

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Monday, October 6, 2025 8:28 AM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Subject: From VTA: Letter to Governor Newsom re: SB 63

Board of Directors,

Attached is a letter being sent to Governor Newsom encouraging his signature on SB 63 from Board Chairperson Lopez.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



DEPARTMENT OF TRANSPORTATION

Plans for Operations During a Lapse in Annual Appropriations By Operating Administration



March 12, 2025

Office of the Chief Financial Officer and Assistant Secretary for Budget and Programs

Department of Transportation
FY 2025 Shutdown Plan Summary Overview

	FAA	FHWA	FMCSA	NHTSA	FTA	FRA	PHMSA	MARAD	GLS	OIG	OST	Total
Estimated Time (to nearest half day) Required to Complete Shutdown Activities:	0.5	N/A	N/A	N/A	N/A	0.5	0.5	0.5	-	0.5	0.5	-

Employees at Work:	29,644	2,880	1,243	759	693	858	434	611	125	108	1,737	39,092
Compensation is financed by a resource other than annual appropriations:	3,070	2,880	1,243	759	693	280	358	602	125	-	1,731	11,741
Necessary to perform activities expressly authorized by law:	-	-	-	-	-	-	-	1	-	1	-	2
Necessary to perform activities necessarily implied by law:	1,243	-	-	-	-	14	11	6	-	7	6	1,287
Necessary to the discharge of the President's constitutional duties and powers:	-	-	-	-	-	-	-	-	-	-	-	-
Necessary to protect life and property:	25,331	-	-	-	-	564	65	2	-	100	-	26,062

Furloughed Employees:	16,621	-	-	-	-	311	211	210	-	291	83	17,727
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Total Agency Employees On Board Before Implementation of the Plan:	46,265	2,880	1,243	759	693	1,169	645	821	125	399	1,820	56,819
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FEDERAL AVIATION ADMINISTRATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	46,265
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	16,621
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	3,070
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	1,243
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	25,331

Brief summary of significant agency activities that will continue during a lapse:

The following operations will continue as excepted activities during a lapse in annual appropriations:

- Air traffic control services (13,227 air traffic controllers excepted without pay);
- Maintenance and operation of navigational aids and other facilities, including support to reimbursable Department of Defense and Department of Homeland Security activities;
- Flight Standards field inspections;
- Airworthiness Directives;
- Airmen medical certifications;
- Certain certification activities, examples include:

- Supporting the certification, system oversight, and continued operational safety functions of commercial airplanes and engines;
- Issuance of waivers for UAS and in support of other safety and security operations;
- Approval of exemptions for unmanned aircraft systems operations;
- Air Traffic Control Specialist (ATCS) medical clearances, supporting safety critical mission and ensuring medically cleared controllers are available to continue providing separation service;
- Hazardous materials safety inspections (safety inspectors will be recalled as necessary over time to maintain the safety of the system and/or respond to incidents);
- Air traffic safety oversight (limited), examples include:
 - ATO Voluntary Safety Reporting Program Event Review Committee;
 - Control Tower Operator (CTO) certification and credentialing;
- On-call accident investigations;
- Commercial space launch oversight, and licensing;
- Command, control, communications, and intelligence (i.e., Regions and HQ Operations Centers, Intelligence Threat Watch, and emergency communication support);
- Foreign relations on aviation safety-related matters;
- FAA's aircraft and airman registry;
- Congressional liaison services, to the extent that they are necessarily implied from the authorized continuation of legislative activity;
- Support functions necessary to provide timely payments to contractors and grantees.

In addition, certain activities that will not be affected by a lapse in annual appropriations include:

- Activities and personnel funded through Division J of the Infrastructure and Investment Jobs Act (IIJA)
- National aviation research, engineering, and development (RE&D) funded by multi-year appropriations
- Airport inspections;
- Existing airport development grants;
- Passenger facility charge approvals; and
- Airport planning and environmental services funded by Airport Improvement Plan (AIP) contract authority
- Training at the Academy for new air traffic controllers will continue and be funded by prior year funds

Further, certain personnel are required to provide support services to safety personnel and to provide for the orderly shutdown of FAA activities. In general, it will take approximately four hours to shut down most of the agency's non-excepted activities, with the possible exception of activities necessary to issue stop work orders on contracts and employee furlough notices. FAA expects that the orderly shutdown work of contracting officers will be done within one day. Other activities may take two to three days to complete and will involve human resources and budget/finance personnel. Individuals providing support services to safety positions will report to work to provide employees excepted for the purpose directly protecting life and property with necessary legal, information technology, labor relation, and contract support services.

Brief summary of significant agency activities that will cease during a lapse:

- Air traffic controller hiring;
- Field training of air traffic controllers;
- Aviation rulemaking;
- Random drug testing of the non-safety workforce;
- Facility security inspections;
- Routine personnel security background investigations and PIV card services;
- Continuity of Operations Planning;
- Development, operational testing, and evaluation of NextGen technologies;
- Development of NextGen safety standards;
- Air traffic performance analysis;
- Capital planning and implementation for FAA facilities and equipment programs that are not funded by IJA;
- Investment planning and financial analysis;
- Dispute resolution;
- Audit and evaluation;
- Financial operations, controls, reporting and accountability;
- Most budgeting functions (except those necessary to provide necessary services to support excepted functions);
- Law enforcement assistance support;
- Most administrative support functions not required for support of excepted positions; and
- Delivery of routine public affairs services, website updates, and social media activities.

Additional information:

Assessment of Liquidating Cash

- FAA has sufficient liquidating cash to continue operations during a lapse in appropriations.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Lines of Businesses/Staff Offices have identified each position subject to a furlough, and preparations are in place for the Office of Human Resource Management to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- FAA employees will be advised to listen to public broadcasts for information that congressional action has been taken to fund the government, and they will be expected to return to work on their next regular duty day. In addition, FAA will place return to duty information on the FAA employee website and FAA's toll-free number. FAA managers can also call employees to ensure staff members are aware they have been recalled to duty.

CFO/Budget Officer will take measures to ensure that all funding that is subject to current-year appropriation actions is made unavailable for obligation and outlay in the financial system.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Appropriations Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	N/A
Total number of agency employees expected to be on board before implementation of the plan:	2,880
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	2,880
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Brief summary of significant agency activities that will continue during a lapse:

All operations continue as normal during a lapse in annual appropriations. This includes activities and personnel funded from the supplemental appropriations portion of the Infrastructure Investment and Jobs Act (IIJA, Division J).

Brief summary of significant agency activities that will cease during a lapse:

- N/A

Additional information:

Assessment of Liquidating Cash

- FHWA has sufficient liquidating cash to support several months of reimbursements.

Shutdown Checklist

- Plans are up-to-date and approved by the Administrator or designee.
- CFO/Budget Officer will take measures to ensure that any funding that is affected by a lapse in appropriation is made unavailable for obligation and outlay in the financial system.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted to alternate available sources of salary funds (e.g., Federal Lands employees funded through IAAs if there are not sufficient advance payment balances).

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0
Total number of agency employees expected to be on board before implementation of the plan:	1,243
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	1,243
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Brief summary of significant agency activities that will continue during an appropriation lapse:

All operations continue as normal with a lapse in annual appropriations, subject to the amount of liquidating cash the Agency has available.

- FMCSA positions are primarily funded by authorized contract authority and paid out of the Highway Trust Fund and liquidated with cash appropriated by annual appropriations.
- Although FMCSA positions are mostly funded from the Highway Trust Fund, FMCSA collects fees under its Licensing and Insurance (L&I) function and Drug and Alcohol Clearinghouse (DACH), which are made available to support the programs, including its L&I and DACH positions.

- During a lapse in annual appropriations, the overall limitation on obligations for FMCSA is determined per the IIJA. Once an Appropriations Act or Continuing Resolution (CR) is enacted, FMCSA is subject to the terms and conditions of that legislation. The obligation limitation levels will be adjusted so they are consistent with the enacted appropriations act or CR.

Brief summary of significant agency activities that will cease during an appropriation lapse:

None. Activities are funded with contract authority, offsetting collections, and advanced appropriations.

Additional information:

Assessment of Liquidating Cash

FMCSA has sufficient balances of liquidating cash to operate during a short-term lapse of annual appropriations.

Shutdown Checklist

Shutdown plans are up-to-date and approved by the Deputy Administrator

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	N/A
Total number of agency employees expected to be on board before implementation of the plan:	759
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	759
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Brief summary of significant agency activities that will continue during a lapse:

- General Fund appropriated activities would continue with available multi-year funding from prior-year appropriations and supplemental appropriations. Additionally, all activities and personnel funded through the Highway Trust Fund or the supplemental appropriations portion of the Infrastructure Investment and Jobs Act (IIJA, Division J) would continue during a lapse in annual appropriations.

Brief summary of significant agency activities that will cease during a lapse:

- N/A

Additional information:

Assessment of Liquidating Cash

- NHTSA has sufficient balances of liquidating cash on hand to liquidate obligations.

Shutdown Checklist

While all NHTSA employees can be compensated with resources other than annual appropriations, the agency will take the following actions during the period of a lapse in annual appropriation:

- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted to alternate available sources of salary funds (e.g., carryover, supplemental).
- The CFO will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

FEDERAL TRANSIT ADMINISTRATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	N/A
Total number of agency employees expected to be on board before implementation of the plan:	693
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	693
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Summary of significant agency activities that will continue during a lapse:

- All operations continue as normal during a lapse in appropriations.
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- Additionally, activities and personnel funded through Division J of the IIJA would remain available during a lapse in annual appropriations.

Brief summary of significant agency activities that will cease during a lapse:

None. Activities are funded by sources not impacted by a lapse in annual appropriations.

Additional information

Assessment of Liquidating Cash

- FTA has sufficient liquidating cash to support several months of reimbursements.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The CFO will take measures to ensure that all funding that is affected by a lapse in appropriation is made unavailable for obligation and outlay in the financial system.

FEDERAL RAILROAD ADMINISTRATION (FRA)

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	1,169
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	311
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	280
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	14
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	564

Brief summary of significant agency activities that will continue during a lapse:

Office of Railroad Safety:

- FRA staff from the Office of Railroad Safety that manage rail accident/incident investigations across the country would continue working. These investigations become the basis for the agency issuing Emergency Orders, Safety Advisories, railroad safety regulations, and other measures to promote and regulate safety throughout the rail industry.
- The continuous inspector presence on railroad property allows for the proactive review and identification of unsafe operations. Having FRA inspectors on railroad property makes a difference in achieving industry compliance with Federal safety laws and regulations. Data shows that when inspectors are not visible, compliance with railroad safety laws and regulations is less likely

to occur, which may lead to higher accident/incident rates. When safety hazards are identified, FRA railroad safety personnel ensure uniform and consistent feedback is provided to railroads on noncompliance violations of Federal safety laws and regulations. These inspections and other safety-critical audits, assessments and enforcement activities would continue during a lapse in appropriation, thereby providing continuous and uninterrupted safety oversight to the nation's rail system.

Office of Railroad Development:

- All employees from the Office of Railroad Development are split-funded from FRA's general Safety & Operations account and Financial Assistance Oversight and Technical Assistance account (Oversight account, which would not currently be affected by a lapse in appropriations). All such employees would continue working during a lapse on eligible activities funded under FRA's Oversight **account related to the award, administration, oversight, and technical assistance of FRA's financial assistance programs**. As described below, a limited number of staff from other FRA offices are also partially funded from FRA's Oversight account and would continue working solely on eligible activities funded under the Oversight account.

Other Offices: Certain predetermined individuals from the following offices will be kept onboard to support FRA's critical safety mission or activities funded under FRA's Oversight account, including:

- Administrator – The Administrator and Deputy Administrator provide executive direction over FRA's headquarters and field operations. The Administrator is directly accountable to the DOT Secretary and Deputy Secretary to ensure FRA's excepted safety activities and other functions funded under FRA's Oversight account continue without interruption. The Administrator and Deputy Administrator positions are currently vacant. FRA's Special Assistants to the Administrator and Executive Director are excepted for the same reasons to assist the agency in carrying out excepted activities. FRA will coordinate legislative efforts with congressional staff to the extent it is necessarily implied by the authorized continuation of legislative activity. Certain Civil Rights staff funded from the Oversight account would remain to support eligible activities associated with FRA's financial assistance programs.
- Chief Counsel – The Chief Counsel and Deputy Chief Counsel are critical to the continuation of FRA's safety mission by providing legal advice regarding FRA's safety laws and regulations. Additionally, attorney-advisors from the Office of Development Law that are funded from the Oversight account would remain to support eligible activities associated with FRA's financial assistance programs.
- Administration - The Associate Administrator for Administration, Director of Acquisition, Director of Human Resources (HR) and a HR specialist, and Director of Information Technology (IT) and an IT specialist would support the orderly shutdown and

other excepted/exempt activities, including maintenance of selected contracts and information technology services in supporting FRA's critical safety activities.

- Chief Financial Officer – The Chief Financial Officer, Budget Officer, and a travel analyst would provide oversight of the financial systems, policies, and support programs to affect an orderly agency shutdown, while maintaining critical safety activities. Additionally, accountants, budget analysts, fund administrators, and grants management specialists that are funded from the Oversight account would remain to support eligible activities associated with FRA's financial assistance programs.
- Research, Data, and Innovation – Economists that review the benefit-cost analyses required to be submitted by applicants seeking funding under FRA's competitive grant programs are funded from the Oversight account and would continue conducting eligible activities during a lapse in appropriations. Similarly, small business specialists that provide technical assistance to grantees and assist in monitoring compliance with small business contracting requirements under FRA's financial assistance programs are funded from the Oversight account and would continue working on eligible activities. A program analyst that helps to administer the Railroad Safety Information System (RSIS)—FRA's collection of data management systems that receive, organize, process, visualize, and publish information on railroad accidents and incidents, safety inspections and violations, and attributes from the U.S. DOT Highway-Rail Crossing Inventory—may be recalled as necessary to support the Office of Railroad Safety's accident/incident investigations and inspections.

Brief summary of significant agency activities that will cease during a lapse:

- FRA would not continue any of its unfunded core agency functions. No contracts, purchase orders, travel authorizations¹, or other documents obligating funds subject to a lapse in appropriation would be executed.
- FRA would not obligate funds for research and development projects. However, outlays may occur for prior year obligations if they do not require FRA staff oversight.
- FRA would not advance any rulemakings, including those related to railroad safety, unless such regulatory activity was related to the award, administration, oversight, and technical assistance of FRA's financial assistance programs and funded from FRA's Oversight account.

¹ Exceptions will be made for travel related to critical railroad safety inspections and rail incidents, or activities funded from FRA's Financial Assistance Oversight and Technical Assistance account.

- FRA would suspend responding to routine media inquiries but would respond to media inquiries related to emergency matters addressing imminent hazards to safety of human life and the protection of property. Furloughed staff would be recalled to address emergency media inquiries on a case-by-case basis.

Additional information:

Lapse Checklist

- Lapse plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations once annual appropriations are restored.
- CFO/Budget Officer will take measures to ensure that all funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Appropriation Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	645
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	211
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	358
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	11
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	65

Brief summary of significant agency activities that will continue during a lapse:

- Pipeline Safety activities funded by other than annual appropriations.
- Investigations of hazardous materials accidents to determine the causes and circumstances of failure, the need for corrective action, and any non-compliance that might have contributed to the accident.
- Inspections of hazardous materials shippers, carriers, testing facilities and cylinder reconditioning facilities to detect and remediate safety concerns and determine compliance with the hazardous materials safety regulations.
- Enforcement of the hazardous materials safety regulations through the issuance of enforcement actions or development of evidence for civil and criminal penalty actions and other authorized enforcement activities, to the extent necessary to address imminent hazards to the safety of human life and the protection of property.

- Hazardous Materials approvals and permits only for emergencies that imminently threaten the safety of human life and the protection of property.
- Administrative support for the agency's shutdown plan and procedures, coordination with other DOT elements and OMB, ensuring the physical security of nonexpendable property, and supporting ongoing Field operations necessary for the protection of life and property.
- Support for public affairs to respond to media inquiries regarding emergency matters addressing imminent hazards to the safety of human life and the protection of property.
- Support for congressional affairs as necessarily implied from the authorized continuation of legislative activity.
- Support for information technology systems necessary for continuation of excepted safety functions and for cybersecurity purposes to protect property.
- Intermittent support for financial operations to make timely payments to contractors and grantees and support for travel needs for life and safety excepted staff.
- Intermittent Acquisition Services and program office administration support to make timely payments to contractors and grantees.
- Payments of Emergency Preparedness Grants.
- Activities and personnel funded from the supplemental appropriations portion of the Infrastructure Investment and Jobs Act (IIJA, Division J). This includes an added position from the Operational Expenses Account (Grants Administrator)
- Certain limited legal services implied by law.

Brief summary of significant agency activities that will cease during a lapse:

- Hazardous Materials Program Development
- Hazardous Materials Standards and Rulemaking
- Hazardous Materials Engineering and Research
- Hazardous Materials Approvals and Permits (except for emergency)
- Hazardous Materials Outreach, Training and Grants (except for intermittent support to make timely payments to grantees)
- Hazardous Materials Special Investigations
- Hazardous Materials Training and Qualifications
- Except where funded by other than annual appropriations:
 - Emergency Response Planning and Drills
 - Strategic Planning and Program Evaluation
 - Public Affairs, except for response to media inquiries regarding the safety of human life and the protection of property

- Civil Rights
- Legal Services and Representation except for those implied by law or expressly authorized
- Regulatory Analysis and Planning
- Freedom of Information Act and Privacy Act Processing
- Budget and Finance (except for intermittent support to make timely payments to contractors and grantees and travel support activities and life and safety excepted staff)
- Acquisition Services (except for intermittent support to make timely payments to contractors and grantees)
- Human Resources (except for those related to executing the orderly shutdown and restart of agency operations)
- Information Resources Management (except for support for information technology systems necessary for continuation of excepted safety functions and for cybersecurity purposes to protect property)
- Administrative Services
- Hazardous materials grants benefitting emergency first responders and localities that would be funded from new registration fee collections.
- Hazardous Materials registration program and registration fee collections.
- Hazardous Materials grants benefitting emergency first responders and localities that would be funded from new registration fee collections.

MARITIME ADMINISTRATION (MARAD)

Appropriation Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	821
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	210
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations: ¹	602
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law: ¹	6
Necessary to the discharge of the President's constitutional duties and powers: ¹	0
Necessary to protect life and property: ¹	2

¹ Includes 266 staff at the US Merchant Marine Academy (USMMA) funded by multi-year or no-year carry-forward funds. Once funding is exhausted, 16 USMMA staff would be retained as necessary to perform activities necessarily implied by law, 191 USMMA staff would be retained as necessary to the discharge of the President's constitutional duties and powers, and 29 USMMA staff would be retained as necessary to protect life and property. One USMMA staff continues working as compensation is financed by a source with sufficient resources for the entire fiscal year. The remaining 30 USMMA staff would be furloughed.

Brief summary of significant agency activities that will continue during a lapse:

- MARAD functions that would continue during a lapse in appropriations address imminent hazards to the safety of human life and protection of vessels of the U.S. Government.

The United States Merchant Marine Academy (Academy) would continue to operate on funding other than annual appropriations. If that funding were exhausted, it would continue to operate in support of the President's constitutional duties and powers for national defense and national security. It is statutory policy that it is necessary for the national defense that the United States have a merchant marine capable of serving as a naval and military auxiliary in time of war or national emergency operated by citizens of the United States. Consistent with this policy, the Academy was established to train United States citizens to serve as officers in the United States merchant marine and in the Armed Forces of the United States. Shutdown of the Academy would disrupt the academic calendar and significantly impact cadets' ability to complete the mariner licensing required courses in time to take the United States Coast Guard mariner licensing exam. Any disruption of the licensing and commissioning progression potentially threatens the flow of merchant mariners critically needed for national defense and national security, as well as the approximately 25% of Academy midshipmen that enter active duty in the U.S. Armed Forces upon graduation.

- Academy will prioritize any carry-over balances to support personnel and contracts required to ensure continuation of academic instructional requirements, physical safety of the midshipmen, and protection of Academy assets. These requirements include academic coursework, regimental activities, athletics, Sea-Year training, campus security, and maintenance of Academy vessels, buildings, and midshipmen use facilities (e.g., athletic fields, pools, other training spaces).
- If carry-forward balances were exhausted, excepted positions including academic and athletic instructors, Commandant and training staff to supervise the midshipmen on campus and at Sea-Year, personnel required for dining, health, simulators training, other instructional and athletic support, admissions office and campus security will continue to work. Additionally, a limited number of personnel for mailroom, procurement, information technology, and financial management functions to support the instructional requirements will continue to work.
- Extracurricular midshipmen club activities funded with USMMA no-year gift funds will continue.
- If any carry-forward balances were exhausted and classes were not in session during an academic break, the Academy will remain open, but only a minimal cadre of personnel will be retained to cover necessary Academy functions during the break. These include positions necessary to protect life and property, those necessary to perform activities necessarily implied by law, and a limited number of personnel still required to discharge the President's constitutional duties and powers. All other personnel will be furloughed until classes resume.
- If any carry-forward balances were exhausted, ongoing no-year funded Capital Improvement Projects (CIP) where funding has been fully obligated will continue, with limited excepted Academy personnel for the protection of government property and provide on-site federal supervision and approve and process timely payments to contractors.

- Emergency and disaster assistance involving the safety of human life or protection of property would continue including MARAD employees who are necessary to execute active Mission Assignments from the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA).
- The no-year funded Ship Disposal Program would continue operations utilizing carry-over balances as long as sufficient funding is available. This includes the ongoing work to decommission the Nuclear Ship Savannah, which is fully-funded under this program.
- The no-year funded National Security Multi-Mission Vessel (NSMV) Program would continue operations utilizing carry-forward balances.
- MARAD would continue to operate the reimbursable (no-year funded from Department of Defense) National Defense Reserve Fleet, including the Ready Reserve Fleet (RRF), using carry-over balances as long as sufficient funding is available. Note that some MARAD employees are normally split-funded from RRF and annual appropriated MARAD funds. During a lapse in appropriations, these individuals will work only on the RRF program and will be paid only from RRF funds.
- The Maritime Security Program (MSP) would continue operations utilizing carry-forward balances. A limited number of excepted personnel are needed to maintain the program and to support the continued payment of the MSP stipend with carry-over funds.
- The Cable Security Fleet Program (CSF) would continue operations utilizing carry-forward balances. A limited number of excepted personnel are needed to maintain the program and to support the continued payment of the CSF stipend with carry-over funds.
- The Tanker Security Program (TSP) would continue operations utilizing carry-forward balances. A limited number of excepted personnel are needed to maintain the program and to support the continued payment of the TSP stipend with carry-over funds.
- The Port Infrastructure Development Program (PIDP) would continue operations utilizing carry-forward balances. Staff required for the award and oversight of the PIDP grants will continue to work and are funded from no-year carry-forward funds available for administrative expenses.

- The United States Marine Highway (USMH) Grant Program would continue operations utilizing carry-forward balances. Staff required for the award and oversight of the AMH grants will continue to work and are funded from no-year carry-forward funds available for administrative expenses.
- Under Title XI, MARAD employs private contractors at the Reserve Fleet facility in husbanding some defaulted Title XI assets. These services would continue, as a failure to maintain these services would cause an imminent hazard to the protection of U.S. Government property.
- Government personnel and contractor support required to maintain the agency's data center and cybersecurity functions will continue.
- The use of existing government excepted and exempted employees capable of approving and processing the timely payments of valid obligations to contractors, grantees and other service providers will be utilized to the maximum extent possible. If not feasible, then it may be necessary for furloughed employees to be recalled on at least an intermittent basis to approve and process these timely payments.
- Staff required for the award and oversight of the National Infrastructure Investments (NII) grants will continue to work and are funded from the multi-year funds available for administrative expenses.
- Activities and personnel funded from the supplemental appropriations portion of the Infrastructure Investment and Jobs Act (IIJA, Division J).

Brief summary of significant agency activities that will cease during a lapse:

- Program support from Office of Chief Counsel, Environment and Compliance, Ports and Waterways, and Business and Finance Development would cease, other than those related to the Academy or other excepted or exempted/funded activities.
- Administrative support functions (Information Technology, Human Resources, Finance and Budget, etc.) would cease, other than those related to the Academy or other excepted or exempted/funded activities.

- Academy will suspend all non-essential procurements (e.g., employee training, faculty and staff travel not in direct support of essential midshipman travel, Library acquisitions not in direct support of on-going academic instruction, etc.) to preserve any carryover balances.
- Approval of vessel transfers out of the U.S.-flag registry will cease, as well as the merchant marine awards program.
- All activities within the Committee on Marine Transportation Systems.
- All activities within the Office of Civil Rights.
- All activities within the Office of Congressional and Public Affairs.
- All activities within the Office of International Activities.
- All activities within the Office of Policy and Plans.
- All activities within the Office of Maritime Education and Training.
- All activities within the Office of Cargo and Commercial Sealift, with the exception of staff excepted to monitor Jones Act waiver requests and if necessary to support emergency crisis management and to identify domestic shipping options that can be utilized in an emergency.

Additional Information

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations once annual appropriations are restored.
- CFO/Budget officer will take measures to ensure that all funding that is subject to an appropriations lapse is made unavailable for obligation and outlay in the financial system.
- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (i.e., carryover).

GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0
Total number of agency employees expected to be on board before implementation of the plan:	125
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	0
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	125
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Brief summary of significant agency activities that will continue during a lapse:

- The GLS will utilize its statutory authority (33 U.S.C. 981, et seq.) to use reserve funding from its no-year revolving fund during any lapse in federal appropriations to operate and maintain the U.S. portion of the St. Lawrence Seaway without any adverse impact on staff levels or agency programs.
- The GLS will make timely payments to contractors, as necessary.
- CFO will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

- Payroll records will be updated to ensure timely and accurate payroll be performed for staff being shifted from lapsed funding into alternate sources (i.e., carryover).
- As was the case during past lapses in appropriations, Seaway operations, including compensation and benefits for personnel, is funded through the GLS's no-year revolving account unobligated balance (10/1/22 balance of \$19.1 million).

Summary of Suspended Activities

- No activities will be suspended.

OFFICE OF INSPECTOR GENERAL

Appropriation Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	399
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	291
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	7
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	100

Brief summary of significant agency activities that will continue during a lapse:

- Law Enforcement activities
- Hotline and Crisis Management Center point of contact
- Support for IT systems that are necessary for continuation of excepted law enforcement activities

Brief summary of significant agency activities that will cease during a lapse:

- Audit activities
- Most Legal and Human Resources functions
- Government and Public Affairs; Budget and Financial Management; and Procurement and Administrative Services functions

Additional information:

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Inspector General prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
- CFO will take measures to ensure that all funding that is subject to current year appropriation actions is made unavailable for obligation and outlay in the financial system.

OFFICE OF THE SECRETARY

Lapse Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	0.5
Total number of agency employees expected to be on board before implementation of the plan:	1,820
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	83
Total number of employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations:	1,731
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	6
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0

Brief summary of significant agency activities that will continue during a lapse:

- Functions necessary to address imminent hazards to the safety of human life and the protection of property, including IT systems and functions related to cybersecurity;
- Activities funded through the Working Capital Fund for which resources remain available, including the security of the Headquarters building;
- Staff functions necessarily implied from the authorized continuation of other activities across the Department;
- Congressional affairs as necessarily implied from the authorized continuation of legislative activity;
- Certain public affairs activities, including responding to media inquiries related to emergency matters addressing imminent hazards to the safety of human life and the protection of property and activities necessarily implied from the authorized continuation of other activities across the Department; and

- Activities funded by multi-year or no-year appropriations including the following:
 - Salaries and Expenses
 - It is estimated that the carry forward amounts in this account can cover one pay period of salaries
 - Transportation Planning, Research and Development
 - Essential Air Service
 - Small Communities Air Service Development Program
 - Operational Support Account (Includes IJJA funding)
 - National Surface Transportation and Innovative Finance Bureau (Build America Bureau)
 - Small and Disadvantaged Business Utilization and Outreach
 - Working Capital Fund
 - Volpe
 - Transportation Safety Institute
- The Build America Bureau may close new TIFIA direct loans and loan guarantees during a lapse in appropriations, so long as there is sufficient contract authority and Highway Trust Fund liquidating cash available.

Brief summary of significant agency activities that will cease during a lapse:

- Suspended activities during a lapse in annual appropriations will mainly be support from staff offices that are not associated with authorized continuation of other activities across the Department, including the following:
 - The Office of Research and Technology, and the Office of Civil Rights would suspend activities given their annual source of funds.
- In general the Build America Bureau may not close new RRIF direct loans or loan guarantees during a lapse in appropriations, except using any available subsidy budget authority provided in prior appropriations acts.

Additional information:

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Deputy Secretary prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations once annual appropriations are restored.

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Monday, October 6, 2025 9:34 AM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Subject: VTA Information: Ridership for August 2025

VTA Board of Directors:

Attached is a memorandum from Nauni Singh, Chief Operating Officer, regarding VTA ridership for August 2025.

If you have any questions, please reply to this e-mail.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



Date: September 30, 2025
Current Meeting: NA
Board Meeting: October 2, 2025

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Carolyn M Gonot, General Manager/CEO 

FROM: Naunihal (Nauni) Singh, Chief Operating Officer 

SUBJECT: VTA Ridership – August 2025

Policy-Related Action: NA

Government Code Section 84308 Applies: No

INFORMATION ITEM

EXECUTIVE SUMMARY:

To present the bus and light rail ridership performance of the Santa Clara Valley Transportation Authority.

STRATEGIC PLAN/GOALS:

The report is an information item only.

BACKGROUND:

This report is routinely produced after each month. This report is for the month of August 2025.

CLIMATE IMPACT:

The report is an information item and will have no impact on climate change.

DISCUSSION:

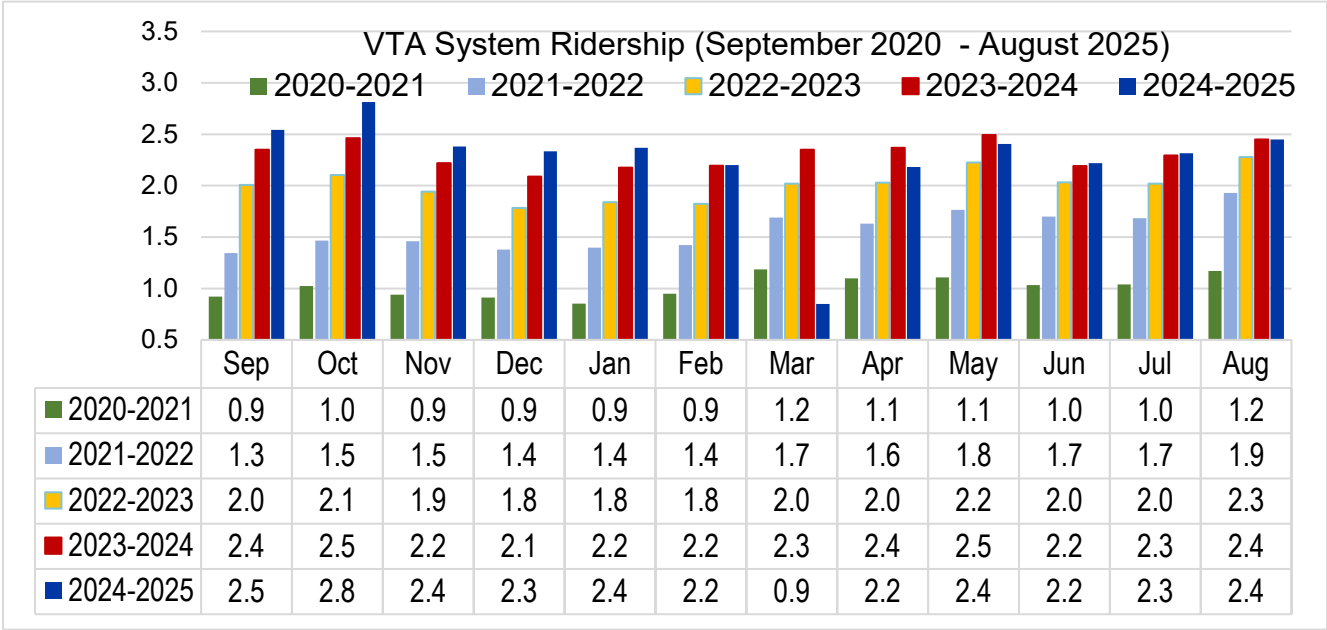
August 2025 total monthly system ridership was 2,448,638 and was about the same as August 2024 (2,448,120). The total monthly bus ridership was 2,019,182, a decrease of 1.0% compared to August 2024. The total monthly light rail ridership was 429,456, an increase of 5.1% compared to August 2024. The average weekday system ridership for August 2025 increased by 2.0%. The Calendar year-to-date (January 2025 through August 2025) system ridership (bus and light rail) was 16,998,106, a decrease of 8.2% compared to same period last year. March 2025 had service disruptions for majority of the month causing overall decrease in the year-to-date totals.

The month of August saw high temperatures on some days. VTA offered free fares to people who were travelling to or from Santa Clara County Cooling Centers from August 21, 2025, through August 23, 2025.

Levi’s Events: During August 2025, there were two Morgan Wallen Concerts and two 49ers’ games. The average ridership from the four events was about 13,600 riders.

	Monthly			Calendar Year-to-Date		
VTA Ridership	Current (Aug 2025)	Prior year (Aug 2024)	Percent Change	Current (Jan'25-Aug'25)	Prior year (Jan'24-Aug'24)	Percent Change
Bus	2,019,182	2,039,378	-1.0%	14,261,368	15,345,850	-7.1%
Average Weekday	75,860	74,666	1.6%	73,400	72,683	1.0%
Average Saturday	45,685	46,960	-2.7%	44,291	42,752	3.6%
Average Sunday / Holiday	39,540	40,484	-2.3%	37,484	36,432	2.9%
Light Rail	429,456	408,742	5.1%	2,736,738	3,164,253	-13.5%
Average Weekday	15,304	14,718	4.0%	13,912	14,638	-5.0%
Average Saturday	11,145	8,227	35.5%	9,251	9,017	2.6%
Average Sunday / Holiday	10,471	10,952	-4.4%	8,102	8,948	-9.5%
System	2,448,638	2,448,120	0.0%	16,998,106	18,510,103	-8.2%
Average Weekday	91,164	89,384	2.0%	87,312	87,321	0.0%
Average Saturday	56,830	55,187	3.0%	53,542	51,769	3.4%
Average Sunday / Holiday	50,011	51,436	-2.8%	45,586	45,380	0.5%

The monthly system ridership (Bus and light rail) in millions for 2021-2025 (rolling 12 months) is shown in the chart below:



Note: March 2025 had decreased ridership due to service disruption.

The boardings per total hour and boardings per revenue hour for bus and rail for August 2025 are shown in the table below:

	Boardings per Total hour ¹			Boardings per Revenue hour ²		
	August 2025	August 2024	Percent Change	August 2025	August 2024	Percent Change
Bus	15.7	16.3	-3.7%	16.7	17.3	-3.6%
Light Rail	32.7	29.6	10.5%	35.1	31.8	10.4%

Total hours – Includes revenue hours and deadhead hours (hours that a vehicle travels when out of revenue service). ² Revenue hours - Scheduled hours of service available to passengers for transport on the routes. Includes recovery/layover time.

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Monday, October 6, 2025 9:45 AM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Subject: VTA Correspondence: Week Ending October 3, 2025

VTA Board of Directors:

We are forwarding to you the following correspondence:

From	Topic
Rob Padgette, Capitol Joint Powers Authority	Davis Station Project Update
Sonia Humphrey, LAFCO	Supplemental Information for 10/1/25 LAFCO Meeting Agenda (updates 1-
Dan Lieberman, Caltrain	e-news September 2025
Planning Commission	Planning Commission Agenda for the 10/7/25 Meeting and Supplemental Information
Dave Cortese	Letter re: ACCESS paratransit changes

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



From: Robert Padgette
To: Mark Foley; Melissa Hernandez; Janice Li; Robert Raburn; Matthew Rinn; Edward Wright; Bruce Houdesheldt; Ken.Broadway; Suzannejones; rdickinson; tschaefer; rbrewer; Patrick Kennedy; Melissa Lee; Sudhanshu Jain; sellcouncil; sbird_fordixoncitycouncil; sbird_dixonpd; sbird; Alma Hernandez; cmoy; JChapman; lucas.frerichs; lucasf; mayra.vega
Cc: Robert Franklin; Byron Toma; David Melko; mclick aadams; JDrake; Gonzalez-Estay, Manolo R; Greene, Beverly; Daryl Halls; kgregana; Robert Guerrero; Autumn Bernstein; bvaughanbechtold; Robert Franklin; Jennifer Halpern; Sandra Schrimsher; Mag Tatum; Jeana Zelan; Robert Powers; Monique Salas; Michael Jones; Alfonzo Rigel; Joseph Beach; Michaela Morales; SSabol; tsmith; gkirbyson; DValdezJones; avan; afeeney; ilowe; mogaveror; mlee; mle; mcasorla; Baltao, Elaine; Garza, Michelle; VTA Board Secretary; Paris, Amy; imasiclat; lruiz; vajimes; cgagnon; Tara.Thronson; emily.ault; michaelspelis; fudvarhely; Annmarie Wong; Brian Garcia Zaragoza; Brian Soland; Camille Tsao; Catherine Relucio; Charles Franz; David Scott; Dean Shepherd; Emily Denio; James Allison; Jesus Ramirez; Joel Cox; Katherine Gosselin; Kiaya Moser; Leonel Sanchez; Michael Lu; Mimi Kyi; Natalie Guo; Priscilla Kalugdan; Robert Padgette; Sabrina Duenas; Shirley Qian; Stuart Bishop; Tiffany Lee; Tranika White; Vernae Graham; Wissem Bouali
[EXTERNAL] CCJPA Board Update: Davis Station Project Update
Monday, September 29, 2025 9:29:39 AM
Subject: Davis Station Amtrak Letter.pdf
Date: High
Attachments:
Importance:

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

CCJPA Board Members,

As an update to our presentation on the challenges we currently face on the Davis Station project, I'm sharing a bipartisan letter from several members of our local Congressional delegation to the Amtrak President and Board Chair. We very much appreciate the continued support of our Congressional leaders. If you have an opportunity, please let them know how much their support to the Capitol Corridor matters. If you have any questions, please feel free to reach out to me.

Regards,
Rob Padgette
Managing Director
Capitol Corridor Joint Powers Authority

Congress of the United States

Washington, DC 20515

September 24, 2025

Mr. Roger Harris
President & Chief Executive Officer
National Railroad Passenger Corporation
(Amtrak)
1 Massachusetts Ave NW
Washington, DC 20001

Mr. Anthony R. Coscia
Chairman of the Board
National Railroad Passenger Corporation
(Amtrak)
1 Massachusetts Ave NW
Washington, DC 20001

Dear President Harris and Chairman Coscia:

We write to express our concern regarding Amtrak's decision to suspend work on the Davis Station ADA reconstruction project and withdraw its \$5 million commitment to the necessary first phase of work.

We understand that, as part of Amtrak's national ADA improvement program, developed under agreement with the U.S. Department of Justice, Amtrak determined that the current platform and station configuration at Davis cannot meet ADA requirements and that a full station reconstruction would be required. Amtrak advanced this effort to 30 percent design, which not only addressed accessibility but also identified and proposed solutions for significant safety issues at the station. This design has been presented on multiple occasions to the Davis City Council, and the city has committed dollars to the project to support a new connection to the neighborhood east of the station.

We are told that the first step toward reconstruction — relocation of an interlocking and associated signal work — is estimated at \$16 million. Amtrak had previously agreed to provide \$5 million toward this critical phase with the remaining funds provided by the Capitol Corridor Joint Powers Authority and Union Pacific Railroad. We understand that Amtrak faces budget constraints; however, we are deeply concerned that one of the most important station projects in California is being deferred. Amtrak has historically invested relatively few of its capital dollars in California, and Davis Station is a key stop for Amtrak's Long Distance Service, as well as one of the busiest stations on the Capitol Corridor. Halting this project now places both accessibility and safety improvements at risk.

We strongly urge Amtrak to consider restoring its \$5 million commitment to the interlocking project and to continue advancing the Davis Station reconstruction. This project is essential to fulfilling ADA obligations, improving safety, and meeting the mobility needs of thousands of daily riders in Northern California.

Congress of the United States

Washington, DC 20515

Thank you for your full and fair consideration of this matter, consistent with applicable statute and agency guidelines. We look forward to your response and to working with you to ensure this vital project moves forward without further delay.

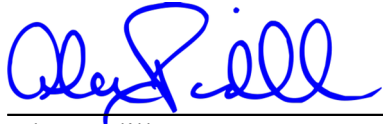
Sincerely,



Mike Thompson
Member of Congress



Kevin Kiley
Member of Congress



Alex Padilla
United States Senator



Doris Matsui
Member of Congress



John Garamendi
Member of Congress



Lateefah Simon
Member of Congress



Mark DeSaulnier
Member of Congress

From: Humphrey, Sonia
Cc: LAFCO
Subject: [EXTERNAL] Supplemental Information No. 1 - October 1, 2025 LAFCO Meeting Agenda
Date: Tuesday, September 30, 2025 9:48:51 AM
Attachments: October 2025 Meeting Agenda Packet.pdf

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

The following supplemental information has been added to the October 1st LAFCO Meeting Agenda:

- **Supplemental Information No. 1** – Agenda Item # 7 - FY 2024-2025 LAFCO ANNUAL REPORT

The agenda and related materials, including the above supplemental information, can be viewed online at: <https://santaclaralafco.org/meetings/commission-meeting-2025-10-01-201500>.

Best regards,

Sonia Humphrey, LAFCO Clerk
LAFCO of Santa Clara County
777 North First Street, Suite 410
San Jose, CA 95112



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

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

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

REGULAR MEETING

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

City Administration Conference Room, Gilroy City Hall, 7351 Rosanna St, Gilroy

October 1, 2025 • 1:15 PM

AGENDA

Chairperson: Sylvia Arenas ▪ Vice-Chairperson: Rosemary Kamei

PUBLIC ACCESS AND PARTICIPATION

This meeting will be held in person at the location listed above. As a courtesy, and technology permitting, members of the public may also attend by virtual teleconference. However, LAFCO cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option. To attend the meeting by virtual teleconference, access the meeting at <https://sccgov-org.zoom.us/j/87698046398> or by dialing **(669) 900-6833** and entering **Meeting ID 876 9804 6398#** when prompted.

PUBLIC COMMENT INSTRUCTIONS

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

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

Spoken public comments may also be provided through the teleconference meeting. To address the Commission virtually, click on the link <https://sccgov-org.zoom.us/j/87698046398> to access the meeting and follow the instructions below:

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

NOTICE TO THE PUBLIC

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

1. ROLL CALL

2. PUBLIC COMMENTS

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

3. APPROVE CONSENT CALENDAR

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

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

***4. APPROVE MINUTES OF AUGUST 6, 2025 LAFCO MEETING**

PUBLIC HEARING

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

Recommended Action:

1. Approve the proposed structure for the Santa Clara LAFCO Policies and Procedures Manual.
2. Adopt the proposed “Part 1. LAFCO Bylaws.”
3. Adopt the proposed “Part 2. LAFCO Operational Policies and Procedures.”
4. Adopt the proposed “Part 4. LAFCO Administrative Policies.”
5. Rescind the existing “Policies for Use of LAFCO Issued Electronic Devices” as they are no longer applicable.
6. Determine that the proposed update of LAFCO policies is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(c)(2) and §15060(c)(3).

ITEMS FOR ACTION / INFORMATION

6. COUNTYWIDE WATER AND WASTEWATER SERVICE REVIEW

Recommended Action:

1. Direct staff to prepare a Draft Request for Proposals (RFP) for a professional services firm to conduct a Countywide Water and Wastewater Service Review, for the Commission’s consideration at the December 2025 LAFCO meeting.

2. Appoint two LAFCO Commissioners to serve on the Countywide Water and Wastewater Service Review Technical Advisory Committee.
7. **FY 2024-2025 LAFCO ANNUAL REPORT**
Recommended Action: Accept the FY 2024-2025 LAFCO Annual Report.
- *8. **EXECUTIVE OFFICER'S REPORT**
Recommended Action: Accept report and provide direction, as necessary.
 - 8.1 **Quarterly Special Districts Association Meeting**
 - 8.2 **Quarterly Meeting with County Planning Department**
 - 8.3 **Santa Clara County Association of Planning Officials' Meeting**
- *9. **CALAFCO RELATED ACTIVITIES**
For Information only.
 - 9.1 **Proposed Amendments to CALAFCO Bylaws**
10. **COMMISSIONER REPORTS**
11. **NEWSPAPER ARTICLES / NEWSLETTERS**
12. **WRITTEN CORRESPONDENCE**
 - 12.1 Letter from the Special District Risk Management Authority regarding the President's Special Acknowledgement Awards (August 11, 2025)

CLOSED SESSION

13. **PERFORMANCE EVALUATION**
Public Employee Performance Evaluation (Government Code §54957)
Title: LAFCO Executive Officer
14. **REPORT OUT OF CLOSED SESSION**
15. **ADJOURN**
Adjourn to the regular LAFCO meeting on December 3, 2025 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

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

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

ITEM # 4

**LAFCO MEETING MINUTES
WEDNESDAY, AUGUST 6, 2025**

CALL TO ORDER

The meeting was called to order at 1:15 p.m.

1. ROLL CALL

Commissioners

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

Alternate Commissioners

- Pamela Campos (Absent)
- Helen Chapman
- Betty Duong (Absent)
- Zach Hilton (Absent)
- Teresa O'Neill

Staff

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

2. PUBLIC COMMENTS

There were none.

3. APPROVE CONSENT CALENDAR

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

Commission Action: The Commission added #9 and #10 to the consent calendar and approved the Consent Calendar, including Items #4, #6, #9 and #10.

4. TAKEN ON CONSENT: APPROVE MINUTES OF JUNE 4, 2025 LAFCO MEETING

The Commission approved the minutes of the June 4, 2025 meeting.

PUBLIC HEARING

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

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

Commission Action:

1. The Commission adopted the proposed updated Chapter 10: Service Review Policies including an additional text change (a new 10.8.4c: Prior Service Review: Evaluation Criteria: Where appropriate, establish specific evaluation criteria to be used in making the required service review determinations.).
2. The Commission adopted the proposed updated Chapter 11: Policies and Procedures for Processing Proposals Affecting More than One County.
3. The Commission adopted the proposed updated Chapter 12: LAFCO Indemnification Policy.
4. The Commission adopted the proposed updated Chapter X: Records Retention Policy and Schedule.
5. The Commission determined that the proposed update of LAFCO policies is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(c)(2) and §15060(c)(3).

ITEMS FOR ACTION / INFORMATION

6. TAKEN ON CONSENT: EXECUTIVE OFFICER'S REPORT

Commission Action: The Commission accepted the report.

7. CALAFCO RELATED ACTIVITIES

7.1 CALAFCO UNIVERSITY (U) COURSES

For Information Only.

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

For Information Only.

7.3 Nominations to the CALAFCO Board of Directors

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

Commission Action: The Commission nominated Vice Chairperson Kamei for the CALAFCO Board of Directors.

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

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

Commission Action: The Commission appointed Vice Chairperson Kamei as the voting delegate and Chairperson Arenas as the alternate voting delegate.

8. COMMISSIONER REPORTS

There were none.

9. NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

10. WRITTEN CORRESPONDENCE

There were none.

11. ADJOURN

The Commission adjourned at 1:47 p.m. to the next regular LAFCO meeting on December 3, 2025, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on October 1, 2025

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

Prepared by:

Sonia Humphrey, LAFCO Clerk



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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

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

ITEM # 5

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 1, 2025

TO: LAFCO

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

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

STAFF RECOMMENDATIONS

1. Approve the proposed structure for the Santa Clara LAFCO Policies and Procedures Manual.
2. Adopt the proposed "Part 1. LAFCO Bylaws."
3. Adopt the proposed "Part 2. LAFCO Operational Policies and Procedures."
4. Adopt the proposed "Part 4. LAFCO Administrative Policies."
5. Rescind the existing "Policies for Use of LAFCO Issued Electronic Devices" as they are no longer applicable.
6. Determine that the proposed update of LAFCO policies is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15060(c)(2) and §15060(c)(3).

PROJECT BACKGROUND

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

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

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

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

Phase 1 Complete

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

Phase 2 Underway

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

PROPOSED STRUCTURE OF LAFCO POLICIES AND PROCEDURES MANUAL

Upon final completion of Phase 2 of the Comprehensive Review and Update of LAFCO Policies, staff will compile all the adopted policies and procedures into a single manual which will be available for viewing and downloading on the LAFCO website. The proposed outline for this manual is presented in **Attachment A** for the Commission's consideration and approval.

The proposed Policies and Procedures Manual is divided into four parts:

Part 1. Bylaws

Part 2. Operational Policies and Procedures

Part 3. Policies for Evaluating Proposals

Part 4. Administrative Policies

This proposed structure groups policies by subject matter to improve clarity, transparency, and ease of use. Policies relating more specifically to the organizational structure and governance of LAFCO are consolidated, policies and procedures guiding LAFCO's day-to-day operations are organized together, policies related to substantive evaluation of proposals are grouped together, and administrative policies are separated into their own section. This framework provides a logical framework that helps Commissioners, staff, affected agencies, and the public to more easily locate and understand the policies and procedures most relevant to their needs.

PROPOSED REVISIONS TO LAFCO POLICIES AND PROCEDURES

The following LAFCO policies and procedures are the subject of this staff report:

- Part 1. LAFCO Bylaws (**Attachment B**)
- Part 2. LAFCO Operational Policies and Procedures (**Attachment C**)
- Part 4. LAFCO Administrative Policies (**Attachment D**)

Please note that “Part 3. Policies for Evaluating Proposals” consists mostly of policies recently adopted by the Commission as Phase 1 of the Comprehensive Policies Review and Update project, in December 2024. The proposed update to the LAFCO’s “Incorporation Policies” will be presented at the December 3, 2025 LAFCO meeting for the Commission’s consideration and potential adoption.

The proposed Part 1. Bylaws; Part 2. Operational Policies and Procedures; and Part 4. Administrative Policies; consist primarily of existing policies drawn from the current LAFCO Bylaws and other previously adopted LAFCO policies and procedures. The policies in Parts 1, 2, and 4 include the following types of changes:

Overall Organization and Structure

Current policies have been restructured as individual numbered chapters with corresponding numbered policies and subtitles, to be part of the single Policies and Procedures Manual. Additionally, dates for the original adoption and the amendment of specific sections in each policy chapter have been added throughout the manual for greater transparency.

Consolidation and Transparency

Many provisions, requirements and clarifications that were previously documented elsewhere (e.g. application forms and meeting agenda) are now incorporated into this Manual for greater transparency and accessibility.

References to State law

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

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

Text changes

New language has been added to reflect recent changes in State law, and to document current and longstanding Santa Clara LAFCO practices and procedures.

The proposed revisions in Part 1. Bylaws, Part 2. Operational Policies and Procedures, and Part 4. Administrative Policies, resulted in substantial reformatting, reordering, and editing of current policies. As such, a tracked change version of the current LAFCO Bylaws and other current policies would have resulted in documents that are difficult to read and review.

Instead, an explanation has been prepared for each Part, and as necessary, a table has been provided that outlines the major text changes, the reasons for those changes, and, where applicable, the location from which the policy was moved into the Part.

Parts 1, 2, and 4 are described below.

PART 1. BYLAWS

Background

Prior to April 1, 2014, LAFCO's bylaws were contained in a document entitled LAFCO's "Rules and Procedures." At that time, staff, in consultation with LAFCO's Legal Counsel, conducted a review of LAFCO's "Rules and Procedures" and determined that this document was no longer applicable due to changes in State law and changes in Santa Clara LAFCO operations. Staff then drafted a set of proposed bylaws to replace the outdated "Rules and Procedures." These new "LAFCO Bylaws" consisted of four sections including: General Information on LAFCO, The Commission, Conduct of Commission Meetings, and Travel and Expense Reimbursement.

On April 1, 2014, LAFCO adopted these new "LAFCO Bylaws." The Commission has revised these "LAFCO Bylaws" periodically over the last ten years to add new policies to better reflect current State law and LAFCO practice, as needed.

As part of this comprehensive review and update of LAFCO Policies, staff reviewed and found that the current "LAFCO Bylaws" omit some of the Commission's other longstanding rules and procedures, and that certain sections of the "LAFCO Bylaws" would be more appropriately placed in separate new chapters (i.e. "Part 2. Operational Policies and Procedures" or "Part 4. Administrative Policies").

Proposed Revisions

Therefore, the current "LAFCO Bylaws," have been edited, reformatted, and reorganized as the proposed "Part. 1 Bylaws" (**Attachment B**) and some sections have been moved into the proposed "Part 2. Operational Policies and Procedures" or proposed "Part 4. Administrative Policies".

The proposed "Part. 1 Bylaws" includes four chapters including:

- **"Chapter 1.1 Organization"** (Text moved from current "LAFCO Bylaws." No major changes.)
- **"Chapter 1.2 Commissioners and Staff"** (Text moved from current "LAFCO Bylaws." No major changes, except as noted in table (**Attachment B-1**))
- **"Chapter 1.3 Meeting Rules and Regulations"** (Text moved from current "LAFCO Bylaws." No major changes, except as noted in table (**Attachment B-1**))
- **"Chapter 1.4 Financial and Other Reporting"** (New text added as noted in table (**Attachment B-1**))

PART 2. OPERATIONAL POLICIES AND PROCEDURES

As noted above, some sections of the current "LAFCO Bylaws" are more appropriately placed in a separate new "Part 2. Operational Policies and Procedures" (**Attachment C**). Part 2 includes 3 chapters:

- **"Chapter 2.1 Application Processing Procedures"**

- **“Chapter 2.2 Legislative and Intergovernmental Policies”**
- **“Chapter 2.3 Procedures for Preparing and Processing Environmental Documents”**

These chapters consist of existing policies and procedures that are in the current LAFCO Bylaws or adopted as individual policies or are documented elsewhere as standalone statements or requirements, all of which are now consolidated in Part 2. Please see **Attachment C-1** for a table that outlines major text changes, the reasons for those changes, and the location from which the policy was moved into this Part.

PART 4. ADMINISTRATIVE POLICIES

As noted above, some sections of the current LAFCO Bylaws are more appropriately placed in a separate new “Part 4. Administrative Policies.” Part 4 includes 3 chapters:

- **“Chapter 4.1. Travel and Expense Reimbursement”** (Includes text moved from the current “LAFCO Bylaws”. Minor text changes were made specifically correcting the timeframe for reporting business trip or event expenses to the LAFCO Office for reimbursement consistent with the County of Santa Clara Travel Policy.)
- **“Chapter 4.2. Records Retention Policy and Schedule”** (Currently standalone policies that were last updated by the Commission on August 6, 2025.)
- **“Chapter 4.3. Conflict of Interest Code”** (Currently standalone policies that are updated as required by the code reviewing body, the Santa Clara County Board of Supervisors.)

Please see **Attachment D** for the proposed “Part 4. Administrative Policies.”

NOTICE OF PUBLIC HEARING

A Notice of Public Hearing was posted on the LAFCO website and the County’s Official Bulletin Board on September 18, 2025, and published in the *San Jose Post Record* on the same day. The staff report for this agenda item will be posted on the LAFCO website by September 26, 2025 and affected agencies, interested parties, and others that have requested to receive LAFCO agendas will be noticed accordingly.

ENVIRONMENTAL ANALYSIS

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

The proposed Phase 2 LAFCO policies revisions include changes to the overall organization and structure of the current LAFCO policies; removal of incorrect

and/or expired references to State law and inclusion of new references to relevant code sections of State law and adopted LAFCO resolutions; and text changes to reflect changes in State law, current LAFCO practice or background information.

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

NEXT STEPS

Staff will review the current "LAFCO Incorporation Policies" and propose updates as needed. Any proposed changes will be presented to the Commission for consideration and potential adoption at its December 3, 2025 meeting. As shown in **Attachment A**, the updated "Incorporation Policies" would be included in Part 3, "Policies for Evaluating Proposals," as "Chapter 3.9 Incorporation Policies."

Following the Commission's adoption of the updated Incorporation Policies, staff will compile all adopted policies into a comprehensive manual, publish it on the LAFCO website, and distribute it digitally to local agencies and interested parties.

ATTACHMENTS

Attachment A:	Outline for Santa Clara LAFCO Policies and Procedures Manual
Attachment B:	Part 1. Bylaws
Attachment B-1:	Table: Part 1. Table of Proposed Major Text Changes or New Sections
Attachment C:	Part 2. Operational Policies and Procedures
Attachment C-1:	Table: Part 2. Current Location of Policies/Procedures and Reasons for Any Text Revisions
Attachment D:	Part 4. Administrative Policies
Attachment E:	Links to Relevant Current LAFCO Policies and Procedures
	E-1: LAFCO Bylaws
	E-2: Conducting Authority Procedures
	E-3: Legislative Policies
	E-4: Procedures for Preparing and Processing Environmental Documents
	E-5: Conflict of Interest Code
	E-6: Policies for Use of LAFCO Issued Electronic Devices

SANTA CLARA LAFCO
POLICIES AND PROCEDURES MANUAL

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PART 1. LAFCO BYLAWS

CHAPTER 1.1. ORGANIZATION

1.1.1. NAME OF COMMISSION

Originally part of LAFCO Rules and Procedures
Incorporated into LAFCO Bylaws: 04/02/2014
Amended: 10/05/2016, _____

The Local Agency Formation Commission, established in Santa Clara County pursuant to Chapter 1 of Part 1, Division 3, Title 5, of the Government Code, shall be known as the Local Agency Formation Commission of Santa Clara County ("LAFCO of Santa Clara County" or "Santa Clara LAFCO"), and hereinafter referred to as the "Commission."

1.1.2. AUTHORITY

Adopted in LAFCO Bylaws: 04/02/2014
Amended: _____

LAFCO of Santa Clara County is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et seq. of the California Government Code (GC), as amended, and hereinafter referred to as the "CKH Act." The provisions of these bylaws are not intended to preempt State law. In the event of a conflict between the provisions set forth in these bylaws and those set forth in the CKH Act, the provisions of the CKH Act shall prevail.

1.1.3. MISSION

Adopted in LAFCO Bylaws: 04/02/2014
Amended: 02/04/2016, _____

At its August 1, 2012 Meeting, the Commission adopted the following mission statement:

The mission of Santa Clara LAFCO is to promote sustainable growth and good governance in Santa Clara County by preserving agricultural lands and open space, curbing urban sprawl, encouraging efficient delivery of services, exploring and facilitating regional opportunities for fiscal sustainability, and promoting accountability and transparency of local agencies.

Santa Clara LAFCO will be proactive in raising awareness and building partnerships to accomplish this through its special studies, programs and actions.

CHAPTER 1.2. COMMISSIONERS AND STAFF

1.2.1. COMMISSION COMPOSITION

Adopted in LAFCO Bylaws: 04/02/2014

The Commission shall consist of seven (7) regular commissioners and five (5) alternate commissioners.

1.2.2. SELECTION/APPOINTMENT OF COMMISSIONERS

Adopted in LAFCO Bylaws: 04/02/2014

Amended: 06/05/2019, _____

1. The Commission membership categories and appointment procedures are as follows:
 - a. **County.** The Board of Supervisors shall appoint two regular commissioners and one alternate commissioner from the Board's membership to serve on the Commission. GC §56327(a)
 - b. **San Jose.** The City of San Jose shall appoint one regular commissioner and one alternate commissioner to serve on the Commission. Each appointee shall be the mayor or city council member. GC §56327(b)
 - c. **Cities.** The City Selection Committee shall appoint one regular commissioner and one alternate commissioner to serve on the Commission. Each appointee shall be a mayor or city council member from one of the County's other 14 cities. Such appointments shall be made in accordance with the procedure established by the City Selection Committee and described in the rules and regulations of that body. GC §56327(c)
 - d. **Special Districts.** Pursuant to GC §56327.3, in December 2012, the Commission adopted Resolution No. 2012-07, expanding its membership to include two special district members and one alternate special district member. GC §56332 requires the Independent Special Districts Selection Committee to appoint two regular commissioners and one alternate commissioner to serve on the Commission. Each appointee shall be elected or appointed members of the legislative body of an independent special district residing in the county but shall not be members of the legislative body of a city or county. On August 13, 2012, the Independent Special Districts Selection Committee of Santa Clara County adopted an alternative process for appointment of special district members to LAFCO whereby the Santa Clara Valley Water District appoints one special district member; and the Independent Special Districts Selection Committee appoints the second member and an alternate member, to serve in place of the two regular special district members.
 - e. **Public Member.** The other six commissioners shall appoint one public member and one alternate public member to serve on the Commission. Pursuant to Government Code §56327(d), each appointee shall not be a resident of a city which is already represented on the Commission. The

appointees shall be Santa Clara County residents; and not currently an officer or employee of the county or any city or district with territory in the county. The appointees shall also not concurrently hold any elected or appointed office with a local government agency that makes or informs land use decisions while serving on the Commission.

The appointment of the public member and/or alternate public member shall be made in accordance with the following procedures:

The LAFCO Executive Officer shall notify the Commission in advance of the public member's and alternate public member's term expiration or when such seat(s) becomes vacant.

- i. The LAFCO Executive Officer shall notify the Commission in advance of the public member's and alternate public member's term expiration or when such seat(s) becomes vacant.
- ii. The LAFCO Executive Officer shall prepare a notice announcing the vacancy on the Commission and seeking applications to fill the vacancy.
- iii. The notice shall be posted on the LAFCO website and provided to each local agency within the county and to interested parties.
- iv. Among other things, the notice shall include information on the mission of LAFCO, and responsibilities of a LAFCO commissioner; and indicate the application filing period and submittal requirements.
- v. Interested applicants shall be required to submit a resume and a letter of interest outlining their reasons for wanting to serve as a member of the Commission.
- vi. The current public member and alternate public member shall be eligible to apply for an upcoming vacancy of the public member and/or the alternate public member positions.
- vii. The Commission shall not appoint someone to fill a vacancy until at least 21 days after the posting of the notice.
- viii. The Commission shall review applicants' resumes and letters of interest and shall conduct a group interview of the candidates at the next available LAFCO meeting, using questions prepared beforehand.
- ix. At the close of the group interview, the Commission shall by majority vote, appoint a public member and/or an alternate public member.

1.2.3. COMMISSIONERS' TERMS OF OFFICE

Originally part of LAFCO Rules and Procedures
Incorporated into LAFCO Bylaws: 04/02/2014
Amended: _____

The term of office of each commissioner shall be four (4) years, expiring on May 31 in the year in which the term of the member expires. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body that originally appointed the member whose office has become vacant.

1.2.4. ROLE OF COMMISSIONERS

Adopted: 05/31/2006

Incorporated into LAFCO Bylaws: 04/02/2014

1. While serving on the Commission, pursuant to GC §56331.4, all commissioners shall exercise their independent judgment on behalf of the interests of the public as a whole in furthering the purposes of the CKH Act and not solely the interests of the appointing authority.
2. In each member category, the alternate member shall serve and vote in place of a regular member who is absent or who disqualifies herself or himself from participating on a specific matter before the Commission at a regular/special commission meeting or in closed session.
3. All alternate members are expected and encouraged to attend and participate in all Commission meetings, even if the regular member(s) is (are) present. Alternate members may attend and participate in closed session meetings of the Commission. However, alternate members may not vote or make a motion when the regular member is present.
4. The Brown Act allows an exception from its requirements for the attendance of a majority of the members of the Board of Supervisors at noticed meetings of the Commission, provided that a majority of the members of the Board of Supervisors do not discuss among themselves, other than as part of the Commission's scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the Board of Supervisors.
5. No person may disclose confidential information that has been acquired from LAFCO or information acquired by being present in a closed session meeting authorized pursuant to the Brown Act, to a person not entitled to receive it, unless the Commission authorizes disclosure of that confidential information.

1.2.5. COMMISSIONER PLEDGE

Adopted in LAFCO Bylaws: 10/17/2018

1. All commissioners shall sign the Commissioner Pledge acknowledging their understanding of their unique role and responsibilities as a LAFCO commissioner.
2. All newly appointed commissioners shall receive and sign a copy of the pledge prior to their first LAFCO meeting.
3. Copies of the signed pledge shall be provided to the LAFCO Clerk and retained for LAFCO records. A copy of the signed pledge shall be provided to the commissioner.
4. The LAFCO Commissioner Pledge shall read as follows:

I, _____, as LAFCO Commissioner, pledge to uphold LAFCO's mission and mandate to promote sustainable growth and good governance in Santa Clara County.

As an appointed LAFCO Commissioner, I will represent the interests of the public as a whole, and not solely the interests of my appointing authority. In doing so, I

will help LAFCO be a forward thinking agency that stewards public resources for the good of the whole county.

I will faithfully fulfill my duties as a LAFCO Commissioner, recognizing that LAFCO's work yields public benefits and that LAFCO has a unique role and responsibility in shaping the future of the county.

Commissioner Signature

Date

1.2.6. ORIENTATION FOR NEW COMMISSIONERS

Adopted: _____

Staff shall provide an orientation for newly appointed commissioners prior to their first LAFCO meeting. The purpose of the orientation is to equip commissioners with the knowledge and context necessary to carry out their responsibilities effectively and in accordance with state law and local policies. The orientation program shall include, at a minimum, an overview of the history and purpose of LAFCO, its statutory mandate and adopted policies, the respective roles of commissioners and staff, the application review process, CALAFCO activities, and major recent or upcoming projects and initiatives.

1.2.7. APPOINTMENT OF OFFICERS

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

Amended: _____

1. The Commission shall annually appoint a Chairperson and Vice Chairperson for the next calendar year at the December meeting. The Chairperson and Vice Chairperson shall be appointed based on the following rotation schedule unless otherwise determined by the Commission:
 - a. Cities member
 - b. County member
 - c. San Jose member
 - d. Special Districts member
 - e. County member
 - f. Public member
 - g. Special Districts member
2. The Chairperson shall preside at all meetings of the Commission and the Vice Chairperson shall preside at meetings in the absence of the Chairperson.
3. In the event that the Chairperson and Vice Chairperson are absent from a Commission meeting at which a quorum is present, the voting members present shall appoint a member to act as Chair pro tempore for that meeting.

1.2.8. EXECUTIVE OFFICER AND STAFF

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

Amended: _____

1. The LAFCO Executive Officer shall be designated in accordance with the terms of the Memorandum of Understanding between the Commission and the County of Santa Clara.
2. The Executive Officer shall carry out all orders as instructed by the Commission. The Executive Officer shall prepare or cause to be prepared an agenda for each meeting and maintain a record of all proceedings as required by law and these bylaws, and as instructed by the Commission. The Executive Officer shall set all hearing dates, publish notices and shall oversee the performance of all other clerical and administrative services required by the Commission. In addition, the Executive Officer shall by direction of the Commission and in accordance with the terms of the Memorandum of Understanding between the Commission and the County of Santa Clara, hire other staff of the Commission.
3. LAFCO staff shall comply with the County Information Technology User Responsibility Statement

1.2.9. DELEGATION OF AUTHORITIES TO EXECUTIVE OFFICER

Adopted: _____

1. **Conducting Authority Functions and Responsibilities.** By Resolution No. 01-7, the Commission delegated the conducting authority functions and responsibilities to the Executive Officer pursuant to Government Code Section 57000.
2. **Small Contract Execution.** By Resolution 2019-03, the Commission delegated purchasing authority to the Executive Officer for execution of small contracts not to exceed \$5,000.

1.2.10. LEGAL COUNSEL

Adopted in LAFCO Bylaws: 04/02/2014

1. LAFCO Counsel shall be appointed by the Commission and shall serve at the pleasure of the Commission.
2. LAFCO Counsel shall attend all meetings of the Commission, give all requested advice on legal matters and represent the Commission in legal actions unless the Commission specifically makes other arrangements.

CHAPTER 1.3. MEETING RULES AND REGULATIONS

1.3.1. SCHEDULE OF MEETINGS

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

Amended: 04/01/2015, 10/05/2016, 10/07/2020, _____

1. Regular Commission meetings are held on the first Wednesday of February, April, June, August, October, and December at 1:15 P.M., in the Board Meeting Chambers at 70 West Hedding Street, San Jose, California, or in another designated location. As a courtesy, and technology permitting, members of the public may also attend by virtual teleconference. However, LAFCO cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.
2. The Commission shall establish a schedule of meetings for the following calendar year at its regular meeting in December.
3. Commission meetings are open to the public and the Commission welcomes public participation and input. Members of the public may provide written comment or attend LAFCO meetings to provide comment. Speakers are limited to three minutes. The Chair or the Commission by majority vote may further limit the time when appropriate.

1.3.2. QUORUM AND ACTION OF COMMISSION

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

Amended: 06/04/2014

1. Four commissioners entitled to vote shall constitute a quorum.
2. The Commission shall act by resolution or Commission order. All final determinations of the Commission including on change of organization or reorganization proposals, USA or SOI amendments, out of agency service contracts, service reviews, shall be taken by resolution. The Commission minutes shall reflect the vote on all resolutions. The records and minutes of the Commission shall be signed by the Chairperson and LAFCO Clerk.
3. Commissioners are strongly encouraged to vote and not abstain from voting unless they are disqualified by law or because there is an appearance of conflict.

1.3.3. DISCLOSURE OF EX PARTE COMMUNICATION

Adopted in LAFCO Bylaws: 10/17/2018

1. Commissioners shall use their best efforts to track ex parte contacts pertaining to applications that are subject to a public hearing pursuant to the CKH Act.
2. Ex parte contacts include oral or written communications concerning applications that are subject to a public hearing pursuant to the Act which occur outside of a

noticed public hearing. Contacts shall include phone calls, meetings, site visits, and written communications, including emails.

3. If an ex parte communication regarding the public hearing matter occurs, the Commissioner shall verbally disclose (1) the identity of the individual(s) with whom the Commissioner had contact; and (2) the substance of the information communicated. The commissioners shall verbally disclose written communication, unless such correspondence is forwarded to LAFCO staff in advance of the public hearing for inclusion in the agenda packet.
4. Following the closure of the public hearing and prior to a final decision, commissioners shall disclose any electronic or personal communication that has taken place pertaining to the item.
5. The LAFCO meeting agenda shall note public hearing items that require disclosure of ex parte communication.

1.3.4 ORDER OF BUSINESS

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

Amended: 10/07/2020

1. The order of business at Commission meetings shall typically include the following items, unless otherwise directed by the Commission.
 - a. Roll Call
 - b. Public Comment – An opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off-agenda items unless authorized by law. Speakers are limited to three minutes. The Chair or the Commission by majority vote may further limit the time when appropriate. All statements that require a response will be referred to staff for reply in writing.
 - c. Consideration of Minutes
 - d. Consent Calendar – Consent calendar consists of those items recommended for approval, not requiring public hearing, and in the opinion of the staff, not involving major issues or problems. A commissioner, staff or member of the public, may request that an item be removed from the Consent Calendar for public discussion.
 - e. Public Hearings
 - f. Items for Action/Discussion
 - g. Executive Officer's Report
 - h. Pending Applications/Upcoming Projects
 - i. Commissioner Reports – An opportunity for commissioners to comment on items not listed on the agenda, provided that the subject is within the jurisdiction of the Commission. No action or discussion by a quorum of the Commission may be taken on off-agenda items unless authorized by law.

- j. Newspaper Articles/Newsletters
- k. Written Correspondence
- l. Adjournment

1.3.5. MEETING AGENDA

Adopted in LAFCO Bylaws: 02/07/2018

1. The Executive Officer shall prepare, for the Chairperson's review and approval, an agenda for each regularly scheduled meeting containing the specific items of business to be transacted.
2. All reports, materials, or other matters to be submitted to the Commission at its regular meeting, as part of the agenda packet, shall be delivered to the Executive Officer no later than 12:00 p.m. (noon) on the Monday, nine days preceding a Regular Commission Meeting.
3. During the Commissioner Reports portion of the meeting, any commissioner may request consideration of an agenda item for a future meeting, and such item shall be added to a future meeting if voted for by a majority of the Commission.
4. The agenda shall be posted on the bulletin board located outside of the County of Santa Clara Government Center in San Jose and shall be available for public inspection at the LAFCO office, no later than seventy-two (72) hours prior to the regular meeting and twenty-four (24) hours prior to a special meeting..
5. The agenda packet including staff reports and other meeting materials for a Regular Commission Meeting shall be posted on the LAFCO website and shall be available for public inspection at the LAFCO office, no later than seventy-two (72) hours prior to the regular meeting and twenty four (24) hours prior to a special meeting.
6. Materials related to an agenda item submitted after the posting of the agenda shall be provided to commissioners and shall be available for public inspection at the LAFCO office and at the meeting.
7. No commissioner shall amend the agenda after the agenda has been posted. The Commission shall not take action on any items that do not appear on the posted agenda. However, the agenda may be amended to include items not appearing on the posted agenda, in accordance with Government Code Section 54954.2.

1.3.6. CLARIFICATION OF MOTION

Originally part of LAFCO Rules and Procedures
Incorporated into LAFCO Bylaws: 04/02/2014

Commissioners shall state motions in such a manner as to assure understanding of all parties as to the content of any terms and conditions to be placed on the Commission's action. It shall be the responsibility of the Chairperson to verify the wording of any motion with staff.

1.3.7. MEETING MINUTES

Adopted in LAFCO Bylaws: 04/02/2014

Amended: _____

1. The Executive Officer shall cause a member of his/her staff to prepare the draft minutes of each meeting, which will be included on the agenda of the following meeting, for approval by the Commission.
2. Minutes of meetings will be action minutes. Action minutes will include final motions with votes. The minutes will also reflect the names of speakers under the public comment item, and reasons for any legally required abstentions from voting. Commission and staff discussion, comments, and questions and answers, will not be included in the minutes.

1.3.8. RECORDINGS OF MEETINGS

Adopted: _____

All regular meetings of the Commission shall be audio or audio/video recorded and made available for public viewing, including live streaming when feasible. Special meetings of the Commission shall also be audio or audio/video recorded if the venue allows for such recordings.

1.3.9. ROSENBERG'S RULES OF ORDER

Adopted in LAFCO Bylaws: 04/02/2014

Except as herein otherwise provided, the proceedings of the Commission shall be governed by "Rosenberg's Rules of Order" on all matters pertaining to parliamentary law. No resolution, proceeding, or other action of the Commission shall be invalid or the legality thereof otherwise affected by the failure of the Commission to observe or follow such rules.

CHAPTER 1.4 FINANCIAL AND OTHER REPORTING

1.4.1. ANNUAL AUDIT

Adopted: _____

The Commission shall arrange for an annual audit of its financial statements to be conducted by an independent accounting firm (auditor). Audited financial statements, including the auditor's opinion thereon, shall be presented by the auditor to the Commission for consideration at a regular meeting. The final audit report shall be posted on the LAFCO website.

1.4.2. ANNUAL REPORT

Adopted: _____

An Annual Report shall be prepared highlighting Santa Clara LAFCO's major accomplishments, activities, projects, and upcoming work items. The Annual Report shall be posted on the LAFCO website.

PART 1. LAFCO BYLAWS
TABLE OF PROPOSED MAJOR TEXT CHANGES OR NEW SECTIONS

Proposed Major Text Changes in Part 1		REASONS FOR THE CHANGES
1.2.2.1(d)	Special Districts. Pursuant to GC §56327.3, in December 2012, the Commission adopted Resolution No. 2012-07, expanding its membership to include two special district members and one alternate special district member. GC §56332 requires the Independent Special Districts Selection Committee to appoint two regular commissioners and one alternate commissioner to serve on the Commission. Each appointee shall be elected or appointed members of the legislative body of an independent special district residing in the county but shall not be members of the legislative body of a city or county. On August 13, 2012, the Independent Special Districts Selection Committee of Santa Clara County adopted an alternative process for appointment of special district members to LAFCO whereby the Santa Clara Valley Water District appoints one special district member; and the Independent Special Districts Selection Committee appoints the second member and an alternate member, to serve in place of the two regular special district members.	Section is updated to reflect that while the CKH Act includes provisions for the appointment of special district members to LAFCO, the Independent Special Districts Selection Committee of Santa Clara County has adopted an alternative process.
1.2.6	ORIENTATION FOR NEW COMMISSIONERS Staff shall provide an orientation for newly appointed commissioners prior to their first LAFCO meeting. The purpose of the orientation is to equip commissioners with the knowledge and context necessary to carry out their responsibilities effectively and in accordance with state law and local policies. The orientation program shall include, at a minimum, an overview of the history and purpose of LAFCO, its statutory mandate and adopted policies, the respective roles of commissioners and staff, the application review process, CALAFCO activities, and major recent or upcoming projects and initiatives.	New text added to reflect both current practice and best practices.
1.2.7.3	In the event that the Chairperson and Vice Chairperson are absent from a Commission meeting at which a quorum is present, the voting members present shall appoint a member to act as Chair pro tempore for that meeting.	New text added to reflect both current practice and best practices.
1.2.8.3	LAFCO staff shall comply with the County Information Technology User Statement.	This statement replaces the current set of policies titled: “Policies for Use of

Proposed Major Text Changes in Part 1		REASONS FOR THE CHANGES
		LAFCO Issued Electronic Devices,” which are no longer applicable as LAFCO no longer issues electronic devices to commissioners. The proposed policy 1.2.8.3 therefore pertains only to LAFCO staff.
1.2.9.1	DELEGATION OF AUTHORITIES TO EXECUTIVE OFFICER Conducting Authority Functions and Responsibilities. By Resolution No. 01-7, the Commission delegated the conducting authority functions and responsibilities to the Executive Officer pursuant to Government Code Section 57000. Small Contract Execution. By Resolution 2019-03, the Commission delegated purchasing authority to the Executive Officer for execution of small contracts not to exceed \$5,000.	New text added to reflect current practices authorized by the identified adopted LAFCO Resolutions.
1.3.1.1	As a courtesy, and technology permitting, members of the public may also attend by virtual teleconference. However, LAFCO cannot guarantee that the public’s access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option	This statement currently appears on the LAFCO Meeting agenda. This statement is now proposed for inclusion in the Policies Manual to improve accessibility and enhance transparency.
1.3.7.2	Minutes of meetings will be action minutes. Action minutes will include final motions with votes. The minutes will also reflect the names of speakers under the public comment item, and reasons for any legally required abstentions from voting. Commission and staff discussion, comments, and questions and answers, will not be included in the minutes.	New text added to reflect current practice.

Proposed Major Text Changes in Part 1		REASONS FOR THE CHANGES
1.3.8	RECORDINGS OF MEETINGS All regular meetings of the Commission shall be audio or audio/video recorded and made available for public viewing, including live streaming when feasible. Special meetings of the Commission shall also be audio or audio/video recorded if the venue allows for such recordings.	New text added to reflect both current practice and best practice.
1.4.1	ANNUAL AUDIT The Commission shall arrange for an annual audit of its financial statements to be conducted by an independent accounting firm (auditor). Audited financial statements, including the auditor’s opinion thereon, shall be presented by the auditor to the Commission for consideration at a regular meeting. The final audit report shall be posted on the LAFCO website.	New text added to reflect both current practice and best practice.
1.4.2	ANNUAL REPORT An Annual Report shall be prepared highlighting Santa Clara LAFCO’s major accomplishments, activities, projects, and upcoming work items.	New text added to reflect current practice and best practice.

PART 2. OPERATIONAL POLICIES AND PROCEDURES

CHAPTER 2.1. APPLICATION PROCESSING PROCEDURES

2.1.1. DEADLINE FOR SUBMISSION OF APPLICATIONS

Originally part of LAFCO Rules and Procedures

Amended and incorporated into LAFCO Bylaws: 04/02/2014

1. Deadlines for submitting applications will be no later than 5:00 P.M. on the Thursday immediately following a Regular LAFCO meeting in order to be considered at the next LAFCO meeting. Applications shall be submitted with correct fees on the appropriate forms and in the quantities required.
2. The Commission will not consider applications which have been submitted in violation of the deadline unless an emergency situation exists within the territory relating to the proposal which would affect public health and safety.
3. The Commission shall establish a schedule of application deadlines for the following calendar year at its regular meeting in December.

2.1.2. APPLICATION FEE POLICIES

Adopted in LAFCO Bylaws: 06/06/2018

Amended: _____

1. The Commission may establish a schedule of fees and service charges for the processing of applications filed with the Commission, pursuant to GC §56383. The schedule of fees and service charges shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.
2. Deposit fees are initial payments towards the actual cost of processing applications. Staff time spent on pre-application assistance will be counted towards the deposit. Actual costs include staff time, any consultant fees, special counsel legal services and miscellaneous costs such as noticing, copying etc. If actual costs are less than deposit, LAFCO will refund the difference to the applicant. If processing costs begin to exceed the deposit, additional fees are required. Commission approval will be conditional upon final payment within 35 days of LAFCO hearing date.
3. The Commission shall regularly review and amend as necessary the schedule of fees and service charges to help ensure an appropriate level of cost-recovery.
4. All fees/deposits shall be paid at the time of the application submittal and said application shall not be deemed complete until the required fees/deposits are received.
5. In order to achieve reasonable cost-recovery and not place an undue cost burden on its funding agencies (i.e. County, cities, special districts), the Commission will not generally provide fee waivers.
6. Consistent with GC §56383(d), the Commission may reduce or waive fees if it finds that payment of such fees would be detrimental to the public interest.
7. Any request for a fee reduction or waiver must be submitted in writing to the Executive Officer.

2.1.3. APPLICATION DEEMED COMPLETE OR INCOMPLETE

Adopted: _____

Pursuant to GC §56658(c), within 30 days of receiving an application, the Executive Officer will determine whether the application is complete and acceptable for filing or whether the application is incomplete.

1. **Complete Application.** If the application is complete, the Executive Officer will issue a Certificate of Filing, confirming the application has met submission requirements and is accepted for filing.
2. **Incomplete Application.** An incomplete application will be issued an Incomplete Letter, and the applicant will be notified of the unsatisfied requirements.
3. **Inactive Application.** If the application remains incomplete for a period of twelve (12) months from the date of application submittal deadline without substantial progress being made toward its completion, the application will be closed without prejudice and may be subject to a refund if any portion of the application fee remains unused. A new application and fee will be required if the applicant chooses to resubmit such a closed application.

2.1.4. RECONSIDERATION OF A LAFCO RESOLUTION MAKING DETERMINATIONS

Adopted in LAFCO Bylaws: 10/17/2018

1. Notwithstanding Section 1.3.9 (Rosenberg's Rules of Order), any request for reconsideration of a resolution making determinations shall be processed in accordance with the CKH Act, specifically GC §56895, and not Rosenberg's Rules of Order.
2. If the LAFCO Executive Officer receives a request for reconsideration pursuant to GC §56895(a) of the CKH Act, the request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.
3. Upon receipt of a timely request for reconsideration, the Commission shall first determine whether there are new or different facts that could not have been presented previously.
4. If the Commission determines that there are no new or different facts that could not have been presented previously, the Commission shall not reconsider the matter and shall disapprove the request for reconsideration.
5. If the Commission determines that there are new or different facts that could not have been presented previously, the Commission shall then consider the request and receive any oral or written testimony and at the conclusion of its consideration, the Commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request for reconsideration.

2.1.5. PROCESSING PROPOSALS AFFECTING MORE THAN ONE COUNTY

Adopted: 12/11/2002

Amended: 08/06/2025

1. **Introduction.** GC §56066 sets forth that the county having all or the greater portion of the assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization or a sphere of influence is proposed, is the principal county. GC §56123 further provides that the LAFCO of the principal county shall have jurisdiction over all boundary changes affecting that district, including changes of organization involving territory in another county. Pursuant to GC §56124, exclusive jurisdiction shall be vested in the LAFCO of the principal county, unless the principal county vests jurisdiction in the LAFCO of another affected county, and both LAFCOs agree to transfer of jurisdiction.

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

2. **Transfer of Jurisdiction to a LAFCO of an Affected County.** When requested by a LAFCO of an affected county, Santa Clara LAFCO will consider and determine on a case-by-case basis whether it is appropriate to transfer jurisdiction to the LAFCO of the affected County.
3. **Applications Affecting More than One County When Santa Clara LAFCO is Principal LAFCO**
 - a. Applications affecting the boundaries of a district for which Santa Clara LAFCO is principal LAFCO will be submitted to Santa Clara LAFCO including instances in which the subject territory is located in another county. Prior to application, applicants should meet with staff of principal LAFCO regarding process and application requirements. Applicant must comply with application requirements of both LAFCOs.
 - b. Upon receipt of the application involving territory in another county, staff will immediately forward a copy of the application to the LAFCO of the county containing the subject territory.
 - c. The commission of the principal county will also provide notice to the chair, each board member, and the executive office of all affected agencies of any proceedings, actions or reports on the proposed change of organization.
 - d. Santa Clara LAFCO staff will consult with the staff of the affected LAFCO and affected agencies in the county containing territory in order to gather data for the Executive Officer's report and recommendation.
 - e. The application will be scheduled for hearing by Santa Clara LAFCO so that the LAFCO of the affected county has had time to review the application and

submit a written recommendation to be included in the Executive Officer's report for Santa Clara LAFCO consideration at a public hearing.

- f. At the hearing, the Commission will consider the Executive Officer's report, the recommendation of the LAFCO containing the subject territory, and the comments of affected individuals and agencies in making its determination.
- g. Following the conclusion of the hearing, the Executive Officer will forward any resolutions and written report of Commission action to the chair, each board member, the executive office of all affected agencies and the LAFCOs of the affected county.

4. **Applications Affecting More Than One County When Santa Clara Lafco Is Not Principal Lafco**

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

2.1.6. INDEMNIFICATION POLICY

Adopted: 06/03/2009

Amended: 08/06/2025

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

- 1. As a condition of submitting any application for action or determination by the Commission, the applicant(s) shall submit a signed agreement in which the applicant(s) agree to indemnify, defend and hold harmless the Commission, its agents, officers, attorneys, and employees from any legal challenges or appeals brought to challenge approval of their application in the form prescribed in Exhibit "A", attached hereto and incorporated herein by reference. In the event a lawsuit is brought to challenge the approval of an application by the Commission, the Commission shall notify the applicant(s) promptly and no later than three (3) business days after the Commission has been served.
- 2. The Executive Officer shall not issue a Certificate of Filing for an application if an indemnification agreement in the form prescribed in Exhibit "A" has not been executed and submitted to the Executive Officer by the applicant(s).

**Exhibit A
INDEMNIFICATION AGREEMENT**

As a condition of submitting any application for consideration by the Commission, Applicant and its successors and assigns, shall indemnify, defend and hold harmless, Santa Clara LAFCO and its officials, officers, employees, agents,

representatives, contractors, and assigns from and against any and all claims, demands, liability, judgments, damages (including consequential damages), awards, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature, at any time arising out of, or in any way connected with, any legal challenges to or appeals associated with, LAFCO's approval of the Application (collectively, "Indemnification Costs"). Applicant's obligation to indemnify, defend and hold harmless Santa Clara LAFCO and its officials, officers, employees, agents, representatives, contractors, and assigns under this Agreement shall apply regardless of fault, to any acts or omissions, or negligent conduct, whether active or passive, on the part of the Applicant, Santa Clara LAFCO, or its officials, officers, employees, agents, representatives, contractors or assigns. Applicant's obligation to defend Santa Clara LAFCO or its officials, officers, employees, agents, representatives, contractors, and assigns under this Agreement shall be at Applicant's sole expense, and using counsel selected or approved by Santa Clara LAFCO in Santa Clara LAFCO's sole discretion. In the event of a lawsuit, Applicant will be notified by Santa Clara LAFCO within three (3) business days of being served.

APPLICANT SIGNATURE: _____ Date: _____
PRINT NAME: _____ Title: _____

2.1.7. LOBBYING DISCLOSURE POLICY

Adopted: 02/14/2001

1. **Definition of "lobbyist".** A lobbyist is an individual or entity who is compensated and who communicates directly with regular or alternate LAFCO commissioners, and/or the Executive Officer to influence, on behalf of his client or employer, the Commission's or the Executive Officer's action. Communication includes ex parte communications as well as presentations at Commission meetings. This definition does not include:
 - a. Any elected public official acting in his official capacity, or any employee of governmental agency acting in the scope of his/her employment.
 - b. Any employee of a newspaper or other periodical of general circulation, or radio or television station, acting within the scope of their employment.
2. **Filing Schedule.** As allowed for under GC §56300(c), any person or entity meeting this definition and who is lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. This affidavit is due at the time of application filing and is to be updated, if necessary, one week prior to the hearing date of the application. The declaration shall be made on a form provided by LAFCO and shall include the name of the lobbyist, the name of the application of interest and the name of the

person or entity paying the lobbyist in regard to the application. The declaration shall be signed under penalty of perjury.

3. **Filing Office.** Declarations shall be submitted to the LAFCO Executive Officer and shall become part of the LAFCO application file.
4. **Enforcement.** Failure of an applicant or a lobbyist to file the declaration, or to identify oneself as a lobbyist prior to speaking on a matter, shall result in the inability of the Commission to take action on the application. In addition, failure to file the declaration or the filing of an erroneous declaration shall result in a penalty of \$500.00, said assessment to be deposited in the LAFCO budget.
5. **Effective Date.** These policies shall apply to all LAFCO applications submitted for filing after April 11, 2001.

2.1.8. DISCLOSURE OF POLITICAL EXPENDITURES UNDER THE POLITICAL REFORM ACT

Adopted: 08/07/2013

Pursuant to GC §56100.1, §56300, §56700.1, §57009 and §81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act beginning with GC §81000(See also, GC §84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275- 3772).

2.1.9. DISCLOSURE OF CONTRIBUTIONS TO COMMISSIONERS FROM PARTIES AND PARTICIPANTS UNDER THE LEVINE ACT

Adopted: _____
Amended: _____

LAFCOs are subject to disclosure and prohibition requirements detailed in GC §84308, and the Regulations of the Fair Political Practices Commission (FPPC), §18438 et seq. The following is a summary of those provisions in GC §84308:

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$500 from any party, or a party's agent; or any participant or the participant's agent if the commission knows or has reason to know that the participant has a financial interest, while a LAFCO proceeding is pending, and for 12 months following the date a final decision is rendered by LAFCO.
2. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$500 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days from the time the

commissioner knows or should have known, about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding.

3. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$500 within the preceding 12 months by the party, or the party's agent, to a LAFCO commissioner. For forms, visit the LAFCO website at SantaClaraLAFCO.org.
4. No party, or the party's agent and no participant, or the participant's agent, shall make a contribution of more than \$500 to any LAFCO commissioner during the proceeding and for 12 months following the date a final decision is rendered by LAFCO.
4. Definition of Terms
 - a. "Party" is defined as any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use. [GC §84308(a)(1)]
 - b. "Participant" is defined as a person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers, or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency. [GC §84308(a)(2)]
 - c. "Agent" is defined as a person who represents a party or a participant, in connection with a proceeding in connection with a proceeding, as long as the person represents that party or participant for compensation and appears before or otherwise communicates with an agency for the purpose of influencing the proceeding on behalf of a party or participant. Agent includes lobbyist. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or a similar business entity or corporation, both the business entity or corporation, and the individual are "agents". [GC §84308(h)(1)-(3)]
 - d. To determine whether a campaign contribution of more than \$500 has been made by a person or his or her agent, the contributions of an agent shall not be aggregated with contributions from a party or participant. [GC §84308(g)]

2.1.10. CONDUCTING AUTHORITY PROCEDURES

Adopted: 04/11/2001

Amended: _____

1. Effective January 1, 2001, the CKH Act established LAFCO as the conducting authority for all proposals requiring protests proceedings.
2. In the case of city-conducted annexations, pursuant to GC §56757(b), the city council shall be the conducting authority for protest proceedings. The city proceedings shall be conducted as nearly as practicable in accordance with the CKH Act and LAFCO procedures.

3. By Resolution No. 01-7, the Commission delegated all duties, functions and responsibilities of the conducting authority to the Executive Officer pursuant to GC §57000.
4. Unless protest proceedings are waived consistent with the CKH Act, a protest hearing will be held following the Commission's approval of a proposal. The following are procedural guidelines for the conduct of a protest proceeding:
 - a. Within 35 days following adoption of the Commission's resolution making determinations, the Executive Officer shall set the proposal for a protest hearing and give notice of that hearing.
 - b. The date of the protest hearing must be within 60 days, but not less than 21 days, from the date the notice of hearing is given (GC §57002). The hearing shall not be held prior to the expiration of the 30-day period specified in GC §56895(b) during which a reconsideration could be requested.
 - c. The notice of hearing shall be mailed, published, and posted pursuant to GC §57025.
 - d. The notice shall contain information as specified in GC §57026.
 - e. Pursuant to GC §57050, the protest hearing shall be held on the date and at the time specified in the notice given by the Executive Officer. The hearing may be continued from time to time but may not exceed 60 days from the date specified for the hearing in the notice.
 - f. At the protest hearing, pursuant to GC §57050(b), the Executive Officer shall summarize the Commission's resolution making determinations and shall hear and receive any oral or written protests, objections, or evidence that is made, presented or filed.
 - g. Written protests may be filed with LAFCO at any time prior to the conclusion of the protest hearing and must include all the required information pursuant to GC §57051. Anyone who has filed a written protest may withdraw that protest prior to the conclusion of the hearing.
 - h. If written protests have been filed, pursuant to GC §57052, within 30 days of the protest hearing, the Executive officer shall determine the value of written protests filed and not withdrawn.
 - i. To determine the value of the written protests filed and not withdrawn, the Executive Officer shall cause the names of the signers of the protests to be compared with either the voters' register in the County Registrar of Voters Office (GC §56707) or the names of the owners of land on the most recent assessment roll pursuant to GC §56708 and GC §56710.
 - j. Upon determination of the value of written protests filed and not withdrawn, the Executive Officer shall take one of the following actions, depending on the nature of the change of organization and the level of protest:
 - i. Issue a Certificate of Termination, terminating proceedings. (GC §57179)

- ii. Adopt a resolution making determinations and ordering a change of organization without an election.
 - iii. Adopt a resolution making determinations and ordering a change of organization subject to confirmation by the voters.
- k. If election is required, the Executive Officer shall, pursuant to GC §57000(d), inform the board of supervisors and the election official of the affected county, or the city council and elections official of the affected city and request the legislative body to direct the elections official to conduct the necessary election. GC §57000(e) requires a Board of Supervisors or a City Council to perform specified tasks directly related to the calling of an election.
- l. After ordering a change of organization without an election or confirming an order for a change of organization after confirmation by the voters, the Executive Officer shall file a Certificate of Completion pursuant to GC §57200(a)
- m. The Executive Officer shall inform the Commission of the action taken as a result of the protest proceedings. The Executive Officer shall include it as an Information Only item with no action required on the Commission's next agenda.
- n. In the case of a city conducted annexation, after ordering a change of organization without an election or confirming an order for a change of organization after confirmation by the voters, the city shall forward the necessary paperwork to the Executive Officer for finalization.

CHAPTER 2.2. LEGISLATIVE AND INTERGOVERNMENTAL POLICIES

2.2.1. COMMUNICATING A POSITION ON PROPOSED LEGISLATION

Adopted in LAFCO Bylaws: 04/06/2022

1. The Commission shall adopt legislative policies to guide its actions related to legislative matters. Following adoption of the legislative policies, the Commission shall, at a minimum, annually review the legislative policies of the California Association of LAFCOs (CALAFCO) and its own legislative policies, and revise its own policies, as needed.
2. The Executive Officer shall provide to the full Commission for its consideration and action, any proposed legislation of relevance to LAFCO including a recommended position, as appropriate.
3. In situations when proposed legislation of relevance to LAFCO cannot be considered by the full Commission due to timing:
 - a. The Executive Officer shall consult with LAFCO Counsel and LAFCO Chair (or Vice-Chair if the Chair is unavailable) and prepare a position letter, consistent with current adopted legislative policies of LAFCO.
 - b. At their discretion, the Chair (or Vice-Chair if the Chair is unavailable) may sign the position letter on behalf of LAFCO. The letter shall not be submitted without said signature.
 - c. The Executive Officer shall provide a copy of the written comments to the full Commission.
 - d. The next regular LAFCO meeting agenda shall include an item that allows the Commission to discuss the proposed legislation and submitted comments.

2.2.2. PROVIDING WRITTEN COMMENTS ON DOCUMENTS OR PROJECTS OF RELEVANCE TO LAFCO

Adopted in LAFCO Bylaws: 04/06/2022

1. The Executive Officer is authorized to provide written comments on documents or projects of relevance to LAFCO including but not limited to CEQA documents and local/regional/state agency plans, policies, and programs. Such comments shall refer to, and be consistent with, currently adopted LAFCO policies and State law. The Executive Officer shall provide a copy of the submitted written comments to the full Commission and include them in the next regular LAFCO meeting agenda.
2. However, on Regional Housing Needs Assessment (RHNA) or other similar projects the Executive Officer shall present the matter to the Chair (or Vice-Chair if the Chair is unavailable) to determine at their discretion whether or not the matter should be agendized for the Commission's consideration prior to submittal of comments.

2.2.3. LEGISLATIVE POLICIES

Adopted: 04/06/2022

Amended: _____

These legislative policies shall guide Santa Clara LAFCO's actions related to legislative matters. On an annual basis, as needed, LAFCO shall review these policies and the CALAFCO Legislative Policies, to consider any potential revisions.

1. LAFCO Purpose and Authority

- a. Support legislation that enhances LAFCO authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCO authority.
- b. Support authority for each LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions. Oppose any limitations to that authority.
- c. Oppose additional LAFCO responsibilities that require expansion of current local funding sources. Oppose unrelated responsibilities that dilute LAFCO ability to meet its primary mission.
- d. Support alignment of responsibilities and authority of LAFCO and regional agencies that may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery. Oppose legislation or policies that create conflicts or hamper those responsibilities.
- e. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCO process.
- f. 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

- a. Support LAFCO independence from local agencies.
- b. 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.
- c. Support representation of special districts on all LAFCOs in counties with independent districts and oppose removal of special districts from any LAFCO.
- d. Support communication and collaborative decision-making among neighboring LAFCOs when growth pressures and multicounty agencies extend beyond an individual LAFCO's boundaries.

3. Agricultural and Open Space Protection

- a. Support legislation that clarifies LAFCO authority to identify, encourage and ensure the preservation of agricultural and open space lands.

- b. Encourage a consistent definition of agricultural and open space lands.
- c. Support policies that encourage cities, counties, and special districts to discourage development on all types of agricultural lands, including prime agricultural lands and open space lands.
- d. Support policies and tools that protect all types of agricultural lands, including prime agricultural lands and open space lands.
- e. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- a. Support the recognition and use of spheres of influence as a planning tool pertaining to growth and development, and the preservation of agricultural and open space lands.
- b. Support recognition of LAFCO spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- c. Support orderly boundaries of local agencies and the elimination of islands within the sphere of influence and boundaries of agencies.
- d. Support communication among cities, counties, 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.
- e. Support cooperation between counties and cities on decisions related to development within a city's designated sphere of influence.
- f. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- g. Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- a. Support the use of LAFCO resources to review Regional Transportation Plans, with a focus on sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCO's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCOs and regional planning agencies.
- b. Support LAFCO authority as the preferred method of local governance. Support the availability of LAFCO tools 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.
- c. Support a deliberative and open process for the creation or reorganization of local governments that evaluates the proposed new or successor agency's

long-term financial viability, governance structure and ability to efficiently deliver proposed services.

- d. Support the availability of tools for LAFCO to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- e. Support legislation and collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services, staff, and facilities to provide more efficient and cost-effective services.

CHAPTER 2.3. PROCEDURES FOR PREPARING AND PROCESSING ENVIRONMENTAL DOCUMENTS

Adopted: 02/12/2003

Amended: _____

2.3.1. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code (PRC) §21080 and the CEQA Guidelines §15020) require all California public agencies to comply with the environmental review requirements set forth in the statute and CEQA Guidelines.

As an independent public agency of the State of California, Santa Clara LAFCO is subject to the requirements of CEQA. LAFCO may function as "Lead Agency" (CEQA Guidelines §15050) where it undertakes primary responsibility for environmental review, or LAFCO may function as a "Responsible Agency" (CEQA Guidelines §15096) where its CEQA role is typically limited to review of environmental documentation prepared by another public agency.

CEQA Guidelines §15022 requires each agency to develop local procedures for complying with the requirements of CEQA. These rules are adopted pursuant to that authority. As to matters not specifically covered by these procedures, the procedures set forth in the CEQA Guidelines shall control.

CEQA only applies to projects that require discretionary approval by a public agency. Discretionary approval requires use of judgment or subjective criteria on the part of the approving agency. CEQA does not apply to non-discretionary (ministerial) projects. A "project" is defined as the whole of an action that has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment [CEQA Guidelines §15378(a)]. These procedures will be used when preparing and processing environmental documents for Santa Clara LAFCO projects, including but not limited to:

1. Changes of organization or reorganizations,
2. Sphere of Influence (SOI) Establishment, and SOI Updates and Amendments,
3. Urban Service Area Amendments,
4. Out of Agency Service Contracts,
5. Incorporations of Cities,
6. Formations of Special Districts, and
7. All other discretionary projects as defined in PRC §21065 and CEQA Guidelines §15378.

CEQA requires that a Responsible Agency or Lead Agency conduct environmental assessment and prepare environmental documentation consistent with the specific time limits established in the CEQA Guidelines. A summary of typical time limits is provided in *Exhibit 2.3-C*.

2.3.2. CEQA PROCEDURES WHERE SANTA CLARA LAFCO IS THE RESPONSIBLE AGENCY

The Responsible Agency is a public entity, other than the Lead Agency, which has responsibility for carrying out or approving a project (PRC §21069). When a project is proposed for which Santa Clara LAFCO will act as the Responsible Agency, ensure that the Lead Agency receives any information needed to prepare an environmental document that provides full disclosure of Santa Clara LAFCO's issues, and permits informed decision. Comments will be provided consistent with the requirements and timelines contained in PRC §21080.3, §21080.4, and CEQA Guidelines §15096. Procedures for processing of environmental documents for LAFCO proposals are included in this Chapter.

1. Participation in Lead Agency Environmental Review Process

- a. **Response to Consultation.** When Santa Clara LAFCO is a Responsible Agency, it will respond to consultation requests by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. As part of the consultation process, LAFCO will:
 - i. Explain its reasons for recommending whether the Lead Agency should prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND). If LAFCO disagrees with the Lead Agency's proposal to prepare a ND, LAFCO will identify the significant environmental impacts on which it bases its disagreement and recommend to the Lead Agency either that an EIR be prepared or that the project be modified to eliminate the possible significant impacts.
 - ii. As soon as possible, but not longer than 30 days after receiving a Notice of Preparation from the Lead Agency, send a written reply by certified mail to the Lead Agency specifying the scope and content of the environmental information which would be germane to Santa Clara LAFCO's statutory responsibilities as the Responsible Agency in connection with the proposed project.
 - iii. Attend any meetings requested by the Lead Agency or by Santa Clara LAFCO to discuss the scope and content of the EIR.
- b. **Comments on Draft EIRs and NDs.** Review and comment on draft EIRs and NDs that have been released for public comment for projects for which Santa Clara LAFCO will later be asked to issue approvals. Comments should focus on any shortcomings in the EIR, the appropriateness of using a ND, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to comments regarding those project activities which are within Santa Clara LAFCO's area of expertise, which would be required to be carried out or approved by LAFCO, or which will be subject to the exercise of powers by LAFCO. Follow up with the Lead Agency as to LAFCO comments to ensure that any information requested is adequately included in the final environmental document.

- c. **Adequacy of EIR or Negative Declaration (CEQA Guidelines §15096(e)-(f)).** If Santa Clara LAFCO believes that the final EIR or ND prepared by the Lead Agency is not adequate for its use as the Responsible Agency, it must either:
 - i. File a CEQA lawsuit within 30 days after the Lead Agency Files a Notice of Determination or be deemed to have waived any objection to the adequacy of the EIR or ND;
 - ii. Prepare a subsequent or supplemental EIR if permissible under CEQA Guidelines §15162 or §15163; or
 - iii. Assume the Lead Agency role as provided in CEQA Guidelines §15052(a)(3).
- d. **LAFCO Consideration of an EIR or Negative Declaration (CEQA Guidelines §15096(f)-(g)).**
 - i. Before reaching a decision on an approval related to a project for which a Lead Agency has certified an EIR or adopted a ND, the Commission must consider the environmental effects of the project as shown in the EIR or ND.
 - ii. When issuing an approval, the Commission must acknowledge that it reviewed and considered the information in the EIR or ND.
 - iii. Santa Clara LAFCO, as a Responsible Agency, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which LAFCO proposes to carry out, finance, or approve.
 - iv. When an EIR has been prepared for a project, if the Commission finds that any alternatives or mitigation measures within its powers are feasible and would substantially lessen or avoid a significant effect of the project, it may not approve the project as proposed but must adopt those mitigation measures or alternatives. Where another public agency has exclusive responsibility for a mitigation measure, the Commission can find under PRC §21081(a) that the measure is within the responsibility and jurisdiction of another public agency and has been, or can and should be, adopted by that other agency.
 - v. With respect to a project which includes housing development, the Commission shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.
- e. **Adopt Findings and Statement of Overriding Considerations (CEQA Guidelines §15096 (h)-(i)).** When Santa Clara LAFCO is the Responsible Agency, before it can issue an approval for a project for which an EIR was prepared and certified, the Commission must:
 - i. Adopt findings for those effects within the scope of LAFCO's jurisdiction. The Commission must identify those significant effects and

make the findings required under CEQA Guidelines §15091, accompanied by a brief explanation of the rationale for each finding.

- ii. If the project being approved includes significant and unavoidable environmental impacts, adopt a Statement of Overriding Considerations that complies with CEQA Guidelines §15093. Such a statement must be included in the record of the project approval and mentioned in the notice of determination filed by the Commission.
- iii. Adopt a reporting or monitoring program for the changes to the project that the Commission has adopted or made a condition of its approval.
- f. **File Notice of Determination** File a notice of determination stating that LAFCO issued its approval pursuant to the EIR or ND certified or adopted by the Lead Agency. The Notice of Determination need not state that the EIR or ND complies with CEQA.
- g. **Grounds for Requiring Subsequent Environmental Documentation (CEQA Guidelines §15162).** The grounds for requiring a Subsequent environmental review, in those instances where LAFCO has shifted, under §15052 of the CEQA Guidelines, in designation from a Responsible Agency to the Lead Agency, are any one of the following concerns listed in CEQA Guidelines §15162, on the basis of substantial evidence in the light of the whole record:
 - i. Substantial changes are proposed in the project that will require major revisions of the original environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects
 - ii. Substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the original environmental documentation due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - iii. New information of substantial importance, which was known and could not have been known with the exercise of reasonable diligence at the time the original environmental documentation was adopted, shows any of the following:
 - (1) The project will have one or more significant effects not discussed in a previous environmental document.
 - (2) Significant effects previously considered will be substantially more severe than shown in a previous environmental document.
 - (3) Mitigation measures or alternatives previously found infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
 - (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would

substantially lessen one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An Initial Study should be used to determine whether subsequent environmental review is required. A subsequent EIR or subsequent ND shall be given the same notice and public review as required under CEQA Guidelines §15087 or §15072. A subsequent EIR or ND shall state where the previous document is available and can be reviewed.

- h. **Grounds for Requiring Supplemental Environmental Documentation (CEQA Guidelines §15163).** The Commission may undertake Supplemental rather than Subsequent environmental review if:

- i. Any of the conditions described in CEQA Guidelines §15162 would require the preparation of subsequent environmental review, and
- ii. Only minor additions or changes would be necessary to make the previous environmental document adequately apply to the project in the changed situation.

A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under CEQA Guidelines §15087. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR. When the Commission decides whether to approve the project, it shall consider the previous EIR as revised by the supplemental EIR. A finding under CEQA Guidelines §15091 shall be made for each significant effect shown in the previous EIR as revised.

- i. **Grounds for Requiring Addendum to EIR or Negative Declaration (CEQA Guidelines §15164).** An addendum to a previously certified EIR shall only be prepared by the Commission if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.

An addendum to an adopted Negative Declaration (ND) may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines §15162 calling for the preparation of a subsequent EIR or ND have occurred.

An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted ND.

The Commission shall consider the addendum with the final EIR or adopted ND prior to making a decision on the project.

A brief explanation of the decision not to prepare a subsequent EIR pursuant to CEQA Guidelines §15162 should be included in an addendum to an EIR, the Commission's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

2.3.3. CEQA PROCEDURES WHERE LAFCO IS THE LEAD AGENCY

1. LAFCO's Role as a Lead Agency

- a. **General Policy.** The Lead Agency is the entity that has the principal responsibility for approving or carrying out a project (PRC §21067). In most cases, Santa Clara LAFCO expects that other agencies will carry out Lead Agency obligations, with LAFCO reviewing the environmental documents as a Responsible Agency.

When acting as Lead Agency, Santa Clara LAFCO will ensure that all required elements of the CEQA process are completed and conducted consistent with the requirements of CEQA.

- b. **LAFCO as Lead Agency.** Santa Clara LAFCO will function as the Lead Agency when:
 - i. It is the first agency to act on an application
 - ii. It initiates a proposal (e.g: Sphere of Influence Amendment or a Service Review)
 - iii. It enters into an agreement, pursuant to CEQA Guidelines §15051(d), to act as the Lead Agency; or
 - iv. The proposal involves any of the following:
 - (1) The incorporation of a new city
 - (2) The formation of a new special district
 - (3) The adoption of a new sphere of influence for an agency
- c. **Questions Concerning Lead Agency Status.** If there is a question regarding whether or not LAFCO will be Lead Agency or whether the proposal is statutorily or categorically exempt, an *Environmental Information Form* (available on the LAFCO website) will need to be completed and signed before meeting with LAFCO staff to determine lead agency status or whether a proposal is exempt.

2. **Application Submittal.** Where Santa Clara LAFCO is to act as the Lead Agency for CEQA processing, the applicant shall submit a completed application, including a fully completed *Environmental Information Form* (available on the LAFCO website). LAFCO shall determine whether the application is complete enough to prepare environmental documentation and may request additional information needed to complete an adequate environmental review under CEQA, as the need arises.
3. **Initial Review and Informal Consultation with Other Agencies .** Once the application is sufficiently complete to initiate environmental review, informally consult with other interested public agencies to obtain their views regarding the potential environmental impacts of the project. This consultation is in addition to a formal consultation required prior to the determination on the appropriate environmental documentation that LAFCO, as the Lead Agency, will prepare. See sections under *Preparation of an Initial Study*.

4. **Making Initial Determinations.** Determine whether the project qualifies for an exemption from preparation of additional environmental documents pursuant to CEQA Guidelines §15061 or whether an Initial Study is needed to determine if the project requires a ND, Mitigated ND, or EIR.
 - a. **Determining Whether the Project is Exempt from CEQA (CEQA Guidelines §15061).** Prepare a staff report that includes a description of the project, identifies the applicable exemption in the law or CEQA Guidelines, presents reasons supporting the finding of exemption and a recommendation that the Commission approve the exemption for the project.
 - b. **Notice of Exemption (CEQA Guidelines §15062).** If LAFCO determines that the project is exempt, prepare and file a Notice of Exemption (NOE) as described in CEQA Guidelines §15062. Such a NOE shall be filed with the County Clerk-Recorder and the State Clearinghouse. A copy of the NOE will be placed in the project file. The County Clerk-Recorder's Office shall post the NOE within 24 hours of receipt and for at least thirty (30) calendar days following receipt. If a NOE is filed, the statute of limitations is 35 days from the date of the Lead Agency's decision to approve the project, as opposed to 180 days if an NOE is not filed.
 - c. **Typical LAFCO Related Categorical and Statutory Exemption.** Please see *Exhibit 2.3-B* for a list of typical LAFCO related categorical and statutory exemptions to CEQA.
 - d. **Exceptions or Limitations on the Use of Exemptions.** Please see *Exhibit 2.3-B* for information about limitations on the use of exemptions.
5. **Preparation of an Initial Study**
 - a. **Conducting of the Initial Study (CEQA Guidelines §15063).** If Santa Clara LAFCO determines that a project is not exempt, then prepare an Initial Study pursuant to CEQA Guidelines §15063, including completion of an Initial Study Checklist to determine whether the project will be processed with a ND, Mitigated ND, or EIR. LAFCO may use information provided in the *Environmental Information Form* prepared by the applicant, and information from any other appropriate source.
 - b. **Formal Consultations with Responsible and Trustee Agencies (PRC §21080.3).** Prior to determining whether a ND, Mitigated ND, or EIR is required for a project, consult with all responsible agencies, trustee agencies, and with any other public agency which has jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California. Prior to that required consultation, LAFCO may informally contact any such agency.
 - c. **AB 52 Tribal Consultation (PRC §21080.3.1).** Within 14 days of determining that an application for a project is complete or a decision by LAFCO to undertake a project, provide formal written notice to the designated contact of California Native American tribes that have requested notice of proposed projects. Such written notice shall include a brief description of the proposed project and its location, the LAFCO's contact

information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

Prior to the release of a ND, Mitigated ND, or EIR for a project, begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to Santa Clara LAFCO, in writing, to be informed by LAFCO through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

- d. **Environmental Determination (CEQA Guidelines §15064).** Based on the Initial Study and any consultations, determine whether to prepare a ND, Mitigated ND, or EIR for the project, and provide notice of that decision to the project applicant.

6. **Negative Declaration/Mitigated Negative Declaration Process**

- a. **Determining Whether to Prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND) (CEQA Guidelines §15070-§15075).** A ND or MND may be prepared when the Initial Study shows that:
 - i. There is no substantial evidence that the project may have a significant effect;
 - ii. The Initial Study identified potentially significant effects but changes in the project proposal were made which eliminated the effects;
 - iii. Changes to the project have been proposed for adoption by LAFCO which eliminate adverse effects, or render them less than significant; or
 - iv. There is no substantial evidence that the project as revised may have significant effects on the environment.
- b. **Contents of the Negative Declaration (ND) or Mitigated Negative Declaration (MND) (CEQA Guidelines §15071).** The ND or Mitigated ND must consist of the following:
 - i. A brief description of the project, including a commonly used name for the project,
 - ii. The location of the project (preferably shown on a map) and the name of the project proponent,
 - iii. Statement finding that the project will not have a significant effect on the environment,
 - iv. Attached copy of the Initial Study documenting reasons to support the above finding, and
 - v. Presentation of mitigation measures, if any, included in the project to avoid potentially significant effects.

- c. **Notice of Intent to Adopt Negative Declaration and Public Review Period (CEQA Guidelines §15072).** A Notice of Intent to adopt or consider a ND or Mitigated ND must be provided to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, not less than twenty (20) days in advance of the hearing. When a proposed ND or Mitigated ND and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period must not be less than 30 days, unless a shorter period is approved by the State Clearinghouse. The shortened review period must not be less than twenty (20) days. If a public agency comments upon the ND or Mitigated ND, that agency will be provided with notice of public hearings on the project. The notice must satisfy the requirements of PRC §21092.

The Notice of Intent must be provided pursuant to CEQA Guidelines §15072:

- i. By mail to all organizations and individuals who previously requested notice in writing. (CEQA Guidelines §15072(b))
- ii. By publication at least one time in a newspaper of general circulation in the area affected by the project. (CEQA Guidelines §15072(b)(1))
- iii. The notice must be posted in the County Clerk-Recorder's Office of each county within which the proposed project is located for a period of at least 20 days. (CEQA Guidelines §15072(d))
- iv. In the case of a project of statewide, regional, or areawide significance, the lead agency shall also provide notice to:
 - (1) Transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in PRC §21092.4(a) and CEQA Guidelines §15072(e), and
 - (2) The State Clearinghouse as specified in CEQA Guidelines §15073(d). See *Exhibit 2.3-A* for additional guidance.
- v. If the United States Department of Defense or any branch of the United States Armed Forces has given Santa Clara LAFCO written notification of the specific boundaries of a low-level flight path, military impact zone, or special use airspace and provided LAFCO with written notification of the military contact office and address for the military service pursuant to subdivision (b) of §15190.5, then notice shall also be given to specified military contact office.

See CEQA Guidelines §15072(g) for information that is required to be included in a Notice of Intent.

- d. **Determination of Adequacy of the ND or Mitigated ND By the Commission (CEQA Guidelines §15074)**

- i. Public hearings must be held on all Negative Declarations.
- ii. Prior to approval of the project, the Commission must consider the proposed ND or Mitigated ND together with any comments received

during the public review process and must find that the ND or Mitigated ND is adequate and complete, that the project will not have a significant effect on the environment, and that the ND or Mitigated ND reflects the Commission's independent judgement and analysis. In the case of Mitigated NDs or other projects that have been modified to reduce or eliminate one or more significant effects, assure that such modification is a part of the project record and is included as a condition or other requirement of approval.

- iii. When adopting a ND or Mitigated ND, the Commission shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
 - iv. When adopting a Mitigated ND, the Lead Agency shall adopt a program for reporting on and monitoring changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
 - v. If the Commission decides not to adopt mitigation measures or revisions that remediate potential adverse environmental impacts to a less than significant level, and desires to consider approving the project; an EIR must be prepared prior to the consideration of the project.
 - vi. The Commission shall not adopt a ND or Mitigated ND for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area..
- e. **Mitigation Monitoring and Reporting Program (MMRP) (CEQA Guidelines §15097).** The MMRP shall include:
- i. A list of mitigation measures stated exactly as adopted by the Commission;
 - ii. For each mitigation measure, actions that need to be taken by the project proponent, other public agencies and LAFCO will be listed;
 - iii. For each mitigation measure, every action needed to complete the mitigation measure shall be clearly described and include an anticipated date or timetable for completion;
 - iv. For each mitigation measure, a section where field notes, status information and problem resolution data can be entered;
 - v. For each mitigation measure, required Santa Clara LAFCO verification action.

- f. **Filing of the Notice of Determination (CEQA Guidelines §15075).** If the Commission decides to carry out or approve the project, prepare a Notice of Determination (NOD) substantially in the form prescribed in CEQA Guidelines §15094(b). The filing of the NOD starts a 30-day statute of limitation on court challenges to the approval under CEQA. The NOD can be filed only with either an exemption from the Fish and Game fees, or a check for the current fee. An Environmental Declaration form indicating the fee status must be filed with all NODs that go to the County Clerk at the Recorder's Office. If it appears that the proposed project will not impact wildlife habitat, no fees are required. However, LAFCO is required to request and receive a California Department of Fish and Game "No Effect Determination." The NOD and the "No Effect Determination" must be:
 - i. Filed with the County Clerk-Recorder within 5 working days after the approval of the project. The County Clerk-Recorder will post the NOD within 24 hours of receipt and keep it posted for 30 days.
 - ii. Posted on the Santa Clara LAFCO website.
 - iii. Electronically filed with the State Clearinghouse within 5 working days after approval of the project.
- g. **Rejecting the Negative Declaration or Mitigated Negative Declaration (MND). (PRC §21157.5 and CEQA Guidelines §15073.5(d))** If the Commission determines that an Environmental Impact Report (EIR) is needed for a project for which a ND or Mitigated ND has previously been prepared or filed, prepare a Draft EIR. The Commission will continue the hearing on the project to a future date whereupon the Draft EIR will be available.

2.3.4 ENVIRONMENTAL IMPACT REPORT PROCESS (CEQA GUIDELINES §15080-§15096)

1. Draft Environmental Impact Report (EIR) Process

- a. **Submission of Additional Information.** If the Initial Study indicates the need for an EIR, ask the applicant to submit additional information needed to prepare the Draft EIR. Preparation of the Draft EIR will not commence until LAFCO has determined that all necessary information has been received.
- b. **Notice of Preparation (NOP) (PRC §21080.4 and CEQA Guidelines §15082).** After determining that an EIR is required, complete a NOP stating that an EIR will be prepared pursuant to CEQA Guidelines §15082. The NOP will be sent to each known Responsible Agency, Trustee Agency, the State Clearinghouse, every federal agency involved in approving or funding the project, and the military contact office (if applicable), and filed with the county clerk of each county in which the project will be located. The NOP will provide Responsible Agencies with sufficient information describing the project and environmental effects to enable them to provide meaningful responses. The NOP must include:
 - i. A description of the project.
 - ii. The location of the project indicated on an attached map.

- iii. The probable environmental effects of the project.
- iv. A copy of the Initial Study when appropriate.
- c. **EIR Scoping (PRC §21080.4).** In addition to any formal or informal consultations, consult with affected agencies, technical experts, or interested persons and groups in order to maximize the quality of, and disclosures contained in, the environmental document. When requested by a Responsible Agency, Trustee Agency or project applicant, convene a meeting to discuss the scope and content of the proposed EIR as soon as possible, but not later than thirty (30) days after the meeting is requested. Meetings may also be held with interested individuals, technical experts, CEQA professionals or others who can contribute to completion of an adequate CEQA document.
- d. **Preparation of the Draft EIR.** The Draft EIR must contain all the information required by Article 9 of the CEQA Guidelines (§15120-§15132).
- e. **Notice of Completion.** As soon as the Draft EIR is completed, file a Notice of Completion with the State Clearinghouse as provided in CEQA Guidelines §15085.
- f. **Public Notice of Availability of Draft EIR (CEQA Guidelines §15087 and §15105).** A public notice of the availability of the Draft EIR must be provided at the same time as a Notice of Completion is sent to the State Clearinghouse. The public review period for the Draft EIR must be not less than (30) days nor should it be longer than (60) days in advance of the hearing.

When a proposed Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period must not be less than 45 days unless a shorter period is approved by the State Clearinghouse. The shortened review period must not be less than thirty (30) days. If a public agency comments upon the Draft EIR, that agency will be provided with notice of public hearings on the project. The notice must satisfy the requirements of PRC §21092. The Notice of Availability of Draft EIR must be provided:

- i. By mail to all organizations and individuals who previously requested notice in writing,
- ii. By publication in a newspaper of general circulation in the area affected by the project,
- iii. Posted in the County Clerk-Recorder's offices for a period of at least 30 days, and
- iv. Electronically filed with the State Clearinghouse. See *Exhibit 2.3-A* for additional guidance.
- g. **Seeking Comments on Draft EIR (CEQA Guidelines §15086).** Santa Clara LAFCO shall consult with and request comments on the Draft EIR from:
 - i. Responsible Agencies,
 - ii. Trustee Agencies with resources affected by the project,

- iii. Any other State, Federal, and local agencies which have jurisdiction by law with respect to the project or agencies with resources affected by the project, including water agencies,
 - iv. Any city or county which borders on a city or county within which the project is located,
 - v. For a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project and public transit agencies with facilities within one-half mile of the proposed project
 - vi. For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources.
 - h. **Written Comments on the Draft EIR (CEQA Guidelines §15088).** During the Public Review Period any interested person may submit written comments on the draft EIR to the Commission.
 - i. **Response to Written Comments on Draft EIR (CEQA Guidelines §15088).** Evaluate comments on environmental issues received from persons who reviewed the draft EIR and prepare a written response by revising the Draft EIR or by including a separate section with responses in the Final EIR. The proposed response must be provided to the commentor 10 days prior to the Commission's certification of the EIR. The responses shall comply with the requirements set forth in CEQA Guidelines §15088(c).
2. **EIR/Final EIR Contents (CEQA Guidelines §15132).** The EIR must contain the following:
- a. The Draft or revised Draft EIR,
 - b. Comments and recommendations received on the Draft EIR either verbatim or in summary,
 - c. A list of persons, agencies and organizations commenting on the Draft EIR,
 - d. Responses to significant environmental points raised during the review and consultation processes, and
 - e. Any information added, or corrections made, by the Lead Agency
3. **EIR Distribution.** Distribute the Final EIR to those agencies and persons who submitted comments on the Draft EIR.
4. **EIR Public Hearing.** At the public hearing, the Commission shall consider the contents of the EIR; consider written comments and the responses provided, and any oral testimony. If no substantive questions are raised regarding the content or adequacy of the EIR, certify the EIR as a Final EIR. If the EIR is substantially questioned as to content or if testimony received requires responses, continue the hearing and prepare responses that will be incorporated into a Final EIR (CEQA Guidelines §15088).

5. **Final Environmental Impact Report (FEIR) Process**

- a. **Submission of Additional Information.** As a result of questions raised during the Draft EIR process, the project applicant may be required to submit additional information necessary for preparation of the Final EIR.
- b. **Final EIR Public Hearing.** At the public hearing, the Commission shall consider the Final EIR; hear any testimony relative to the Final EIR from those in attendance at the hearing; certify that the Final EIR has been completed in compliance with CEQA and State Guidelines, and that the Commission has reviewed and considered the information contained in the Final EIR; and adopt any findings as required by this section (CEQA Guidelines §15091). The Final EIR must be certified prior to action upon the project.
- c. **Additional Information.** If the Commission intends to approve a project for which the Final EIR identifies one or more significant effects, it may require the proponent of the project to provide and submit evidence into the record to substantiate the need to approve the project notwithstanding the identification of the significant environmental effects of the project as proposed.
- d. **FEIR Certification (CEQA Guidelines §15090).** Prior to approving a project the Commission shall certify that:
 - i. The Final EIR has been completed in compliance with CEQA and CEQA Guidelines; and
 - ii. The document reflects the independent judgment and analysis of LAFCO; and
 - iii. LAFCO has reviewed and considered the information contained in the FEIR prior to approving the project.

6. **Significant Effects-Finding Required**

- a. **Findings (CEQA Guidelines §15091).** The Commission must not approve a project for which a Final EIR has been certified and which identifies one or more significant environmental effects of the project unless it makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding (CEQA Guidelines §15091). Oral findings may be made and approved by the Commission as part of the hearing process, provided the findings are transcribed and placed in the project file.

Each finding must be supported by substantial evidence in the record. No action on a project will be considered final until findings are adopted.

Possible findings are:

- i. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR (§15091(a)(1));

- ii. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been adopted by such other agency, or can and should be adopted by such other agency (§15091(a)(2)); and
 - iii. Specific overriding public health and safety, economic, legal, social, economic, technological or other benefits of the project outweigh the significant effects on the environment and identified considerations render proposed mitigation measures or project alternatives identified in the Final EIR infeasible. Each finding must include a description of the specific reasons for rejecting identified mitigation measures and project alternatives. (§15091(a)(3))
- b. **Mitigation Monitoring and Reporting Program (MMRP).** If mitigation measures are adopted by the Commission for the purpose of reducing the environmental impacts of a project, a mitigation monitoring and reporting program must be prepared and adopted by the Commission prior to the approval of a proposed project and pursuant to PRC §21081.6.
- The MMRP must include:
- i. A list of mitigation measures stated exactly as adopted by the Commission.
 - ii. For each mitigation measure, actions that need to be taken by the project proponent, other public agencies and Santa Clara LAFCO will be listed.
 - iii. For each mitigation measure, every action needed to complete the mitigation measure must be clearly described and include an anticipated date or timetable for completion.
 - iv. For each mitigation measure, a section where field notes, status information and problem resolution data can be entered.
 - v. For each mitigation measure, required LAFCO verification action.
- c. **Statement of Overriding Considerations (CEQA Guidelines §15093).** When the Commission approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the Commission shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. Such statement is referred to as the Statement of Overriding Considerations. The Statement of Overriding Considerations should explain how specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects. The Statement of Overriding Considerations shall be supported by substantial evidence in the record. The Statement of Overriding Considerations should be included in the record of the project approval and should be mentioned in the notice of determination.

- d. **Filing of the Notice of Determination (CEQA Guidelines §15094).** If the Commission decides to carry out or approve the project, prepare a Notice of Determination (NOD) substantially in the form prescribed in CEQA Guidelines §15094(b). The filing of the NOD starts a 30-day statute of limitation on court challenges to the approval under CEQA. The NOD must be:
- i. Filed with the County Clerk-Recorder within 5 working days after the approval of the project. The County Clerk-Recorder shall post the NOD within 24 hours of receipt and keep it posted for 30 days. The County Clerk-Recorder will return the notice to Santa Clara LAFCO with a notation of the period during which it was posted. Santa Clara LAFCO will retain the notice for not less than twelve (12) months.
 - ii. Electronically filed with the State Clearinghouse within 5 working days.

EXHIBIT 2.3-A

2.3.5 REVIEW BY STATE AGENCIES

1. **State Clearinghouse Review.** EIRs and NDs to be reviewed by State agencies must be submitted to the State Clearinghouse as prescribed in CEQA Guidelines §15205 and §15206.
 - a. **State Agency Review of Projects of Statewide, Regional or Areawide Significance.** State review will proceed according to the following provisions:
 - i. EIRs and Negative Declarations must be submitted to the State Clearinghouse, as prescribed in CEQA Guidelines §15206, whenever it is determined that a project may be of statewide, regional or areawide significance.
 - ii. Request that the State Clearinghouse transmit a copy of each project's State Clearinghouse distribution list to Santa Clara LAFCO.
 - b. **State Fish and Game Department Environmental Review Fees.** If the State Clearinghouse distribution list indicates that a project has been reviewed by the State Department of Fish and Wildlife, the project will be determined to have an effect on fish and wildlife. LAFCO may also determine that a project will have an effect on fish and wildlife, and may submit a project to the State Department of Fish and Wildlife specifically for environmental review purposes, independent of action by the State Clearinghouse. In either case, the project will be subject to State Fish and Game fees pursuant to PRC §21089 and §711.4 of the State Fish and Game Code regulations. LAFCO shall notify the project proponent of the need to pay State Fish and Game fees.

LAFCO shall not approve a project for which an EIR or Negative Declaration has been prepared and which will have an effect on fish and wildlife until State Fish and Game Department fees have been paid. Pursuant to State law, a project found to have an effect on fish and wildlife cannot be vested or approved until Fish and Game fees have been paid.

LAFCO may continue any hearing so that the applicant can remit required fees as permitted by the CKH Act. Unless otherwise ordered by the Commission, any public hearing continued solely for the purpose of collecting fees shall be deemed closed and additional evidence and testimony shall not be taken. The Commission may place a condition of approval on the project requiring payment prior to finalizing the proposal.

If a project is found to have an effect on fish and wildlife, and fees have been paid, Santa Clara LAFCO must note in the public record that Fish and Game fees have been paid pursuant to PRC §21089. LAFCO shall maintain proof of fee payment in the project history file. LAFCO will also include the final approving body's findings and record of fee payment on the Notice of Determination for a project. Fees will be deposited with the County Clerk-Recorder.

EXHIBIT 2.3-B

2.3.6 CATEGORICAL AND STATUTORY EXEMPTIONS

1. Typical LAFCO Related Categorical Exemptions

There are currently thirty-three Categorical Exemptions that have been created by the State of California pursuant to PRC §21084 and CEQA Guidelines §15300.4. The following is a list of typical LAFCO related categorical exemptions:

- a. Class 1 - Existing Facilities (CEQA Guidelines § 15301).
- b. Class 2 - Replacement or Reconstruction (CEQA Guidelines §15302).
- c. Class 3 - New Construction or Conversion of Small Structures (CEQA Guidelines §15303).
- d. Class 4 - Minor Alterations to Land (CEQA Guidelines §15304).
- e. Class 6 - Information Collection (CEQA Guidelines §15306).
- f. Class 7 - Actions by Regulatory Agencies for Protection of Natural Resources (CEQA Guidelines §15307).
- g. Class 8 - Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines §15308).
- h. Class 19 - Annexations of Existing Facilities and Lots for Exempt Facilities (CEQA Guidelines §15319). Class 19 applies to two types of annexations:
 - i. Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided however that the extension of utility services to the existing facilities would have the capacity to serve only the existing facilities.
 - ii. Annexations of individual small parcels of the minimum size for facilities exempted by CEQA Guidelines §15303, New Construction or Conversion of Small Structures.
- i. Class 20 - Changes in Organization of Local Agencies (CEQA Guidelines §15320).

Class 20 consists of changes in the organization or reorganization of local agencies that do not change the geographical area in which previous existing powers are exercised. Examples include but are not limited to:

- i. Establishment of subsidiary district;
- ii. Consolidation of two or more districts having identical powers; and
- iii. Merger with a city of a district lying entirely within the boundaries of the city.

2. Statutory Exemptions

There are several types of projects, such as emergency repairs, fee adoption, ministerial projects, and feasibility or planning studies, which are statutorily declared exempt from the requirements of CEQA. All statutory exemptions are listed in CEQA Guidelines §15260-15285.

3. Exceptions or Limitations on the Use of Exemption (CEQA Guidelines §15300.2)

The following are limitations on the use of exemptions:

- a. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies [§15300.2(a)].
- b. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant[§15300.2(b)].
- c. A categorical exemption cannot be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances [§15300.2(c)].
- d. A categorical exemption cannot be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR. [§15300.2(d)]
- e. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to GC §65962.5. [§15300.2(e)].
- f. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. [§15300.2(f)].

EXHIBIT 2.3-C

2.3.7 TYPICAL CEQA TIME LIMITS

LAFCO must follow the time limits set forth in CEQA Guidelines, Article 8, §15100-15112, in processing environmental documents. CEQA Guidelines §15111 provides that where the principal act governing a public agency's consideration provides for time limits for processing an application that are shorter than those authorized under CEQA, then the application must not be deemed accepted under the principal act until CEQA compliance has occurred. Santa Clara LAFCO is governed by the CKH Act. GC §56658(h) of the CKH Act sets a mandatory ninety (90) calendar-day time period from acceptance of an application to time of hearing before the Commission. Since this is inadequate time to complete certain environmental review processes, applications for the purposes of compliance with CKH Act must not be deemed complete until the CEQA process has reached a point where it can be completed within the ninety (90) calendar-day time limits of CKH Act. See table below for typical CEQA timelines.

Trigger Event	Action Required	Time Period	Code Section
As soon as the application is deemed complete for CEQA review purposes	Lead Agency is encouraged to consult with responsible agencies before and during preparation of an EIR so that the document will meet the needs of all agencies which will use it.	Before and during the preparation of an EIR	§15060.5 CEQA Guidelines
As soon as Lead Agency has determined that an initial study will be required for the project	Lead Agency shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a negative declaration should be prepared.		§15063(g) CEQA Guidelines
After receiving a consultation or scoping request from a Lead Agency.	Responsible Agency provides contact name, consults with Lead Agency, explains reasons for supporting or opposing an environmental determination, identifies issues, may attend meetings.	30 days	§15096 (b)(1) and (c) CEQA Guidelines
After LAFCO/other agency/applicant requests a scoping meeting.	Convene a meeting/consultation.	30 days	§15104 CEQA Guidelines

Trigger Event	Action Required	Time Period	Code Section
After receiving a Notice of Preparation from a Lead Agency.	Responsible Agency comments on the scope and content of the review of issues pertinent to its authorities.	As soon as possible but within 30 days	§15096 (b)(2) CEQA Guidelines
Conducting an Initial Study.	Make environmental determination (ND or EIR).	30 days (with 15 day extension option)	§15102 CEQA Guidelines
After application is deemed complete.	Prepare and adopt a Negative Declaration.	180 days	§15107 CEQA Guidelines
	Prepare and certify an EIR.	1 year with a 90 day extension (private initiated projects)	§15108 CEQA Guidelines
Hiring a consultant after environmental determination.	Hire the consultant.	45 days (applicant can consent extension)	PRC §21151.5(b)
After completing a ND or MND.	Begin public review period.	20 days	§15105(b) CEQA Guidelines
		30 days if sent to Clearinghouse	
After completing a Draft EIR.	File a Notice of Completion.	As soon as the Draft EIR is issued	§15085(a) CEQA Guidelines
After completing a Draft EIR.	Begin public review period.	30 days minimum and no longer than 60 days except in unusual circumstances	§15105(a) CEQA Guidelines
		Not less than 45 days, unless a shorter period (not less than 30 days) is approved by the State Clearinghouse	
Provide public notice of public review period.	Post, publish, and/or mail notice of public review period.	At least the number of days required for public review	§15072(a) and §15087(a) CEQA Guidelines
Provide public notices.	Post notice in County Recorder's Office	Within 24 hours of receipt, 20 days (ND), 30 days (EIR)	PRC §21092.3

Trigger Event	Action Required	Time Period	Code Section
Receive comments from a public agency.	Respond to Comments on a Draft EIR in writing.	Provide responses to public agency 10 days before Final EIR certified	PRC §21092.5(a) and (b)
	Notify public agency of hearing on ND for which responses were received.	Is satisfied if public hearing notice provided to agency	
After project approval.	File/Post Notice of Determination with County Recorder.	Within 5 working days of approval, post within 24 hours	§15094(a) and (e) CEQA Guidelines
After project approval.	File/Post Notice of Exemption with County Recorder to change legal challenge period from 180 to 35 days.	After approval	§15062(d) CEQA Guidelines
Notice of Determination filed/posted.	File legal challenges.	35 calendar days from filing date	§15094 CEQA Guidelines

PART 2: OPERATIONAL POLICIES AND PROCEDURES
CURRENT LOCATION OF POLICIES/PROCEDURES AND REASONS FOR ANY TEXT REVISIONS

CONTENTS OF PART 2		CURRENT LOCATION OF POLICIES/PROCEDURES AND REASONS FOR TEXT REVISIONS, IF ANY
2.1.1.	DEADLINE FOR SUBMISSION OF APPLICATIONS	Moved from current LAFCO Bylaws. No text changes proposed.
2.1.2.	APPLICATION FEE POLICIES	Moved from current LAFCO Bylaws. New Policy #2.1.2.2 added to document current and longstanding Santa Clara LAFCO practice. The proposed policy provides transparency and clarity for applicants and property owners.
2.1.3.	APPLICATION DEEMED COMPLETE OR INCOMPLETE	Entire new Section added to reflect State law, and document current and longstanding Santa Clara LAFCO practice. The proposed Section provides transparency and better clarity for applicants, public agencies, and property owners.
2.1.4.	RECONSIDERATION OF A LAFCO RESOLUTION MAKING DETERMINATIONS	Moved from current LAFCO Bylaws. No text changes proposed.
2.1.5.	PROCESSING PROPOSALS AFFECTING MORE THAN ONE COUNTY	Currently a standalone policy, amended by LAFCO on 8/6/2025. No text changes proposed.
2.1.6.	INDEMNIFICATION POLICY	Currently a standalone policy, amended by LAFCO on 8/6/2025. No text changes proposed.
2.1.7.	LOBBYING DISCLOSURE POLICY	Currently a standalone policy, adopted by LAFCO on 2/14/2001 and included as part of its application filing requirements. No text changes proposed. This policy is proposed for inclusion in the Policies Manual to improve accessibility and enhance transparency.

CONTENTS OF PART 2		CURRENT LOCATION OF POLICIES/PROCEDURES AND REASONS FOR TEXT REVISIONS, IF ANY
2.1.8.	DISCLOSURE OF POLITICAL EXPENDITURES UNDER THE POLITICAL REFORM ACT	This requirement currently appears on the LAFCO agenda as a notification statement. After enforcement responsibility for this requirement was transferred to the FPPC in 2008, the Commission rescinded its policy and instead added the standalone statement to the LAFCO Meeting agenda to inform the public and others of this requirement. This statement is now proposed for inclusion in the Policies Manual to improve accessibility and enhance transparency.
2.1.9	DISCLOSURE OF CONTRIBUTIONS TO COMMISSIONERS FROM PARTIES AND PARTICIPANTS UNDER THE LEVINE ACT	This requirement has been a part of LAFCO application filing materials since 2001, when it was developed to comply with State law. The requirement (updated in consultation with LAFCO Counsel, to reflect recent changes in State law) is now proposed for inclusion in the Policies Manual to make it more readily available and for additional transparency.
2.1.10	CONDUCTING AUTHORITY PROCEDURES	Currently a standalone policy, adopted by LAFCO on April 11, 2001. The current policy is reformatted, reorganized and edited for transparency and clarity. The proposed text revisions to the policy reflect changes in State law, and document current and longstanding Santa Clara LAFCO policies and practices.
2.2.1.	COMMUNICATING A POSITION ON PROPOSED LEGISLATION	Moved from current LAFCO Bylaws. No text changes proposed.
2.2.2.	PROVIDING WRITTEN COMMENTS ON DOCUMENTS/PROJECTS OF RELEVANCE TO LAFCO	Moved from current LAFCO Bylaws. No text changes proposed.

CONTENTS OF PART 2		CURRENT LOCATION OF POLICIES/PROCEDURES AND REASONS FOR TEXT REVISIONS, IF ANY
2.2.3	LEGISLATIVE POLICIES	Currently a standalone policy, adopted by LAFCO on 4/6/2022. The current policy is amended with a brief introduction to state the purpose of the policies.
2.3	PROCEDURES FOR PREPARING AND PROCESSING ENVIRONMENTAL DOCUMENTS	Currently standalone policy/procedures, adopted by LAFCO on February 12, 2003. The current procedure is reformatted, reorganized and updated in consultation with LAFCO Counsel, to reflect changes in State law, and to document current and longstanding Santa Clara LAFCO policies and practices.

PART 4. ADMINISTRATIVE POLICIES

CHAPTER 4.1. TRAVEL AND EXPENSE REIMBURSEMENT

Adopted in LAFCO Bylaws: 04/02/2014

Amended: _____

4.1.1. AUTHORIZED EXPENSES

1. LAFCO funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized LAFCO business. In addition to the day to day business activities of LAFCO, expenses incurred in connection with the following types of activities generally constitute authorized expenses.
 - a. Communicating with representatives of local, regional, state and national government on LAFCO business
 - b. Attending educational seminars designed to improve skills and information levels
 - c. Participating in local, regional, state and national organizations whose activities affect LAFCO's interests
 - d. Recognizing service to LAFCO (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost)
 - e. Attending LAFCO or CALAFCO events
2. All other expenditures incurred will require prior approval by the Commission.
3. Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

4.1.2. MEETING PER DIEM/STIPEND

Consistent with LAFCO Resolution # 2006-06, LAFCO commissioners including alternate commissioners will receive a \$100 per diem for attendance at LAFCO meetings. This compensation is in lieu of reimbursement for travel and other expenses incurred in attending the LAFCO meetings.

4.1.3. LAFCO COMMISSIONER ATTENDANCE AT CALAFCO CONFERENCE

Regular LAFCO commissioners will be given first priority for attending the CALAFCO Annual Conference. If regular commissioners are unable to attend, alternates may attend.

4.1.4. TRANSPORTATION, LODGING, MEALS, AND OTHER INCIDENTAL/PERSONAL EXPENSES

1. Reimbursement for authorized transportation, lodging, meals and other incidental expenses shall be provided in conformance with the current County of Santa Clara Travel Policy.
- b. Registration and travel arrangements including airline reservations must be coordinated through the LAFCO Office.

4.1.5. EXPENSE REPORTING

Within 30 calendar days of return from a LAFCO business trip or event, travelers must submit their travel documents to the LAFCO Office to be eligible for any reimbursement. Receipts are required for processing reimbursement. LAFCO staff will then complete the necessary forms and submit to the appropriate County department in compliance with the County of Santa Clara Travel Policy.

4.1.6. AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this policy.

4.1.7. REPORT TO LAFCO

At the following LAFCO meeting, a report shall be presented on meetings attended at LAFCO expense.

4.1.8. COMPLIANCE WITH LAWS

Some expenditures may be subject to reporting under the Political Reform Act and other laws. LAFCO expenditures, expense report forms and supporting documentation are public records subject to disclosure under the Public Records Act.

4.1.9. ETHICS TRAINING

LAFCO is not a local agency whose officials are required to comply with the requirement of ethics training pursuant to Government Code Section 53235. Since LAFCO provides reimbursement for expenses, LAFCO commissioners, Executive Officer and Analysts are encouraged to receive ethics training. LAFCO commissioners who are County supervisors, city council members or special districts board members will receive this training in their respective roles as county, city or special district officials. LAFCO staff will advise the public members of opportunities to receive the training.

CHAPTER 4.2. RECORDS RETENTION POLICY AND SCHEDULE

Adopted: 10/14/2009
Amended: 08/06/2025

4.2.1 INTRODUCTION

1. Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code §56382.
2. The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code §56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code §56382 and will be retained and disposed of according to the Records Retention Schedule in Exhibit A.
3. For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in Exhibit A, “records” include the following:
 - Santa Clara LAFCO Meeting Minutes
 - Santa Clara LAFCO Resolutions
 - Documents related to Santa Clara LAFCO proposals such as the:
 - Application, petition or other initiating documents
 - Assessor’s Statement of Property Valuation
 - Agreement to Pay / Indemnification
 - Certificate of Completion
 - Certificate of Filing
 - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
 - Map and Legal Description
 - Notices
 - Order for Change of Organization
 - Staff Reports
 - Statement of Boundary Change
 - Statement of Tax Rate Area

EXHIBIT A
RECORDS RETENTION SCHEDULE

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

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

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

CHAPTER 4.3 CONFLICT OF INTEREST CODE

The Political Reform Act, California Government Code sections 81000, et seq. (the "Act"), requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730), that contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency's code. After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code (the "Code") of the Local Agency Formation Commission of Santa Clara County ("LAFCO").

All officials and designated positions shall file their statements of economic interests with the LAFCO Clerk, as LAFCO's Filing Official. If a statement is received in signed paper format, the LAFCO Clerk shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, both the LAFCO Clerk and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The LAFCO Clerk will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code section 81008.)

Amended per County Counsel Notice dated July 18, 2022.

Approved by the County of Santa Clara Board of Supervisors Date: January 10, 2023.

EXHIBIT A

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 California Code of Regulations section 18700.3, are NOT subject to LAFCO's Code, but must file disclosure statements under Government Code section 87200, et seq. (2 California Code Regulations. §18730(b)(3).) These positions are listed here for informational purposes only.

It has been determined that LAFCO currently has no officials who manage public investments.

DESIGNATED POSITIONS GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' TITLE OR FUNCTION	DISCLOSURE CATEGORY ASSIGNED
Commissioner	1
Alternate Commissioner	1
Executive Officer	1
Assistant Executive Officer / Senior LAFCO Analyst	1
LAFCO Analyst	1
Newly Created Position	*

*Newly Created Positions

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Officer may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

As soon as the Commission has a newly created position that must file statements of economic interests, the Commission shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Commission shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Commission shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel

for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT B

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Disclosure Category 1: (a) All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO, or of any land owned or used by LAFCO.

Disclosure Category 2: Individuals serving as a consultant as defined in FPPC Reg 18701 must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ATTACHMENT E

Links to Relevant Current LAFCO Policies and Procedures

- E-1: [LAFCO Bylaws](#)
- E-2: [Conducting Authority Procedures](#)
- E-3: [Legislative Policies](#)
- E-4: [Procedures for Preparing and Processing Environmental Documents](#)
- E-5: [Conflict of Interest Code](#)
- E-6: [Policies for Use of LAFCO Issued Electronic Devices](#)



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

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

ITEM # 6

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

LAFCO MEETING: October 1, 2025

TO: LAFCO

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

**SUBJECT: COUNTYWIDE WATER AND WASTEWATER SERVICE
REVIEW**

STAFF RECOMMENDATION

1. Direct staff to prepare a Draft Request for Proposals (RFP) for a professional services firm to conduct a Countywide Water and Wastewater Service Review, for the Commission's consideration at the December 2025 LAFCO meeting.
2. Appoint two LAFCO Commissioners to serve on the Countywide Water and Wastewater Service Review Technical Advisory Committee.

BACKGROUND

At the December 2, 2020 LAFCO meeting, the Commission revised the LAFCO Service Review work plan as follows (listed from highest priority to lowest priority):

- a. Countywide Fire Service Review
- b. Countywide Water and Wastewater Service Review
- c. Special Districts Service Review
- d. Cities Service Review

At the October 4, 2023 LAFCO meeting, the Commission adopted its Countywide Fire Service Review (Report), which included many recommendations for fire and emergency medical response service providers to consider and potentially implement. LAFCO staff then contacted affected agencies to encourage implementation of the Report's recommendations and to monitor their efforts.

At the August 6, 2025 LAFCO meeting, the Commission adopted the proposed updated Service Review Policies which guide the Commission's preparation of service reviews pursuant to Government Code §56430.

Consistent with the Commission's Service Review Work Plan priorities, staff is making the necessary preparations to conduct a Countywide Water and Wastewater Service Review.

PROPOSED COUNTYWIDE WATER AND WASTEWATER SERVICE REVIEW

What is a Service Review?

A service review is a comprehensive review of services within a designated geographic area and include steps to obtain information about services in the geographic area, evaluate provision of services from a comprehensive perspective, and recommend actions when necessary, to promote the efficient provision of those services. In Santa Clara County, service reviews are intended to serve as a tool to help LAFCO, the public and other agencies better understand public service governance and delivery and evaluate options for the provisions of efficient and effective public services.

LAFCO's Service Review Responsibilities

The Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) mandates that LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates and requires that LAFCO once every five years, as necessary, review and update the sphere of influence of each city and special district [Government Code §56430]. The Service Review must include an analysis and written statement of determination regarding each of the following seven categories:

- Growth and population projections for the affected area
- Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence
- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including 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
- Financial ability of agencies to provide services
- Status of, and opportunities for, shared facilities
- Accountability for community service needs, including governmental structure and operational efficiencies
- Any other matter related to effective or efficient service delivery, as required by LAFCO policy

Additionally, as part of the sphere of influence updates LAFCO must prepare an analysis and written statement of determinations for each city and special district regarding certain factors. [Government Code §56425(e)]

Overview of Timeline and Process for the Proposed Countywide Water and Wastewater Service Review

The Countywide Water and Wastewater Service Review will be a yearlong process, commencing in December 2025 with the formation of a Technical Advisory Committee (TAC) and the Commission's approval and release of a Draft RFP for a consultant to conduct this service review. It is anticipated that potential consultants would be interviewed in early January 2026 and selection of a preferred consultant and signing of a contract would follow soon after. The consultant would begin working with LAFCO staff and the TAC by early February 2026 and their work would conclude by February 2027.

The following is a summary of the key steps in the service review process, per Section 10.8 of LAFCO's [Service Review Policies](#).

Project Initiation

- » Begin identifying and contacting stakeholders
- » Create a dedicated webpage for service review
- » Prepare and circulate Draft RFP to affected agencies and stakeholders for their review and comment
- » Establish a TAC to select consultant and provide advice on the project
- » LAFCO finalizes and issues RFP
- » LAFCO retains consultant

Request for Information

- » Working with the TAC, establish specific evaluation criteria to be used in making the required service reviews determinations
- » Consultant collects necessary data and interviews affected agencies
- » Consultant compiles data and prepares a profile each of the affected agencies
- » Each agency verifies their own agency profile for accuracy

Data Analysis & Findings

- » Consultant prepares data analysis, preliminary findings, and Administrative Draft Report

Draft Report for Public Review

- » LAFCO releases Draft Report for public review and comment
- » Consultant responds to comments

LAFCO Public Hearings

- » LAFCO holds public hearing on Draft Report and receives public testimony
- » Consultant revises Draft Report, as necessary, and LAFCO releases Revised Draft Report for public review and comment
- » LAFCO holds public hearing on Revised Draft Report / Final Report and adopts Report

Implementation

- » LAFCO staff follows up with agencies to encourage implementation of service review recommendations
- » LAFCO staff monitors agencies' progress and reports back to Commission
- » LAFCO considers next steps and determines if further LAFCO action is needed

Scope of Proposed Countywide Water and Wastewater Service Review

The Water and Wastewater Service Review will involve a comprehensive review of water and wastewater service provision in Santa Clara County. The Service Review Report will provide an overview of all the agencies that provide water services (including recycled water), wastewater services, and stormwater management in the County; evaluate the provision of these services; and recommend actions to promote efficient service delivery. At a minimum, the following agencies and entities will be included in the countywide service review:

Water Districts

1. Aldercroft Heights County Water District
2. Pacheco Pass Water District
3. Purissima Hills Water District
4. San Martin County Water District
5. Santa Clara Valley Water District

Special Districts that Provide Wastewater Services

1. Burbank Sanitary District
2. County Sanitation District 2-3
3. Cupertino Sanitary District
4. West Bay Sanitary District
5. West Valley Sanitation District
6. Lions Gate Community Services District
7. Lake Canyon Community Services District

Cities (specific to water service, wastewater service, and stormwater management service)

1. Campbell
2. Cupertino
3. Gilroy
4. Los Altos
5. Los Altos Hills
6. Los Gatos
7. Milpitas
8. Monte Sereno
9. Morgan Hill
10. Mountain View
11. Palo Alto
12. San Jose
13. Santa Clara
14. Saratoga
15. Sunnyvale

Other Service Providers (included for comprehensiveness and/or to address a focus issue)

Private Water Companies

- San Jose Water Company
- California Water Service Company
- Great Oaks Water Company
- West San Martin Water Works (purchased by California American Water)

Miscellaneous

- Stanford University
- San Francisco Public Utilities Commission
- Bay Area Water Supply and Conservation Agency
- Small Water Systems
- County Department of Environmental Health

In addition to including the required analysis and written statement of service review determinations and sphere of influence updates, the Report will follow up on the issues and options for addressing those issues that were identified in the prior applicable service reviews, which remain relevant.

Focus Issue

The service review will also consider the following issue and identify potential options/opportunities for addressing this issue in Santa Clara County:

Small Water Systems in the Unincorporated Area

The State Water Resources Control Board's Department of Drinking Water (DDW) staff have identified many small water systems in south Santa Clara County that from time-to-time experience technical, managerial, and financial difficulties. In response, there have been many interagency discussions on potential options for helping these current systems, including the potential consolidation of these struggling systems with better managed or maintained systems located nearby. However, there does not appear to be any readily available solution.

Discussions concerning the feasibility and practicality of consolidation or infrastructure extension to these existing systems noted various challenges, including the long distances involved, terrain challenges, high costs, lack of funding sources, water supply availability, and overall uncertainty. Furthermore, it is important that any such solutions are consistent with LAFCO law, and LAFCO's mandate to preserve agricultural lands and open space, curb urban sprawl, and encourage efficient delivery of services; and local/affected agencies' policies.

Other Issues

Should other potential focus issues emerge through LAFCO staff's initial discussions with affected agencies and other stakeholders, staff will seek to incorporate them or inform the Commission so that it may consider if and how to incorporate them into the service review scope.

Prior Service Reviews that May be Relevant to Upcoming Service Review

Prior Santa Clara LAFCO Service Reviews that addressed water service and wastewater service in the county are as follows:

[2011 Countywide Water Service Review](#) (adopted December 2011)

[Special District Service Review: Phase 2](#) (adopted December 2013, and includes information on special districts that provide sanitary sewer services)

[Cities Service Review](#) (adopted December 2015, and includes information on wastewater and stormwater management services provided by the 15 cities in the county)

These service review reports contain specific recommendations for affected agencies to implement. Please see section entitled "Implementation of Recommendations" at each of the abovementioned links, for LAFCO's agency specific request and each agency's response to LAFCO concerning their implementation plans.

Establish a Technical Advisory Committee for the Service Review

The Technical Advisory Committee (TAC) for the Countywide Water and Wastewater Service Review will serve as a liaison with affected agencies, help select a consultant for the service review and provide technical expertise/advice throughout the process.

Staff is proposing to contact the Santa Clara County & Cities Manager's Association, the Santa Clara County Water Retailer's Group, and the Santa Clara County Municipal Public Works Officials' Association to inform them of LAFCO's plans and to seek representatives from the Associations to serve on the TAC. Traditionally, the TAC has also included LAFCO Commissioners. Staff recommends that LAFCO appoint two Commissioners to serve on the Countywide Water and Wastewater Service Review TAC.

In addition to participating in the interview of potential consultants (early January 2026), the TAC is anticipated to hold five to six meetings over the course of the service review to provide their technical expertise and guidance, with the first meeting likely occurring in late January/early February 2026.

NEXT STEPS

If directed, LAFCO staff will prepare a Draft RFP for a professional services firm to conduct a Countywide Water and Wastewater Service Review and Sphere of Influence Updates for the special districts; cities; and other local agencies and entities, as necessary; that provide any of the following services: water, wastewater, and stormwater management.

Staff will distribute the Draft RFP to affected agencies and associations, for review and comment. LAFCO staff will revise the Draft RFP, as necessary, in response to these comments. The Commission will then consider the Draft RFP including scope, budget, and project timeline for the Countywide Water and Wastewater Service Review at its December 3, 2025 meeting.

Staff will also contact the Santa Clara County & Cities Manager's Association, the Santa Clara County Water Retailer's Group, and the Santa Clara County Municipal Public Works Officials' Association to inform them of LAFCO's plans and to seek representatives from the different Associations to serve on the TAC.

ITEM # 7

Supplemental Info. No. 1

ANNUAL REPORT 2024-2025

SANTA CLARA LAFCO





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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

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

ITEM # 8

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 1, 2025

TO: LAFCO

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

SUBJECT: EXECUTIVE OFFICER'S REPORT

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

8.1 QUARTERLY SPECIAL DISTRICTS ASSOCIATION MEETING

Commissioner Beall, Alternate Commissioner Chapman, and EO Palacherla attended the September 15, 2025 quarterly meeting of the Santa Clara County Special Districts Association. The meeting featured a presentation from SCVWD's Assistant Officer on its Water Supply Master Plan 2025.

EO Palacherla provided updates on LAFCO activities, including the anticipated conclusion of Phase 2 of the Comprehensive Review and Update of LAFCO Policies, and the upcoming Countywide Water and Wastewater Service Review.

Other attendees, including various district staff and board members, and a representative of the California Special Districts Association (CSDA), provided reports and shared information on current projects or issues of interest. The next meeting is scheduled for December 1, 2025.

8.2 QUARTERLY MEETING WITH COUNTY PLANNING DEPARTMENT

At the September 2, 2025 quarterly meeting, County Planning staff provided an update on the various Builder's Remedy applications (SB 330) proposed in the unincorporated county, and the recent difficulties that the County has experienced when trying to receive its fair share of RHNA credit from the State for housing projects that are planned in unincorporated islands that are then annexed to a city as part of the development entitlement process.

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

8.3 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS' MEETING

EO Palacherla participated in the virtual meeting of the Santa Clara County Association of Planning Officials (SCCAPO) held on September 3, 2025. This meeting featured updates and announcements from MTC/ABAG representatives and Santa Clara County Planning Collaborative representatives; an update on the 2025 Housing/Land Use Bills from the League of California Cities Legislative Advocate; and a presentation by the City of Gilroy on the High Speed Rail Station Area Visioning Study for the Gilroy Station. Attendees also shared updates on various other matters.



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Commissioners
Sylvia Arenas
Jim Beall
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Mark Turner

ITEM # 9

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

Executive Officer
Neelima Palacherla

LAFCO MEETING: October 1, 2025

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Emmanuel Abello, Analyst**

SUBJECT: CALAFCO ACTIVITIES

9.1 PROPOSED AMENDMENTS TO CALAFCO BYLAWS

For Information Only.

The CALAFCO Board is proposing amendments to the CALAFCO Bylaws for approval by the Membership at the Annual Business Meeting on October 23 during the CALAFCO Annual Conference in San Diego. These changes were approved for recommendation to the Membership by the Board in February and July and are a direct response to concerns raised by many Member LAFCOs. They are part of broader reform efforts aimed at building a stronger, more responsive, cohesive and effective Association.

On August 15, CALAFCO issued a memo that outlines the proposed amendments and reasons for the changes (and the draft red-lined version of the Bylaws and the proposed changes are included). The FAQ helps address anticipated questions. The short slide deck is a visual aid about the why and the what of the proposed amendments. See **Attachment A**.

CALAFCO has requested that this information be shared with the Commission.

ATTACHMENT

Attachment A: CALAFCO Memo titled "CALAFCO Board Recommending Bylaws Amendments at October 23, 2025 Annual Business Meeting". (August 15, 2025)



Memo

To: Member LAFCOs
From: CALAFCO Board of Directors and Transition Team
Date: August 15, 2025
Subject: **CALAFCO Board Recommending Bylaws Amendments at October 23, 2025 Annual Business Meeting**

Dear Member LAFCOs,

This October, you will be asked to vote on several proposed amendments to CALAFCO's Bylaws. These changes are part of the larger Association transformation effort underway and are in direct response to feedback from Member LAFCOs.

One amendment adds the four Regional Officers as voting members of the Board. This action is a vital next step in CALAFCO's ongoing transition and creates broader Board representation to enhance capacity and decision-making. (Refer to Bylaws Section 4.1.)

The proposed amendment to Bylaws Section 4.2.1 changes the term of office for newly elected Board Members to begin on December 1 in the year in which they were elected. This change allows new Board Members time for appropriate onboarding and orientation before taking office, supporting their successful governance capability.

To support the Bylaws change approved by the membership in 2024 (in Section 4.4 which addresses potential termination due to attendance), Section 4.3(C) has been added to explicitly state that a vacancy may occur as a result of the attendance matters outlined in Section 4.4.

In Section 4.5.6, it is proposed to remove the ability for a Board Member to give proxy to the Executive Director to establish a quorum for Board Meetings.

All other proposed amendments are minor and non-substantive.

Supported by the Board in February and again unanimously in July 2025, this proposal reflects a shared desire to better align Board representation with the operational knowledge and institutional insight of LAFCO Executive Officers and support new Board Members by better preparing them to take office. It is part of a broader package of reforms that began in 2024 and continue in response to concerns raised by Member LAFCOs.

These amendments do not increase costs or dues. Rather, they strengthen CALAFCO by:

- Broadening representation on the Board
- Enhancing the quality of deliberation and decision-making
- Setting the stage for full Executive Officer participation on the Board
- Strengthens Board governance and best practices

Failure to approve these changes will undermine the possibility of future inclusion of Executive Officers as voting Board members and will hamper CALAFCO's ability to properly prepare new Board Members for their role. We believe that the outcome would be detrimental to the long-term health, viability and relevance of the Association.

We urge you to review the enclosed FAQ, presentation, and proposed Bylaws changes and share this information with your Commission. For questions, please contact Transition Team member Pamela Miller at pmiller@millermcg.com, Interim Executive Director José Henríquez at jhenriquez@calafco.org, your Regional Officer or your Board Member representatives.

We truly appreciate your continued support.

Sincerely,

CALAFCO Board of Directors & Transition Team

—

Attachment: Bylaws reflecting proposed amendments in tracked changes as approved by the Board on February 7, and July 25, 2025



Proposed Bylaws Changes

To be considered at the October 2025 Annual Business Meeting

Q: What is CALAFCO proposing?

A: The Board is recommending the Membership approve the following Bylaws amendments:

- Adding the four Regional Officers as voting members of the CALAFCO Board of Directors (Section 4.1). This is an interim step toward ultimately giving Executive Officers the ability to serve as voting Board members, pending future Membership approval;
- Changing the effective date of Board Members' term of office to begin December 1 in the year of their election, beginning with the 2026 election (Section 4.2.1); and
- Other minor, non-substantive clean-up amendments.

Q: Why are these changes being proposed?

A: The proposed changes are a critical milestone in CALAFCO's organizational transition. They are in response to feedback from Member LAFCOs and are part of a larger effort that includes new leadership, updated policies and procedures, and ongoing transformation efforts. Adding Regional Officers to the Board will strengthen representation and enhance decision-making by incorporating deeper institutional and operational knowledge. Changing the effective date of assuming office allows newly elected Board Members time for proper onboarding and orientation before taking office.

Q: What are the benefits of the changes?

- Broader Representation: Balances policymaker insight with expert operational knowledge from LAFCO practitioners.
- Increased Board Capacity: Enhances institutional knowledge and brings in day-to-day LAFCO experience.
- Responsiveness: Aligns CALAFCO's governance with the evolving needs of its membership.
- Stronger Decisions: Leads to better-informed, more relevant Board deliberations and outcomes.

Q: What happens if these changes are not approved?

A: Failure to pass the amendments will likely halt further progress toward seating Executive Officers as voting Board members—an outcome that would significantly limit CALAFCO's ability to evolve and reflect its full membership; and will hamper CALAFCO's ability to properly prepare new Board Members for their role.

Q: When is the vote and who votes?

A: The vote takes place at the CALAFCO Annual Business Meeting on October 23, 2025, at 9:00 a.m., during the Annual Conference in San Diego. Each member LAFCO in good standing may designate a voting delegate to vote in person (pursuant to Bylaws Sections 3.5 through 3.7).

California Association of
Local Agency Formation Commissions



SUPPORTING SUSTAINABLE
COMMUNITY GROWTH

Strengthening the CALAFCO Board

2025 Bylaws Amendment Proposal

AUGUST, 2025



Why This Matters



**Direct response
to concerns
raised by
Member LAFCOs**



**Part of broader
reform efforts
(staffing, policies,
governance)**



**Builds a stronger,
more responsive and
cohesive CALAFCO**



What's Changing

Adds the four Regional Officers as **voting members** of the Board

First step toward **Executive Officers** being eligible to be elected to the Board



Why Support It?



**More inclusive
decision-making**



**Balances
policymaker and
practitioner
perspectives**



**Enhances
institutional
knowledge**



**Creates a more
responsive
Association**

What's At Stake



Risk of stalling CALAFCO's progress and responsiveness to the membership



Let's move forward – together



Final Thoughts & Discussion



BYLAWS
OF THE
CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS

ARTICLE I

OFFICES

1.1 Principal Office. The principal office of California Association of Local Agency Formation Commissions (“Corporation”) is located at California Local Agency Formation Commissions, 1451 River Park Drive, Suite 185, Sacramento, California 95815¹.

1.2 Change of Address. The Board of Directors (“Board”) (as that term is defined in Section 4.1.1 of these Bylaws) hereby is granted full power and authority to change the location of the principal office of Corporation. Any such change shall be noted by the Secretary in these Bylaws, but shall not be considered an amendment of these Bylaws.

ARTICLE II

MEMBERS

2.1 Classification and Qualifications of Members. The Corporation shall have three (3) classes of members as follows: Member Local Agency Formation Commissions (“Member LAFCOs”)~~es~~; Officers of Member LAFCOs; and Associate Members. Member LAFCOs shall be any local agency formation commission (“LAFCO”), which have paid the required annual membership dues and assessments and have indicated by appropriate action their desire to join the Corporation. Officers of Member LAFCOs shall be any regular or alternate Commissioner, executive officer, deputy executive officer, legal counsel, or deputy legal counsel of any Member LAFCO in good standing as a Member LAFCO. Associate Members of the Corporation shall be any member of the public, a government agency, a business, or an educational institution, either who or which has paid the required annual membership dues and assessments and has indicated by appropriate action ~~its~~their desire to join the Corporation. Notwithstanding any other provision in these Bylaws to the contrary, the terms generally meaning “approval of members or the membership” or “ratification by the members or membership” or “adopted by the members or membership” shall mean such approval or ratification or adoption by ~~members~~Members LAFCOs eligible to vote.

2.2 Membership Dues. The Board shall identify the privileges, and set the amount of membership dues, in accordance herewith, for membership categories during the budget adoption process. The membership dues payable to the Corporation for the admission calendar year by newly admitted members shall be payable in full at the time of admittance. The amount of membership dues and the time or times of payment may, in accordance herewith, be determined and fixed by the Board, and a member, upon learning of any change in such amount or the time or

¹ Office location changed on August 1, 2023.

times of payment, may avoid liability therefor by promptly resigning from membership.
(Amended 6 September 2006)

2.2.1 Notwithstanding the foregoing, Member LAFCO annual membership dues shall be levied based upon a formula that includes the following components:

(1) Dues are population based. The fiscal year 2020-2021 dues uses a 0.013802199 per capita rate and 2020 population estimates based on data from the California Department of Finance.

(2) A base charge as set by the Board ~~of Directors~~, which shall be the same for each Member LAFCO. The base charge for fiscal year 2020-2021 is \$1,000 per LAFCO.

(3) A population threshold as set by the Board ~~of Directors~~.

(4) Population estimates per County updated annually based on data provided by the California Department of Finance.

(5) The per capita rate shall be set by the Board ~~of Directors~~.

(6) No Member LAFCO will pay less than its current dues based on the baseline dues of fiscal year 2018-2019.

2.2.2 Based on the above-described formula, the fiscal year 2020-2021 dues for each Member LAFCO are as follows:

County	Population Estimate 2020	Population For Dues Calculation	Base Dues	Per Capita Dues	Base + Per Capita Dues	Total Per Capita Rate
ALAMEDA	1,703,660	700,000	1,000	9,662	10,662	0.0063
ALPINE	1,107	1,107	1,000	15	1,015	0.9171
AMADOR	37,560	37,560	1,000	518	1,518	0.0404
BUTTE	230,701	230,701	1,000	3,184	4,184	0.0181
CALAVERAS	44,953	44,953	1,000	620	1,620	0.0360
COLUSA	23,144	23,144	1,000	319	1,319	0.0570
CONTRA COSTA	1,178,639	700,000	1,000	9,662	10,662	0.0090
DEL NORTE	26,997	26,997	1,000	373	1,373	0.0508
ELDORADO	189,576	189,576	1,000	2,617	3,617	0.0191
FRESNO	1,033,095	700,000	1,000	9,662	10,662	0.0103
GLENN	29,691	29,691	1,000	410	1,410	0.0475
HUMBOLDT	137,711	137,711	1,000	1,901	2,901	0.0211
IMPERIAL	195,814	195,814	1,000	2,703	3,703	0.0189
INYO	18,724	18,724	1,000	258	1,258	0.0672
KERN	930,885	700,000	1,000	9,662	10,662	0.0115
KINGS	154,549	154,549	1,000	2,133	3,133	0.0203

LAKE	65,302	65,302	1,000	901	1,901	0.0291
LASSEN	30,626	30,626	1,000	423	1,423	0.0465
LOS ANGELES	10,435,036	700,000	1,000	9,662	10,662	0.0010
MADERA	162,990	162,990	1,000	2,250	3,250	0.0199
MARIN	265,152	265,152	1,000	3,660	4,660	0.0176
MARIPOSA	18,031	18,031	1,000	249	1,249	0.0693
MENDOCINO	90,175	90,175	1,000	1,245	2,245	0.0249
MERCED	286,746	286,746	1,000	3,958	4,958	0.0173
MODOC	9,422	9,422	1,000	130	1,130	0.1199
MONO	13,986	13,986	1,000	193	1,193	0.0853
MONTEREY	454,599	454,599	1,000	6,274	7,274	0.0160
NAPA	143,800	143,800	1,000	1,985	2,985	0.0208
NEVADA	99,548	99,548	1,000	1,374	2,374	0.0238
ORANGE	3,260,012	700,000	1,000	9,662	10,662	0.0033
PLACER	397,368	397,368	1,000	5,485	6,485	0.0163
PLUMAS	19,374	19,374	1,000	267	1,267	0.0654
RIVERSIDE	2,500,975	700,000	1,000	9,662	10,662	0.0043
SACRAMENTO	1,572,886	700,000	1,000	9,662	10,662	0.0068
SAN BENITO	60,067	60,067	1,000	829	1,829	0.0305
SAN BERNARDINO	2,230,602	700,000	1,000	9,662	10,662	0.0048
SAN DIEGO	3,398,672	700,000	1,000	9,662	10,662	0.0031
SAN FRANCISCO	905,637	700,000	1,000	9,662	10,662	0.0118
SAN JOAQUIN	782,662	700,000	1,000	9,662	10,662	0.0136
SAN LUIS OPIPO	284,126	284,126	1,000	3,922	4,922	0.0173
SAN MATEO	792,271	700,000	1,000	9,662	10,662	0.0135
SANTA BARBARA	460,444	460,444	1,000	6,355	7,355	0.0160
SANTA CLARA	2,011,436	700,000	1,000	9,662	10,662	0.0053
SANTA CRUZ	282,627	282,627	1,000	3,901	4,901	0.0173
SHASTA	180,198	180,198	1,000	2,487	3,487	0.0194
SIERRA	3,129	3,129	1,000	43	1,043	0.3334
SISKIYOU	44,186	44,186	1,000	610	1,610	0.0364
SOLANO	453,784	453,784	1,000	6,263	7,263	0.0160
SONOMA	515,486	515,486	1,000	7,115	8,115	0.0157
STANISLAUS	572,000	572,000	1,000	7,895	8,895	0.0156
SUTTER	101,418	101,418	1,000	1,400	2,400	0.0237
TEHAMA	65,119	65,119	1,000	899	1,899	0.0292
TRINITY	13,389	13,389	1,000	185	1,185	0.0885
TULARE	487,733	487,733	1,000	6,732	7,732	0.0159
TUOLUMNE	53,976	53,976	1,000	745	1,745	0.0323
VENTURA	869,486	700,000	1,000	9,662	10,662	0.0123
YOLO	229,023	229,023	1,000	3,161	4,161	0.0182
YUBA	79,087	79,087	1,000	1,092	2,092	0.0264

2.2.3 Dues may be increased by the Board on an annual basis to reflect changes in the Consumer Price Index (CPI) for California based on data provided by the California Department of Finance.

2.2.4 ~~Membership-Member~~ LAFCO dues may be reduced by the ~~board~~Board if financial hardship is demonstrated to the satisfaction of the Board.

2.2.5 Officers of ~~member~~Member LAFCOs shall not pay membership dues.

2.2.6 Notwithstanding the foregoing, ~~associate~~Associate ~~member~~Member annual membership dues shall be established by action of the Board~~of Directors~~.

2.3 Assessments. Assessments may be imposed on members by resolution of the Board, except that any such assessments established by the Board first must be ratified by the voting membership before becoming effective. A member, upon learning of an assessment, may avoid liability therefor by promptly resigning from membership.

2.4 Number of Members. There shall not be any limit on the number of members the Corporation may have.

2.5 Membership Book. The Corporation shall keep in any form capable of being converted in written form a membership book containing the name, address, and class of each member. The book also shall contain the fact of termination and the date on which such membership ceased. Such book shall be kept at the principal office of the Corporation and shall be subject to the rights of inspection required by law and as set forth in Section 2.6 of these Bylaws.

2.6 Inspection Rights of Members.

2.6.1 The accounting books and records and minutes of proceedings of the members, the Board, and committees of the Board shall be open to inspection upon written demand on the Corporation of any member at any reasonable time, for a purpose reasonably related to such person's interests as a member.

2.6.2 Inspection pursuant to this Section 2.6 of these Bylaws by a member may be made in person or by agent or attorney, and the right of inspection includes the right to copy and make extracts at such member's sole expense and cost.

2.6.3 If any record subject to inspection pursuant to this Section 2.6 of these Bylaws is not maintained in written form, the Corporation shall at its expense make such record available in written form.

2.6.4 Notwithstanding the foregoing, the right of a member to inspect and copy or obtain a copy of the list of names and addresses of members is as prescribed by Sections 6330 through 6338, inclusive, of the California Corporations Code ("CCC").

2.7 Certificates of Membership. The Corporation shall not issue membership certificates; however, the Corporation reserves the right to issue identity cards or similar devices

to members which serve to identify members qualifying to use the facilities or services of the Corporation.

2.8 Nonliability of Members. A member of the Corporation shall not, solely because of such membership, be personally liable for the debts, obligations, or liabilities of the Corporation.

2.9 Transferability of Membership. Neither the membership in the Corporation nor any rights in the membership may be transferred or assigned for value or otherwise.

2.10 Termination of Membership.

2.10.1 The membership and all rights of membership automatically shall terminate on the occurrence, where applicable, of any of the following:

- (A) Death.
- (B) The voluntary resignation of a member, effective as of the date notice of such resignation is either personally hand-delivered to the President or Secretary of the Corporation or deposited in United States first-class mail, postage prepaid.
- (C) The nonpayment of required dues, assessments or fees.

2.10.2 Termination of membership shall not relieve the resigning member from any obligation for charges incurred, services or benefits actually rendered, dues, assessments, or fees, arising from contract or otherwise prior to such effective date of resignation, and shall not diminish any right of the Corporation to enforce any such obligation or obtain damages for its breach.

ARTICLE III

MEETINGS OF MEMBERS

3.1 Place. Meetings of members shall be held at the principal office of the Corporation or at such location within the State of California as may be designated from time to time by the Board.

3.2 Regular Meetings. Regular meetings shall be as determined by the Board. The business to be conducted at such meetings shall include, but not be limited to:

- (1) the election to the Board ~~of Directors~~ as provided in Article IV of these Bylaws;
- (2) the written resolution of any Member LAFCO in good standing, provided such resolution was submitted to the Board at least sixty (60) days prior to such meeting; and

- (3) the written resolution of any Member LAFCO in good standing not submitted in accordance with the immediately preceding clause (2), provided not less than fifty percent (50%) of Member LAFCOs eligible to vote are present and not less than two-thirds (~~2~~²/₃) of such present members agree to waive the 60 day prior notice requirement in the immediately preceding clause (2).

3.3 Special Meetings. Special meetings may be called by the Chairperson or by a majority of the voting ~~members~~Members LAFCOs of the Corporation for any lawful purpose.

3.4 Notice of Meetings. Notice of member meetings shall be given in writing as follows:

3.4.1 Written notice of regular and special meetings shall be given not less than thirty (30) days nor more than ninety (90) days prior to the meeting to each Member LAFCO and Associate Member of the Corporation. Such notice shall state the place, date and hour of the meeting, and in the case of the annual meeting, those matters which the Board, at the time of the mailing of the notice, intends to present for action by the members.

3.4.2 Notice of any meeting, written ballot, or report shall be given either personally, by first-class United States mail, postage prepaid, or other means of written communication, addressed to the member at the address of such member appearing on the books of the Corporation or given by the member to the Corporation for the purpose of notice; or if no such address appears or is given, at the place where the principal office of the Corporation is located. The notice, written ballot, or report shall be deemed to have been given at the time when delivered personally, deposited in the mail, or otherwise sent, as the case may be. An affidavit of mailing of any notice, written ballot, or report in accordance with the provisions of this Section 3.4.2 of these Bylaws, executed by the Secretary, shall be evidence of the giving of the notice, written ballot, or report.

3.4.3 Except as otherwise prescribed by the Board in particular instances and except as otherwise provided by applicable law, the Secretary shall prepare and give, or cause to be prepared and given, the notice of meetings and the written ballots.

3.5 Approvals. No action may be taken at a regular or special meeting unless a majority of the voting ~~members~~Member LAFCOs are present. The Corporation may act on all matters upon the majority vote of the voting ~~members~~Member LAFCOs present at the meeting. All such approvals shall be made a part of the minutes of the meeting.

3.6 Quorum.

3.6.1 A quorum at any meeting shall consist of not less than fifty (50%) of the ~~members~~Member LAFCOs entitled to vote.

3.6.2 Except where a greater vote is required by the Articles of Incorporation, these Bylaws, or applicable law, if a quorum is present, the affirmative vote of a majority of the ~~members~~Members LAFCOs present shall be the act of the members.

3.6.3 In the absence of a quorum, any meeting of members may be adjourned from time to time by the vote of a majority of the ~~members~~Member LAFCOs present, but no other business may be transacted.

3.6.4 When a meeting is adjourned to another time or place, notice need not be given of the adjourned meeting if the time and place thereof is announced at the meeting at which the adjournment is taken. The meeting shall not be adjourned for more than forty-five (45) days. At the adjourned meeting, the Corporation may transact any business which might have been transacted at the original meeting.

3.7 Voting of Membership.

3.7.1 Each Member LAFCO, in good standing, is entitled to one (1) vote on each matter submitted to a vote of the members. A Member LAFCO's vote may be cast by the Officer of a Member LAFCO designated in writing to the Executive Director or the Board by such Member LAFCO prior to or at the meeting. Members in the class of either Officer of a Member LAFCO or Associate Member are not entitled to vote on any matter submitted to a vote of the members.

3.7.2 Cumulative voting shall not be authorized for any purposes.

3.7.3 Proxies are not permitted.

3.8 Written Ballot of Members.

3.8.1 Whenever the ~~members~~Member LAFCOs are to vote on any proposal for action which could be taken at any regular or special meeting of members, the members may, in the discretion of the Board (unless a specific method of voting is prescribed by these Bylaws), vote by written ballot without a meeting pursuant to this Section 3.8 of these Bylaws.

3.8.2 A written ballot shall be mailed to every ~~member~~Member LAFCO entitled to vote on the matter pursuant to Section 3.4.2 of these Bylaws.

3.8.3 The written ballot shall set forth the time by which the ballot must be received in order to be counted and the minimum number of written ballots which must be returned to meet the quorum requirement.

3.8.4 If the vote is for other than Directors, then the written ballot shall set forth:

- (A) The proposal to be voted on, and for this purpose related proposals may be grouped as a single proposal for the written ballot.
- (B) Offer the member a choice between approval and disapproval on each such proposal.

- (C) Specify that the proposal must be approved by a majority of the written ballots voting on the proposal, provided that sufficient written ballots are returned to meet the quorum requirement.

3.8.5 Approval by written ballot shall be valid only when the number of votes cast by ballot within the time period specified equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

3.8.6 A written ballot may not be revoked.

3.9 Unanimous Written Consent of Members. In addition to the written ballot procedure of Section 3.8 of these Bylaws, any action required or permitted to be taken by the members may be taken without a meeting if all members individually or collectively shall consent in writing to the action. The written consent or consents shall be filed with the minutes of the proceedings of the members. The action by written consent shall have the same force and effect as the unanimous vote of the ~~members~~Member LAFCOs.

3.10 Conduct of Meetings.

3.10.1 The President of the Corporation or, in ~~his or her~~their absence, the Vice President of the Corporation, or in ~~his or her~~their absence, any other person chosen by a majority of the voting members present in person shall be Chairperson of and shall preside over the meetings.

3.10.2 The Secretary of the Corporation shall act as the Secretary of all meetings; provided that in his or her absence, the Chairperson shall appoint another person to act as secretary of the meetings.

3.10.3 The Chairperson shall decide questions of order at Member meetings subject to appeal by a majority of the quorum.

3.11 Inspectors of Election.

3.11.1 In advance of any meeting, the Board may appoint inspectors of election to act at the meeting and any adjournment thereof. If inspectors of election are not so appointed, or if any person appointed fails to appear or refuses to act, the Chairperson of any meeting may, and on the request of any ~~member~~Member LAFCO present shall, appoint inspectors of election (or persons to replace those who fail or refuse) at the meeting. The number of inspectors shall be either one or three. If appointed at a meeting on the request of one or more ~~members~~Member LAFCOs, the majority of ~~members~~Member LAFCOs present shall determine whether one or three inspectors are to be appointed.

3.11.2 The inspectors of election shall determine the number of memberships outstanding-, the number present at the meeting, the existence of a quorum, receive votes, ballots or consents, hear and determine all challenges and questions in any way arising in

connection with the right to vote, count and tabulate all votes or consents, determine when the polls shall close, determine the result and do such acts as may be proper to conduct the election or vote with fairness to all ~~members~~[Member LAFCOs](#).

3.11.3 The inspectors of election shall perform their duties impartially, in good faith, to the best of their ability and as expeditiously as is practical. If there are three inspectors of election, the decision, act or certificate of a majority is effective in all respects as the decision, act or certificate of all. Any report or certificate made by the inspectors of election is prima facie evidence of the facts stated therein.

ARTICLE IV

DIRECTORS

4.1 Number.

4.1.1 The authorized number of Directors of the Corporation shall be ~~nineteentwenty-two~~ (1922), of which ~~sixteentwenty~~ (1620) shall be voting members and elected from among the ~~Commission Members~~ Member LAFCOs (or in the case of the Regional Officers (as that term is defined below in Section 4.1.1 (5) of these Bylaws), until such time as these Bylaws are amended to permit Executive Officers to be directly elected to the Board, elected from Executive Officers from within their regions) as follows:

- (1) Four (4) Directors shall be city members or alternates of LAFCOs, of which two (2) Directors shall be elected at each annual meeting;
- (2) Four (4) Directors shall be county members or alternates of LAFCOs, of which two (2) Directors shall be elected at each annual meeting;
- (3) Four (4) Directors shall be public members or alternates of LAFCOs, of which two (2) Directors shall be elected at each annual meeting;
- (4) Four (4) Directors shall be special district members or alternates of LAFCOs, of which two (2) Directors shall be elected at each annual meeting;
- (5) Four (4) Directors shall be regional officers, elected by the Executive Officers from within their regions ("Regional Officers").

4.1.2 ~~Three~~Two (32) nonvoting Directors shall be appointed as follows:

- ~~(1) — One Director, appointed by the voting members of the Board, shall be an Executive Officer or a person functioning as executive officer of a Member LAFCO;~~
- (21) One Director, appointed by the voting members of the Board, shall be the Executive Director of the Corporation; and
- (32) One Director, appointed by the voting members of the Board, shall be a legal counsel or deputy legal counsel of a Member LAFCO.

Collectively, the Directors shall be known as the Board of Directors ("Board").

4.1.3 The State shall be divided into four (4) regions as follows for the purpose of electing Board Members: Northern, Central, Coastal and Southern. The counties in each of the four (4) regions shall be determined by the Board of Directors.

Each region shall elect four (4) Directors comprised of one city member, one county member, one public member and one special district member.

4.2 Nomination; Election; and Term.

4.2.1 Prior to the annual meeting, the Board shall appoint a recruitment committee consisting of one member from each Region, in accordance with election procedures adopted by the Board. The committee shall solicit nominations and conduct regional elections for positions on the Board, the terms of which will expire with the annual meeting. Effective with the 2026 Board elections, newly elected Board members shall begin their term on December 1 in the year of their election and be seated at the first Board meeting thereafter. Directors-elect are encouraged to attend Board and planning session meetings in the interim.

4.2.2 In the event that: (a) less than fifty (50) percent of the regions' Member LAFCOs vote, or (b) no nominations are received for an open director position in the region, then the open director position becomes at-large for one term and shall be elected at the annual meeting.

4.2.3 Nominations shall be made from the floor at the annual meeting for any at-large position described in Section 4.2.2. The nominations shall be from the same category as the open director position.

4.2.4 Only Commissioners of Member LAFCOs in good standing and whose membership dues and assessments are fully paid may be nominated to be a Director by the method of nomination authorized by the Board or by any other method authorized by law.

4.2.5 Directors shall be elected at a regular or special meeting or by written ballot as authorized by Section 3.8 of these Bylaws. Directors shall be eligible for reelection without limitation on the number of terms they may serve, unless elected to an at-large position that is not within their region.

4.2.6 Directors are elected for a term of two (2) years.

4.2.7 A vacancy occurring in the office of Director may be filled by the Board for the balance of the unexpired term and until a successor has been elected and qualified by the Board in accordance with Board-adopted election procedures.

4.2.8 Each elected Director shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

4.2.9 The Board shall make such rules as are necessary to carry out the provisions of Section 4.2.

4.3 Vacancies on Board. A vacancy or vacancies on the Board shall exist on the occurrence of the following:

- (A) The death or resignation of any Director;
- (B) The declaration by resolution of the Board of a vacancy in the office of a Director who has been declared of unsound mind by an order of court, convicted of a felony, or found by final order of judgment of any court to have breached a duty under Article 3 of Chapter 2 of the CCC; ~~or~~
- (C) [The removal of a Director pursuant to Section 4.4; or](#)
- (D) [The increase of the authorized number of Directors.](#)

4.4 Resignations and Terminations of Directors. Except as provided below, any Director may resign by giving written notice to the President or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. The Board, in its sole discretion, may declare vacant the position of any Director who misses two (2) consecutive meetings of the Board. Such Director, however, first shall be given prior notice of such pending termination and given the opportunity to offer a reason for such absences.

4.5 Meetings of the Board.

4.5.1 Meetings of the Board shall be held at the principal office of the Corporation unless another place is stated in the notice of the meeting.

4.5.2 A special meeting of the Board may be called by the President, the Secretary, or any two Directors.

4.5.3 Notice of all regular and special meetings of the Board shall be given. A notice need not include the purpose or agenda for the meeting. The notice may be in writing and mailed at least three (3) days before the meeting. The notice may also be delivered personally or by telephone at least 48 hours before the meeting.

4.5.4 Notice of a meeting need not be given to any Director who signs a waiver of notice or a consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such Director. All such waivers, consents and approvals shall be made a part of the minutes of the meeting.

4.5.5 Directors may participate in a meeting through use of conference telephone or similar communications equipment, so long as all such Directors participating in such meeting can hear one another. Participation in a meeting by this means constitutes presence in person at such meeting.

4.5.6 A majority of the authorized number of voting Directors shall constitute a quorum of the Board for the transaction of business, except to adjourn. ~~A Director may give a proxy to the Executive Director solely for the purpose of constituting a quorum.~~

4.5.7 A majority of the Directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of any adjournment to another time or place shall be given, prior to the time of the adjourned meeting, to the Directors who were not present at the time of adjournment.

4.6 Required Vote of Directors.

4.6.1 Every act or decision done or made by a majority of the voting Directors present at a meeting duly held at which quorum is present is the act of the Board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of Directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

4.7 Written Consent of Directors. Any action required or permitted to be taken by the Board may be taken without a meeting, if all Directors individually or collectively shall consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board. Such action by written consent shall have the same force and effect as a unanimous vote of such Directors. All members of the Board, as used in this Bylaw does not include any “interested director” as defined in Section 5233 of the CCC.

4.8 Compensation of Directors. Directors shall receive no compensation for their services.

4.9 Inspection Rights of Directors. Every Director shall have the absolute right to any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the Corporation during normal weekday business hours. If a Director wishes to be accompanied by an attorney during such inspection, then the inspection will be scheduled at a time when the Corporation’s attorney will be present.

4.10 Interested Persons. Not more than forty-nine percent (49%) of the persons serving on the Board may be interested persons.

4.10.1 As used in this section, an “interested person” means either:

- (A) Any person currently being compensated by the Corporation for services rendered to it within the previous twelve (12) months, whether as a full- or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a Director as Director;

or

- (B) Any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any such person.

4.10.2 The provisions of this Section 4.10 of these Bylaws shall not affect the validity or enforceability of any transaction entered into by the Corporation.

4.11 Powers of the Board.

- (1) It may call special meetings of the members whenever it deems it necessary.
- (2) It shall appoint and remove, at pleasure, all officers, agents, and employees of the Corporation and it shall prescribe their duties to the extent that they are not set out in these Bylaws.
- (3) It may appoint an executive officer or member LAFCO staff person to be a deputy Corporation executive officer.
- (4) It shall conduct and manage the affairs and business of the Corporation, and it shall make rules and regulations not inconsistent with these Bylaws for the guidance of the officers and management of the affairs of the Corporation.
- (5) It may contract with others for such staff and clerical assistance as may be necessary to perform its duties.
- (6) It shall establish, levy, and collect, in accordance with these Bylaws, annual dues and assessments and such other charges and fees necessary to carry out the purposes of the Corporation.
- (7) It may delegate any of its duties to committees to the extent not inconsistent with the Articles of Incorporation, these Bylaws, and applicable laws.
- (8) It shall possess any and all other powers not inconsistent with the Articles of Incorporation, these Bylaws, and applicable laws.

4.12 Duties of the Board.

- (1) It shall arrange and conduct an annual meeting of the Corporation and such other meetings and conferences as it determines necessary.
- (2) It shall arrange for the exchange of information among [Member](#) LAFCOs.
- (3) It shall review laws and proposed laws affecting [Member](#) LAFCOs and make such recommendations thereon as it deems appropriate.
- (4) It shall appoint such committees as are necessary to assist the Board in the performance of its duties.

- (5) It may adopt rules of procedure for the conduct of its meetings.
- (6) It shall perform such other duties as are necessary to carry out the purposes of the Corporation or as directed by the membership, all in accordance with the Articles of Incorporation, these Bylaws, and applicable laws.

ARTICLE V

OFFICERS

5.1 Number and Titles. The officers of the Corporation shall be a President or Chairperson, a Vice-President or Vice-Chairperson, ~~a Secretary~~, a Treasurer, a Secretary, an Executive Director, and such other officers with such titles and such duties as shall be determined and deemed advisable by the Board.

5.1.1 The President shall preside over all meetings of the Board and of the membership and shall sign, in such capacity, all deeds, contracts, notes, conveyances, and other papers, documents, and instruments in writing in the name of the Corporation, which have first been approved by the Board, and shall have, subject to the direction of the Board, general supervision of the business affairs of the Corporation and generally shall discharge such other duties as may be required by the Board.

5.1.2 The Vice-President shall, in the absence of the President or the inability or refusal of the President to act, carry on all duties and powers required by law or these Bylaws and ~~shall~~shall have all the powers conferred by law or these Bylaws upon the President.

[5.1.3 – REORDERED/MOVED TO SECTION 5.1.4 WITHOUT REVISION]

~~5.1.3 The Secretary shall keep or cause to be kept the minute book of the Corporation as prescribed by Section 8.1 of these Bylaws. The Secretary shall sign in the name of the Corporation, either alone or with one or more other officers, all documents authorized or required to be signed by the Secretary. If the Corporation has a corporate seal, the Secretary shall keep the seal at the Corporation's principal office and shall affix the seal to documents as appropriate or desired. The Board may by resolution authorize one or more Assistant Secretaries to perform, under the direction of the Secretary, some or all the duties of the Secretary.~~

5.1.43 The Treasurer is the chief financial officer of the corporation, and, where appropriate, may be designated by the alternate title "Chief Financial Officer". The Treasurer is responsible for the receipt, maintenance, and disbursement of all funds of the Corporation and for the safekeeping of all securities of the Corporation. The Treasurer shall keep or cause to be kept books and records of account and records of all properties of the Corporation. The Treasurer shall prepare or cause to be prepared annually, or more often if so directed by the Board or President, financial statements of the Corporation. The Board may authorize one or more Assistant Treasurers to perform, under the direction of the Treasurer, some or all the duties of the Treasurer.

5.1.4 The Secretary shall keep or cause to be kept the minute book of the Corporation as prescribed by Section 8.1 of these Bylaws. The Secretary shall sign in the name of the Corporation, either alone or with one or more other officers, all documents authorized or required to be signed by the Secretary. If the Corporation has a corporate seal, the Secretary shall keep the seal at the Corporation's principal office and shall affix the seal to documents as appropriate or desired. The Board may by resolution authorize one or more Assistant Secretaries to perform, under the direction of the Secretary, some or all the duties of the Secretary.

5.1.5 The Executive Director shall work directly with the Board in managing the day to day activities of the Corporation. The Executive Director shall be directly responsible for assisting the Board in the development of a strategic business plan to achieve greater financial performance and increased visibility, and generally be responsible for Board administration matters, education and training, communication, legislative activities, regulatory monitoring advocacy, and inter-agency communication, as may be described more fully by and at the pleasure of the Board.

5.2 Appointment and Removal of Officers.

5.2.1 The officers shall be elected by the Board.

5.2.2 Any officer elected by the Board may be removed from office at any time by the Board, with or without cause or prior notice.

5.2.3 When authorized by the Board, any elected officer may be appointed for a specific term under a contract of employment. Notwithstanding that such officer is appointed for a specified term or under a contract of employment, any such officer may be removed from office at any time pursuant to Section 5.2.2 of these Bylaws and shall have no claim against the Corporation on account of such removal other than for such monetary compensation as the officer may be entitled to under the terms of the contract of employment.

5.2.4 Any officer may resign at any time upon written notice to the Corporation without prejudice to the rights, if any, of the Corporation under any contract to which the officer is a party. Such resignation is effective upon receipt of the written notice by the Corporation unless the notice prescribes a later effective date or unless the notice prescribes a condition to the effectiveness of the resignation.

5.2.5 The same person may hold more than one appointed office, except that neither the Secretary nor the Treasurer may serve concurrently as the President. When serving as Board members, Regional Officers shall not be eligible to serve as Board Officers.

ARTICLE VI

INDEMNIFICATION

6.1 Indemnification of Directors, Officers, and Employees.

6.1.1 The Corporation may indemnify a Director, officer, or employee under the provisions of Section 5238 of the CCC, or pursuant to any contract entered into with any employee who is not an officer or Director.

6.1.2 Expenses incurred in defending any proceeding may be advanced by the Corporation as authorized in Section 5238 of the CCC prior to the final disposition of such proceeding, upon receipt of an undertaking by or on behalf of the Director, officer, or employee to repay such amount unless it shall be determined ultimately that the Director, officer, or employee is entitled to be indemnified.

6.1.3 The Corporation may purchase and maintain insurance on behalf of any Director, officer, or employee of the Corporation against any liability asserted against or incurred by the Director, officer, or employee in such capacity or arising out of the Director's officer's, or employee's status as such, whether or not the Corporation would have the power to indemnify the Director, officer, or employee against such liability under the provisions of Section 5238 of the CCC, except as provided in subdivision (I) of Section 5238 of the CCC.

ARTICLE VII

AMENDMENT

7.1 Amendment of Articles. The amendment of the Articles of Incorporation of the Corporation is provided for by California state law and generally requires the approval of the membership pursuant to these Bylaws and the filing of a certificate of amendment in the Office of the Secretary of State.

7.2 Amendment of Bylaws. The amendment of Bylaws is provided for by California state law and generally requires the approval of the membership pursuant to these Bylaws, and to the extent not inconsistent herewith:

(A) These Bylaws may be amended at a meeting of the Corporation or at any statewide, general meeting convened upon order of the Board. Bylaw amendments may be proposed by a Member LAFCO in good standing or by the Board.

(B) Proposed amendments shall be submitted to the Board in writing at least sixty days prior to the meeting at which they are to be considered. The Board shall mail copies of the proposed amendments to all Member LAFCOs in good standing at least thirty days prior to the meeting at which they are to be considered. A majority vote of the Member LAFCOs in good standing which are present and eligible to vote is required for adoption of the amendments submitted under this procedure.

(C) Written amendments to the Bylaws may be submitted and considered at a meeting of the Corporation without complying with the requirements set out in the preceding paragraph if at least fifty percent (50%) of the Member LAFCOs in good standing are present and

eligible to vote at such meeting and two-thirds (2/3) of the Member LAFCOs in good standing present and eligible to vote approve a waiver of the requirements set out in the immediately preceding subparagraph (B).

ARTICLE VIII

RECORDS

8.1 Minute Book. The Corporation shall keep or cause to be kept a minute book which shall contain:

- (A) The record of all meetings of the Board including date, place, those attending and the proceedings thereof, a copy of the notice of the meeting and when and how given, written waivers of notice of meeting, written consents to holding meeting, written approvals of minutes of meeting, and unanimous written consents to action of the Board without a meeting, and similarly as to meetings of committees of the Board established pursuant to the Bylaws and as to meetings or written consents of the incorporator of the Corporation prior to the appointment of the initial Directors.
- (B) A copy of the Articles of Incorporation and all amendments thereof and a copy of all certificates filed with the Secretary of State.
- (C) A copy of these Bylaws as amended, duly certified by the Secretary.

8.2 Annual Report.

8.2.1 Financial statements shall be prepared as soon as reasonably practicable after the close of the fiscal year. The financial statements shall contain in appropriate detail the following:

- (A) The assets and liabilities, including trust funds, of the Corporation as of the end of the fiscal year.
- (B) The principal changes in assets and liabilities, including trust funds, during the fiscal year.
- (C) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the fiscal year.
- (D) The expenses or disbursements of the Corporation for both general and restricted purposes, during the fiscal year.

8.2.2 Any report furnished to Directors of the Corporation which includes the financial statements prescribed by Section 8.2.1 of these Bylaws shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Corporation that such statements were prepared without audit from the books and records of the Corporation.

8.2.3 A report including the financial statements prescribed by Section 8.2.1 of these Bylaws shall be furnished annually to all Directors of the Corporation.

8.3 Report of Transactions and Indemnifications. The Corporation shall mail to all Directors a statement of any transaction between the Corporation and one of its officers or Directors or of any indemnification paid to any officer or Director if, and to the extent, required by Section 6322 of the CCC. The statement shall be mailed within 120 days after the close of the fiscal year. The statement required by this Section 8.3 of these Bylaws shall describe briefly:

- (A) Any covered transaction during the previous fiscal year involving more than Fifty Thousand Dollars (\$50,000), or which was one of a number of covered transactions in which the same “interested person” had a direct or indirect material financial interest, and which transactions in the aggregate involved more than Fifty Thousand Dollars (\$50,000).
- (B) The names of the “interested persons” involved in such transactions, stating such person’s relationship to the Corporation, the nature of such person’s interest in the transaction and, where practicable, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.
- (C) The statement shall describe briefly the amount and circumstances of any indemnifications or advances aggregating more than Ten Thousand Dollars (\$10,000) paid during the fiscal year to any officer or Director of the Corporation pursuant to Section 5233 of the CCC.

For these purposes, an “interested person” is any Director, officer, or member of the Corporation.

ARTICLE IX

MISCELLANEOUS

9.1 Bonding. All employees handling funds shall be properly bonded.

9.2 Self-Dealing. In the exercise of voting right by Directors, no Director shall vote on any issue, motion or resolution which directly or indirectly inures to his or her benefit financially, except that such Director may be counted in order to qualify a quorum and, except as the board may otherwise direct, participate in a discussion on such an issue, motion or resolution if he or she first discloses the nature of his or her interest subject to Section 5230 through, and including Section 5239 of the CCC.

+

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

1. ~~That I am the duly elected and acting Secretary of California Association of Local Agency Formation Commissions, a~~ California nonprofit corporation; and

2. ~~That the foregoing Bylaws, comprising eighteen (18) pages, constitute the Bylaws of said Corporation as duly Incorporator of said Corporation, and as duly approved by the required vote of the members of said Corporation at a meeting duly held on Thursday, 10 September, 1998 and amended on 6 September, 2006.~~

~~IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Corporation this 6th day of October, 2006.~~

(Del)



Susan Vicklund-Wilson
Secretary



ITEM # 12.1

August 11, 2025

Neelima Palacherla
Executive Officer
Local Agency Formation Commission of Santa Clara County
777 North First Street, Suite 410
San Jose, California 95112

Re: President's Special Acknowledgement Award – Workers' Compensation Program

Dear Neelima,

On behalf of SDRMA Board of Directors and staff, it is my great pleasure to extend our congratulations to you, your governing body at Local Agency Formation Commission of Santa Clara County, management, and staff on achieving no paid claims for the Workers' Compensation Program years 2020-2025. A paid claim for the purposes of this recognition represents the first payment on an open claim during the prior program year.

As a symbol of our appreciation and acknowledgment of your exceptional performance, we are pleased to present Local Agency Formation Commission of Santa Clara County with the *President's Special Acknowledgement Award*, representing your outstanding achievement. In addition to this annual recognition, members with no paid claims receive the following, all resulting in a reduction to their annual contribution amount:

- during 2024-25 earned one credit incentive point (CIP)
- for the prior five consecutive program years earned three additional bonus CIPs
- receive a lower "experience modification factor" (EMOD)

This accomplishment is a testament to your agency's commitment to risk management excellence and a culture of safety and proactive governance. By consistently prioritizing risk management and fostering an environment where safety is essential, your agency has set a standard of excellence that is truly commendable.

We look forward to continuing our partnership in fostering a culture of safety and responsibility within your agency. Your leadership sets a powerful example for other members, and we are proud to have Local Agency Formation Commission of Santa Clara County as a part of SDRMA.

Once again, congratulations on this achievement. Please do not hesitate to reach out if there is anything we can do to support your continued success.

Sincerely,

Sandy A. Seifert-Raffelson, President
Board of Directors
Special District Risk Management Authority





President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

Local Agency Formation Commission of Santa Clara County

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

Sandy A. Seifen-Raffelson, SDRMA Board President

August 11, 2025

Date



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority
Hereby gives special recognition to

Local Agency Formation Commission of Santa Clara County

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!

A handwritten signature in blue ink, reading 'Sandy Seifer-Raffelson', is written over a horizontal line.

Sandy A. Seifer-Raffelson, SDRMA Board President

August 11, 2025

Date

From: [Dan Lieberman](#)
To: [VTA Board Secretary](#)
Subject: [EXTERNAL] Caltrain e-News - September 2025
Date: Tuesday, September 30, 2025 3:31:52 PM

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!



• September 2025 | [View online](#) •

One Year Later

Caltrain's electrified service marked its

first anniversary this month, and we've been celebrating throughout Transit Month. In this issue, we highlight this milestone, share updates on our growing ridership, spotlight Rail Safety Month outreach, and more.



Year One Verdict: Electric Service is Great!

Caltrain celebrated the first anniversary of electric service, and our riders and local leaders were excited to talk about the transformative change.



[Learn More about the Anniversary of Electric Service](#)

Third Straight Month of a Million Riders

Caltrain's ridership surpassed one million for the third consecutive month, driven by strong weekday travel and record-breaking weekend turnout.

[Learn More about Caltrain Ridership](#)

SB 63 Passes Legislature

Senate Bill 63, which would authorize a regional ballot measure tax to support Bay Area public transportation systems, passed the State legislature and awaits the Governor's signature.

[Learn More about SB 63](#)

Transit Month Celebrates Transit Across Bay Area

Caltrain joined transit agencies across the Bay Area in celebrating the vital role transit plays in the lives of millions.

[Learn More about Transit Month](#)

Caltrain Highlights Improvements for Rail Safety Month

Caltrain earned APTA's Gold Safety Award this year and continues to invest in safer crossings for everyone. As we near the end of Rail Safety Month, it's a great opportunity to recognize these efforts and remind our riders that safety is always our top priority.

[Learn More about Rail Safety Month](#)

Caltrain to Levi's is Always a Touchdown

The 49ers regular season has started, and Caltrain remains the best way for fans to catch the gridiron action firsthand.



[Learn More about 49ers Service](#)

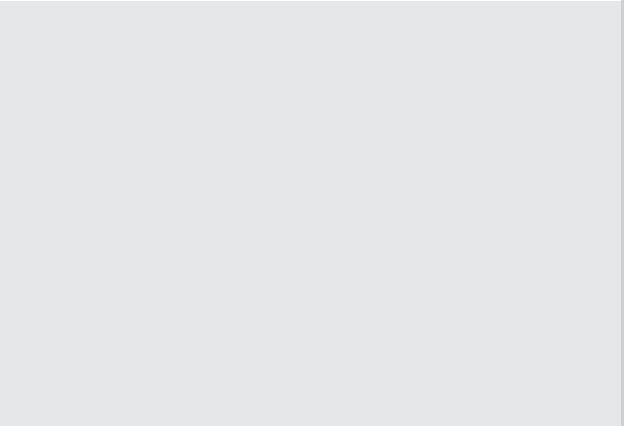
Caltrain Serves Stanford Football

The Stanford Cardinal have taken to the field for their season, and as has been the case for over a century, there's no better way to get there than by train.

[Learn More about Stanford Service](#)

Themed Trains Deliver Fans to Valkyries & Bay FC

Caltrain ran themed trains for both Bay FC and the Golden State Valkyries this month, delighting fans with free swag giveaways and convenient, affordable service.



Learn More about the Valkyries Train

••• Get **All Aboard** sent to your inbox | [Subscribe](#)•••

UPCOMING EVENTS

- October 3-19 - [Flop Festival](#) - Bayshore Station
- October 5-13 - [Fleet Week](#) - Stanford Station
- October 9 - [Caltrain Board Meeting](#) - Mountain View Station

Join our team!

- [Schedule Controls Manager](#)
- [Project Manager - Systems](#)
- [Senior Engineer, Transit Asset Management](#)

Learn More about Job Opportunities at Caltrain



Forward *All Aboard* to your friends, so they can subscribe too!

Editor: Dan Lieberman

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Our mailing address is:
1250 San Carlos Ave. San Carlos, CA 94070

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From: [Planning Commission](#)
To: [Planning Commission](#)
Subject: [EXTERNAL] Agenda: Planning Commission 10/7/25 Meeting
Date: Tuesday, September 30, 2025 7:21:20 PM
Attachments: [image001.png](#)

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Good evening,

The agenda and related materials for the October 7, 2025 meeting of the Planning Commission are now available online at:

https://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=17440

Members of the public may access the virtual meeting through the following link:

<https://sccgov-org.zoom.us/j/89983374179> (recommended) or by smart phone at (669) 900-6833, Meeting ID 8998 337 4179# (participant ID not required)

Please do not hesitate to contact our office with any questions.

Regards,

Peggy Doyle
Deputy Clerk
Clerk of the Board
Santa Clara County
East Wing, 10th Floor
70 West Hedding Street
San Jose, CA 95110

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From: [Planning Commission](#)
To: [Planning Commission](#)
Subject: [EXTERNAL] Supplemental Information: Planning Commission 10/7/25 Meeting
Date: Wednesday, October 1, 2025 4:52:59 PM
Attachments: [image001.png](#)
[image002.png](#)

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Good afternoon,

The following supplemental information has been added to the October 7, 2025 agenda:

Item No. 4: [Public hearing to consider an appeal of the August 1, 2025 decision by the Department of Planning and Development to deem incomplete a concurrent land use application for the Palm Avenue housing development project, consisting of a Major Subdivision and Grading Approval for 17 single-family housing units \(16 proposed single-family homes and one existing single-family home\) on two existing parcels totaling approximately 15 acres. Applicant/Appellant Representative: MH Engineering Co. Property Owner: SSBAY24 Family Limited Partnership; Jojhar and Hardeep K. Dhillon. Property Address/Location: 244 Palm Avenue, Morgan Hill \(Assessor's Parcel Nos. 712-27-034 and 712-27-041\). Zoning: A-20Ac-sr-cv and A-20Ac-cv. Supervisorial District: One. File No.: PLN25-043-SB330-APL1.](#)

- [Land Use Printout](#)  **Supplemental Information**

The agenda and related materials, including the above supplemental information, may be viewed at:

https://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=17440

Members of the public may access the virtual meeting through the following link:

<https://sccgov-org.zoom.us/j/89983374179> (recommended) or by smart phone at (669) 900-6833, Meeting ID 8998 337 4179# (participant ID not required)

Please do not hesitate to contact our office with any questions.

Regards,

Peggy Doyle
Deputy Clerk
Clerk of the Board
Santa Clara County
East Wing, 10th Floor
70 West Hedding Street
San Jose, CA 95110
(408) 299-6714
peggy.doyle@cob.sccgov.org

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From: [Fern, Evan](#)
To: [VTA Board Secretary](#)
Cc: [Lopez, Mario](#)
Subject: [EXTERNAL] Letter from Senator Cortese regarding recent paratransit changes
Date: Thursday, October 2, 2025 1:13:20 PM
Attachments: [10.1.25 Senator Cortese letter re ACCESS.pdf](#)

You don't often get email from evan.fern@sen.ca.gov. [Learn why this is important](#)

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Good afternoon,

I have attached a letter on behalf of Senator Cortese regarding recent paratransit changes.

Thank you,

Evan Fern (he/him)

Legislative Aide | Office of Senator Dave Cortese, SD15

CAPITOL OFFICE
1021 O STREET
SUITE 7520
SACRAMENTO, CA 95814
TEL (916) 651-4015

DISTRICT OFFICE
1155 MERIDIAN AVENUE
SUITE 100
SAN JOSE, CA 95125
TEL (408) 723-4154

California State Senate

SENATOR
DAVE CORTESE
FIFTEENTH SENATE DISTRICT



CHAIR
TRANSPORTATION

COMMITTEES
AGRICULTURE
EDUCATION
HOUSING
LABOR, PUBLIC EMPLOYMENT &
RETIREMENT
LEGISLATIVE ETHICS

October 1, 2025

Chair Sergio Lopez
Santa Clara Valley Transportation Authority
3331 N First St
San Jose, CA 95134

Dear Chair Lopez and Board of Directors,

I am writing to request that the Santa Clara Valley Transportation Authority (VTA) board expand its service area for ACCESS Paratransit and Mobility Assistance Program services. This will ensure that vulnerable members of our community continue to have equitable access to public transit and other mobility services.

On September 15th, VTA updated its service area for ACCESS Paratransit services. While these changes were made to align with updated light rail and bus routes, they have taken low-cost service away from members of our community who rely on it to access basic daily needs such as work, school, medical appointments, and grocery shopping. If a person is unable to use standard methods of mobility like public transit, active transportation, or driving, and if they live outside of this service area, they must pay \$16 per ride. At two rides per business day, transportation costs would exceed \$640 per month. The vulnerable communities relying on these services are often the least able to afford them.

As a former VTA board member myself, I have seen the transformative power of mobility access for our most vulnerable communities. VTA has an opportunity to improve accessibility for all and ensure that the people previously served by its ACCESS Paratransit services and Mobility Assistance Program continue to benefit from these vital services.

Thank you for considering my comments. Please contact me if you need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Cortese".

Senator Dave Cortese
Senate District 15

From: VTA Board Secretary <Board.Secretary@vta.org>

Sent: Wednesday, October 8, 2025 2:00 PM

To: VTA Board of Directors <VTABoardofDirectors@vta.org>

Cc: Gonot, Carolyn <Carolyn.Gonot@vta.org>; Maguire, Tom <Tom.Maguire@vta.org>;
Tran, Evelyn <Evelynn.Tran@vta.org>; Maguire, Tom <Tom.Maguire@vta.org>

Subject: From VTA: BSVII Peer Review Report

VTA Board of Directors,

At the recommendation of FTA, VTA conducted a peer review in August 2025 seeking independent perspectives on current efforts to bring the Project's scope and budget into alignment. VTA and FTA invited experienced staff from other transit agencies to provide feedback on the feasibility, constructability, contract packaging and delivery of the Project configuration.

The peer review panel provided the attached report, which evaluates scenarios 1 and 1a developed through the cost saving effort, provides independent perspective on Value Engineering (VE) efforts, provides recommendations for contract re-packaging, and identifies outstanding risks for future evaluation.

In addition, the report is posted on the project website: [Resource Library – VTA BART Silicon Valley Phase II Extension Project](#)

For questions, please reply to this email.

Thank you.

Santa Clara Valley Transportation Authority

3331 North First Street,

San Jose, CA 95134-1927

**BART Silicon Valley Phase II Extension Project
Peer Review**

Final Report
August 25, 2025

EXECUTIVE SUMMARY

The Valley Transportation Authority (VTA) conducted a peer review to review and assess the BART Silicon Valley Phase II Extension (BSVII) Project (the Project). The Project is a six-mile extension (mostly underground) with an estimated overall cost of approximately \$12 billion. This Project will extend BART service into downtown San Jose and Santa Clara. In conjunction with Caltrain, the Project will allow high-level rail transit service to “ring the bay” highlighting the regional significance of the Project.

VTA, with the support of Federal Transit Administration (FTA) and their project management oversight consultant are contributing to this peer review. FTA will give due consideration to the peer panel recommendations in this report.

These sponsors are seeking independent perspectives on VTA's current Value Engineering efforts to bring the Project's scope and budget into alignment. VTA and FTA are inviting experienced staff from other transit agencies to provide feedback on the feasibility, constructability, contract packaging and delivery of the Project configuration. The focus is on the VTA's cost savings work that started in 2024 and aligning it with the Project's available funding including VTA's ongoing work with the FTA towards receipt of a Full Funding Grant Agreement (FFGA).

The peer review was conducted on August 19 with a project tour and August 20, 2025, with an all-day presentation of project information, questions and input from VTA and FTA. The peer review team continued interactions with VTA and FTA after these meetings. The VTA team was thorough and transparent in providing information.

The members of the peer review team are:

- Joe Gildner, Sound Transit
- Anthony Pooley, Sound Transit
- Mat Antonelli, LA Metro
- Kimberly Ong, LA Metro
- Rick Clarke, LA Metro (retired)

The peer review's scope and efforts assumed consistency with the basic Project configuration including alignment, station locations and fundamental decisions made in the past such as using a large, single bore tunnel. Re-opening any project configuration elements risks major Project delays for elements that have previously been studied in separate efforts.

The peer review panel reviewed a number of key areas including:

- Scenario 1 vs. Scenario 1A
- Independent perspective on VE efforts to bring the scope and budget into alignment
- Contract Packaging
- Risk

The Project is at a crossroads as VTA is rethinking its longstanding plan to deliver the extension. VTA and its progressive design-builder (Kiewit Shea Traylor – KST) for baseline Contract Package 2 – Tunnel and Trackwork (CP2) were unable to come to terms for construction of this package. VTA has elected to take an off-ramp and re-package the bulk of the scope of work of CP2 into different contract packages for this extension.

One of the early, completed tasks by KST was the procurement of a large diameter tunnel boring machine (TBM). The off-ramp with KST will likely now assign the risk of TBM performance and warranty to VTA. The peer review believes that this is the most significant project risk as TBM performance is critical to the project schedule including potential delays to follow-on contractors. The TBM supplier – Herrenknecht – has an excellent reputation for producing quality equipment, however, given the large diameter bore and difficult ground conditions, production problems that affect the schedule are possible, potentially resulting in VTA needing to bear the cost and schedule impacts of performance challenges.

In addition to procuring a quality TBM, the most effective mitigation for this risk is to select a contractor with deep experience in the operation of a large diameter TBM. Such specialized experience is not widespread in the construction industry and availability of qualified contractors could be an issue. As VTA goes through the formal off-ramp process, it may be worthwhile to engage with the KST team or major components of that team (to the extent contractually allowable) who specialize in tunneling to ascertain their interest in taking on the revised tunneling contract scope at a reasonable price. The re-packaging being considered by VTA does include a tunnel-specific contract (CP5) that may be appropriate for the contractors with focused skills related to tunneling.

The Project has recently commenced a significant amount of construction developing the west portal area using a CP2 early works contract with the progressive design-builder. This construction provides the Project with very positive momentum that must be sustained. However, it is a long, complicated Project with many risks along the way.

Given the Project's large size and complexity, there is no "silver" bullet that will quickly and easily bring and maintain the Project into budget and schedule alignment. However, there are several actions and considerations that the peer review panel can offer VTA based on their individual and collective experience. The project management approaches offered by

the peer review panel or those implemented by VTA are not necessarily right or wrong. More importantly is that effective management and best practices are applied to each facet of the Project to assure success.

Scenario 1 vs. Scenario 1A

General comments on Scenario 1

The broad aim of Scenario 1 is to complete the Project with a configuration generally consistent with the current Baseline. Scenario 1 makes adjustments to the Baseline to address the off ramping of KST from the CP2 contract, affordability gaps and the risk of delay caused by the CP2 off-ramp.

Scenario 1 has the advantage of requiring relatively little redesign and reconfiguration. Any alternative scenario (including Scenario 1A) would require considerably more new design work, thereby increasing the risk of overall project delay. Attempting to mitigate potential delays in an alternative scenario by using a Progressive Design Build procurement would run the risk of repeating the experience of CP2 and is not recommended.

Comments on Specific Aspects of Scenario 1

1. *Cost Saving Measures*: the proposed Level 1 and Level 2 cost savings measures and station refinements appear reasonable, offering measurable cost reductions while preserving the overall scope, intent and configuration of the Project.
2. *Newhall Yard Scope Refinements*: the proposed Yard refinements also offer cost savings but have yet to be accepted by BART (several press articles on BART's apparent rejection of the Yard refinements were published on August 26th, 2025). Achieving concurrence between BART and VTA on this subject needs to be a priority for the project to proceed successfully. It is recommended that VTA and BART continue to collaborate and study the optimal storage and maintenance needs at Newhall.
3. *Increased TBM Advance Rate*: Scenario 1 increases the assumed daily TBM advance rate by 21% from the baseline 29 ft/day to 35 ft/day. Additionally, the TBM is assumed to mine 6 days/week rather than the baseline 5 days/week. The combined effects of the two changes result in a 44% increase in the planned weekly production.

The assumed increases are not unreasonable, and VTA has provided data from comparable projects to demonstrate this. Nevertheless, increasing the planned TBM advance rate at this early stage with no contractor buy-in optimizes the schedule, increasing the overall schedule risk.

Factors to consider:

- TBM operations in the USA typically run 2 x 10-hour shifts, 5 days per week. Internationally 3 x 8-hour shifts, 7 days per week is not uncommon, with parts of at least one shift daily being dedicated to routine maintenance and resupply.
 - Increasing to 7-day, 3-shift working would offset the schedule risk introduced by increasing the weekly production rate.
 - The peer review team recommends that VTA staff discuss with responsible Herrenknecht representatives this option of extended weekly TBM operations in conjunction with their comprehensive machine maintenance recommendations. This crosswalk should result in an optimal schedule for TBM production combined with required maintenance intervals.
 - Running a 53ft diameter TBM continuously is economically prudent, because it is an unusually expensive piece of equipment, making standing time a significant expense.
 - Availability of labor is already identified as a “Top 10” project risk (BSV-036). Increasing the proposed TBM working hours increases this risk. Nevertheless, it would be easier to increase labor on one TBM than to try and set up an entire second TBM operation, as proposed in Scenario 1A.
 - The challenging ground conditions and low overburden (1.5 diameters) will make it more difficult to achieve an optimized planned TBM advance rate. It is recommended that this aspect of TBM operations be studied and considered further. Furthermore, VTA should consider conferring with key personnel that worked on SR 99, Alaska Way Viaduct in Washington state – SR 99 Bored Tunnel Design-Build Project to identify key lessons learned to incorporate into the contract documents optimize large diameter TBM performance and minimize potential risks associated with excessive surface and near surface ground settlement.
4. CP 5 Contract Procurement: the proposed CP5 package focuses on tunneling, removing the station excavation elements. The result is a smaller, less risky contract, likely to be more appealing to tunnel contractors than the previous CP2

contract. The proposed procurement timeline is reasonable (approximately 18 months).

Factors to consider:

- VTA is proposing to procure CP5 as a CM/GC contract with a fixed price on the tunneling element. Given the circumstances in which the contract is being procured combined with the fact that the tunneling element is the largest cost component, VTA may find it difficult to obtain a fixed price commitment from a contractor. Industry outreach should be carried out to assess the viability of this approach versus proceeding with a design-bid-build delivery (it may already have been done). The use of targeted, shared risk pools may also help in this regard (see below).
 - If any contractor other than Kiewit, Shea or Traylor (or some combination of these firms) operates the TBM procured by KST, VTA is likely to carry an owner-implied warranty for the TBM's performance. This is potentially a very significant risk. VTA should consider carefully how it would structure and manage such a contract to mitigate the risk. VTA should be prepared that the contractor selected will not take any responsibility for the TBM's performance.
 - The risk presented by an owner-implied warranty on the TBM is increased by the combination of large TBM diameter, soft ground conditions and limited overburden. Potential events such as ground loss, mechanical failure or tunneling-induced settlement would likely be characterized by contractors as being the result of TBM design/performance issues.
 - To avoid the potential risk of an owner-implied warranty, VTA should consider whether it has any means of negotiating a contract with one or more of the existing KST JV members before embarking on an open procurement.
 - Given the reliance on the single TBM, VTA should consider having appropriate staff from Herrenknecht to serve on the construction management team throughout the time period of TBM operations. This staff can provide the necessary analysis/assessment of the machine and advise on proper maintenance during this timeframe.
5. *Risk/Cost Management in CP5 Contract*: one way of managing risk, reducing bid price and making the CP5 contract more appealing to potential bidders would be the targeted use of contingency sums (risk pools). Areas to consider for such an

approach would be Differing Site Conditions and building damage due to tunneling. VTA might also consider the use of performance incentives.

General Comments on Scenario 1A

The broad aim of Scenario 1A is to provide an alternative configuration for the Project that would result in a more affordable outcome that could be completed within the existing schedule timeframes. Based on the information presented in the briefing document, it is not apparent that Scenario 1A would achieve these aims any more effectively than Scenario 1.

- Cost: Scenario 1A does not appear to offer cost savings compared with Scenario 1. In fact, the ROM costs provided to the peer review team show the opposite: Scenario 1A would be 7% more expensive than Scenario 1. The figures should not be regarded as authoritative, since they are based on ROM costs.
- Schedule: Scenario 1A does not appear to show any schedule benefit compared with Scenario 1. Both result in a 2039 opening date, and both show TBM tunneling as critical until 2033. Under Scenario 1A the critical path shifts to the smaller TBM once the larger one completes its drive.
- New Risks: Scenario 1A introduces new risks to the project and exacerbates others, as explained below. Taking these as a whole, Scenario 1A is a riskier configuration than Scenario 1, from a construction perspective.

For these reasons, Scenario 1A does not appear to offer a more viable chance of delivering a successful Project outcome than Scenario 1.

Disadvantages and Risks of Scenario 1A

Scenario 1A has several key disadvantages, introduces several new risks and exacerbates some existing risks already identified as “Top 10” risk items.

1. Cut & Cover in Downtown Area: the proposed meeting point of the two TBMs is a cut & cover box east of the Downtown Station. Such an excavation explicitly defeats a key intent of utilizing a large diameter single bore, namely avoiding cut & cover excavations in the Downtown area. Proposing this approach is likely to meet with 3rd party stakeholders and public resistance, increasing the risk of delay to the Project schedule.

2. Procurement of a 2nd Large Diameter TBM: procurement of a second large diameter TBM in a buoyant global tunneling market adds a new schedule risk to the project, because there is a reasonable chance that delivery of the 2nd TBM could be delayed, resulting in an overall project delay (the latter stage of the smaller TBM drive is on the critical path). This risk could be mitigated by moving swiftly to procure the 2nd TBM (new or used). The Peer Review team recommends that the VTA staff and its consultants document their industry outreach efforts to review and assess the key risks associated with this scenario of utilizing a 2nd large diameter TBM.
3. Availability of Specialist Skilled TBM Personnel: availability of general labor is already identified as a “Top 10” project risk (risk register item BSV-036). Operation and management of TBM mining operations require specialized, skilled, experienced labor and engineers. The Project requires operation of a very large diameter TBM in difficult and variable hydro-geologic conditions with less than two diameters of overburden cover. Successful completion of such a drive will require the industry’s most skilled and experienced TBM operators and tunnel frontline supervisors’ managers, with documented successful experience overseeing the operations of similar-sized machines. In the judgement of this peer review team the worldwide availability of these highly skilled personnel are very limited.

The addition of a second large diameter TBM to the Project increases the existing risk that an insufficient number of skilled TBM personnel will be available for the Project. If the skill pool of the TBM operation is diluted in this way, the risk of operational errors also increases. This in turn leads to an increased risk of unanticipated tunneling-induced settlement on both drives, which is already a Top 10 risk (BSV-005).

4. Availability of trucks for muck disposal: the availability of sufficient trucks to support spoil disposal for the currently proposed large single bore is a “Top 10” risk (BSV-152). Addition of a second concurrent TBM drive would require an increase in the number of available trucks, sufficient to support both TBM drives plus simultaneous excavations at four station sites.
5. Optimistic TBM Advance Rate: the assumed daily advance rate for the smaller 40-ft diameter TBM has been assumed to be 37ft/day, greater than the 35ft/day assumed for the 53-ft diameter TBM. While this is not unreasonable, it is edging into optimistic territory. Without this assumption the Scenario 1A schedule would be longer than Scenario 1. This adds an element of risk to the Scenario 1A schedule.

Possible Advantages of Scenario 1A

1. The smaller diameter TBM would reduce the risk of ground settlement along the eastern portion of the alignment, because of the anticipated smaller volume loss and the greater depth of overburden to the tunnel crown.
2. In the event of one TBM breaking down, the other would still be mining, enabling some progress to be maintained. However, this is not a real advantage, since both TBMs have to complete their drives for the project to be completed. If the smaller TBM broke down, the larger could continue to mine eastward. The same is not true for the smaller TBM.

Follow-Up Actions for Scenario 1A

1. Review ROM cost data and assess its reliability.
2. If Scenario 1A is considered further, consider eliminating the cut & cover meet-up point for the two TBMs. Instead, complete the large drive (CP-5), dismantle the TBM within the tunnel, treat the tunnel face and drive the smaller TBM into the completed larger tunnel. This has the advantage of eliminating an open excavation in the Downtown area. However, it would have the disadvantage of making completion of the smaller drive dependent on prior successful completion of the larger, adding a critical risk to the overall schedule.

Further Considerations for Scenario 1A

1. If Scenario 1A is not viable, another, less expensive way of reducing schedule risk, saving time and ensuring the required 35 ft/day TBM advance rate is met would be to utilize a 24/7 TBM operating schedule. Such schedules are common outside the USA. While a 20-hrs, 5 days per week schedule may be appropriate for smaller TBMs, it seems wasteful to have a 53ft TBM operating for only 60% of the available hours per week. The peer review team recommends that VTA staff discuss with responsible Herrenknecht representatives this option of extended weekly TBM operations in conjunction with their comprehensive machine maintenance recommendations. This crosswalk should result in an optimal schedule for TBM production combined with required maintenance intervals.

Independent perspective on Value Engineering (VE) efforts to bring the scope and budget into alignment

The VTA staff and their consultants have identified and implemented a series of VE changes that have significantly reduced costs. Although it is not a direct comparison, the estimated cost for Scenario 1, which includes the VE savings, is \$12.123 billion (Source: Table 7) compared to the baseline cost of \$12.746 billion (Source: Table 2).

Some of the significant savings' categories include:

- Re-arrangement of various station access and egress shafts to optimize underground structures in stations.
- Minimize basement and underground support structures.
- Moving many Station Infrastructure Facilities (SIF) structures to surface.
- Converting two parking garages to surface parking.
- Reducing size of the Newhall storage yard and eliminating the maintenance facility
- Tunnel interior reconfiguration
- Various modifications to systems elements.

This report previously noted that BART has taken exception to proposed reductions in the Newhall maintenance facility and storage yard. It is important to resolve this issue quickly as it is a major scope and cost item. A joint review of the BART's operations and maintenance needs at Newhall is recommended.

Additional Potential Savings

As the VE elements listed above are implemented, it will become increasingly difficult to identify any additional savings without violating the basic project definition. The team should continue to search for these savings, however, but as the project advances, it will soon reach a point of diminishing returns.

Opportunities for cost savings are more likely to be in risk reduction during both the bidding stage and thereafter. The Project will soon be moving into a period of contractor bidding for several major contracts. These savings are difficult to quantify but offer the potential for significant cost savings if contractors reduce the amount of costs in their bids that they have set aside for risks.

Some of these opportunities are:

- Assure that any identified VE items are formally approved by BART prior to bidding. If bidders are not confident that BART supports the Project configuration, they will add contingency in their bid. A jointly signed correspondence between VTA and

BART listing the agreed upon VE elements should address any concerns from bidders.

- A strong working relationship between VTA and BART appears to be a priority of both organizations. This is critical to the success of the project. The peer review encourages VTA and BART to continue efforts to maintain this relationship given the challenges of such a long and complex project.
- Build bidders confidence that VTA is a strong organization that will work fairly with contractors and work proactively to resolve disputes in an equitable manner. VTA's inclusion of a Disputes Review Board on its tunnel contract and possibly other contracts is a strong signal to the industry of its desire to work to avoid disputes before they become claims.
- One-on-One meetings to hear contractor input and build trust. This includes continued discussions with heavy civil underground contractors and systems contractors and starting discussions with vertical contractors for station finishes, and rail works contractors.
- Consider the identification of "owner-controlled" float in the Project's baseline master schedule. This float should include a minimum of six months of owner-controlled float at the back end of the master schedule ahead of the planned Revenue Service Date. And, for all critical interface milestone dates between lead- and follow-on-contractors, instruct the lead contractor to include an appropriate amount of owner-controlled float (at least 30 calendar days) ahead of the date.
- Consider incentives – since the Project schedule is so dependent of the performance of the tunnel boring, an incentive tied to TBM performance can motivate a contractor to meet or exceed this milestone.
- Consider shared incentive pool or shared contingency as Caltrain successfully implemented on their electrification project. A shared contingency arrangement could persuade a contractor not to mark up or escalate their costs for additional profit for any changes with merit.
- Consider risk sharing for certain items such as inflation and adjustment clauses for specific commodities/material pricing. For example, if the contractor has all the inflation risk, they will add a significant premium in their bid and VTA will be paying for this regardless of whether it occurs or not. Another area that could be considered is a shared risk pool for unforeseen ground conditions – a frequent area

for risk and disputes. There may be other opportunities for risk sharing. One-on-one meetings with contractors may identify these areas.

- Consider requiring certain contracts to include “cost of delay” in their price bid as LA Metro does. With so many contracts, the potential for delays on certain contracts is high. This would give VTA more certainty about the cost of a delay, provide bidders with some level of confidence that their cost would be covered and would be a mitigation for potential future complex legal disputes regarding the legitimate cost of delays.
- The estimated professional services cost of approximately \$3 billion seems high. This number may be correct, especially as professional services costs have been incurred as far back as 2016. Also, the pool of owner-controlled insurance reserves of approximately \$250 million is included in this amount. However, given the high number, there may be opportunities for savings. Suggest VTA periodically reviews the bottoms up cost estimate and burn rate to see if any reductions are possible. VTA could use Phase 1 of the Berryessa extension project as a comparison baseline.
- The criteria for maximum one-half inch maximum settlement is very stringent. This criteria is used on other projects. However, these projects are using smaller diameter tunnel boring machines. VTA may consider performing an engineering analysis that evaluates a less stringent criterion.

1. Proposed Re-Packaged Contract Packaging

1.1 Systems – CP1-A Through CP1-E

The consideration to break out the Systems contract into separate packages appears to be driven by the lack of bidders when Contract CP1 was presented to the industry as a Design-Build contract and it appears in part due to the forecasted cost of CP1 exceeding \$1 billion. In response to this, the single large Systems contract is proposed to be split into five systems contracts, with Contract CP1A as the main systems contract and is now envisioned to be a Design Bid Build contract. It is understood that the CP1A Systems Installation and Testing contract also includes systems integration and would be required to coordinate the other four specialty Systems contracts, CP1B through CP1E, which includes Emergency Ventilation System, Train Control/CBTC, Traction Power, and Communications/Fare Collection.

Having the systems work separately from the major civil/structural contracts is a good approach. VTA and BART will overall be likely to receive better products and installation from a contractor experienced in this specialized work. However, experience has shown that having all systems work in one single contract package is especially beneficial for systems integration and interfaces. Since it appears that the industry was presented with and not receptive to a Design-Build (DB) contract approach, the industry may be receptive to other procurement methods with a single systems contract such CM/GC. Experience has shown that having the systems contractor early to help with specialist procurements, such as with a CM/GC contract, can reduce integration risk. Should the approach to have the Contract CP1A proceed along with four separate specialty systems contracts, then contract requirements should be clear on the integration requirements and contract interfaces to reduce risk to VTA.

Recommendations:

- Since VTA is now approaching the Systems contract as DBB instead of DB, consider presenting the Systems contract as one DBB contract to the industry and receptiveness to potential bidders
- Consideration for one Systems CM/GC contract, which would reduce integration risk and difficulties administering all the required warranty provisions. If VTA pursues a CM/GC contract, then VTA should establish a preconstruction contract with a start date that overlaps with the CM/GC station finishes preconstruction contract. It is crucially important to have all CM/GC contractors collaborating with VTA staff and their consultants as the designs progress in conjunction with estimating/negotiating full contract pricing.
- Should VTA pursue separate systems contracts, then the following considerations:
 - Systems integration appears to be a risk with this approach, so having a well experienced integrator over all systems contracts will be essential. The Systems integrator be brought on early to help with specialist procurements.
 - VTA should consider bringing in a high-level Systems Manager early to provide overall management and coordination of the significant systems integration efforts that VTA will be responsible. This Systems Manager should be given the opportunity to adjust the final systems contract packaging approach.

- Specialty systems contractors' availability early on to coordinate with the CP1A systems integrator.
- Provide sufficient float in the project schedule when considering system contractor access dates.
- Consideration that systems specialty contracts warranty requirements are clearly defined to the satisfaction of VTA and BART and align with all the specific requirements for the Project's Pre-Revenue phase and the Revenue Service Date.

1.2 Tunnels – Contract CP2 (West Portal) and CP5 (Tunnel and TIBO)

The Project is experiencing positive momentum with the significant amount of work being performed at the west portal. This work is being performed as part of an early works package as part of the KST early works. In order to keep up this momentum and advance critical path work in the Project schedule, it is important to continue advancing the procurement of the revised tunnel package (CP5) in an expeditious manner.

With VTA separating Contract CP5 from Contract CP2, VTA is now retaining the risk of performance for the owner-furnished Herrenknecht TBM. VTA has identified that the design engineer under the KST contract is being transferred to VTA. To reduce risk VTA may want to explore transferring tunneling contractors under the KST contract to be transferred to VTA.

It is inherent to the schedules of large diameter bored tunnel projects that the TBM drive is the critical schedule and performance risk for the project. It is particularly so in this case where the depth is relatively shallow and the ground conditions are poor. Obtaining a top-tier world class TBM operation & management team is absolutely critical to success of this project. VTA should focus on how to achieve that most effectively.

Since CP5 is now becoming more of a tunnel-only contract it is suggested that VTA have discussions with the tunnel-specialty contractors on the KST team to determine the feasibility, cost and willingness for them to engage in negotiations to perform this work including assuming the risk of tunneling.

Other considerations for the owner-furnished TBM include specifying ways of sharing risk between VTA and the tunneling contractor. Potential areas could

include bi-lateral agreement between VTA and the contractor on pre-agreed measures for potential risks with TBM mining, such as TBM blocked construction.

The schedule provided for tunneling is based on two ten-hour shifts/six days a week. Although many of the local tunneling projects have used two ten-hour shifts, international practice has used 24-hour/7 days a week for tunneling work. Since the Contract CP5 contract is dependent on one TBM, this makes the skills of the tunneling personnel very important for both the tunnel management team and the mining team.

Contract CP5 also includes tunnel internal concrete and tunnel MEP. If not already taken into consideration, design provisions in the tunnel internal concrete for installation of follow-on systems elements as appropriate.

Recommendations

- Consider a 24-hour operation to determine potential schedule savings.
- Consider ways for the CP5 contract to require qualified and experienced tunnel management team and the mining team.
- Any Systems component that is embedded in the tunnel internal concrete will need to be clearly defined in the CP5 and CP1 contracts.

1.3 Underground Stations – Contracts CP4A (Diridon Station Contract), CP4B (Downtown San Jose Station), CP6 (28th St Station)

The peer review understands that VTA is evaluating separating the CP4 package into smaller contract packages and also evaluating contract delivery methods. By separating the stations contract, this could encourage the vertical contractors to compete, and experience has shown that vertical contractors generally perform vertical works better. The recommendations below include considerations for CM/GC contract delivery should VTA pursue a CM/GC delivery method for the CP4A and 4B packages.

Recommendations:

- For CM/GC contract delivery, VTA needs to confirm that their integrated team of staff and consultants have the necessary prerequisite experience to appropriately manage and administer this delivery method.
- For CM/GC delivery, VTA must procure the services of the most qualified contractors on a timely basis allowing for the optimal duration of the

preconstruction phase to jointly develop the optimal design aligning scope and budget along with high-quality Issue for Bid (IFB) documents.

- For the CM/GC contract delivery, VTA needs to work with the Contractor to identify the appropriate/necessary bid packages that clearly frame the work to be self-performed versus work to be packaged in IFB documents.
- VTA must score the most qualified contractor based on the staff being proposed (as defined by VTA) for both the pre-construction and construction phases and not strictly on the firms themselves.
- For the CM/GC contract delivery, VTA/BART must objectively consider CM/GC recommendations as part of the design development during pre-construction and assure that the design team implements accepted CM/GC recommendations. Communications and partnership between the parties is key – ignoring recommendations/suggestions during this stage will impact the partnership and minimize one of the major advantages of CM/GC – early input from a contractor.
- For CM/GC contracts, VTA must provide the contractor with full access to the design documents during the pre-construction phase allowing the contractor the optimal opportunity to identify any errors and omissions and/or conflicts before achieving 90% completion of the contract documents.
- For CM/GC contract delivery, VTA needs to work with the contractor to identify the appropriate bid packages that clearly frame the work to be negotiated as self-performed versus work to be packaged in IFB documents.
- For CM/GC contracts, the VTA and its contractors must jointly embrace the open book configuration at the outset and establish/align estimates for negotiations that identify/frame all costs (e.g., direct, indirect, negotiated support services, and risk contingency).
- For negotiated accounts within the CM/GC contract, VTA must ensure there is alignment in advance on what is included and what is not in each category and that the parties are aligned in scope before costs are exchanged.
- For CM/GC contracts, VTA must decide how risk contingency will be allocated and administered in the contract and within the guaranteed maximum price.
- For CM/GC contracts, VTA must establish timely off-ramp options the Project schedule to allow sufficient time to repackage and bid out all, or portions of this Work, as necessary.
- During pre-construction, VTA must be clear about the level of detail the schedule needs to be reported to and be prepared for the CM/GC contractor

to refine the schedule as subcontractors come on board and more information becomes available.

- VTA must review subcontract work package scopes carefully to ensure that the work is optimally allocated to firms best able to handle specific work.

1.4 At-Grade Station and East Portal – Contract CP7A (Santa Clara Station and East Portal)

No specific recommendations. Assure that there is sufficient float in the schedule to assure that the East Portal is complete prior to the arrival of the TBM. If VTA decides to use the CM/GC delivery method, then the peer review has the same recommendations as provided for the delivery method for Contract CP4A and 4B packages.

1.5 Trackwork – Contract CP7B (Trackwork)

The Preliminary Re-Packaging approach presented Trackwork as part of Contract CP7 (Santa Clara, Newhall Yard & Track). Trackwork is specialty work and can also be marked up when combined with a larger contract. There can be cost savings by separating Trackwork into its own contract package.

Recommendation:

- Consider separating Trackwork into its own contract package.
- The mainline track work in the underground infrastructure follows Acceptance of the Contract CP-5 Work. The provisions of both Contract CP-5 and Contract C-7B should include specific language requiring joint assessment and concurrence of the tunnel invert geometry (including all survey data) ahead of the installation of the final track.

2. Large Contract Package vs Smaller Contract Packages with Interfaces Between Contract Packages

The Preliminary Re-Packaging approach proposed for the SVBX Phase 2 project proposes to separate large contract packages into smaller contract packages. There are also potential cost savings in separating out specialty work that has distinct interfaces. Although increasing the number of contract interfaces in a project increases cost and schedule risk to a project, a modest number of contract interfaces where works are geographically distinct and the handover schedule logic

is simple can be manageable and potentially result in cost savings due to reduced markups. For any contract interfaces, it is advisable for sufficient and well experienced management resources to be accounted for in the cost, and that these added management resources are brought on early in the project.

The benefit of a single large contract package assigns multi-disciplinary coordination with the contractor, and inter-disciplinary handover risks remain with the contractor. By splitting up a single large contract into smaller contracts, the risk of contract interfaces would be shifted to VTA. This can be mitigated by judicious definition of the contract handover interfaces and can build in some protection against knock-on effects from one contract to a follow-on contract. Nevertheless, risk of increasing the contract interfaces should still be taken into account for the cost and schedule risks.

Outstanding Risks Identified for further evaluation prior to release of further construction contracts

While VTA has done an extensive risk assessment at different phases of the life of the project, there are new risks associated with the recent off ramping of a contractor that must be evaluated to better understand the state of the project. With a better understanding of the current market conditions, the agency can mitigate risks and plan the construction packaging to not only get more competition, but to hopefully drive down overall cost. Based on the recent review the peer review has identified these additional risks for further discussion:

- Reliability/Validity of existing cost estimates
- Contractor Availability
- NFPA 130 Evacuation Requirements

Reliability/Validity of existing cost estimates

VTA performed standard bottoms up estimate prior to issuing the Kiewit Shea Traylor (KST) contract and updated the estimate during the phase 1 contract negotiations. Cost negotiations led to a reduction of scope and eventual off ramping due to the parties being too far apart on their respective estimates. It is imperative that VTA knows the expected project cost as contract packaging and delivery methods are being determined. While it appears that indirect cost and associated risks were the driving force in cost

disagreements, it is not clear that lessons learned have been applied to the new construction estimates and project contract valuations.

It is recommended that VTA review the project estimates and apply theoretical lessons learned from the KST negotiations. If the project team decides to continue with the same estimates, they run the risk of continuing to be under the market value and running into the same negotiation hurdles as before. It is recommended that VTA document the areas of major cost differences with the KST estimate and perform a risk mitigation for each item to either document the mitigation to lower cost or change their estimate assumptions to better align with the contractor's expected negotiations strategy.

With such a substantial difference in cost, it is critical for VTA to understand the drivers and evaluate their estimate for weaknesses. Being able to provide documented cost mitigations or assumptions will provide better trust with FTA/PMOC and allow VTA to communicate expectations with the contracting community

Contractor Availability

Size of contracts, delivery methods, and contract packaging will influence the industry's interest in the program and availability of teams competing for contracts. It is obvious in today's market that contractors are more selective in choosing procurements and are more risk adverse when negotiating contracts. With the size of this program, contractors will need to assess their ability to bid each package as items like insurance bonding requirements, joint venture decisions all playing a role in their availability.

As VTA looks to break the program out in smaller contracts, it will be critical to meet with the industry and gauge interest by meetings, industry reviews, or project public meetings. As discussed during the peer review, bringing in new contractors like vertical building contractors for stations will bring in more competition and expertise to push construction and reduce costs.

NFPA 130 Evacuation Requirements

VTA provided the peer review with the station exiting calculations. These calculations were also approved by the Fire Life Safety Committee, which includes representatives from BART and the fire departments having jurisdiction. While we did not identify any specific omissions or inaccuracies, we suggest that given the importance of safety, that VTA verify the station calculations.

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Wednesday, October 8, 2025 3:12 PM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Cc: Maguire, Tom <Tom.Maguire@vta.org>; Gonot, Carolyn <Carolyn.Gonot@vta.org>; Haywood, Scott <Scott.Haywood@VTA.Org>
Subject: From VTA: BSVII Memo re: Tunneling Rates

VTA Board of Directors,

Attached is a memo from the BSV II Project team regarding tunneling rates used for development of project schedule scenarios.

This is in response to questions raised by the BSV II Oversight Committee at their September 11, 2025, meeting.

For questions, please contact Tom Maguire at maguire_t@vta.org.

Thank you.

Santa Clara Valley Transportation Authority

3331 North First Street,

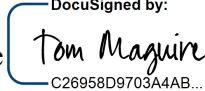
San Jose, CA 95134-1927





MEMORANDUM

TO: Santa Clara Valley Transportation Authority
VTA Board of Directors

THROUGH: Chief Capital Megaprojects Delivery Officer, Tom Maguire 
C26958D9703A4AB...

FROM: Sarah Wilson, VTA BSVII Construction Director
Dave Young, BSVII General Engineering Consultant Tunnel Lead
Tony Hatem, BSVII Program Management Team Scheduling Lead

DATE: October 8, 2025

SUBJECT: VTA's BART Silicon Valley Phase II Extension Project – Tunneling Rates

BACKGROUND:

As a follow up to questions raised by Committee members at the September 11th VTA's BART Silicon Valley Phase II Extension (BSVII) Oversight Committee meeting regarding tunneling rates used for development of project schedule scenarios, staff has prepared this memo to provide further details and back-up information.

VTA BSVII Staff and subject matter experts are available to further discuss and respond to any follow-up questions, as necessary.

DISCUSSION:

The tunneling advance rate assumptions that are used in the development of the BSVII schedule are informed by benchmark data from comparable completed tunnel projects, as well as project-specific considerations such as tunnel boring machine (TBM) start-up, maintenance, and working hours per week.

While historical data from past tunnel projects provides a valuable reference, its direct applicability for detailed project planning requires careful evaluation of BSVII project-specific factors, including ground conditions, project constraints, and operational requirements.

For BSVII, the approach involved identifying reliable benchmark data from recent relevant tunnel projects with relatively complete records (Figure 1). Adjustments were then made to reflect BSVII project-specific inputs. This methodology yields a "long average" rate that incorporates all potential delays. A suite of relevant large-diameter tunnel projects, including two recently completed projects in 2025, were used to establish the tunnel advance rate assumptions for BSVII:

- **Project #1:** Earth Pressure Balance (EPB) TBM, 43'-3" diameter achieved an average of 40 feet per scheduled tunneling day, excluding start-up and major delays
- **Project #2:** Dual-mode TBM, 45'-9" diameter achieved an average of 42 feet per scheduled tunneling day, excluding start-up and major delays.

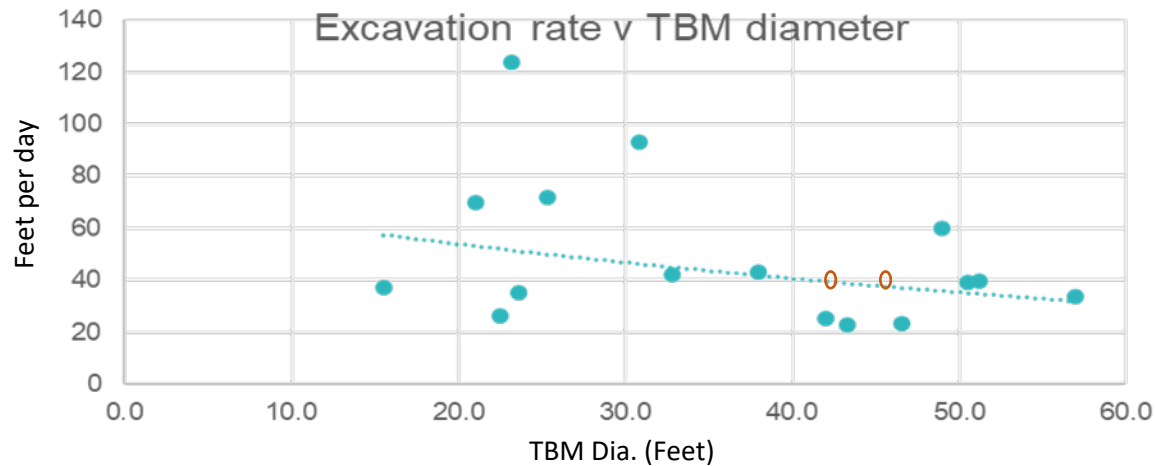


Figure 1 – Tunnel Rates vs. TBM Diameter for Recent Tunnel Projects

These benchmarks were considered appropriate due to similarities in tunnel diameter, soil and groundwater conditions, and property protection risks compared to the BSVII Project. However, it is important to note that the reported rates exclude major delays experienced on both projects due to site-specific issues that are not anticipated on BSVII. To derive a comprehensive long average rate for BSVII, additional schedule-specific inputs are necessary.

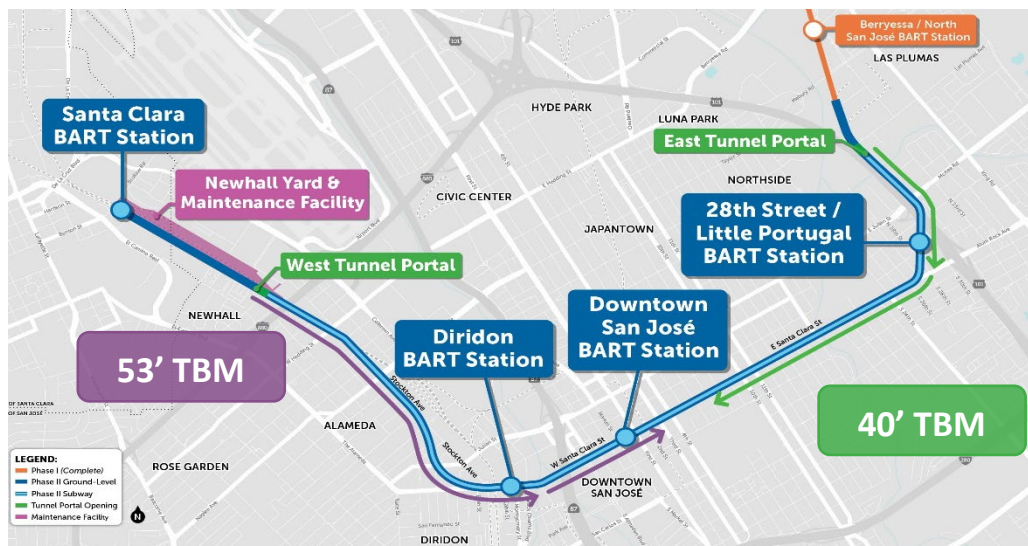


Figure 2 – Scenario 1a Concurrent Tunneling

Attachment A illustrates how the long average rates are calculated for the BSVII Scenario 1a (Figure 2) which was presented this summer, and which consists of concurrent tunneling using a 40' TBM launched from the east end of the project alignment and the 53'6" TBM launched from the west end of the alignment. The calculation incorporates benchmark data and accounts for reduced productivity during TBM start-up - also excluded from the benchmark data. The schedule includes allowances for TBM cutterhead maintenance during planned "interventions."

Extended delays, often captured in empirical data, must be carefully coordinated with project contingency levels to avoid double-counting cost and schedule impacts. For Scenario 1a, the BSVII schedule includes 40 days of contingency. For reference, the long average rate in VTA's schedule for the 40-foot TBM is 37 ft/day. Comparable advance rates for the larger 53'-6" single bore TBM are slightly lower due to adjustments for cycle time, tunnel liner geometry, and the specific characteristics of the procured TBM.

Attachment A – Scenario 1a Long Average Tunnel Advance Rate Calculations

Scenario 1a

40' TBM Tunneling from the East Portal									
Location	Start Station	Finish Station	Distance	TBM Avg. Production /day	No. of Days	Cal. Day	WD/Week	Estimated Start Date	Estimated Finish Date
East Portal	570+00							12/1/2029	
EP to First 1000 Feet	570+00	580+00	1,000	20 Ft/day	50	58	6 days per week	12/1/2029	1/28/2030
Intervention # 1	580+00	580+00	-	-	6	6	7 days per week	1/28/2030	2/3/2030
Tunnel between first 1000 ft. & 599+20	580+00	599+20	1,920	37 Ft/day	52	61	6 days per week	2/3/2030	4/4/2030
Intervention # 2	599+20	599+20	-	-	6	6	7 days per week	4/4/2030	4/10/2030
28th. Street Station Skid-Thru	599+20	607+20	800	-	20	20	7 days per week	4/10/2030	4/30/2030
Intervention # 3	599+20	607+20	-	-	6	6	7 days per week	4/30/2030	5/6/2030
Intervention # 4	607+20	607+20	-	-	6	6	7 days per week	5/6/2030	5/12/2030
Tunnel between 28th. St. & Meet-Up Location	607+20	693+00	8,580	41 Ft/day	209	244	6 days per week	5/12/2030	1/12/2031
					331	407	30	Days	407
12,300 feet					AVG. ft/day 37	(Does Not Include Interventions)			Months 14
					AVG. FT/Week 222				

Schedule Contingency =	Add 40 days for schedule contingency: TBM Arrival at Meet-Up Location is forecasted to be February 2031. Total of 15 Months.	2/21/2031
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Scenario 1a

53' TBM Tunneling from the West Portal										
Location	Start Station	Finish Station	Distance	TBM Avg. Production/Day	Using 35FT/Day	Cal. Day	WD/Week	No.of Months	Estimated Start Date	Estimated Finish Date
West Portal	831+00							-	2/1/2029	
WP to First 1000 Feet	831+00	821+00	1,000	17 FT/Day	59	69	6 days per week	2.29	2/1/2029	4/10/2029
Intervention # 1	821+00	821+00	-		-	6	7 days per week	0.20	4/10/2029	4/16/2029
Tunnel between first 1000 ft. & 802+00	821+00	802+00	1,900	35 FT/Day	54	63	6 days per week	2.11	4/16/2029	6/18/2029
Intervention # 2	802+00	802+00	-		-	6	7 days per week	0.20	6/18/2029	6/24/2029
Tunnel between 802+00. & 780+00	802+00	780+00	2,200	35 FT/Day	63	73	6 days per week	2.44	6/24/2029	9/6/2029
Intervention # 3	780+00	780+00	-		-	6	7 days per week	0.20	9/6/2029	9/12/2029
Tunnel between 780+00. & Diridon	780+00	740+00	4,000	40 FT/Day	100	117	6 days per week	3.89	9/12/2029	1/6/2030
Diridon Station Intervention # 4	740+00	740+00	-		-	6	7 days per week	0.20	1/6/2030	1/12/2030
Tunnel between Diridon & 719+50	740+00	719+50	2,050	40 FT/Day	51	60	6 days per week	1.99	1/12/2030	3/13/2030
Intervention # 5	719+50	719+50	-		-	6	7 days per week	0.20	3/13/2030	3/19/2030
Tunnel between 719+50 & Meet-Up Location	719+50	693+00	2,650	40 FT/Day	66	77	6 days per week	2.58	3/19/2030	6/5/2030
		13800			393	489			Days	489
	13,800	Feet		Avg. Ft/Day = 35					Months	16
				AVG. FT/Week = 210	(Does Not Include Interventions)					
Schedule Contingency =		Add 40 days for schedule contingency: TBM Arrival at Meet-Up Location is forecasted to be July 2030. Total of 17 months.								7/15/2030

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Friday, October 10, 2025 4:16 PM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Subject: VTA Correspondence: Week Ending October 10, 2025

VTA Board of Directors:

We are forwarding to you the following correspondence:

From	Topic
Planning Commission	Planning Commission Supplemental Information for the 10/7/25 Meeting

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



From: [Planning Commission](#)
To: [Planning Commission](#)
Subject: [EXTERNAL] Supplemental Information (3): Planning Commission 10/7/25 Meeting
Date: Monday, October 6, 2025 1:13:32 PM
Attachments: [image001.png](#)
[image002.png](#)

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Good afternoon,

The following supplemental information has been added to the October 7, 2025 agenda:

Item No. 5: [Public hearing to consider an appeal of the August 8, 2025, decision by the Department of Planning and Development to deem incomplete an application for the Vista De Almaden housing development project, consisting of a five-lot Major Subdivision and Grading Approval for four new single-family homes, one existing residence, and related amenities on an existing 7.6-acre parcel. Applicant/Appellant Representative: DJ Edwards. Property Owner: Rani Yadav-Ranjan and Rajiv Ranjan. Property Address/Location: 18730 Vista De Almaden, San José \(Assessor's Parcel No. 696-34-011\). Zoning: HS-d1. Supervisorial District: Five. File No.: PLN25-046-SB330-APL1.](#)

- [Public Comment 3 \(57 Pattern Comments\)](#) 📎 **Supplemental Information**
- [Public Comment 4](#) 📎 **Supplemental Information**

The agenda and related materials, including the above supplemental information, may be viewed at:

https://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=17440

Members of the public may access the virtual meeting through the following link:

<https://sccgov-org.zoom.us/j/89983374179> (recommended) or by smart phone at (669) 900-6833, Meeting ID 8998 337 4179# (participant ID not required)

Please do not hesitate to contact our office with any questions.

Regards,

Peggy Doyle
Deputy Clerk
Clerk of the Board
Santa Clara County
East Wing, 10th Floor
70 West Hedding Street
San Jose, CA 95110

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From: [Planning Commission](#)
To: [Planning Commission](#)
Subject: [EXTERNAL] Supplemental Information (4): Planning Commission 10/7/25 Meeting
Date: Tuesday, October 7, 2025 4:31:42 PM
Attachments: [image001.png](#)
[image002.png](#)

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Good afternoon,

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- [Public Comment 5 \(8 Pattern Comments\)](#)  **Supplemental Information**
- [Public Comment 6](#)  **Supplemental Information**

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