service review is a comprehensive review of municipal services within a designated geographic area and includes steps to:

- Obtain information about municipal services in the geographic area,
- Evaluate the provision of municipal services from a comprehensive perspective, and
- Recommend actions when necessary, to promote the efficient provision of those services.

LAFCO is not required to initiate boundary changes based on service reviews. However, LAFCO, local agencies or the public may subsequently use the service reviews to pursue changes in jurisdictional boundaries or spheres of influence.

2. Services to be Reviewed

Service reviews will cover a range of services that a public agency provides or is authorized to provide (examples include fire, water, sewer, lighting, library, police, storm water and solid waste collection/ disposal, gas and electricity). General government services such as social and health services, courts and criminal justice will be excluded from the reviews. Service reviews are triggered by requirements to create or update the Sphere of Influence (SOI) for public agencies. Therefore, LAFCO will review services that are provided by public agencies that have, or are required to have, SOIs. In doing so, LAFCO will also take into consideration other services (e.g., emergency response along with fire protection services) and the operation of other providers that service the same region (e.g., private water providers or volunteer fire crews).

3. Service Providers to be Included:

Agencies that are required to have SOIs will be the focus of service reviews. The agencies with SOIs in Santa Clara County include cities (15), and special districts (29) such as but not limited to, county service areas, community service districts, fire protection districts, sanitary/sanitation districts, water districts, vector control districts, open space districts and resource conservation districts. Please see attached list of cities and special districts in Santa Clara County.

Agencies that do not have SOIs include school districts, private providers, state or federal agencies and other agencies that provide complementary, joint, support or overlapping services in the region. These agencies will also be reviewed to the extent necessary to establish relationships, quantify services, designate or map service locations / facilities and provide a complete overview of services in the area. These agencies may be requested to participate and provide information necessary to conduct the review.

4. Service Review Preparation and Update

- a. The first set of service reviews should be completed by 2008 to enable timely SOI updates as required by the CKH Act.
- b. Service review reports will be reviewed and updated as necessary every five years in conjunction with or prior to SOI reviews and updates. LAFCO will determine if a new service review is required or not. CKH Act requires SOIs to be updated every five years. Minor amendments of a SOI, as determined by LAFCO, will not require a service review.
- c. Service reviews may need to be updated independent of SOI reviews, to facilitate review of a pending application or other LAFCO action, unless LAFCO determines that prior service reviews are adequate for the purpose.

5. Service Review Boundaries

A service review may be conducted for sub-regional areas within the county or on a countywide basis, it may review a single agency or multiple agencies and it may review a single service or multiple services. LAFCO will determine how service reviews will be organized and conducted in Santa Clara County.

Generally, LAFCO will include in a service review the geographic area and agency(ies) that best facilitate a logical, comprehensive and adequate review of services in the area. LAFCO may need to include a service provider in more than one service review area, only review services of some providers to the extent that they affect the service review area and services under study, or only review a portion of services provided. Service reviews may extend beyond the county boundary in some cases, to provide a more useful and accurate analysis

of service provision, especially where multi-county service providers are involved.

6. Service Review Funding

- a. LAFCO will include the funding for LAFCO initiated service reviews in its annual work plan and budget development process. Sufficient funds necessary to satisfactorily complete the required reviews including consultant costs will be allocated in the LAFCO budget for each fiscal year service reviews are to be conducted.
- b. An application-processing fee for conducting the service reviews will be charged when LAFCO applications (such as, but not limited to sphere of influence amendments, urban service area amendments or out of agency contract for service applications) trigger the service review requirement and an applicable service review does not exist.

7. Stakeholder Outreach and Public Participation

- a. LAFCO will encourage collaboration, cooperation and information sharing among service review stakeholders.
- b. LAFCO will encourage public participation in the service review process.

8. Service Review Process

- a. As an initial step, LAFCO will develop and mail a questionnaire to the agencies included in the service review. The questionnaire will request information pertinent to the six evaluation categories stated in Policy #10 herein. Meetings may be held as necessary, or additional questionnaires may be sent out to gather further input.
- b. LAFCO Executive Officer will prepare and issue a draft service review report which includes draft determinations required by state law. Notice of availability of the draft service review will be provided to all affected agencies and to interested persons who have submitted a written request for notice.
- c. LAFCO will distribute and provide a 21-day public review period for the draft service review.
- d. LAFCO will conduct a noticed public hearing to consider and accept comment on the draft service review and appropriate CEQA review. At the hearing, LAFCO may:
 1. Take the necessary CEQA action and find that the draft service review report is adequate and final and adopt written determinations,

- 2. Direct staff to address comments and concerns and prepare a final service review report, or
- 3. Continue the hearing.
- e. A draft service review may be considered final if no substantive comments are received prior to the end of the hearing and LAFCO determines it satisfactory.
- f. If a revised final service review is necessary, the LAFCO Executive Officer will prepare it including comments received during the public review period.
- g. LAFCO will distribute the final service review report 21 days prior to the LAFCO public hearing
- h. LAFCO will conduct a noticed public hearing to act on the CEQA document and adopt the service review report. Any service review determinations will be adopted by resolution. LAFCO may also adopt other staff recommendations and direct staff to further study issues raised in the service reviews.
- i. LAFCO may also take action on a SOI update or initiate a reorganization proposal based on the approved service review at the same hearing, if the service review supports the action and if LAFCO has complied with all required processes.
- j. LAFCO will distribute the Final Service Review Report to all participating and interested local and regional agencies for use as a resource in their work.

9. Applicability of CEQA to Service Reviews

LAFCO will consider service reviews as projects for CEQA purposes. They will be processed consistent with the requirements of CEQA and LAFCO's CEQA procedures.

10. Service Review Evaluation Categories

The CKH act requires LAFCO to conduct service reviews and make written determinations on a set of evaluation categories. It should be noted that how these categories apply to each service review may vary and will depend on mostly the nature of the service being reviewed. The following is a general description of the set of six amended categories effective January 1, 2008:

a. Growth and population projections for the affected area

A plan for service provision to an area should take into consideration the existing as well as future need for public services in the area. Service

reviews will examine the existing and future need for public services and will evaluate whether projections for future growth and population patterns are integrated into an agency's planning function. This analysis may be used to determine whether the SOI / USA boundaries reflect the expected growth boundaries, if future SOI changes are necessary or feasible and if agencies are aware of, and planning for anticipated changes in service demand.

In order to examine the existing and future levels of demand for a service, the service review will contain and consider existing and projected population and their relationship to agency plans, planning boundaries and existing and proposed land uses.

b. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies

One of LAFCO's goals is to encourage the efficient provision of public services. Any area needing or planned for services must have the infrastructure necessary to support the provision of those services. Infrastructure needs and deficiencies refers to the adequacy of existing and planned infrastructure and its relationship to the level of service that is being provided or needs to be provided in an area.

Infrastructure can be evaluated in terms of capacity, condition, availability, quality and levels of service and quality of plans and programs.

c. Financial ability of agencies to provide services

A community's public service needs should be viewed in light of the resources available to fund the services. The service review will assess fiscal viability of the agency to provide services and analyze if agencies are capitalizing on financing opportunities and collaborative strategies to deal with financial constraints. The service review will contain information on current and planned financing mechanisms, funding practices and revenue sources and examine their relationship with service boundaries.

d. Status of and opportunities for, shared facilities

The service review will identify opportunities for service providers to share facilities with the intent of lowering current and potential infrastructure / capital improvement costs. When applicable, the service review will inventory facilities within the study area to determine if facilities are currently being utilized to capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies. Options for planning for future shared facilities and services, for

eliminating duplicative services, replacing outdated or underutilized equipment / facilities and/or implementing economies of scale may also be considered.

e. *Accountability for community service needs, including governmental structure and operational efficiencies*

Accountable local government is marked by processes and actions that consist of accessible and accountable elected or appointed decision-making body and agency staff; that encourage public participation and solicit public input in the consideration of work plans, budgets, and programs; and that evaluate the agency's plans and programs and publish results to the public.

The service review will study existing and future public service conditions and evaluate governmental structure alternatives for organizational and operational efficiencies in order to accommodate orderly growth, prevent urban sprawl, ensure efficient delivery of services and improve accountability or governing practices.

While there is no requirement that LAFCO initiate any changes of organization as part of the service review, LAFCO, the public or local agencies may pursue subsequent changes to government structure. LAFCO may evaluate the advantages and disadvantages of amending or updating the SOI, annexations to or detachments from cities or special districts, formation of new special districts, incorporation of cities, dissolutions, mergers, consolidations and other reorganization options found in the CKH Act.

f. *Any other matter related to effective or efficient service delivery*

The Commission may adopt other determinations on a case by case basis based on unique local conditions, or changing circumstances such as changes to enabling legislation, regulatory requirements, or other unforeseen factors.

Adopted: December 11, 2002

Amended: October 14, 2009

CHAPTER 11. POLICIES AND PROCEDURES
FOR PROCESSING PROPOSALS AFFECTING MORE THAN ONE COUNTY

11.1 INTRODUCTION~~LEGISLATIVE AUTHORITY~~

~~The Cortese Knox Hertzberg Local Government Reorganization Act of 2000~~ State law (GC §56066) sets forth that the county having all or the greater portion of the assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization or a sphere of influence is proposed, is the principal county ~~for changes in organization involving that district~~. State law (GC §56123) ~~It~~ further ~~provides states~~ that the LAFCO of the principal county shall have jurisdiction over all boundary changes affecting that district, including changes of organization involving territory in another county. Pursuant to GC § 56124, ~~e~~Exclusive jurisdiction shall be vested in the LAFCO of the principal county, unless the principal county vests jurisdiction in the LAFCOs of another ~~the~~ affected county, and both LAFCOs agree to transfer of jurisdiction.

Santa Clara LAFCO recognizes the need to collaborate on a regional level when considering a change of organization of a district that affects another County. In order to further this collaboration and assure thorough and consistent consideration of applications affecting more than one county, this Commission adopts the following procedures s for processing applications ~~from involving~~ multi-county districts.

11.2 TRANSFER OF JURISDICTION TO A LAFCO OF AN AFFECTED COUNTY

When requested by a LAFCO of an affected county, Santa Clara LAFCO will consider and determine on a case-by-case basis whether it is appropriate to transfer jurisdiction to the LAFCO of the affected County.

11.3 PROCEDURAL POLICIES FOR PROCESSING OF APPLICATIONS AFFECTING MORE THAN ONE COUNTY WHEN SANTA CLARA LAFCO IS PRINCIPAL LAFCO

The following procedures shall apply:

1. Applications affecting the boundaries of a district for which Santa Clara LAFCO is principal LAFCO will be submitted to Santa Clara LAFCO including instances in which the subject territory is located in another county. Prior to application, applicants should meet with staff of principal LAFCO regarding process and application requirements. Applicant must comply with application requirements of both LAFCOs.
2. Upon receipt of the application involving territory in another county, staff will immediately forward a copy of the application to the LAFCO of the county containing the subject territory.
3. The commission of the principal county will also provide notice to the chair, each board member, and the executive office of all affected agencies of any proceedings, actions or reports on the proposed change of organization.

4. Santa Clara LAFCO staff will consult with the staff of the affected LAFCO and affected agencies in the county containing territory in order to gather data for the Executive Officer's report and recommendation.
5. The application will be scheduled for hearing by Santa Clara LAFCO so that the LAFCO of the affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Santa Clara LAFCO consideration at a public hearing.
6. At the hearing, the Commission will consider the Executive Officer's report, the recommendation of the LAFCO containing the subject territory, and the comments of affected individuals and agencies in making its determination.
7. Following the conclusion of the hearing, the Executive Officer will forward any resolutions and written report of Commission action to the chair, each board member, the executive office of all affected agencies and the LAFCOs of the affected county.

11.4 PROCEDURAL POLICIES FOR PROCESSING APPLICATIONS AFFECTING MORE THAN ONE COUNTY WHEN SANTA CLARA LAFCO IS NOT PRINCIPAL LAFCO

The following procedures shall apply:

1. Upon receipt by Santa Clara LAFCO of a notice and referral from a LAFCO of another county of an application for change of organization affecting territory in Santa Clara County, staff will place the application and report and recommendation on Santa Clara LAFCO's next possible agenda so that the Commission may consider the application and forward a recommendation to the LAFCO of the principal county. Said applications will be processed and a staff report will be prepared consistent with Santa Clara LAFCO's Policies and Procedures.

CHAPTER 12. LAFCO INDEMNIFICATION POLICY

To further good government practices and policies of the Commission, and protect the Commission from the costs associated with legal challenges, it is the policy of this Commission that:

1. As ~~part a condition~~ of submitting any application ~~submitted to for action or determination~~ by the Commission, the applicant(s) shall submit a signed agreement in which the applicant(s) agree to indemnify, defend and hold harmless the Commission, its agents, officers, attorneys, and employees from any legal challenges or appeals brought to challenge ~~the review or~~ approval of their applications ~~by the Commission~~ in the form prescribed in Exhibit "A", attached hereto and incorporated herein by reference.
- ~~2.~~—In the event ~~that~~ a lawsuit is brought to challenge the ~~review or~~ approval of ~~a~~ an application proposal by the Commission, the Commission shall notify the applicant(s) promptly and no later than three (3) business days after the Commission has been served. ~~Additionally, the Commission shall submit an invoice to the applicant for an amount to cover a portion of the estimated cost of resolving the matter. This amount will likely range between \$10,000 and \$25,000 and shall be determined at the Commission's sole discretion. The Commission may stop defending the matter, if at any time the Commission has not received timely payment of litigation defense costs.~~
- ~~23.~~ The Executive Officer shall not issue a Certificate of Filing for an application if an indemnification agreement in the form prescribed in Exhibit "A" has not been executed and submitted to the Executive Officer by the applicant(s).

EXHIBIT A

INDEMNIFICATION AGREEMENT

As ~~a condition of submitting any application for consideration by the Commission, part of this Application,~~ Applicant and its successors and assigns, shall indemnify, defend and hold harmless, Santa Clara LAFCO, ~~and~~ its officials, officers, employees, agents, representatives, contractors, and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with, any legal challenges to or appeals associated with, LAFCO's ~~review and /or~~ approval of the Application (collectively, "Indemnification Costs"). Applicant's obligation to indemnify, defend and hold harmless Santa Clara LAFCO, ~~and~~ its officials, officers, employees, agents, representatives, contractors, and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, Santa Clara LAFCO, ~~or~~ its officials, officers, employees, agents, representatives, contractors or assigns. Applicant's obligation to defend Santa Clara LAFCO, ~~or~~ its officials, officers, employees, agents, representatives, contractors, and assigns under this Agreement shall be at Applicant's sole expense, and using counsel selected or approved by Santa Clara LAFCO in Santa Clara LAFCO's sole discretion.

In the event of a lawsuit, Applicant will be notified by Santa Clara LAFCO within three (3) business days of being served. ~~An invoice will be submitted to the Applicant by LAFCO for an amount between \$10,000 and \$25,000 to cover a portion of the Indemnification Costs ("Reserve"), which shall depend upon the estimated cost to resolve the matter and shall be determined in LAFCO's sole discretion. Applicant shall pay the Reserve to LAFCO within seven (7) calendar days of LAFCO's request. The Reserve shall be applied against LAFCO's final bill for the Indemnification Costs, with any unused portion to be returned to Applicant. LAFCO shall bill Applicant monthly for the Indemnification Costs, which shall be paid to LAFCO no later than 15 calendar days after receipt of LAFCO's bill. LAFCO may stop defending the matter, if at any time LAFCO has not received timely payment of the Reserve and /or the Indemnification Costs. This will not relieve Applicant of any of its obligations pursuant to this Agreement.~~

BY APPLICANT

Signature: _____ Date: _____

Print Name: _____ Title: _____

CHAPTER X. RECORDS RETENTION POLICY

X.1 INTRODUCTION

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code ~~§section~~-56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code ~~§section~~-56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code ~~§section~~-56382 and will be retained and disposed of according to the Records Retention Schedule in **Exhibit A**.

For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in **Exhibit A**, “records” include the following:

- Santa Clara LAFCO Meeting Minutes
- Santa Clara LAFCO Resolutions
- Documents related to Santa Clara LAFCO proposals such as the:
 - Application, petition or other initiating documents
 - Assessor’s Statement of Property Valuation
 - Agreement to Pay / Indemnification
 - Certificate of Completion
 - Certificate of Filing
 - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
 - Map and Legal Description
 - Notices
 - Order for Change of Organization
 - Staff Reports
 - Statement of Boundary Change
 - Statement of Tax Rate Area

EXHIBIT A

RECORDS RETENTION SCHEDULE

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
ADMINISTRATIVE DOCUMENTS			
Accounts Payable	Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc.	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	Until audited + 4 years
Accounts Receivable	Invoices, checks, reports, investments, receipt books	26 CFR 31.6001-1(e)(2)	<u>Until audited + 4 years</u>
Agreements/ Contract	Original contracts and agreements and back-up materials, including leases, rentals and any amendments	CCP 337 CCP 337.2	4 years after termination/ completion
Annual Reports		<u>GC 34090; CCP 337; CCP 343; Sec. of State Local Gov't. Records Retention Guidelines</u>	<u>Current + 2-4</u> years
Audit Reports	Financial services; internal and/or external reports; independent auditor analyses	<u>GC 34090; CCP 337; CCP 343; Sec. of State Local Gov't. Records Retention Guidelines</u>	<u>Current + 2-4</u> years
Brochures/ Publications			2 years or longer for historical value

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Budget, Annual	Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets		Until audited + 2 years
Claims Against the Commission	Paid/denied		Until settled + 2 years
Correspondence (General)	General correspondence, including letters, and various files not otherwise specifically covered by the retention schedule; compliments, complaints and inquiries; transmittal letters; requests for comments and responses	<u>GC 26202</u>	90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves) <u>2 years</u>
Economic Interest Statements - Form 700 (copies)	Copies of statements forwarded to Fair Political Practices Commission	GC 81009(f), (g)	4 years (can image after 2 years)
Economic Interest Statements - Form 700 (originals)	Originals of statements of designated employees	GC 81009(c), (g)	7 years (can image after 2 years)

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Email	General correspondence	<u>GC 26202</u>	90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves) <u>2 years</u>
Ethics Training Compliance	Note: records should contain date of training and name of training provider	GC 53235.2	5 years after receipt of training
Forms	Administrative - blank		Until superseded
General Ledgers	All annual financial summaries	CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Permanent
Gifts/Bequests	Receipts or other documentation		Until completed + 2 years

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Grants Federal, State, or other grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	24 CFR 570.502 24 CFR 85.42	Until completed + 4 years
Grants – Unsuccessful	Applications not entitled		2 years
Newsletters	May wish to retain permanently for historic reference		2 years
Political Support or Opposition	Related to legislation		2 years
Press Releases	Related to Commission actions/activities		2 years
Procedure Manuals	Administrative		Current + 2 years
Public Records Request	Requests from the public to inspect or copy public documents		2 years
Purchasing, Requisitions, Purchase Orders	Original documents	CCP 337	Until audited + 4 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Requests for Qualifications (RFQs) and Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses	<u>CCP 337</u>	Current + 2 <u>4</u> years
RECORDS RELATING TO LAFCO MEETINGS OR APPLICATIONS			
Affidavits of Publication/Posting	Proof of publication of legal notices for public hearings		2 years
Agenda / Agenda Packets	Agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items.		2 years
Audio Recording of LAFCO Meetings			30 days after the LAFCO meeting minutes are approved
Elections	Impartial analysis		2 years
Environmental Review (for projects without a LAFCO application)	Correspondence, consultants, issues, comments and responses.		Completion + 2 years
Mailing Lists for Public Hearing Notices	Owners/voter		1 year after filing Notice of Completion or Commission action, whichever is later

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Minutes	Meeting minutes		*Permanent
Notices /Agenda	Regular and Special meetings		2 years
Policies & Procedures	All policies and procedures adopted by the Commission		Current + 2 years
LAFCO Proposals- Annexations, Reorganizations, or other proposals	Application, petition or other initiating documents, Assessor's Statement of Property Valuation, Agreement to Pay / indemnification, Certificate of Completion, Environmental Review / CEQA documents (such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration), Map and Legal Description, Notices, Order for Change of Organization, Staff Reports, Statement of Boundary Change, Statement of Tax Rate Area		*Permanent
Resolutions			*Permanent
OTHER MISC. RECORDS/DOCUMENTS			
Demographic/ Statistical Data			Current + 2 years
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)		Until superseded + 2 years

~~*After 2 years, records may be imaged for permanent preservation and original destroyed.~~

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

TYPE OF RECORD/ DOCUMENT	DESCRIPTION OR EXAMPLE OF RECORD/DOCUMENT	LEGAL AUTHORITY	MINIMUM LEGAL RETENTION PERIOD
Litigation	Case files, including matters in mediation and/or arbitration		Until settled or adjudicated + 2 years and the time for appeal has expired
Reference Files	Reports, procedures, research, pre-application research and correspondence		2 years minimum, recommended longer if useful



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Terry Trumbull
Mark Turner

ITEM # 6

Alternate Commissioners

Pamela Campos
Helen Chapman
Betty Duong
Zach Hilton
Teresa O'Neill

Executive Officer
Neelima Palacherla

LAFCO MEETING: August 6, 2025

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: EXECUTIVE OFFICER'S REPORT

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

**6.1 PRE-APPLICATION MEETINGS ON POTENTIAL GILROY URBAN
SERVICE AREA AMENDMENT**

On June 26, 2025, at the request of representatives of Waymark Development and Yellowstone, staff met with them to discuss a potential amendment to the City of Gilroy's Urban Service Area (USA) boundary that would support proposed housing developments on approximately 300 acres at the southern edge of the city. The representatives noted they currently have a Builder's Remedy (SB 330) application under review with the County of Santa Clara for a similar project on the property and are now considering whether to pursue a USA amendment as an alternative to, or in conjunction with, their Builder's Remedy application.

LAFCO staff explained relevant policies and the USA amendment process and encouraged the representatives to review the staff report for the 2023 Gilroy USA Amendment application (Wren Investors & Hewell) to better understand the questions and concerns raised during that review. Staff also recommended that they consult with the City of Gilroy.

At their request, LAFCO staff had a follow-up meeting with them on July 15, 2025, where they updated LAFCO staff on their recent discussions with City staff and sought additional clarification on LAFCO policies.

At their request, LAFCO staff participated in a meeting with them and City of Gilroy staff on July 23, 2025, to discuss the potential USA amendment. LAFCO staff provided an overview of the potential issues of concern, including those raised in connection with the Wren Investors and Hewell USA amendment proposal. City staff indicated that they would review the relevant LAFCO staff report and conduct additional research and consider these matters. The representatives stated they would follow up with City staff in the coming weeks, and LAFCO staff offered to be

available for further discussions should new questions arise or if the City chose to pursue an USA amendment.

6.2 MEETING WITH CITY OF MORGAN HILL STAFF

On July 8th, LAFCO staff and Counsel met with Morgan Hill Planning Department staff and the Morgan Hill City Attorney and discussed the following: (1) 2017 Settlement Agreement between City of Morgan Hill and LAFCO and the City's plans to prepare an EIR for proposed Urban Service Area amendments to support the development of new city athletic fields/projects and a private development proposal for housing; (2) status of Great Oaks Water Company's Advice Letter 320-W: Service Area Expansion; and (3) a request for water and sewer service made to the City of Morgan Hill from an applicant located outside of the City's boundaries.

Regarding the latter item, City staff stated that the applicant believes that an exemption regarding the provision of services under Government Code §56133(e)(4) is applicable. City staff informed that their position is that in order for the City to extend services outside of its boundaries it would need to first request approval from LAFCO under Government Code §56133.

LAFCO staff concurred with the City staff's position that this exemption is not applicable as the City has not provided services to this property and noted that LAFCO's Out of Agency Service by Contract Policies provide that LAFCO shall determine if an exemption applies to the requirement to seek LAFCO approval. Consistent with those policies (i.e., 5.2.4(c)), staff must inform the Commission of such a determination. Please see **Attachment A** for LAFCO staff's written response to the City concerning this request.

6.3 QUARTERLY MEETING WITH COUNTY PLANNING DEPARTMENT

At the July 9, 2025 quarterly meeting, County Planning staff provided an update on the various Builder's Remedy applications (SB 330) proposed in the unincorporated county; and LAFCO staff explained the terms of the 2017 Settlement Agreement between City of Morgan Hill and LAFCO.

Beginning in December 2018, LAFCO staff and County Planning Department staff began having quarterly meetings to discuss issues of common interest or concern.

6.4 LAFCO ORIENTATION FOR ALTERNATE COMMISSIONER BETTY DUONG AND STAFF

On April 24, 2025, staff conducted an orientation session for Alternate Commissioner Duong and her staff. In the session, staff covered the history and purpose of LAFCO, its State mandate, the role of commissioners and staff; and Santa Clara LAFCO's key planning boundaries, regulatory and planning tools, application review process, service reviews program, decision making process, policies and procedures, outreach and collaboration efforts, and current/upcoming projects.

ATTACHMENT

Attachment A: LAFCO staff written response to City of Morgan Hill (July 10, 2025)



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Terry Trumbull
Mark Turner

**ITEM # 6.2
Attachment A**

Alternate Commissioners

Pamela Campos
Helen Chapman
Betty Duong
Zach Hilton
Teresa O'Neill

Executive Officer

Neelima Palacherla

July 10, 2025

Via Electronic Mail [Chis.Ghione@morganhill.ca.gov and Donald.Larkin@morganhill.ca.gov]

Chris Ghione, Assistant City Manager/Public Services
Donald Larkin, City Attorney
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Chris and Don,

Thank you for meeting with us to discuss a request for water and sewer service made to the City of Morgan Hill (City) from an applicant with property located within the County of Santa Clara and outside of the City's boundaries. As you correctly noted, in order for the City to extend services outside of its boundaries it would need to first request approval from LAFCO under Government Code section 56133.

LAFCO's Out-Of-Agency Service by Contract Policies provide that LAFCO shall determine if an exemption applies to the requirement to seek LAFCO approval. We understand the applicant believes that an exemption regarding provision of services under Government Code section 56133(e)(4) is applicable. We concur with you that this exemption is not applicable as the City has not provided services to this property, let alone, prior to January 1, 2001.

Thank you for reaching out to us for a determination on whether the exemption to the requirement to seek LAFCO approval applies.

Sincerely,

DocuSigned by:

Neelima Palacherla

1EFC8BF3D724BB

Neelima Palacherla, Executive Officer

Signed by:

Malathy Subramanian

0BF2BA86FE254DA

Malathy Subramanian, General Counsel



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Terry Trumbull
Mark Turner

ITEM # 7

Alternate Commissioners

Pamela Campos
Helen Chapman
Betty Duong
Zach Hilton
Teresa O'Neill

Executive Officer

Neelima Palacherla

LAFCO MEETING: August 6, 2025

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Analyst**

SUBJECT: CALAFCO RELATED ACTIVITIES

7.1 CALAFCO UNIVERSITY (U) COURSES

For Information Only.

CALAFCO, through its CALAFCO U, offers educational courses designed to provide in-depth technical information about select LAFCO related procedures, policies, laws, and best practices for LAFCO commissioners, staff, and interested stakeholders. These courses are free to CALAFCO members, including LAFCO commissioners and staff. All others must pay a fee (\$125) to attend. Advanced registration and payment (if applicable) are required, and Clerk Humphrey can assist commissioners with the registration process.

This year, three virtual courses are scheduled:

- Commissioners Best Practices (conducted July 17, 2025)
- Brown Act: LAFCO Edition (August 7, 2025)
- Mapping 101: Crash Course (September 19, 2025)

Commissioners Beall and Lee, and Alternate Commissioner O'Neill registered to attend the session on *Commissioner Best Practices*. Assistant EO Noel also attended. Following each session, CALAFCO shares the presentation from and video recording of the session with registrants.

7.2 2025 CALAFCO ANNUAL CONFERENCE (OCTOBER 22 – OCTOBER 24)

For information only.

The upcoming CALAFCO Annual Conference will be held in San Diego from Wednesday, October 22nd to Friday, October 24th. The conference provides an annual opportunity for commissioners and staff to gain additional knowledge about changes in LAFCO legislation, LAFCO policies and practices, and the latest issues facing LAFCOs, counties, cities, and special districts across the state. The Conference brings together LAFCO commissioners and staff from around the state to discuss the latest issues and share knowledge and best practices. Please see **Attachment A** for

Conference Save the Date Flyer. Clerk Humphrey will provide commissioners with further details, as they become available, and will register any interested commissioners.

7.3 NOMINATIONS TO THE CALAFCO BOARD OF DIRECTORS

Recommendation

Nominate interested commissioners and provide further direction to staff, as necessary.

Discussion

Nominations for the 2025/2026 CALAFCO Board of Directors are now open. Santa Clara LAFCO is part of the Coastal Region. Within the Coastal Region, nominations are being accepted for **“City Member” and “Public Member.”** The deadline for LAFCO to submit nominations is Friday, September 19th. Please see **Attachment B** for details.

Serving on the CALAFCO Board is a unique opportunity to work with other LAFCO professionals throughout the state on legislative, fiscal and operational issues that affect LAFCOs, counties, cities, and special districts. The CALAFCO Board Calendar (December 2025 – December 2026) calls for the Board of Directors to meet seven times, with more than half of these meetings held as a hybrid/virtual meeting and the rest being held in-person at alternate sites around the state. Any LAFCO commissioner or alternate commissioner is eligible to run for a CALAFCO Board seat.

7.4 DESIGNATE VOTING DELEGATE AND ALTERNATE FOR 2025 CALAFCO BOARD OF DIRECTORS ELECTION

Recommendation

Appoint a voting delegate and an alternate voting delegate for the 2025 CALAFCO Board of Directors Election.

Discussion

Elections for the 2025/2026 CALAFCO Board of Directors will occur on Thursday, October 23, 2025, at CALAFCO's Annual Conference at the Wyndham San Diego Bayside. Each LAFCO must designate a voting delegate and alternate who is authorized to vote on behalf of their LAFCO.

ATTACHMENT

Attachment A:	Save the Date Flyer for 2025 CALAFCO Annual Conference
Attachment B:	Memo from CALAFCO re: CALAFCO Board Nomination Period Now Open for 2025/2026 (dated June 25, 2025)

SAVE THE DATE

FOR THE 2025

CALAFCO

A N N U A L C O N F E R E N C E



OCTOBER 22 – 24, 2025



Join us for three energizing days of exceptional networking, powerful information sharing and learning opportunities that you won't find anywhere else. Whether you're a seasoned LAFCO pro or new to the field, this is the can't-miss event of the year!

- ✓ Statewide perspectives and discussions with LAFCO leaders and partners
- ✓ Regional caucuses/Board elections
- ✓ Important CALAFCO Annual Business Meeting
- ✓ Regional and Attorney roundtables
- ✓ Special keynotes to be announced
- ✓ Sponsor networking reception
- ✓ Focused general and breakout sessions
- ✓ Celebration of service and collaboration

**At Wyndham Bayside
San Diego**



**Don't miss this opportunity to learn,
lead, and connect. We'll see you there!**

STAY TUNED!
Registration opens soon.



Date: June 25, 2025

To: Local Agency Formation Commission Members and Alternate Members

From: Wendy Root Askew, Committee Chair
CALAFCO Board Election Committee / CALAFCO Board of Directors

RE: CALAFCO Board of Directors Nomination Period Now Open for 2025-2026

The Nomination period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION*
City Member Public Member	City Member Public Member	County Member District Member	County Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

FRIDAY, SEPTEMBER 19, 2025

This is a critical transition time for CALAFCO and the Association is looking for Board members who are fully committed to moving the organization forward. While the work is challenging, requiring engagement, collaboration, dedication, and the ability to make difficult decisions, this time of transition creates ample opportunities for positive change and growth.

**Due to the pending departure of four of the LAFCOs in the Southern Region, the Executive Committee of the CALAFCO Board, along with the Election Committee, approved holding the two pending open seats in the southern region vacant for a one-year period (District and Public). The two remaining LAFCO Executive Officers in that region have also provided their approval. This decision is scheduled to be ratified by the full Board on July 25, 2025.*

Serving on the CALAFCO Board is a unique opportunity to work with other LAFCO professionals throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year. You will find the 2026 meeting calendar included in this nomination packet, and you are asked to commit to full attendance and participation. There is typically a hybrid option available for most meetings. However, strategic plan retreats and other meetings may be scheduled in-person and locations may alternate around the state. A job description is attached that more fully describes Director responsibilities and time commitment (which will be revised at some time in the next year).

Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat. Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 23, 2025 at the Wyndham Bayside Hotel, San Diego, California.

Please consider your desire to participate on the CALAFCO Board of Directors carefully. Especially during this time of transition, as it is an important commitment.

All candidates must:

- Have the support of their Commission;
- Have the support of their respective Executive Officer;
- Complete the Nomination Form and Candidate Form in their entirety; and
- Submit all required paperwork by the deadline.

All candidates are encouraged to attend a 1-hour candidate nomination orientation to be held virtually on Friday, September 5, 2025, at 9 a.m. Should you be interested, please notify Pamela Miller at pmiller@millermcg.com no later than Friday, August 29, 2025 at 3 p.m. and a meeting access link will be provided to you. Your Executive Officer is also strongly encouraged to attend with you.

All newly elected Board members and their Executive Officers are required to attend a Board Member Orientation between the election and the December 5, 2025 Board meeting. You will receive a one-to-one orientation either in person or virtually, depending upon your location. This must be completed prior to your first full Board meeting.

Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline of September 19, 2025.

Electronic filing of nomination forms is ***highly encouraged*** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Interim Executive Director
California Association of Local Agency Formation Commissions
1451 River Park Drive, Suite 185
Sacramento, CA 95815

Complete nomination packets received by the **September 19, 2025** deadline will be included in the Election Committee's Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 8, 2025, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a voting delegate to the Annual Meeting, an electronic ballot will be made available ***if requested in advance***. **Ballot requests must also be received no later than Friday, September 19, 2025, with completed absentee ballots due to CALAFCO no later than Friday, October 17, 2025.**

2025 NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **June 25** – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.
- **September 19** – Completed Nomination packet due @ 12 p.m.
- **September 19** – Request for an absentee/electronic ballot due @ 12 p.m.
- **September 19** – Voting delegate name due to CALAFCO @ 12 p.m.
- **October 8** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 8** – Distribution of requested absentee/electronic ballots.
- **October 17** – Absentee ballots due to CALAFCO @ 12 p.m.
- **October 23** – Elections

If you have any questions about the election process, please contact CALAFCO Transition Team Specialist Pamela Miller at pmiller@millermcg.com. Or you may contact the CALAFCO Interim Executive Director José Henríquez at jhenriquez@calafco.org or by calling 916-442-6536 and leaving a message.

Members of the 2025/2026 CALAFCO Election Committee are:

Wendy Root Askew, Committee Chair
(831) 883-7570

Monterey LAFCO (Coastal Region)
District4@countyofmonterey.gov

Gay Jones
(916) 874-6458

Sacramento LAFCO (Central Region)
h2ogay@pacbell.net

Steve Sanchez
(951) 369-0631

Riverside LAFCO (Southern Region)
ssanchez@laquintaca.gov

Paul Minchella
(916) 926-7793

Modoc LAFCO (Northern Region)
Pminchella@yahoo.com

To assist you in this consideration, included for your reference are the following documents:

- Nomination Form (to be completed and returned)
- Candidate Form (to be completed and returned)
- CALAFCO Board Member Job Description
- Board of Directors meeting calendar December 2025 through December 2026
- CALAFCO Board of Directors Nomination and Election Policies
- Current listing of Board Members and corresponding terms of office. The seats eligible for election this year are highlighted.

We sincerely hope you will consider joining us in making a difference for LAFCOs statewide, and for CALAFCO's future.



Board of Directors Nomination and Election Policies, Procedures and Forms

5.1 Board Nomination and Election Procedures

The procedures for nominations and election of CALAFCO Board [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Election Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a Regional Officer to serve as staff in cooperation with the Executive Director.
- c. Each Regional Officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Election Committee are to encourage and solicit candidates by region who represent member LAFcos across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFcos:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFco for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFcos listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFco marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFco, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.

- v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will distribute the absentee ballots and the date by which they must be received by the Executive Director.
- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned Regional Officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the Regional Officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a Regional Officer from a region other than their own, as assigned by the Executive Director.

- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board:

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 1. For city member.
 2. For county member.
 3. For public member.
 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:

- i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 1. Name the nominees and offices for which they are nominated.
 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 1. Poll the LAFCOs in good standing by written ballot.
 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the Regional Officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
 1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.

- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board Members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007, 8 February 2008, 13 February 2009, 12 February 2010, 18 February 2011, 29 April 2011, 11 July 2014, 27 October 2017, 11 May 2018, 24 July 2020, 30 April 2021, 30 July, 2021, and 21 January, 2022. They supersede all previous versions of the policies.

CALAFCO's Four Regions



As of June 25, 2025, the LAFCOs in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Stephen Lucas
Butte LAFCO
slucas@buttecounty.net

After June 30:
Shannon Costa
Butte LAFCO
scosta@buttecounty.net

Southern Region

Imperial
Los Angeles*
Orange*
Riverside
San Bernardino*
San Diego*

CONTACT: Adriana Romo
Los Angeles LAFCO
aromo@lalafo.org

After June 30:
José Henriquez
Interim Executive Director
jhenriquez@calafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa*
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Joe Serrano
Santa Cruz LAFCO
joe@santacruzlafco.org

Central Region

Alpine
Amador
Calaveras
El Dorado*
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@sacounty.net

LAFCOs noted with an asterisk () have provided CALAFCO official notice they will end their membership effective June 30, 2025.*



Board of Directors
2025/2026 Nomination Form
(Must accompany the Candidate Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) ☐ City ☐ County ☐ Special District ☐ Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association. *As Chair, I attest that our LAFCO fully supports this Commissioner as a CALAFCO Board member. Further, I attest that our Executive Officer will support this Commissioner during their tenure on the CALAFCO Board.*

LAFCO Chair

Date

NOTICE OF DEADLINE

Nomination Packets must be received by **September 19, 2025** to be considered by the Election Committee.

Send completed nominations to info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815



Board of Directors 2025/2026 Candidate Form

(All sections and questions must be thoroughly answered)

Please attach your professional resume or vitae to this form.

Nominated By: _____ LAFCO Date: _____

Region (please check one): ☐ Northern ☐ Coastal ☐ Central ☐ Southern

Category (please check one): ☐ City ☐ County ☐ Special District ☐ Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

PART ONE - LAFCO experience:

- How many years on your LAFCO?
- How many of your LAFCO meetings have you missed in the past 2 years?
- What are some examples of major projects, applications, or issues your LAFCO has undertaken/addressed during your tenure?

PART TWO - CALAFCO experience:

- How many CALAFCO conferences have you attended?
- When was the last time you attended a LAFCO 101 session?

PART THREE - Pertinent professional background:

- What background besides LAFCO experience do you have that may be applicable to representing LAFCOs statewide as a CALAFCO Board member?

- What particular set of skills do you bring to the CALAFCO Board that you believe will be useful at this critical transition time?

PART FOUR - Confirmation of availability:

- ☐ I confirm my understanding that being elected to the Board is a responsibility that requires my commitment to showing up, being fully present, and fully engaged.
- ☐ I confirm that I understand the Board's attendance policy and that I will attend the following Board meetings for 2025/2026 (barring any unforeseen emergency):
 - December 5, 2025 – in-person with hybrid option (San Jose or Sacramento)
 - February 26, 2026 – in-person full day teambuilding & strategic plan retreat (no hybrid - Sacramento)
 - February 27, 2026 – in-person Board meeting (Sacramento)
 - May 8, 2026 – virtual
 - August 7, 2026 - in-person with hybrid option
 - October 23, 2026 – in-person at annual conference (Sacramento)
 - December 11, 2026 – in-person with hybrid option (southern CA)
- ☐ I confirm that I will volunteer for and fully participate in at least one of the following Board Committees:
 - Legislative
 - Annual Conference Planning
 - Elections
 - Achievement Awards

PART FIVE - Other Comments or information:

NOTICE OF DEADLINE

Complete Nomination Packets must be received by **September 19, 2024** to be considered by the Election Committee.

Send completed nominations to info@calafco.org

Or, mail to:

CALAFCO Election Committee
 CALAFCO
 1451 River Park Drive, Ste. 185
 Sacramento, CA 95815



Board Member Job Description Adopted April 12, 2024

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

Serving as a CALAFCO Board member is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high- performing board members.

As a governing body, the Board is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (E.D.), the Board-E.D. relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board members are tasked with the Leadership, Governance, and Oversight of the association through the following responsibilities:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.
- Approving policies that provide the appropriate authority and guidance for/to the E.D. in the administration of the organization.
- Serving as a trusted advisor to the E.D.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating questions to the E.D., prior to board and committee meetings.
- Weighing the organization's outcomes against strategic plan initiatives.

- Approving CALAFCO's annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the E.D. and board chair in identifying and recruiting other board members to ensure CALAFCO's commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the E.D. and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.



Board of Directors Meeting Calendar December 2025 – December 2026

*Approved by the Executive Committee of the Board on Wednesday, June 18, 2025
To be ratified by the full Board on July 25, 2025*

For regular meetings, please schedule from approx. 9 a.m. – 2 p.m. Meetings may be shorter in duration.

Teambuilding / strategic planning session is an all-day event. The Board meeting the following day is typically 9 a.m. – 12 p.m.

All CALAFCO members will have virtual access to attend Board meetings except for the February 26, 2026 retreat. There is no virtual option for this session.

- December 5, 2025 – in-person with hybrid option (San Jose or Sacramento - TBD)
- February 26, 2026 – in-person full day teambuilding & strategic plan retreat (no hybrid - Sacramento)
- February 27, 2026 – in-person Board meeting (Sacramento)
- May 8, 2026 – virtual
- August 7, 2026 - in-person with hybrid option
- October 23, 2026 – in-person at annual conference (Sacramento)
- December 11, 2026 – in-person with hybrid option (southern CA)

CALAFCO Board Members 2024-25 (as of June 23, 2025)		
Board Member Name	LAFCO – Region	Type – Term Expires
Jaron Brandon	Tuolumne – Central	County – 2026
Virginia Chang Kiraly	San Mateo – Coastal	District – 2026
Kimberly Cox	San Bernardino – Southern	District – 2025 Seat being held open for 1 year
Yxstian Gutierrez	Riverside – Southern	County – 2025
Gay Jones	Sacramento – Central	District – 2026
Kenneth Leary	Napa – Coastal	Public – 2025
Derek McGregor	Orange – Southern	Public – 2026 Seat being held open for 1 year upon vacating
Paul Minchella	Modoc – Northern	City – 2026
Nancy Ogren	Siskiyou – Northern	County – 2025
Anita Paque	Calaveras – Central	Public – 2025
Wendy Root Askew	Monterey – Coastal	County – 2026
Steve Sanchez	Riverside – Southern	City – 2026
Josh Susman	Nevada – Northern	Public – 2026
Vacant	Central	City – 2025
Vacant	Coastal	City – 2025
Vacant	Northern	District – 2025

Seats up for election for the 2025-26 year

