

Humboldt LAFCo

Administrative Policies and Procedures

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1.0 GENERAL PROVISIONS

“It is the intent of the Legislature that each commission ... establish written policies and procedures and exercise its powers ... in a manner consistent with those policies and procedures to encourage and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns... Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances” (Government Code Section 56300 and 56301).

1.1 Purpose of LAFCo

Local agency formation commissions (LAFCos) were created in each county in California by state law in 1963 to encourage the orderly formation and development of local government agencies, preserve agricultural and open space land, and discourage urban sprawl.

LAFCos have jurisdiction over proposed city and special district annexations, incorporations/ formations, consolidations, and other changes of organization or reorganization. The State delegates each LAFCo the power to review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposed changes of organization or reorganizations, consistent with written policies and procedures adopted by the Commission.

Each LAFCo operates independently of the State and of local government agencies. However, LAFCo is expected to act within a set of State-mandated parameters encouraging “planned, well-ordered, efficient urban development patterns,” the preservation of open-space lands, and the discouragement of urban sprawl. The Legislature has taken care to guide the actions of the LAFCos by providing Statewide policies and priorities (Government Code Section 56301), and by establishing criteria for the delineation of spheres of influence (Government Code Section 56425).

1.2 Mission Statement

Humboldt LAFCo facilitates changes in local governmental structure and boundaries that fosters orderly growth and development, promotes the efficient delivery of services, and encourages the preservation of open space and agricultural lands.

1.3 General Legislative Authority

These administrative policies and procedures shall apply to Humboldt LAFCo and are adopted pursuant to the authority vested in the Commission by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Part I, commencing with Government Code Section 56000.

1.4 Responsibilities

LAFCos are granted regulatory powers through the Cortese-Knox-Hertzberg Act to oversee city and special district boundaries and service provision. Although LAFCos are not authorized to make land-use decisions, many LAFCo actions indirectly affect land use. The Commission has a number of key responsibilities as presented below.

- a. Changes of Organization: LAFCos regulate, through approval or denial, proposals for a change of organization or reorganization such as the annexation or detachment of territory into cities or special districts, city incorporation or disincorporation, district formation or dissolution, consolidation of cities or districts, merger or establishment of a subsidiary district and proposals for the exercise of new or different services within districts. LAFCos do not have the power to initiate boundary changes on their own, except for proposals involving the formation, dissolution or consolidation of special districts, mergers, and establishment of subsidiary districts.
- b. Spheres of Influence: LAFCo establishes spheres of influence – plans for the probable physical boundaries and service area of a local agency – for each city and special district within the county. Municipal Service Reviews (MSRs) are required in order to prepare and update spheres of influence every five years. All proposals to amend spheres of influence must be reviewed and approved by LAFCo.
- c. Out of Agency Service Area Agreements: LAFCo reviews proposals that would extend services beyond the jurisdictional boundary of a local agency.
- d. Special Studies: LAFCo conducts studies of existing local government services with the goal of improving the efficiency and reducing the cost of providing local government services.

1.5 Agencies Subject to Humboldt LAFCo Jurisdiction

The Commission has jurisdiction over seven (7) cities and 53 special districts.

Cities

- ◆ Arcata
- ◆ Blue Lake
- ◆ Eureka
- ◆ Ferndale
- ◆ Fortuna
- ◆ Rio Dell
- ◆ Trinidad

Cemetery Districts (*Health & Safety Code Section 9000 et seq.*)

- ◆ Fortuna
- ◆ Petrolia

Community Services Districts (*Government Code Section 61000 et seq.*)

- ◆ Big Lagoon
- ◆ Briceland
- ◆ Carlotta
- ◆ Fieldbrook-Glendale
- ◆ Humboldt
- ◆ Loleta
- ◆ Manila
- ◆ McKinleyville
- ◆ Miranda
- ◆ Orick
- ◆ Orleans
- ◆ Palmer Creek
- ◆ Patrick Creek
- ◆ Phillipsville
- ◆ Redway
- ◆ Riverside
- ◆ Scotia
- ◆ Weott
- ◆ Westhaven
- ◆ Willow Creek

County Service Area (*Government Code Section 25210 et seq.*)

- ◆ County Service Area No. 4 (fire protection)*

County Water Districts (*Water Code Section 30000 et seq.*)

- ◆ Alderpoint County Water District
- ◆ Hydesville County Water District
- ◆ Jacoby Creek County Water District

Fire Protection Districts (*Health & Safety Code Section 13800 et seq.*)

- ◆ Arcata
- ◆ Blue Lake
- ◆ Briceland
- ◆ Bridgeville
- ◆ Ferndale
- ◆ Fortuna*
- ◆ Fruitland Ridge
- ◆ Garberville
- ◆ Humboldt No. 1
- ◆ Kneeland
- ◆ Loleta*
- ◆ Myers Flat
- ◆ Petrolia
- ◆ Redway
- ◆ Rio Dell
- ◆ Samoa Peninsula
- ◆ Telegraph Ridge
- ◆ Whitethorn*
- ◆ Willow Creek

Health Care District (*California Health & Safety Code Section 32000 et seq.*)

- ◆ Southern Humboldt Community Healthcare District

Municipal Water District (*Water Code Section 71000 et seq.*)

- ◆ Humboldt Bay Municipal Water District

Recreation and Park Districts (*Public Resources Code Section 5780 et seq.*)

- ◆ North Humboldt Recreation and Park District
- ◆ Rohner Community Recreation and Park District*

Resort Improvement District (*Public Resources Code Section 13000 et seq.*)

- ◆ Resort Improvement District No. 1

Resource Conservation District (*Public Resources Code Section 9151 et seq.*)

- ◆ Humboldt County Resource Conservation District

Sanitary District (*Health & Safety Code Section 6400 et seq.*)

- ◆ Garberville Sanitary District

Harbor and Recreation

- ◆ Humboldt Bay Harbor Recreation and Conservation District

* *Dependent Districts*

2.0 COMMISSION ORGANIZATION

2.1 Composition

The Commission shall consist of seven members and four alternates selected as follows:

- a. County: The Humboldt County Board of Supervisors shall appoint two regular commissioners and one alternate commissioner from the Board's membership to serve on the Commission (Government Code Section 56325). The appointments shall be made in accordance with the Board of Supervisors' appointment policies and procedures.
- b. City: The Mayor City Selection Committee shall appoint two regular commissioners and one alternate commissioner to serve on the Commission, each of whom shall be a mayor or city council member from one of the county's incorporated communities (Government Code Section 56325). The appointments shall be made in accordance with the Mayor City Selection Committee's appointment policies and procedures.
- c. Special Districts: In absence of an independent special district selection committee, the Executive Officer shall conduct a mailed ballot election in the manner detailed in Section 2.8 of this Handbook to select one regular commissioner and one alternate commissioner to serve on the Commission, each of whom shall be a presiding officer or board member from one of the county's independent special districts (Government Code Section 56332(c)).
- d. Public Member: One public member and one alternate public member are appointed by the other regular members of the Commission (Government Code Section 56325(d)) in the manner detailed in Section 2.1.9 of this Handbook. Selection of the public member and alternate public member shall require the affirmative vote of a majority of all the other regular members, including the affirmative vote of at least one regular member selected by each of the other appointing authorities. The public member and alternate public member cannot be a current officer¹ or employee of the County of Humboldt or of any city or special district located within the county (Government Code Section 56331).

¹ In accordance with Government Code Section 84308(a)(4), "officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

2.2 Terms of Office

The term of office of each member shall be four years and until the appointment and qualification of his or her successor. The expiration date of the term of office of each regular and alternate member, as adopted by the Commission, shall be June 30 in the year in which the term of the member expires. The length of a term of office shall not be extended more than once (Government Code Section 56334).

If a member who is a city, county or district officer ceases to hold that position during his or her term, that member's position on the Commission shall be considered vacant (Government Code Section 56337). Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The alternate member in that category shall serve on the Commission until a new regular member has been appointed.

2.3 Independent Judgment

While serving on the Commission, all members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.

2.4 Removal of Members

Any member may be removed at any time and without cause by the body appointing that member (Government Code Section 56334). The Commission may recommend to the appointing authority that a member be removed for the following reasons:

- a. The absence of that member from three consecutive meetings or more than half of the meetings in any twelve-month period.
- b. Malfeasance of office or dereliction of duty by that member.
- c. Failure to complete required financial disclosure documents in a timely manner.

2.5 Compensation

Commissioners and alternates shall be entitled to reimbursement for all actual and necessary expenses incurred in the transaction of Commission business in accordance with the following provisions:

- a. Non-County commissioners and alternates shall receive \$20.00 per Commission meeting, regular, special, or committee, in order to help

defray the costs of attending the meetings. The maximum amount paid to any commissioner in a given month shall not exceed \$60.

- b. Non-County commissioners and alternates will be reimbursed at the currently applicable IRS rates for reasonable and necessary mileage expenses incurred for meeting attendance. Mileage expenses are not included in monthly payments.
- c. Commissioners, alternates, and staff shall be reimbursed in conformance with current County policy for out-of-county travel, registration, meals, lodging, and related expenses incurred while on Commission business.
- d. Travel reimbursements for lodging at rates higher than County policy shall be permitted when commissioners, alternates, and staff stay at the host facility for the CALAFCO meeting.
- e. No travel expenses beyond mileage expenses for regular meetings shall be reimbursable unless authorized in advance by the Commission.

2.6 Financial Disclosure

LAFCo members are subject to the requirements of the Levine Act and California Fair Political Practices Commission (FPPC), including annual filing of the Statement of Economic Interests (Form #700) with the Humboldt County Elections Office by the date determined by the FPPC.

2.7 Staff

The Commission shall appoint an Executive Officer who shall conduct and perform the day-to-day business of the Commission. The Commission shall appoint Legal Counsel to advise it. The Legal Counsel shall attend Commission meetings, provide requested advice on legal matters, and represent the Commission in legal actions.

2.8 Special District Member Election

When the special district member or alternate special district member position becomes vacant during a term, or four months in advance of either of these member's terms ending, the Executive Officer shall place on the Commission's next agenda consideration of filling the vacancy. At the meeting, the Commission shall direct the Executive Officer to initiate the mailed ballot election process for the independent special districts.

A call for nominations shall be distributed to each independent special district, including a schedule of the election process. Nominations must be submitted in writing by special district governing boards within 45 days of the date of the call for nominations. The nomination submittal may be accompanied by a brief statement of qualifications on the form provided by LAFCo.

Within five working days of the close of the nomination period, the Executive Officer shall distribute one ballot form to each independent special district. The distribution of ballots shall include the name of each candidate and voting instructions. Ballots cast by each independent special district must bear the signature of the district's presiding officer or designated member authorized by the board to cast the district's vote. Ballots must be returned by mail or fax within 45 days of ballot distribution.

All ballots received by the deadline shall be counted and the results announced within seven days. A candidate for a regular or alternate member of the Commission must receive at least a majority of the votes cast in order to be selected. In the event that no candidate receives the required number of votes, a run-off election shall be conducted by mailed ballot, at the discretion of the Executive Officer.

2.9 Public Member Appointment

When the public member or alternate public member position becomes vacant during a term, or two months in advance of either of these member's terms ending, the Executive Officer shall place on the Commission's next agenda consideration of filling the vacancy. This does not preclude the incumbent public member or alternate public member from applying for appointment.

At the meeting, the Commission shall direct staff to give notice of the vacancy and solicit applications. The notice of vacancy shall include a summary of the qualifications for the position as specified in Government Code Section 56331 (e.g., can't be an officer or employee of the county, any city, or special district). The notice of vacancy shall be posted on the LAFCo website, published in at least one newspaper of general circulation, posted on or near the doors of the meeting room of the Commission, and mailed to the clerk or secretary of the legislative body of each local agency within Humboldt County. In an effort to advertise the opening to the broadest selection of potential candidates, the notice shall also be sent to all chambers of commerce and other local organizations.

The application period shall run not less than 21 days from the date of posting and publication. Application forms with attached resumes shall be submitted to the LAFCo Executive Officer within the time period specified in the notice of vacancy. A candidate may withdraw an application before or after the application deadline. If a candidate withdraws an application after the deadline, the candidate shall not be considered for the appointment unless the Commission votes to reopen the process and the person reapplies.

The Commission shall designate a special committee consisting of one county, city and district member to review applications and recommend an appointment. Depending on the number of applicants, the committee may interview the most qualified applicants. The committee shall present its findings and recommendation at a regular Commission meeting.

Selection of the public member and alternate public member shall be subject to the affirmative votes of at least one city, county, and district member seated on LAFCo (Government Code Section 56325(d)). The Commission, in open session by majority vote, shall choose one of the following three courses of actions:

- a. To make an appointment from the list of candidates,
- b. To invite all candidates to make oral presentations at a subsequent LAFCo meeting, or
- c. To reopen the application period.

3.0 COMMISSION MEETINGS

3.1 Regular Meetings

The Humboldt Local Agency Formation Commission shall hold regular meetings on the third Wednesday of every other month commencing at 9:00 a.m. in the Humboldt County Board of Supervisors' Chambers, Humboldt County Courthouse, 825 Fifth Street, Eureka, California.

The Commission, at their first meeting of the year, shall adopt a meeting schedule for the remainder of the year. Should a meeting date fall on a legal holiday, the meeting shall be rescheduled to a date and time within two weeks preceding or following the regular meeting date. The Commission may cancel or reschedule a meeting at their discretion provided that proper notice is given as required by law.

3.2 Special Meetings

Special meetings of the Commission may be called in the manner provided by law at the discretion of the Chair, or upon request of a majority of the members of the Commission. The order calling a special meeting shall specify the time and place of the special meeting and business to be transacted. The time set for a special meeting shall be at least 24 hours after the order thereof is received by Commissioners. No business other than that specified in the order calling the meeting shall be transacted at a special meeting. The Executive Officer shall cause notice of a special meeting to be delivered to Commission members and the news media in accordance with Government Code Section 54956.

3.3 Notice

The Executive Officer shall direct posting and publication of notices and agendas for all meetings in accordance with the Ralph M. Brown Act commencing with Government Code Section 54950, and applicable provisions of the Cortese-Knox-Hertzberg Act.

3.4 Agenda

The Executive Officer, in consultation with the Chairperson, shall prepare the agenda for each meeting. Unless otherwise ordered by the Chairperson, agendas shall be organized in the following manner:

- | | |
|------------------|-----------------------|
| 1. Call to Order | 4. Public Appearances |
| 2. Flag Salute | 5. Consent Calendar |
| 3. Roll Call | 6. Business Items |

7. Public Hearing Items
8. Informational and Continuing Items

9. Executive Officer's Report
10. Written Correspondence
11. Adjournment

The agenda packet shall be posted on the Humboldt LAFCo website and available for the Commissioners approximately one week before the meeting. Copies of the staff reports shall be made available to proponents and all affected local agencies.

All reports, communications, resolutions, or other matters to be submitted to the Commission shall be submitted to the Executive Officer no later than 12:00 p.m. on the Wednesday, seven days preceding a regular Commission meeting. Materials related to an agenda item submitted to the Commission after agenda packet distribution and not otherwise exempt from disclosure shall be made available for public review at the LAFCo office during normal business hours and at the Commission meeting.

Items not on the agenda should not be considered at the scheduled meeting, but should be set for the next available meeting, unless the Commission grants its consent for urgent matters consistent with the Ralph M. Brown Act (Government Code Section 54950 et seq.).

3.5 Officers

The Commission shall, at its first regular meeting in January of each year, choose one of its members to serve as Chairperson and one of its members to serve as Vice-Chairperson, to serve the balance of the calendar year or until the election of their successors. Should the Chairperson or Vice-Chairperson position become vacant during the calendar year, the Commission shall, at the meeting at which the vacancy occurs, choose a successor to fill the vacancy for the balance of that calendar year, or until the election of a successor.

The Chairperson shall preside at the meetings of the Commission. If the Chairperson is absent or unable to act, the Vice-Chairperson shall serve until the Chairperson returns or is able to act. If the Chairperson and Vice-Chairperson are absent, the Executive Officer of the Commission shall preside until a Temporary Chairperson is elected by the members present. The Vice-Chairperson or Temporary Chairperson has all of the powers and duties of the Chairperson while acting as Chairperson.

3.6 Quorum

A majority of the regular members of the Commission shall constitute a quorum for the transaction of business. Alternate members, when seated in place of regular members, shall be considered a regular member for quorum

determination. When there is no quorum the Chairperson or Vice-Chairperson, or if not present, the Executive Officer shall adjourn the meeting.

3.7 Majority Vote

An affirmative vote of at least four members of the Commission, including alternate members when seated in place of regular members, shall be required to approve any motion before the Commission.

3.8 Minutes

The Executive Officer shall cause a staff member to take and transcribe the minutes of each meeting. Minutes will continue to be subject to comment and objection at the following meeting before approval.

Unless a Commissioner requests a reading of the minutes, the Commission may approve minutes without formal reading if the Executive Officer has previously furnished each member with a draft of the minutes.

3.9 Rules of Order

Roberts Rules of Order shall be followed by the Commission to the fullest extent practical, unless said rules conflict with provisions of the California Government Code concerning the meetings of public entities and agencies.

3.10 Public Participation

All meetings of the Commission shall be open to the public. Landowners, registered voters, interested parties, and members of the public are encouraged to participate in matters which come before LAFCo.

Any interested person(s) may address the Commission on matters not included on the agenda during the time allotted on the agenda for "Public Appearances". The Chairperson shall announce the opportunity for public comment during scheduled "Consent Calendar", "Business Items" and "Public Hearings Items" on the agenda. At the request of any Commissioner, public participation may be received regarding any other items on the agenda of public interest.

Persons wishing to speak to the Commission should approach the podium and, upon being recognized by the Chairperson, are asked to give their name, geographical area of residence, and their interest in the matter under consideration, in an audible tone of voice for the record. All remarks shall be addressed to the Commission, as a body, and not to any member thereof.

The Chairperson reserves the right to limit the time and scope of public comment from any interested party as necessary for the expedition of the Commission's business. No person, other than the Commission Chairperson and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairperson. No question shall be asked a Commissioner except through the Chairperson.

Except as otherwise provided by law, only those issues that are brought up in the public meeting, or in any applicable public hearing conducted at the meeting, or in written correspondence delivered to the Commission at or prior to a meeting may be raised in any legal challenge to actions taken by the Commission.

3.11 Voting

The question of approval or denial of a proposal and of all resolutions shall be by roll call vote. All other questions may be voted upon by voice vote, or may be put by the Chairperson and a unanimous vote recorded if there is no objection. A roll call vote shall be taken on any question upon demand of any member. Roll call voting shall be random with the Chairperson voting last.

Unless a member of the Commission states that the Commissioner is disqualified or abstaining from voting, silence during a voice vote shall be assumed to be an affirmative vote. No Commissioner shall abstain from voting without first notifying the Chairperson of the Commissioner's intent to abstain from the vote.

Whenever any Commissioner is disqualified from voting, that Commissioner shall leave the room and may then participate to the extent permitted by the California Political Reform Act.

3.12 Disqualification and Conflict of Interest

The representation by a member or alternate of a city or district shall not disqualify the member or alternate from acting on a proposal affecting that city or the district (Government Code Section 56336).

A regular or alternate Commissioner shall be disqualified from voting on matters in which the Commissioner has a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision as provided by the Fair Political Practices Act (see Section 2.3.8, Public Disclosures)

3.13 Alternate Members

Whenever present at a Commission meeting, Alternate Commissioners shall take part in all of the proceedings of the Commission, but shall not vote on any matter before the Commission nor attend a closed session unless seated in place of an absent or disqualified regular member of the same membership category (county, city, special district, or public).

3.14 Summary Adjournment

The Chairperson is empowered to summarily, and without motion, second, or voting, declare a meeting of the Commission adjourned if the Chairperson is unable to enforce the proper decorum of a meeting.

Procedures for adjourned and continued meetings shall comply with the requirements of Government Code Sections 54955 and 54955.1 and any other applicable statutes.

3.15 Resolution

No resolution shall be adopted by the Commission unless it is presented before the Commission in writing and read aloud. When each Commissioner has received a copy of the resolution, the reading of the resolution is automatically waived unless a Commissioner specifically requests that it is read.

3.16 Special Committees

The Commission may appoint special committees consisting of up to three commissioners at any time for any lawful purpose of the Commission. Unless otherwise directed by the Commission, all special committees shall be appointed by the Chairperson, subject to approval of the Commission.

3.17 Protests and Dissents by Commissioners

Any Commissioner shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Commission, entered in the minutes.

4.0 Budget and Financial Procedures

4.1 Budget

LAFCo shall prepare an annual budget in conformance with Government Code Section 56381. LAFCo shall adopt a proposed budget by May 1 and a final budget by June 15 of each year. In order to allow for careful consideration of budget options, the Commission may designate a special committee of up to three commissioners to work with staff on budget matters. Copies of the proposed and final budgets will be provided to the county, cities, and independent special districts within the county, for comment and review. In accordance with Government Code Section 56380(a), the proposed and final budgets shall equal the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will allow the Commission to fulfill its purposes and programs. The Commission shall approve all budgetary adjustments occurring during a fiscal year.

4.2 Funding

Funding for Humboldt LAFCo's operational needs shall be provided through a combination of appropriations from the county, cities and independent special districts and application fees and charges in accordance with Government Code Section 56381(b)(1)(A).

Each fiscal year, after the Commission adopts the final budget, the County Auditor shall apportion the net operating expenses in the following manner: the County of Humboldt will pay 1/3 of the net operating costs; the cities, as a whole, will pay 1/3 of the net operating costs; and the independent special districts, as a whole, will pay 1/3 of the net operating costs. Statutory authority provides mechanisms for the County Auditor to collect the amounts apportioned.

4.3 Budget Administrator

The Executive Officer shall serve as budget administrator to prepare, present, and transmit the budget to other agencies and to review, execute, and maintain the adopted budget.

4.4 Use of County Financial Functions

Humboldt LAFCo shall use the Humboldt County Auditor for the following functions:

- a. Process claims and pay warrants.

- b. Collect county, city, and independent district contributions to the LAFCo budget as required by Government Code Section 56381.
- c. Maintain the LAFCo trust fund.
- d. Deposit application fees and other revenues into the LAFCo trust fund.

4.5 Authorizations

It shall be the responsibility of the Executive Officer to authorize expenditures of funds within the framework and limitations of the budget adopted by the Commission. This responsibility shall include the power to enter into contracts on behalf of the Commission, provided that the Executive Officer shall obtain the concurrence of the Chair and consult with Legal Counsel prior to entering into any contract outside the scope of day-to-day business, including contracts for attorney, consultant, or other professional services. Staff shall promptly notify the members of the Commission regarding establishment of contracts entered into on the Commission's behalf.

4.6 Fund Balance

The Commission shall determine the amount of an unreserved/ undesignated fund balance to be maintained, to provide for contingency needs of the Commission. If the fund balance amount exceeds the Commission's determination, near or at the end of a fiscal year, the Commission, upon recommendation of Commission staff, may use the fund balance in the next fiscal year.

4.7 Fees

Each year, as part of the budget process, the Commission shall review fees proposed by staff and adopt a fee schedule, for the purpose of recovering costs associated with proceedings taken pursuant to the Cortese-Knox-Hertzberg Act. With notice, the Commission may change fee amount charged at any time.

In accordance with the Cortese-Knox-Hertzberg Act, fees will not exceed the reasonable cost of providing the service. Applications submitted to the Commission must be accompanied by a non-refundable fee or deposit, as determined from the Fee Schedule in effect at the time the application is submitted. Unless other circumstances exist or other determinations have been made, processing will not begin until the application fee or required deposit is paid in full.

The Commission may waive a fee in special circumstances or if it finds that payment is detrimental to or contrary to the public interest. Fees may be waived or reduced for applications filed in response to a condition imposed by or a

recommendation made by the Commission. A request for waiver, including an explanation for the request, must be submitted in writing to the Commission. The Executive Officer will present the request to the Commission, along with analysis and recommendation, for its determination.

When deposits are made, the Executive Officer shall issue to the applicant, upon completion of a project, a statement detailing all expenditures in excess of the deposit, or credits, if warranted. Excess funds shall be refunded to the applicant, as appropriate, and additional funds owed will be charged; all fee amounts owed must be paid prior to recordation of a certificate of completion for a project that the Commission has approved. Should fees be owed for a project denied or terminated, the outstanding amount must be paid within 90 days of the billing date or risk collections. If an application is withdrawn by the applicant prior to the time that the application has been publicly noticed for hearing by the Commission, all unexpended funds shall be returned to the applicant.

If the Commission denies, without prejudice, an application for a change of organization or reorganization, processing fees may be waived at the time of re-application if all of the following occur:

- a. The Commission states its intention to waive fees upon re-application at the time of denial, or staff recommends a fee waiver at the time of re-hearing.
- b. Re-application is made to the Commission not less than one year or more than 18 months from the date of denial.
- c. The re-application request for a change of organization or reorganization is substantially similar to that of the original application. The Commission may also waive fees under other circumstances as deemed appropriate by the Commission.

4.8 Public Disclosures

State laws require members of the public to make certain public disclosures of money they have contributed to the campaign of a candidate for public office who is now sitting on LAFCo (see "a" below for explanation). Also, State laws require members of the public to make a public disclosure of certain contributions and expenditures they receive or make in advocating for or against a proposal being reviewed by LAFCo (see "b" below for explanation).

- a. Campaign Contributions. The Political Reform Act of 1974 (Government Code Section 81000 et seq.) requires that a LAFCo Commissioner

disqualify herself or himself from voting on an application involving an entitlement for use (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agent (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant. The law also requires any applicant or other participant in a LAFCo proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant or other participant from making a contribution of \$250 or more to a LAFCo Commissioner while a proceeding is pending or for 3 months afterward.

- b. Expenses Supporting and Opposing Proposals. Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, 57009, and 81000 et seq., any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more or expends a total of \$1,000 or more in support of or opposition to a LAFCo proposal must comply with the disclosure requirements of the Political Reform Act (Section 84250). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Humboldt County Elections Department.