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**Santa Barbara Local Agency Formation Commission**  
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December 9, 2021 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

**Consider Commissioner Handbook Amendment Regarding  
Indemnification, and June 19th Holiday**

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission consider amendments to Commissioner Handbook regarding:

- a) Section 7, XIV Indemnification; and
- b) Section 13, Employee Handbook, Section 4.3 "Holiday" adding June 19th Holiday.

DISCUSSION

Section 7, XIV revisions are to make the Commissioner Handbook consistent with the decision in *San Luis Obispo LAFCO v. City of Pismo Beach* (Mar. 3, 2021) 61 Cal.App.5th 595.

Section 13 is proposed for amendment of Section 4.3 "Holiday" to add June 19th as a paid LAFCO holiday.

Attachments

Attachment A – Proposed Revision to Commissioner Handbook, Section 7 XIV re Indemnification

Attachment B – Proposed Revision to Commissioner Handbook, Section 13 Employee Handbook, Section 4.3 "Holiday."

Please contact the LAFCO office if you have any questions.

Sincerely,



Mike Prater  
Executive Officer

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the event the amount to be paid exceeds the deposit, the requesting party shall be liable for the balance due.

XII. EXTENDING URBAN UTILITY SERVICES TO AGRICULTURAL PARCELS

It is the policy of the Commission to protect and preserve agriculture by avoiding the extension of potable water or wastewater services (sewers) to agriculturally zoned land because this foster uses other than agriculture.

Any LAFCO approval of a change of organization or out of agency service agreement that allows the extension of potable water or wastewater services to a parcel zoned for agricultural use will only be approved, if at all, if the approval is limited to that portion of the parcel that includes an approved use that needs potable water or wastewater services, provided the use does not compromise agricultural viability.

This policy shall not be construed as indicating the Commission will approve proposals that lead to non-agricultural uses on agricultural parcels but rather indicates that should such approval be granted it is to be restricted to the specific area in which an approved land use requiring potable water or wastewater services is to occur.

XIII. LAPSED OR ABANDONED PROPOSALS

When the Executive Officer deems an application to be incomplete, he/she shall notify the applicant in writing either by personal service or via certified mail. The applicant shall have 180 days from receipt of such notice to submit additional information and/or revised documents. If the applicant does not resubmit the application to the Executive Officer within 180 days, the application shall be considered abandoned. The proposal may be reinitiated through a new application consistent with the requirements of applicable law and LAFCO policies and fee schedule.

XIV. COST ACCOUNTING ~~AND INDEMNIFICATION~~ AGREEMENT

A. As part of any application, the Executive Officer is authorized and shall require any applicant and/or jurisdiction to execute a Cost Accounting ~~and Indemnification~~ Agreement.

B. The following policy shall be applied to any applicant and/or jurisdiction that is not in compliance with an existing LAFCO Cost Accounting ~~and Indemnification~~ Agreement as determined by the Executive Officer and Legal Counsel:

1. The Executive Officer, in consultation with Legal Counsel, shall determine, on review of an application, whether an applicant and/or jurisdiction has previously failed to comply with the LAFCO ~~Indemnification Policy and/or the LAFCO~~ Cost Accounting ~~and Indemnification~~ Agreement.

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2. Prior to acceptance for processing of an application from an applicant and/or jurisdiction, which the Executive Officer determines to have failed to comply with the ~~Policy and Agreement~~ referenced in paragraph 1 of this policy above, the LAFCO Executive Officer shall advise the Commission at a regularly scheduled meeting regarding the applicant's prior breach of the obligations of the ~~Policy, Agreement, or both~~. The Executive Officer, in consultation with Legal Counsel, shall make a recommendation to the Commission regarding the amount of a bond or other commercially reasonable undertaking to be required of the applicant before the application will be accepted.
  3. On the basis of the Executive Officer's recommendation, the Commission shall establish a bond or other commercially reasonable undertaking as a condition for acceptance of the application. The purpose of this security requirement is to ~~indemnify LAFCO from future liability~~ensure all LAFCO fees are paid in connection with the application. In addition, the applicant shall be required to satisfy any past due obligation owed to LAFCO from previous applications, prior to processing any new application.

Compliance with this policy does not relieve the applicant of responsibility to submit other information as requested by LAFCO to process the application, to otherwise comply with applicable law and these policies, or cure any outstanding non-compliance with the Policy and Agreement referenced in paragraph a. of this policy above.

*Adopted June 16, 1988*  
*Revised December 13, 1996*  
*Revised November 4, 1999*  
*Revised September 3, 2009*  
*Revised July 7, 2011*  
*Revised August 7, 2014*  
*Revised April 1, 2021*  
*Revised December 9, 2021*

### 4.3 HOLIDAY

#### A. Overview

The intent of this policy is to provide paid time off for eligible employees for holidays throughout the year.

#### B. Policy

Holiday time off with pay will be granted to all regular full-time employees and regular part-time employees (prorated) for the following holidays:

1. January 1 - New Year's Day
2. January (Third Monday) - Martin Luther King Jr.'s Birthday
3. February (Third Monday) - Washington's Birthday
4. May (Last Monday) - Memorial Day
5. June 19 - Juneteenth
6. July 4 - Independence Day
7. September (First Monday) - Labor Day
8. November - Veteran's Day
9. November - Thanksgiving Day
10. November - Friday after Thanksgiving
11. December 24 - Christmas Eve
12. December 25 - Christmas Day

If a holiday falls on a Sunday, we take off Monday. If a holiday falls on a Saturday, we take off Friday. In years in which December 24th falls on a Sunday, LAFCO shall also observe December 26th as a holiday (Tuesday). In years in which December 25th falls on a Saturday, LAFCO shall also observe December 23 as a holiday (Thursday).

Holiday dates will vary year to year and a schedule will be published each year by Santa Barbara County.

#### C. Floating Holidays (In Lieu of Lincoln's Birthday and Columbus Day)

Regular employees shall be granted up to sixteen (16) hours of floating holiday time. This time will be credited in pay period (01) of each year. Newly hired regular employees (hired after pay period 01 but before pay period (13) shall be entitled to eight (8) hours of floating holiday time in their first year of employment. This time will be credited in pay period (13) of the new employee's first year. Floating holiday time cannot be accrued, any unused time will be forfeited. At the beginning of fiscal year, employees will be granted 16 hours of floating holiday time in the first pay period (01). Floating holidays shall be taken at a time agreeable to both the employee and the appointing authority. Part-time employees shall receive this holiday time on a prorated basis.

Lincoln's Birthday and Columbus Day will not be considered holidays for payroll purposes. Floating holiday time should be used by the last day in pay period (26).