

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

105 East Anapamu Street • Santa Barbara CA 93101 • (805) 568-3391 + Fax (805) 568-2249

December 9, 2021 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Report on the 2022 CALAFCO Board Meetings –November 12, 2021**

This is an Informational Report. No Action is Necessary

DISCUSSION

The CALAFCO Board convened one meeting on November 12, 2021. Your Executive Officer participates by ZOOM and Commissioner Stark sits on the CALAFCO Board. A copy of the Meeting Agenda is attached as **Attachment A**.

The CALAFCO Board has continued the recruitment process for a full-time Executive Director with the extension of contract services from Pamela Miller for additional 2-months until February 2022. Commissioner Stark was appointed to the Awards Committee. In addition, several legislative bills, are progressing through the legislative process that the CALAFCO Board set as priorities. Staff will verbally update the Commission on the status of activities and the actions taken by the CALAFCO Board at the meeting.

Attachments

Attachment A – CALAFCO Board Meeting Packet for November 12, 2021

Please contact the LAFCO office if you have any questions.

Board of Directors Meeting

Friday, November 12, 2021

10:00 a.m. to 2:30 p.m.

Via Zoom

<https://us02web.zoom.us/j/86743693297?pwd=ODJqL3d2U2NoVUcrbUZsQ3h6MHM5Zz09>

Passcode: 289380

Meeting ID: 867 4369 3297

Phone: 669-900-6833

MEETING AGENDA

	Page
Call to Order and Establish Quorum	Chair Paque
Comments from members regarding items on the agenda	
<i>Member LAFcos will have 3 minutes per speaker to comment on any item on today's agenda.</i>	
CONSENT	
1. Minutes of the October 8, 2021 Board Meeting*	C. Crawford 3
EXECUTIVE SESSION	
<ul style="list-style-type: none"> • Approval of contract for Pamela Miller of Miller Management & Consulting Group acting as Executive Director effective 1-1-22 • Discussion regarding Strategic Plan priorities and deliverables in light of personnel changes 	
ACTION	
2. FY 2021-22 CALAFCO First Quarter Financial Report*	P. Miller/S. Lucas 7
3. Quarterly Investment and Bank Account Report*	S. Lucas 13
4. Appointment of CALAFCO Deputy Executive Officers*	P Miller/S. Lucas 15
5. Board Committee Appointments*	Chair Paque 17
6. Legislative Report*	P. Miller 19
INFORMATION	
7. Overview of CALAFCO Administrative and Operational Policies*	P. Miller 33
8. 2022 Conflict of Interest Reports*	P. Miller 51
9. CALAFCO Educational Sessions Update	P. Miller/C. Crawford
10. Update on Executive Director Recruitment	A. Paque
11. Board Member Reports and Announcements	
12. Executive Director's Report	P. Miller

Adjourn to Board of Directors in-person meeting on January 21, 2022 at 10:00 a.m. at 1215 K Street, Suite 1650, Sacramento.

* Staff Report included in agenda packet. The remaining reports will be given orally at the meeting. If you have any questions or desire additional information please email Pamela Miller at pmiller@calafco.org

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**Association of Local Agency Formation Commissions
Board of Directors
Meeting for Friday, October 8, 2021 (held via Zoom)
DRAFT MINUTES**

Call to Order and Establish Quorum

Chair Kelley established a quorum and called the meeting to order at 11:05 a.m.

Board Members Present:

Chair Michael Kelley, County (Imperial)	Jo MacKenzie, District (San Diego)
Vice Chair Anita Paque, Public (Calaveras)	Daron McDaniel, County (Merced)
Secretary Bill Connelly, County (Butte)	Michael McGill, District (Contra Costa)
Treasurer Margie Mohler, City (Napa)	Tom Murray, Public (San Luis Obispo)
Blake Inscore, City (Del Norte)	Daniel Parra, City (Fresno)
Gay Jones, District (Sacramento)	Josh Susman, Public (Nevada)
Chris Lopez, County (Monterey)	

Board Members Absent:

David Couch, District (Humboldt)	David West, Public (Imperial)
Acquanetta Warren, City (San Bernardino)	

Incoming Board Members Present:

Debra Lake, District (Humboldt)	Shane Stark, Public (Santa Barbara)
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Staff Present:

Clark Alsop, Legal Counsel, BB&K	Pamela Miller, CALAFCO Executive Director (ED)
Christine Crawford, CALAFCO Deputy Executive Officer (DEO) (Central Region)	Martha Poyatos, CALAFCO DEO (Coastal Region)
Stephen Lucas, CALAFCO Executive Officer (EO) (Northern Region)	Jeni Tickler, CALAFCO Administrator
	Jim Gladfelter, CPA (CALAFCO) ^

Guests Present:

Julie Carter (Imperial)	Kate McKenna (Monterey)
Jose Henriquez (Sacramento)	Dawn Mittleman Longoria (Napa)
Sara Lytle-Pinhey (Stanislaus)	Joe Serrano (Santa Cruz)
Imelda Marquez (San Luis Obispo)	Lou Ann Texeira (Contra Costa)
Derek McGregor (Orange)	

^ Not present the entire meeting (arrival/departure as noted)

1. Introduce and Seat New/Returning Board Members

Chair Kelley introduced and seated the following new Board members: Debra Lake, District Member from Humboldt LAFCo and Shane Stark, Public Member from Santa Barbara LAFCo. He also congratulated those who were re-elected.

2. Acknowledge and Thank Outgoing Board Members

Chair Kelley acknowledged and thanked the following outgoing Board members: Tom Murray, Public Member from San Luis Obispo LAFCo and David Couch, District Member from Humboldt LAFCo.

CONSENT

3. Approve Minutes of the July 30, 2021 Board Meeting

4. Approve Minutes of the September 2, 2021 Board Meeting

Both items were taken together.

On motion of Director Parra, seconded by Treasurer Mohler and carried unanimously, the July 30, 2021 and September 2, 2021 Board Meeting minutes were approved as amended to reflect Director Susman was in attendance at both meetings.

ACTION

5. Election of 2021-2022 Board Officers

On motion of Director Susman, seconded by Director MacKenzie and carried unanimously, the 2021-2022 Board Officers were elected by regular succession of officer positions:

Chair: Anita Paque (Public, Central Region)

Vice Chair: Bill Connelly (County, Northern Region)

Treasurer: Margie Mohler (City, Coastal Region)

On motion of Vice Chair Paque, seconded by Director Inscore and carried unanimously, Director Warren was elected as the new Board Secretary.

Outgoing Chair Kelley turned the meeting over to Vice-Chair Paque as the new Chair to conduct the remainder of the meeting. She thanked outgoing Chair Kelley for his leadership this past year and presented a plaque which had been mailed to him.

6. Approval of CALAFCO 2020 IRS Form 990

Jim Gladfelter noted the purpose of this item is Board review and approval before filing CALAFCO's annual 2020 Form 990. Mr. Gladfelter indicated this is the final report that goes to the IRS and is the document that publicly discloses the financial results for the last fiscal year and governance of the organization. He provided the purpose for and summary of each section of the form. He also noted this is the first year reflecting CALAFCO having employees and the IRS now requires electronic filing of the forms.

Director Stark asked about a 501(c)3 and (h) required election and Mr. Gladfelter indicated there was an election many years ago to comply with this provision. Director Stark asked if CALAFCO was close to the 20% lobbying limit and Gladfelter indicated it was not. Director Stark also asked for clarification about what was included in the 20% limit, including contractors, etc. and Mr. Gladfelter indicated that, yes, it includes any and all paid work for lobbying purposes.

Director Stark asked if a Director as an unpaid officer engages in lobbying does it count. ED Miller indicated any volunteer time spent on lobbying was insignificant and her understanding is that since Board Members are unpaid that any time lobbying does not count because there's no money associated with that time.

On motion of Director Susman, seconded by Director McGill and carried unanimously, the Board authorized the Executive Director to sign and submit IRS Form 990 for 2020.

ED Miller thanked Jim Gladfelter for his years of service to the Association and keeping CALAFCO's house in order since this was their last filing together. She expressed her fond appreciation, which he shared.

Jim Gladfelter left the meeting.

7. Adopt Board Meeting Schedule for 2022

ED Miller noted the proposed meeting schedule is on page 97 of the packet. She noted pursuant to the adopted budget, the Board will transition to a hybrid of some meetings in person and some held via Zoom. She highlighted the November 12, 2021 meeting coming up as being very important as the Board is interviewing the final two ED candidates.

Director McGill asked for ED Miller to confirm the time of the meetings. She indicated Board meetings are generally held from 10:00 a.m. to 2:30 p.m., however the meeting on November 12, 2021 will begin at 9:00 a.m. to allow more time for interviews.

Director Inscore asked if the interviews would be first on the agenda and business later so he could catch his flight if needed. ED Miller confirmed that will be the order of the agenda.

On motion of Director MacKenzie, seconded by Vice Chair Connelly and carried unanimously, the Board meeting schedule for 2022 was approved.

8. Approve Legislative Committee Staff Appointments

ED Miller noted these appointments are made every year and provided details on the Committee's representation. She noted some longtime members have moved off the committee and so there's a nice mix of new and longer standing members. In addition, the advisory committee is larger than in previous years. ED Miller noted all of the appointments are staff volunteers and she is asking the Board to approve the recommended list of appointments as follows:

- Chair: Pamela Miller (non-voting)
- Vice Chair: Kai Luoma (Ventura)
- Counsel Voting: Clark Alsop (BB&K)
Scott Browne (P. Scott Browne)
Ryan Reed (Colantuono, Highsmith & Whatley)

- Staff Voting: Coastal: Mark Bramfitt (Sonoma)
Kai Luoma (Ventura)
Central: Rob Fitzroy (San Luis Obispo) filling vacancy per policy
Vacant
Southern: Carolyn Emery (Orange)
Gary Thompson (Riverside)
Northern: Steve Lucas (Butte)
Jennifer Stephenson (Plumas)

- Alternates: Coastal: Joe Serrano (Santa Cruz)
Central: Vacant
Southern: Paula Graf (Imperial)
Northern: Vacant
Counsel: Paula de Sousa Mills (BB&K)

Advisory Committee: Priscilla Allen (San Diego) Sara Lytle-Pinhey (Stanislaus)
Gary Bell (Legal Counsel) Erica Sanchez (El Dorado)
Tara Bravo (Associate Member) Jim Simon (Associate Member)
Crystal Craig (Riverside) Luis Tapia (Orange)

Director MacKenzie asked what companies the Associate Members were connected with and ED Miller indicated Tara Bravo is with CV Strategies and Jim Simon is with RSG.

Director Stark asked if he could attend Legislative Committee meetings even if he wasn't on the Committee and ED Miller replied they are open to any CALAFCO member. She also noted they were planning to have a hybrid schedule of in-person with a call-in option and Zoom meetings.

On motion of Director Parra, seconded by Director Lopez and carried unanimously, the Legislative Committee staff appointments were approved.

INFORMATION

9. Update on Recruitment for Executive Director

Chair Paque indicated the Executive Committee has been working on this recruitment. Three candidates were interviewed virtually and the final two will be interviewed November 12, 2021 in person by the Board. She emphasized how important meeting attendance is for this meeting.

Director Stark asked about hotels and ED Miller indicated she would be sending hotel option information out later today.

Director MacKenzie shared she made reservations at the Hyatt across the street and their government rate was \$99 per night.

Director Lake indicated she would not be able to attend the November 12, 2021 meeting due to a previous family commitment.

10. Board Member Reports and Announcements

There were none.

11. Executive Director's Report

ED Miller shared the Hurst Brooks and Espinosa, LLC contract was finalized for lobbying support. CALAFCO has partnered with RSG on the website mapping project as discussed at a previous meeting for \$6,500 in-kind sponsorships with additional contract costs being covered by contingency funds. She has secured sponsors in the amount of \$3,000 for two educational webinar sessions. She also stated she is working with San Diego LAFCo on co-sponsoring the 56133 extension of service legislative proposal.

ED Miller thanked Director Kelley as outgoing Chair for his strong, steadfast leadership and positive outlook. She congratulated the CALAFCO Achievement Award winners and thanked everyone for her resolution and plaque. ED Miller also shared she looks forward to seeing everyone in person at next month's meeting.

ADJOURNMENT

Chair Paque adjourned the meeting at 11:52 a.m. to the November 12, 2021 Board of Directors Meeting at 9:00 a.m. at 1215 K Street, Suite 1650, Sacramento, CA.

BOARD OF DIRECTORS MEETING STAFF REPORT

November 12, 2021

Agenda Item No. 2 FY 2021-22 First Quarter Fiscal Report

Prepared By: Pamela Miller, Executive Director
Stephen Lucas, Executive Officer

Date: November 12, 2021

RECOMMENDATION

1. Receive and file the Quarterly Financial Report.

EXECUTIVE SUMMARY

The FY 2021-22 CALAFCO adopted budget shows the year-to-date actuals and percent of budget as of September 30, 2021, the end of the first quarter. The Balance Sheet as of September 30, 2021 shows total assets and total liabilities and equity for the Association (see attachments).

DISCUSSION

General summary of revenue and expenses

In terms of the adopted budget and revenues, much of the income for the first quarter is derived from the payment of 2021-22 CALAFCO member dues and Associate member dues. As of today, dues have been received from 57 LAFcos. As was reported to you at your last regular meeting, Kern LAFco decided to leave CALAFCO as a member. All of our Associate members were transitioned to a FY bill cycle effective July 1, 2021 and all but one have paid their dues. The outstanding member also left CALAFCO. Total revenue loss as a result of these two departures is \$11,060.

Operating revenues are currently at 67.5% of budget. Annual Conference revenue historically appears in the second quarter, however this year there will be no revenue or expenses related to the Conference given its cancellation. Workshop revenue will be booked in the third quarter as the event is scheduled for March 2022.

Total operating expenses stand at 14.8% of the budget, which is well under the appropriate 25% for the first quarter. There are three areas in which expenses notably exceed 25% of budget. They are:

- *Workers Compensation* (6060) at 44.4%. This accounts for our annual workers compensation insurance premium which has been paid for the year. No further expenses are anticipated for the year in this line item
- *Legal Services General* (7110) at 42%. This is due to the expense of revising the current ED contract and preparation for a new ED contract, as well as assistance/guidance from legal counsel as we navigate the employee hiring process, something new for CALAFCO.
- *Insurance Expense* (7560) at 54.8%. The Association has one insurance policy for D&O and another for general liability. Current expenses reflect the payment of the D&O annual premium. The premium for general liability will be paid in the second quarter.

First quarter overall

Overall, the Association is in solid financial shape at the end of the first quarter of FY 2021-22. However, this will be another tenuous year for CALAFCO given the lack of Conference revenue, uncertainty about staff workshop registration numbers, loss of a member LAFCo and unexpected costs associated with recruitment. In monitoring the structural deficit, it has been reduced to \$7,297. (Dues of \$307,126 – operational expenses of \$314,423 = \$7,297.)

Looking ahead

Due to cancellation of the Conference, the revenue and expenses for that event will go unrealized (as we were not assessed any penalties for rolling over contracts). However, there was a 10% or \$10,350 net profit built into the budget for this event which will also go unrealized. That net profit was not used to balance the budget. To date, staff has secured \$3,000 of sponsorship revenue for two special webinars and is seeking sponsors for the next two sessions. This additional revenue will provide some relief to the loss of member revenue. Use of contingency funds will begin impacting the second quarter (contract with Hurst Brooks Espinosa for lobbying efforts and cost of ED recruiting firm).

ATTACHMENTS

- 2a Quarterly Budget Report
- 2b Quarterly Balance Sheet



**CALAFCO Budget
First Quarter Report
Fiscal Year 2021 - 22**

	Actuals 09-30-21	Adopted FY 22-23	% of Budget
INCOME			
4000 · DUES			
4100 · Member Dues			
4110 · Member LAFcos	289,239	300,009	96.4%
4220 · Associate Members			
4221 · Gold Associate	1,917	1,917	100.0%
4222 · Silver Associate	5,225	5,200	100.5%
Total 4220 · Associate Members	7,142	7,117	100.4%
Total 4100 · Member Dues	296,381	307,126	96.5%
5000 · CONFERENCES/WORKSHOPS/TRAINING			
5100 · Conferences	0	102,850	0.0%
5200 · Workshops	0	25,770	0.0%
5300 · Training Classes - CALAFCO U	0	500	0.0%
Total 5000 · CONFERENCES/WORKSHOPS/TRAINING	0	129,120	0.0%
5400 · OTHER REVENUES			
5500 · Publication sales	10	450	2.2%
5600 · Miscellaneous revenue	0	400	0.0%
5700 · Dividends & Interest	210	2,500	8.4%
Total 5400 · OTHER REVENUES	220	3,350	6.6%
Total Operating Revenues	296,601	439,596	67.5%
Carryover from all prior years	69,986	63,215	110.7%
Total Income	366,587	502,811	72.9%
EXPENDITURES			
6000 · PERSONNEL			
6010 · Executive Director	33,486	138,710	24.1%
6020 · Administrative Services	8,200	41,000	20.0%
6050 · Payroll Taxes	5,139	21,886	23.5%
6060 · Workers Compensation	798	1,797	44.4%
6070 · Payroll and Other Employee Cost	-83	900	-9.2%
Total 6000 · PERSONNEL	47,540	204,293	23.3%
7000 · BOARD/STIPENDS			
7010 · Board Meeting Expenses	0	2,500	0.0%
7020 · Board Legal Services	1,005	7,000	14.4%
7140 · LAFco Stipends - Staff			
7141 · Executive Officer stipend	0	6,000	0.0%
7142 · Dep Executive Officer stipend	0	12,000	0.0%
Total 7000 · BOARD/STIPENDS	1,005	27,500	3.7%
7100 · PROFESSIONAL SERVICES			
7110 · Legal Services - General	2,940	7,000	42.0%
7120 · Tax and Accounting Services	2,500	10,000	25.0%
7130 · Other Professional Services	2,527	12,250	20.6%
Total 7100 · PROFESSIONAL SERVICES	7,967	29,250	27.2%

	Actuals 09-30-21	Adopted FY 22-23	% of Budget
7500 · OPERATING EXPENSES			
7510 · Office Rent	3,900	16,000	24.4%
7530 · Supplies and Other Office	209	4,000	5.2%
7540 · Printing-Copying-Postage	198	1,750	11.3%
7550 · Communications	641	2,880	22.3%
7560 · Insurance Expenses	1,753	3,200	54.8%
7570 · Bank & Investment Expenses	85	500	17.0%
7580 · Accreditations & Subscriptions	0	4,000	0.0%
7590 · Web Site Expenses	767	6,000	12.8%
7600 · Publications Expenses			
7610 · Newsletter Expenses	0	1,500	0.0%
7620 · Member Directory	0	1,200	0.0%
7630 · LAFCo Brochures	0	1,500	0.0%
Total 8520 · Publications Expenses	0	4,200	0.0%
7650 · Tax & Corp Filing Expense	0	100	0.0%
Total 7500 · OFFICE EXPENSES	7,553	42,630	17.7%
8000 · CONFERENCES			
8010 · General	0	88,000	0.0%
8020 · Legal	0	4,500	0.0%
Total 8000 · CONFERENCES	0	92,500	0.0%
8100 · WORKSHOPS			
8110 · General	0	28,750	0.0%
8120 · Legal	0	3,000	0.0%
Total 8100 · WORKSHOPS	0	31,750	0.0%
8200 · TRAINING - CALAFCO U			
8210 · General	0	500	0.0%
Total 8200 · TRAINING - CALAFCO U	0	500	0.0%
8300 · LEGISLATIVE SERVICES			
8320 · Legis Comm - General Exp	0	1,250	0.0%
8330 · Legis - Bill Tracking Service	0	2,000	0.0%
8340 · Legis - Legal Services	630	4,500	14.0%
Total 8300 · LEGISLATIVE SERVICES	630	7,750	8.1%
8400 · RESEARCH & INFORMATION			
8410 · Best Practice/White Papers	330	3,000	11.0%
Total 8400 · RESEARCH & INFORMATION	330	3,000	11.0%
Subtotal Expenses	65,025	439,173	14.8%
Contingency	0	63,638	0.0%
Total Expense	65,025	502,811	12.9%
Transfer to Fund Reserve	0	0	0.0%
Net Balance	301,562	0	0

California Association of Local Agency Formation Commissions
Statement of Financial Position
September 30, 2021

Assets	Comments
ASSETS	
Current Assets	
Checking/Savings	
1000 · CASH	
1050 · US Bank - Checking	45,450
1060 · US Bank - Savings/Overdraft	5,000
1090 · LAIF - Short Term Investments	<u>422,546</u>
Total 1000 · CASH	<u>472,996</u>
Total Checking/Savings	472,996
Accounts Receivable	
1100 · ACCOUNTS RECEIVABLE	
1105 · LAFCo Member Dues	0
1110 · Associate Member Dues	1,100
1130 · Conferences/Workshops/Trainings	<u>-520</u> This was a staff workshop refund.
Total 1100 · ACCOUNTS RECEIVABLE	<u>580</u>
Total Accounts Receivable	580
Other Current Assets	
1400 · OTHER ASSETS	
1460 · Deposits and Prepaid Expenses	<u>18,092</u> Office deposit/20 Workshop/21 and 22 Conferences
Total 1400 · OTHER ASSETS	<u>18,092</u>
Total Other Current Assets	<u>18,092</u>
Total Current Assets	<u>491,668</u>
TOTAL ASSETS	<u>491,668</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · ACCOUNTS PAYABLE	<u>4,465</u>
Total Accounts Payable	4,465
Other Current Liabilities	
2100 · ACCRUED LIABILITIES	
2160 · Deferred Conf/Wrk Rev and Exp	15,264 Workshop and Training revenues and expenses
2170 · Deferred Membership Dues	0
2180 · Accrued Expenses	<u>7,623</u>
Total 2100 · ACCRUED LIABILITIES	<u>22,887</u>
Total Other Current Liabilities	<u>22,887</u>
Total Current Liabilities	<u>27,352</u>
Total Liabilities	27,352
Net Assets	
3900 · Unrestricted Net Assets	69,986 Carryover
3910 · Fund Reserve	162,754
Net Surplus/Deficit	<u>231,576</u>
Total Net Assets	<u>464,316</u> See analysis below for breakdown
TOTAL LIABILITIES & EQUITY	<u>491,668</u>
Net Balance - All prior and current year surpluses	301,562
Fund Reserve	<u>162,754</u>
Total Net Assets	<u>464,316</u>

For Internal Use Only

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BOARD OF DIRECTORS MEETING STAFF REPORT
November 12, 2021

Agenda Item No. 3
Investment and Bank Account Report

Prepared By: Steve Lucas, Executive Officer

Date: November 12, 2021

RECOMMENDATION

1. Receive and file the investment and bank account report.

DISCUSSION

The Association's reserve funds are deposited in the State of California Local Agency Investment Fund (LAIF) account. The balance in the LAIF account as of September 30, 2021, was \$392,546.07.

Interest with the LAIF account is credited on a quarterly basis with interest earned in one quarter being posted in the next quarter. The interest rate for the fourth quarter ending June 30, 2021 averaged 0.306% earning \$210.28 of interest income posted in the first quarter (Sept. of FY 2021-22). As expected, we are seeing the interest rate and corresponding revenue steadily decline given the recession.

Transfers into the LAIF account from the US Bank checking account during the first quarter ending September 30, 2021 (FY 2021-22) totaled \$175,000. This reflects dues revenue only. Traditionally, deposits are higher as they include Conference revenue. As there is no Conference this year due to the pandemic, no Conference revenue will be realized which will have an impact on the LAIF balance throughout the coming fiscal year.

The LAIF account balance is typically higher in the first half of the year as it reflects major revenue and lower in the second half reflecting ongoing operational expenses.

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BOARD OF DIRECTORS MEETING STAFF REPORT
November 12, 2021

Agenda Item No. 4
Appointment of CALAFCO Deputy Executive Officers

Prepared By: Pamela Miller, Executive Director and Steve Lucas, Executive Officer
Date: November 12, 2021

RECOMMENDATIONS

1. Receive and file the appointment of Dawn Mittleman Longoria as CALAFCO Deputy Executive Officer (DEO) representing the Coastal Region; and
2. Receive and file the appointment of José Henríquez as CALAFCO Deputy Executive Officer (DEO) representing the Central Region.

DISCUSSION

CALAFCO is staffed by a combination of employees and volunteer staff. The Association's Policies and Procedures provide that the Board appoint the Executive Officer (EO) upon recommendation of the Executive Director (ED); and that the CALAFCO ED appoint up to three DEOs in consultation with the EO. The Board's policies also provide that in as much as possible, the EO and DEOs shall include one member from each of the four regions. Current volunteer staff include Stephen Lucas, EO (Northern Region), Christine Crawford, DEO (Central Region), Martha Poyatos, DEO (Coastal Region) and Gary Thompson, DEO (Southern Region).

Martha has served as DEO of the Coastal region for the past four years, opting to stay for a second two-year term in 2019. We are grateful for her countless contributions. Stepping into the Coastal Region DEO position is Dawn Mittleman Longoria, Analyst II for Napa LAFCo. Dawn brings a wealth of knowledge and expertise to the team having been connected with LAFCo for 40 years in a variety of roles including Commissioner, Executive Officer, Analyst and Consultant. Dawn served as Vice President of Fire District Association of California, President of Sonoma County Fire Districts' Association, and for over 10 years as President of Valley of the Moon Fire District. Dawn has the full support of her Commission.

Christine has also served as DEO for the past four years (2 terms) representing the Central Region. We are also grateful for her many contributions. Stepping into the Central Region DEO position is José Henríquez of Sacramento LAFCo. José has been a chief administrator since 2005, first as the Executive Officer for El Dorado LAFCo and now as Executive Officer for Sacramento LAFCo. He holds a Bachelor of Arts degree in Political Science from California Polytechnic State University, San Luis Obispo, earned a Master's degree in Public Policy and Administration from Sacramento State University and completed the Executive Leadership Program offered by the University of California, Davis. José is also a member of the Chicano Latino Youth Leadership Project, Inc.'s Board of Directors where he serves as the Vice President of Alumni Relations. He is an alumnus from the Jesse Marvin Unruh Assembly Fellowship Program. He also has the full support of his Commission.

We would like to acknowledge and thank the dedication and hard work of Christine, Martha and Gary, all of whom have given their time, effort and energy to CALAFCO this past year. They serve in their respective roles with the utmost professionalism and integrity and contribute greatly to the success of the Association.

We welcome Dawn and José to the Regional Officer team, we are fortunate to have them as part of the team.

BOARD OF DIRECTORS MEETING STAFF REPORT

November 12, 2021

Agenda Item No. 5 Board Committee Appointments

Prepared By: Pamela Miller, Executive Director

Date: November 12, 2021

RECOMMENDATION

1. Make Board member appointments to the Legislative, Elections, Awards, and Conference committees.

DISCUSSION

Each year the Board of Directors approves the appointment of Board members to the four standing CALAFCO committees. Those committees are the Legislative Committee, Board Recruitment Committee, Achievement Awards Committee, and Annual Conference Planning Committee. The goal is to have all Board members participating on at least one (preferably more) committee.

Legislative Committee

Pursuant to CALAFCO Policy 4.5, the Board appoints five members to the Legislative Committee. There is one voting member and one alternate for each of the four regions, and one voting member and one alternate at-large. Because a quorum consisting of at least 50% of the appointed Board members is required for the Legislative Committee to take action and make decisions, attendance and participation is critical.

There is a time commitment of approximately six to eight meetings during the year, which are a combination of in-person and virtual. The in-person meetings are rotated throughout the state and can be joined by conference call if necessary. Additionally, as legislation can move very quickly, timely email responses are also needed as part of participation. This committee requires a rather large time commitment on behalf of the members. Below are the remaining meeting dates for 2021-22 as adopted by the Legislative Committee.

2022 Legislative Year

Friday, December 3, 2021 - Virtual
Friday, January 28, 2022 - Sacramento
Friday, March 11, 2022 - Virtual
Friday, April 29, 2022 - Virtual
Friday, June 17, 2022 - Virtual
Friday, July 29, 2022 - Virtual

2023 Legislative Year

Friday, September 16, 2022 (organizing meeting for 2023)
Friday, October 7, 2022 (review proposals for 2023)
Friday, November 4, 2022

Achievement Awards Committee

Each year at the annual conference CALAFCO presents achievement awards to LAFCoS and LAFCo personnel throughout the state based on nominations received from the membership. The charge of this committee is to help solicit, review, and select the achievement award recipients based on all nominations received. The committee is typically staffed by the CALAFCO EO who assists the committee with this charge by coordinating the applications and meeting schedules and is a voting member of the committee. Further, the other three regional officers are also voting members of the committee.

The time commitment required is a number of hours for full review of all nominations (could be as many as 50) and the selection process. There are typically two conference calls/virtual meetings and some work done by email for this committee. The first meeting is to set the scope of work and the second is to select the award recipients. Presentation by several committee members may be required at the annual conference. This committee should have one representative from each region as well as an at-large representative.

Election Committee

Pursuant to CALAFCO Policy 5.5, each year the Board shall appoint an Election Committee of four members of the Board, one from each region, whose term is not ending in the coming year. The goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline. They are assisted in the election oversight process by the four regional officers (Executive Officer and 3 Deputy Executive Officers). These committee members and staff conduct the election onsite during the caucuses. The CALAFCO Executive Director assists the Chair and committee with the execution of the nomination materials pursuant to the Policy requirements.

The Board members who are eligible to serve on this committee, given the requirements outlined in the Policy, are:

Northern:	Bill Connelly, Debra Lake
Coastal:	Margie Mohler, Shane Stark
Southern:	Mike Kelley, Jo MacKenzie
Central:	Anita Paque, Daniel Parra

Conference Planning Committee

The annual conference planning committee typically has several members of the Board as participants. In accordance with CALAFCO Policy 4.2, the Program Committee may be chaired by a Board member who is appointed by the Chair of the Board. As one of the year's highlights, the annual conference requires a great deal of planning. A number of LAFCo personnel from throughout the state as well as other LAFCo Commissioners volunteer to participate in the program planning.

Work is typically done through emails and conference calls/virtual meetings scheduled throughout the year. Calls are usually one hour in length and there approximately 6-8 planning meetings. Committee members also volunteer to plan specific sessions during the conference. Participation from all four regions is necessary to ensure a properly balanced conference agenda. Now that CALAFCO is hosting the conference, Board member participation is critical. For continuity, it is also best to have the previous committee chair be a member of the following year's committee.

BOARD OF DIRECTORS MEETING STAFF REPORT

November 12, 2021

Agenda Item No. 6 Legislative Committee Report

Prepared By: Pamela Miller, Executive Director and Legislative Committee Chair

Date: November 12, 2021

RECOMMENDATIONS

1. Approve suggested amendments to the CALAFCO 2022 Legislative Policies and Priorities as recommended by the Legislative Committee; and
2. Discuss additional potential CALAFCO sponsored legislative proposal for 2022 and provide staff direction as appropriate.

DISCUSSION

There are two parts to this report. The first is to discuss and consider approving the suggested changes to the CALAFCO 2022 Legislative Policies and Priorities as recommended by the Legislative Committee (Committee). The second is to consider an additional CALAFCO sponsored legislative proposal received by San Diego LAFCo.

CALAFCO 2022 Legislative Policies and Priorities

Each year the Committee reviews the Association's Legislative Policies and may recommend changes to the Board for consideration. At their October 22, 2021 meeting, the Committee unanimously supported changes to the Policies and Priorities. Attached to this report is a tracked change version of the draft 2022 Legislative Policies for your consideration.

Legislative Committee Update

The Committee has had two meetings for the 2022 legislative year (September 10 and October 22). Minutes of the September 10, 2021 meeting are included as attachment 6b. CALAFCO staff issued a call for legislative proposals both for the Omnibus bill and for potential CALAFCO sponsored legislation on August 18, 2021 with a deadline of September 30, 2021.

We received four Omnibus proposals and one CALAFCO sponsored proposal for consideration. At the October 22, 2021 meeting the Committee considered all the proposals. One of the Omnibus proposals was tabled requiring more work and will come back to the Committee for consideration. The other three were approved. One of those three required proactive outreach to County associations and upon receiving opposing comments to the proposal, the submitting LAFCos withdrew it.

CALAFCO Sponsored Legislation

The Committee also considered a request for CALAFCO to sponsor legislation pertaining to the proposal amending Gov. Code Sec. 56430. That proposal, submitted by San Diego LAFCo, is included as attachment 6c.

As noted in the minutes of September 10, 2021, the Committee discussed the 2022 legislative priorities as determined by the Board during your July 30, 2021 meeting. At the direction of the Board, CALAFCO will sponsor an Omnibus bill, co-sponsor with San Diego LAFCo (providing the communication conditions are met) the proposed change to Gov. Code Sec. 56133, and move forward the consolidated language of the protest provisions. Subsequent to that Board meeting, staff determined (after a series of conversations and considering options) it would be best to have the consolidated protest language in a sponsored bill rather than Omnibus. Otherwise, we run the risk of opposition to that language which would cause it to be removed from the Omnibus without a vehicle to move it forward.

After lengthy discussion about all the options, the Committee unanimously approved CALAFCO either sponsoring alone or co-sponsoring with San Diego the 56133 proposal, and CALAFCO sponsor another bill containing the consolidated protest language already approved by the protest working group and potentially add the threshold changes. This is the Committee's recommendation to the Board as of September 10 2021.

Subsequently and after several conversations with San Diego LAFCo, staff determined the 56133 proposal will stand on its own as a co-sponsored proposal and the protest consolidation will also stand on its own as a CALAFCO sponsored proposal. The goal is for the protest threshold percentage work to be completed and added to the consolidated language.

During the October 22, 2021 meeting, the Committee considered a new proposal from San Diego LAFCo requesting CALAFCO sponsor a bill relating to MSRs. Specifically, to require LAFCos to consider MSRs and determinations in a noticed public hearing, and for all affected agencies to place the MSR and determinations on their respective agendas for local presentation. The intent, according to San Diego LAFCo, is to create transparency and accountability for LAFCos and service providers, and to sunlit the MSR content and determinations.

A lengthy discussion ensued. Concerns were raised about some of the language and specific suggestions were offered. Further, concern about imposing an unfunded mandate on LAFCos was raised. Several members of the protest working group commented they felt this proposal was connected to the work being done there in terms highlighting an MSR with determinations that lead to a LAFCo initiated action. Staff raised concerns about the volume of legislative efforts being discussed and approved for the coming year noting the unrealistic nature of the amount of work required to sponsor an unprecedented four bills, let alone during an Executive Director transition.

Ultimately the Committee unanimously approved recommending to the Board this proposal be included in the protest provisions language/bill (which means sponsoring three bills, which is still a significant amount of work). As a result, the proposal is attached for your discussion and consideration.

Just prior to the publication of this report, CALAFCO staff learned through email communication that at their November 1, 2021 meeting, San Diego LAFCo staff recommended to their Commission that they sponsor the proposal, which was approved by the commission. It is unknown at this time what prompted the change in direction or why it was not communicated to CALAFCO staff earlier. A verbal update will be provided to the Board during the meeting, should one be available.

ATTACHMENTS

- 6a – Legislative Committee meeting minutes from September 10, 2021
- 6b – 2022 CALAFCO Legislative Policies DRAFT (redline version)
- 6c – Proposal for CALAFCO sponsored legislation from San Diego LAFCo

**CALAFCO Legislative Committee
SUMMARY MEETING MINUTES**

Date: September 10, 2021

Location: Virtual

Participants: Clark Alsop, Mark Bramfitt, **Bill Connelly**, Carolyn Emery, Paula Graf, Steve Lucas, Kai Luoma, **Mike McGill**, **Jo MacKenzie**, Pamela Miller, **Tom Murray**, **Anita Paque**, Ryan Reed, Joe Serrano, Jennifer Stephenson and Gary Thompson.

Others present: Advisory Committee Members: Priscilla Allen, Tara Bravo^, Crystal Craig, Sara Lytle-Pinhey and Luis Tapia.

Guests included: Mike Prater (Santa Barbara).

Recorder: Pamela Miller

^ indicates not present the entire meeting

1. Welcome, Roll Call, Review Agenda

Roll call was taken and a quorum established. The meeting was called to order at 10:17 a.m. Pamela Miller began the meeting by welcoming new Committee members and thanking outgoing members. She explained the different roles of the voting members, alternates and advisory committee members.

2. Approval of minutes of the July 23, 2021 meeting

MOTION: *Anita Paque motioned to approve the minutes of July 23, 2021 meeting. The motion was seconded by Mike McGill and passed unanimously.*

3. Review and adoption of 2022 Legislative Committee meeting calendar

Pamela noted the December 2021 meeting date is December 3, not December 10 as noted on the report.

MOTION: *Clark Alsop motioned to adopt the 2022 meeting calendar as noted. The motion was seconded by Jo MacKenzie and passed unanimously.*

4. Review of 2021 Legislative year to date

- a. **Bill count and action**
- b. **CALAFCO tracked legislation**

Pamela gave a report on the total number of bills introduced in 2021 and provided an update on the bills being tracked by CALAFCO. No action was taken.

5. Formation of subcommittee to review Legislative Committee Guidelines

ACTION: *A subcommittee was formed to review the Committee Guidelines and bring suggested amendments to the October 22, 2021 meeting. The subcommittee consists of Pamela Miller, Bill Connelly and Luis Tapia.*

6. Review of 2022 Legislative Priorities

Pamela provided the Committee an update on the Board's legislative direction for 2022, noting they approved CALAFCO sponsorship on an Omnibus bill, the movement of the consolidated language of the protest provisions, and the sponsorship or co-sponsorship (with San Diego LAFCo) of the 56133 proposal.

She reported having received feedback from the two local government committee consultants that it may be a good idea to have a vehicle for the consolidated language in case it gets pulled from the Omnibus, in which case she suggested including the change in threshold percentages for protest. Pamela then said all three things could be in one bill, but that would be dependent upon San Diego LAFCo approval. The other option is co-sponsor 56133 with San Diego LAFCo and sponsor a separate bill for the protest work.

MOTION: *Bill Connelly motioned approval for CALAFCO to either co-sponsor 56133 with San Diego LAFCo and sponsor another bill containing the consolidation of protest language and the threshold changes; or, to sponsor a bill with all three items, depending on San Diego LAFCo's feedback. The motion also stated this will be taken to the Board as a recommendation. The motion was seconded by Mike McGill and passed unanimously.*

7. Review of Omnibus bill process

Joe Serrano, Omnibus lead, provided an overview of this year's Omnibus process and timeline. No action was taken.

8. Formation of subcommittee to review Legislative Policies

ACTION: *A subcommittee was formed to review the CALAFCO Legislative Policies and bring suggested amendments to the October 22, 2021 meeting. The subcommittee consists of Tom Murray, Carolyn Emery and Jennifer Stephenson.*

9. Items for Next Meeting

- a. Review of Legislative Policies for potential recommended changes to the Board
- b. Review, update and adopt Legislative Committee Guidelines
- c. Consideration of any Board requested actions or changes in legislative priorities
- d. Review of legislative proposals

10. Adjournment to October 22, 2021 virtual meeting

The meeting was adjourned to the September 10, 2021 virtual meeting at 11:25 a.m.



CALAFCO 2021 Legislative Policies **DRAFT** **AMENDMENTS**

As adopted by the Board of Directors on January 22, 2021

1. LAFCo Purpose and Authority

- 1.1. Support legislation ~~which that~~ enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., ~~and oppose~~ Oppose legislation ~~which that~~ diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, ~~and oppose~~ Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities ~~which that~~ require expansion of current local funding sources. Oppose unrelated responsibilities ~~which that~~ dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies ~~which that~~ may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery, ~~and oppose~~ Oppose legislation or policies ~~which that~~ create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support ~~the independence of~~ LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a n individual LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation ~~which that~~ clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies ~~which that~~ encourage cities, counties and special districts to direct discourage development ~~away from on~~ all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools ~~which that~~ protect all types of agricultural lands, including prime agricultural lands and open space lands.

CALAFCO 2021 Legislative Policies

2

As adopted by the Board of Directors on January 22, 2021

- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a ~~management-planning tool pertaining to provide better planning of~~ growth and development, and ~~to the preserve preservation of~~ agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the ~~sphere of influence and~~ boundaries of agencies.
- 4.4. Support communication among cities, counties, ~~and~~ special districts, ~~stakeholders and affected parties~~ through a collaborative process that resolves service, ~~infrastructure~~, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within ~~the a~~ city's designated sphere of influence.
- ~~4.6. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.~~
- ~~4.6.4.7.~~ Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, ~~including with a focus on~~ sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, ~~sustainable communities~~, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools ~~which that~~ provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support ~~the creation or reorganization of local governments in~~ a deliberative, ~~and~~ open process ~~for the creation or reorganization of local governments that which will fairly~~ evaluates the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support ~~legislation and~~ collaborative efforts among agencies and ~~LAFCos-LAFCos~~ that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services. ~~Support legislation which provides LAFCo with additional opportunities to encourage shared services.~~

2021 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals ~~in order to~~ address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, ~~as well as and~~ to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth ~~and disadvantaged communities, and that as well as to~~ support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information ~~in order to~~ evaluate current and cumulative water demands for service expansions and boundary changes. ~~Such policies should include including the~~ impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support ~~policies, programs and~~ legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation ~~which that~~ provides LAFCo and local communities with options for local governance ~~and service delivery to that ensures~~ efficient, effective, and quality service delivery. Support efforts ~~which that~~ provide tools to local agencies to address aging infrastructure, fiscal challenges, ~~the maintenance declining levels~~ of services, and ~~inadequate~~ services to disadvantaged communities.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with [State affordable housing mandates](#), regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory ~~which is~~ at risk ~~of~~ flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

~~Consistency of Expedited-expedited~~ processes for inhabited annexations ~~should be consistent~~ with LAFCo law ~~and be that include~~ fiscally viability. ~~To p~~Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation ~~which that~~ would provide [adequate](#) municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of [municipal services](#) through periodic updates ~~and reviews~~ of Municipal Service ~~reviews~~Reviews, Spheres of Influence, and ~~other related~~ studies ~~prepared by LAFCos~~.

Climate Adaptation

~~The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.~~

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C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

CALAFCO will consider any proposals for improving or clarifying the Cortese-Knox-Hertzberg Act or related laws when it can be shown to provide benefit or assistance to the mission and policy principles of CALAFCO. Requesting agencies are expected to provide sufficient explanation for proposals in order for the CALAFCO Legislative Committee to consider the proposal. Please complete the following questions as thoroughly as possible. **PROPOSALS ARE DUE BY 12:00 P.M., THURSDAY, SEPTEMBER 30, 2021.**

REMEMBER THAT PROPOSALS FOR THE OMNIBUS BILL MUST BE NON-CONTROVERSIAL, HAVE NO OPPOSITION AND BE MINOR TECHNICAL CORRECTIONS. **WE CANNOT ACCEPT ANYTHING FOR THE OMNIBUS THAT DOES NOT MEET THIS CRITERIA AND PROPOSALS OF THIS NATURE FOR THE OMNIBUS WILL NOT BE FORWARDED TO THE LEGISLATIVE COMMITTEE.**

Along with this form, you must also provide a strike-through underlined version (tracked changes) of the code section in its entirety showing the changes (underlining the additional text and striking through the proposed deletions). This should begin on a new page of the form.

In summary, here's what we need to know – you will need to answer these questions on page 3 of the form.

- **Legislative history:** *What bill created the current law? What problem did it solve?*
- **Problem:** *What's wrong with the current law? Who says there's a problem? Why is this the best fix for the problem?*
- **Politics:** *Who else cares about this topic? What did they tell you when you asked them?*
- **People:** *Which groups did you talk to before submitting this request? What did they say?*
 - **Specific language:** *What's your proposed amendment? How should the section really read?*

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

Is this an Omnibus suggestion or stand-alone CALAFCO sponsored bill proposal?

_____ Omnibus Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the requirements that the change is minor technical in nature and non-controversial? (If no, do not submit the proposal as Omnibus)

YES_____ NO_____

If CALAFCO sponsored bill, have you identified and approached a potential legislative author(s)?

YES_____ NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

What Code Section (s) and specific language are proposed for change?

56430.

Add two new subsections – (f) and (g). See attachment.

Which CALAFCO Board-adopted legislative policy or priority does this proposal address (you will find the current legislative policies on the CALAFCO website)?

All apply.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

1. PROBLEM. The problem(s) that the proposal would address are:

Provide a detailed explanation of the problem(s) identified that would be solved with this proposal.

Twofer...

Problem No. 1:

There is no requirement for LAFCOs to take up MSR per 56430 in noticed hearings. This diminishes the community's ability to provide timely input to LAFCOs on local needs and priorities.

Problem No 2:

There is no requirement for local agencies to either take up the MSR and its determinations/recommendations in open session or otherwise provide responses to LAFCOs. This diminishes the effectiveness in MSR to proactively address/remedy relevant growth management issues of the Legislature via LAFCOs.

2. SOLUTION. The proposal would address the problem in the following manner:

Describe *how* the problem would be resolved through this proposal. Include previous proposals or solutions that did not work and why they were not successful as a way to strengthen this position.

Provides new and clear baselines that collectively benefit the State and its interest for accountable and transparent government as part of the MSR process.

- It ensures LAFCOs take up MSR in noticed hearings.
- It ensures LAFCOs communicate on the record to the affected agencies of the final disposition of the MSR.
- It ensures MSR get su- lighted at public meetings of the affected agencies and they can choose to follow up with LAFCO as they see fit.

3. ORGANIZATIONAL SUPPORT.

Which LAFCOs support the proposal? What other stakeholders may support the proposal?

San Diego LAFCO.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

4. ARGUMENTS IN SUPPORT.

What are the specific arguments in support of the proposal? Be as specific as possible, including data to support the argument.

Creates a communicative loop in MSR statute between LAFCOs, public, and affected agencies where none presently exists.

5. ORGANIZATIONAL OPPOSITION.

What organizations, if any (LAFCOs or other stakeholders) have expressed or may express opposition to the proposal?

N/A

6. ARGUMENTS IN OPPOSITION.

What are the potential specific arguments in opposition of the proposal? Be as specific as possible, including data to support the argument.

N/A

7. CONTACT.

For information please contact:

Keene Simonds
Executive Officer
San Diego LAFCO
keene.simonds@sdcounty.ca.gov

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

56430.

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- (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.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence or water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

(f) The commission shall consider the municipal service review and written determinations prepared under subsection (a) at a public hearing consistent with the noticing provisions in Sections 56153 and 56154 unless specified otherwise in adopted policy. The public hearing notice shall also be provided to all affected agencies that provide one or more services evaluated in the municipal service review.

(g) The commission shall provide written notice to all affected agencies that provide one or more services evaluated in the municipal service review within 30 days following the commission's adoption, approval, and/or otherwise concluding action on the written determinations prepared under subsection (a). The notice shall include a listing of the written determinations made by the commission. All affected agencies shall include the notice and associated written determination made by the commission on their agenda for information and/or any related purposes at the next regular meeting in which publication can adequately be made.



BOARD OF DIRECTORS MEETING STAFF REPORT

November 12, 2021

Agenda Item No. 7 Overview of CALAFCO Administrative and Operational Policies

Prepared By: Pamela Miller, Executive Director

Date: November 12, 2021

RECOMMENDATION

1. Receive and File Report.

DISCUSSION

As part of your corporate oversight, each year CALAFCO staff provides a brief overview of CALAFCO administrative and operational policies along with a summary of association operations.

Board members have previously been provided with the current version of the Policies and Procedures Guide. Upon completion of the Policies and Procedures update, a fully updated manual will be provided to each Board member. Complete versions of CALAFCO corporation documents can be found on the CALAFCO website on the "resources" tab (www.calafco.org/resources.htm).

ATTACHMENTS

- 7a – CALAFCO Operations Overview
- 7b – Summary of CALAFCO Administrative and Operational Policies
- 7c – CALAFCO 2020-21 Compensation Report

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CALAFCO Operational Overview – Item 2a



CALAFCO Annual Operations Overview

CALAFCO
Board of Directors Meeting
November 12, 2021
Agenda Item 7-a

California Association of Local Agency Formation Commissions

1

CALAFCO Mission

CALAFCO provides educational, information sharing and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations, for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

California Association of Local Agency Formation Commissions

2



CALAFCO Operational Overview – Item 2a

What is CALAFCO?

- ❖ Nonprofit Corporation in the State of California registered with the Secretary of State
- ❖ State Charity registered with the Attorney General Registry of Charitable Trusts
- ❖ Private Foundation exempt from Federal income tax under section 501 (c)(3)
- ❖ Not subject to public agency laws

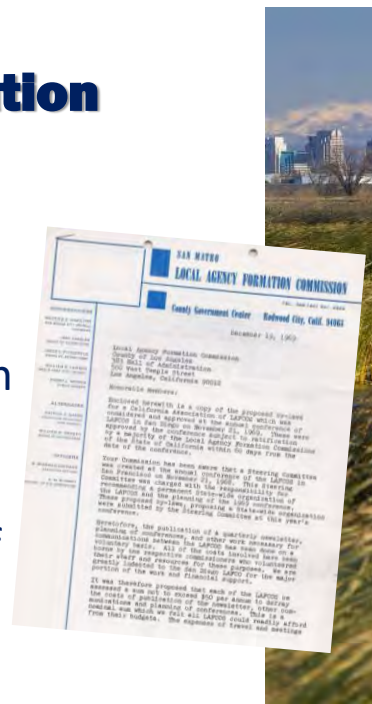


California Association of Local Agency Formation Commissions

3

CALAFCO Formation

- ❖ 1968 – Initial steering committee
- ❖ 1969 – Approval of by laws subject to ratification by members
- ❖ 1971 – Formation approved by a majority of commissions



California Association of Local Agency Formation Commissions

4



CALAFCO Operational Overview – Item 2a

CALAFCO Formation

- ❖ Staff volunteers from member LAFCoS
- ❖ Counsel funded by San Bernardino LAFCo until 2005
 - ◆ Clark Alsop CALAFCO Legal Counsel since 1982
- ❖ First CALAFCO office in 2005



California Association of Local Agency Formation Commissions

5

CALAFCO Membership

- ❖ 57 LAFCoS are members (Kern LAFCo left as of 9/1/21)
- ❖ Currently 3 Gold Associate Members
- ❖ 20 Silver Associate Members

California Association of Local Agency Formation Commissions

6



CALAFCO Operational Overview – Item 2a

CALAFCO Regions



California Association of Local Agency Formation Commissions

7

CALAFCO Organization



California Association of Local Agency Formation Commissions

8



CALAFCO Operational Overview – Item 2a

CALAFCO Executive Directors

First paid Executive Director in 1998

- ❖ Mike Gotch
 - ◆ 1998 - 2000
- ❖ Scott Harvey
 - ◆ 2000 - 2004
- ❖ Bill Chiat
 - ◆ 2004 – 2012
- ❖ Pamela Miller
 - ◆ 2012 - present



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CALAFCO Board of Directors

- ❖ 16 Member Board elected annually by the membership (8 each year)
- ❖ 4 from each region
 - ◆ Central, Coastal, Northern, Southern
- ❖ Diverse representation among County-City-Special District-Public members (4 of each)



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CALAFCO Operational Overview – Item 2a

CALAFCO Staff

- ❖ As of 9/1/20 – 2 P/T employees
 - ◆ Executive Director (32 hrs/week)
 - ◆ Executive Assistant (10-15 hrs/week)
- ❖ Two primary contractors
 - ◆ Legal Counsel (hourly as needed)
 - ◆ Certified Public Accountant (15 hrs/qtr)
- ❖ Volunteer staff
 - ◆ Regions, Committees, Special Projects



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CALAFCO Staff

Volunteer Staff

- ◆ Executive Officer
- ◆ Deputy Executive Officers (3)
- ◆ Vice Chair, Legislative Committee
- ◆ Legislative Committee
- ◆ Workshop Host and Program Committees for Conference & Workshop
- ◆ CALAFCO U Committees
- ◆ Special Projects
- ◆ Support for Awards Committee



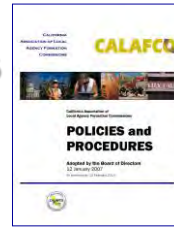
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CALAFCO Operational Overview – Item 2a

Operational Policies



- ❖ In 2007 Board adopted Policy Manual
 - ◆ Provides operational clarity
 - ◆ In full compliance with IRS Form 990 requirements
- ❖ Areas include:
 - ◆ Organizational structure; Fiscal management; Operations
- ❖ Sections updated periodically with full comprehensive review conducted in 2021



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2021-22 Strategic Areas

1. ***Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.***

We will do this by offering a variety of educational forums, professional development and networking opportunities.

2. ***Focus efforts on Association member development and communication.***

We will do this by implementing strategies that build stronger member LAFCos and a resilient Association. CALAFCO will provide support, resources and timely, value-added communication tools for our LAFCo members and Associate Members.

3. ***Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.***

We will do this by supporting and sponsoring research which collaboratively shares the work and data from member LAFCos and serves as a resource to all Association members. The Association will also advocate for legislative needs and positions on behalf of our members, by serving as an objective resource to the Legislature, organizations seeking to improve local government and to state agencies on local government services.



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CALAFCO Operational Overview – Item 2a

CALAFCO 2021-22 Legislative Priorities

- ❖ LAFCo purpose & authority
- ❖ Ag and open space protection
- ❖ Water Availability
- ❖ Viability of Local Services
 - ❖ Issues of Interest:
 - ◆ Housing
 - ◆ Transportation
 - ◆ Flood Control
 - ◆ Adequate municipal services in inhabited territory

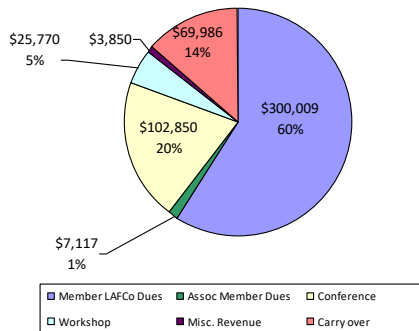


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Revenue Adopted Budget FY 2021/2022 \$509,582

FY 2021-22 Revenue by Category & % of Budget



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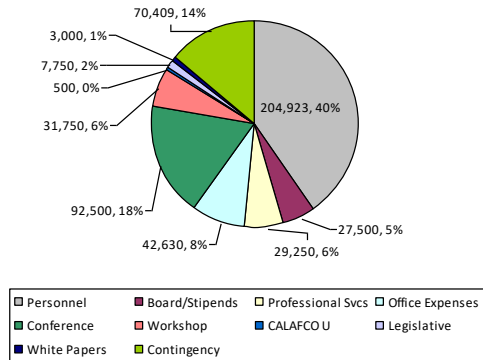
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CALAFCO Operational Overview – Item 2a

Expenses Adopted Budget FY 2020/2021 \$509,582

FY 2021-22 Expenses by Category and % of Total Budget



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Finances

- ❖ Structural deficit continues to decrease*
 - ◆ Adopted FY 2021-22 budget has a \$14,414 deficit
 - ◆ FY 2022-23 budget proposes a deficit of \$13,713
- ❖ Fund Reserve
 - ◆ Currently have a fund reserve of \$162,754
 - ◆ Represents approx. 52% of non-conference, workshop and CALAFCO U operational expense budget (less Contingency)
 - ◆ Requires Board approval for any allocation

**Actual deficit different with loss of 1 member LAFCo and no Conference revenue.*

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CALAFCO Operational Overview – Item 2a

Finances

- ❖ Funds are deposited with the Local Agency Investment Fund (LAIF)
 - ◆ Managed by State Treasurer

- ❖ GuideStar Exchange Platinum Seal
 - ◆ Fully transparent financial records

- ❖ CALAFCO does not have credit cards



California Association of Local Agency Formation Commissions

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Finances

- ❖ Maintain two bank accounts at U.S. Bank (checking and savings)
 - ◆ Gold Associate

- ❖ All bills paid electronically by Executive Officer
 - ◆ Books maintained by Administrator and reviewed quarterly by CPA
 - ◆ Occasional check issued by Executive Director

- ❖ Payroll services through QuickBooks with CPA quarterly oversight



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CALAFCO Operational Overview – Item 2a

Member Services

- ❖ Annual Conference – fall
 - ◆ Newport Beach – October 2022
 - ◆ Monterey – 2023
 - ◆ Yosemite – October 2024
- ❖ Staff Workshop – spring
 - ◆ Newport Beach – March 2022
- ❖ CALAFCO U Courses
 - ◆ Online and free for members, now charging for non-members
- ❖ Research Papers

California Association of Local Agency Formation Commissions

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Member Services

- ❖ Provide support to member LAFCo's through complimentary use of our toll-free conference calling system and Zoom webinar system
- ❖ Keep LAFCo staff connected by hosting periodic meetings for Executive Officers
- ❖ Provide regular training and development opportunities

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CALAFCO Operational Overview – Item 2a

Member Services

- ❖ Online and on-demand webinars free to all CALAFCO members since August 2020
- ❖ Virtual Regional Roundtables held in 2020 and scheduled for December 2021
- ❖ 8 webinars held to date in 2021 with 1 more scheduled. Total attendees through the November 3 session 421.



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Member Services

- ❖ Web site – www.calafco.org
 - ◆ 58,843 webpage views in 2020
- ❖ 8 List Serves
 - ◆ EO, Clerks, Counsel, Analysts, 4 Regions
- ❖ The Sphere
- ❖ Annual Report
- ❖ Quarterly Reports
- ❖ Membership Publications
 - ◆ Directories, C-K-H



California Association of Local Agency Formation Commissions

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CALAFCO Operational Overview – Item 2a

Member Services

- ❖ Legislative Resource
 - ◆ Limit to 20% of budget
 - ◆ Propose and review LAFCo legislation
 - ◆ Testify
 - ◆ Serve on work groups
 - ◆ Coordinate with peer associations
- ❖ LAFCo and Public Resource
 - ◆ 150-200 calls/e-mails per day



California Association of Local Agency Formation Commissions

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Board Resources

- ❖ CALAFCO Executive Director typically accessible/available any time
- ❖ CALAFCO Administrator available two days/week, often other times by email
- ❖ CPA meets with ED/EO/Chair/Treasurer quarterly
- ❖ CALAFCO volunteer staff excellent resources
- ❖ CALAFCO website



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These 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 and 30 July, 2021¹². They supersede all previous versions of the policies.

Board and Executive Compensation Report

Fiscal Year 2020-2021

Executive Director

Executive Director services during the 2020-2021 fiscal year were provided through a professional services agreement with Miller Management and Consulting Group on behalf of Pamela Miller for the months of July and August. Beginning September 1, 2020, Pamela Miller became an at-will, exempt employee of the Association.

Total Executive Director Payments* **\$135,806**
July 1, 2019 – June 30, 2020

<u>Category</u>	<u>Total Amount</u>
Professional Services (as contractor)	\$22,124
Employee Compensation	\$111,620 (gross)
Expense Reimbursement*	\$2,062

* Includes purchases made for Association as CALAFCO does not have a corporate credit card as well as travel reimbursements. Reimbursements include mailings, Zoom licenses, software purchases and ED recruitment website postings. Each purchase is accounted for in the appropriate budget line item.

For the months of July and August, CALAFCO did not provide medical or any other insurance, retirement contribution, vacation or sick leave, holiday pay, social security contributions, disability, car allowance or any other benefit or prerequisite. As of September 1, 2020, CALAFCO began providing the minimum benefits required by law to include 3 days or 24 hours of paid sick leave per year, workers compensation insurance, unemployment insurance, and coverage of state disability insurance and paid family leave as paid by the employee through payroll deductions.

Board of Directors

CALAFCO has a 16-member Board of Directors. Board service is entirely voluntary.

Total Board of Directors Compensation **\$0**
July 1, 2020 – June 30, 2021

CALAFCO does not provide a salary, stipend, fee, per diem, travel or expense reimbursement or any other benefit or prerequisite to Board members.

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BOARD OF DIRECTORS MEETING STAFF REPORT

November 12, 2021

Agenda Item No. 8 Annual Conflict of Interest Reports

Prepared By: Pamela Miller, Executive Director

Date: November 12, 2021

RECOMMENDATION

1. Complete Conflict of Interest forms for 2022.

DISCUSSION

In 2008 the Internal Revenue Service issued a new Form 990 annual tax return/report that must be submitted by most federal 501(c)(3) income tax exempt organizations, including CALAFCO. The new Form 990 requirements became effective with the Association's filing in October, 2009. Part of the new IRS rules required exempt organizations to adopt policies regarding disclosure of conflicts of interest for Board Members and key staff.

In February, 2008 your Board adopted Policy 3.19 which requires an annual update on conflict disclosure the Board of Directors, executive director, executive officers, and key administrative and financial contractors.

Staff requests that all affected individuals complete the CALAFCO Conflict of Interest Disclosure by **31 December 2021**. The form is attached. Filed forms noting conflicts will be included in the January 21, 2022 Board Agenda Packet.

ATTACHMENTS

- 8a – CALAFCO Conflict of Interest Policy
- 8b – CALAFCO Conflict of Interest Form 2022

3.19 Conflict of Interest

This policy: (1) defines conflicts of interest; (2) identifies classes of individuals within the Organization covered by this policy; (3) facilitates disclosure of information that may help identify conflicts of interest; and (4) specifies procedures to be followed in managing conflicts of interest. The purpose is to prevent the personal interest of staff members, board members, and volunteers from interfering with the performance of their duties, or result in personal financial, professional, or political gain on the part of such persons at the expense the organization, its supporters and other stakeholders. This policy is in addition to Bylaws section 4.10: Interested Persons, and section 9.2: Self-Dealing.

Definition of Conflicts of Interest. A conflict of interest arises when a person in a position of authority over the Organization may benefit financially from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. This policy is focused upon material financial interest of, or benefit to, such persons.

Individuals Covered. Persons covered by this policy are the Association's board of directors, executive director, executive officers, and key administrative and financial contractors.

Facilitation of Disclosure. Persons covered by this policy will annually disclose or update to the Chair of the Board of Directors on a form provided by the Association their interests that could give rise to conflicts of interest, such as a list of family members, substantial business or investment holdings, and other transactions or affiliations with businesses and other organizations or those of family members. Written disclosure of any potential conflict of interest shall also be contained in staff reports submitted to the Board in consideration of proposed actions.

Procedures to Manage Conflicts. For each interest disclosed to the Chair of the Board of Directors, the Board will determine whether a conflict exists and if so the Board shall vote to: (a) take no action; (b) assure full disclosure to the Board of Directors and other individuals covered by this policy; (c) ask the person to recuse from participation in related discussions or decisions within the Association; (d) cancel or not award a contract; or (e) ask the person to resign from his or her position in the Association, or if the person refuses to resign, become subject to possible removal in accordance with appropriate removal procedures. Votes shall be by a majority vote without counting the vote of any affected director.

The Executive Director will monitor proposed or ongoing transactions for conflicts of interest and disclose them in writing to the Board of Directors in order to deal with potential or actual conflicts, whether discovered before or after the transaction has occurred.

CALAFCO Conflict of Interest Disclosure Form

For the Calendar Year: 2022

This form must be filed annually by all specified parties, as identified in the Association's Conflict of Interest Policy Statement (see opposite side).

_____ I have no conflict of interest to report.

_____ I have the following conflicts of interest to report (please specify):

The undersigned, by their affixed signature, note their understanding of the implications of this policy.

Signature

Printed Name

Date