

CHAPTER II: MERCED COUNTY LAFCO POLICIES

The Cortese/Knox/Hertzberg Act requires that by January 1, 2002, each LAFCO will have established written policies and procedures that incorporate the Legislature's intent to encourage and provide for planned, well-ordered, efficient urban development pattern which discourages urban sprawl, preserves open space and prime agricultural lands, provides housing for person and families of all incomes, and addresses the efficient extension of governmental services (§56300).

The Merced County LAFCO Commission has adopted the following policies:

A. AGRICULTURAL POLICIES

OBJECTIVE I. A: Prime agricultural land is protected and conserved while ensuring there are adequate areas for efficient and orderly growth.

Policy 1: In determining whether a City or Special District Annexation would affect prime agricultural land, the Commission shall apply the definition of "prime agricultural land" established under Section 56064 of the Cortese/Knox/Hertzberg Reorganization Act of 2000:

Land that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- a. Land that, if irrigated, qualifies for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.
- b. Land that qualifies for rating 80 through 100 Stories Index Rating.
- c. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- d. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred (\$400) per acre for three of the previous five calendar years.

Implementation: The qualifications listed in items a – e shall be used in review of all boundary changes and sphere of influence revisions. However, the applicant or property owner may submit a soil analysis that demonstrates how soil has been degraded to a less than "prime" classification. The soil analysis should focus on the actual soil rather than the specific crops that may be planted. As an option, the analysis could address the soil and its ability to support crops typically grown in the area on similar soils. The cost of the soil analysis shall be borne by the applicant or property owner.

Policy 2: At the time of adoption of a sphere of influence for a city or urban service district, efforts to direct growth away from large concentrations of prime agricultural land shall be demonstrated, recognizing that some conversion of prime lands may be inevitable.

B. SPHERE OF INFLUENCE REVISION POLICIES

OBJECTIVE II. A: Create an urban land use pattern in the city that provides adequate areas for growth while ensuring the efficient delivery of services.

Policy 1: A City's sphere of influence boundary should be large enough to accommodate approximately 20 years of projected growth as well as territory that represents special communities of interest for the City.

Policy 2: LAFCO will recognize areas outside the sphere of influence boundary that reflect unique coordinated planning areas agreed to between the City, County and/or urban service district which are designated "area of interest", "joint planning area" or similar designation as identified in the City and County General Plans.

Policy 3: Cities should adopt phasing policies in their General Plans which identify priorities for growth and annexation which meet the joint objectives of extending urban services in an economic and efficient manner and avoiding the premature conversion of prime agricultural lands or other valuable open space resources.

Policy 4: Where the City and County have reached agreement on proposed sphere of influence boundaries and development standards the Commission will accept the sphere unless the Commission identifies an inconsistency with the requirements of the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

Implementation: When the Commission performs a periodic review of a City's sphere of influence, or when a sphere of influence revision has been submitted at the request of a City, the current City General Plan will be evaluated to identify adopted growth, development phasing, and municipal service delivery policies. The Commission will also utilize information contained in the "service review" document that has been prepared by LAFCO consistent with Government Code Section 56430. The Commission will also consider any revenue sharing agreement mutually adopted by the City and County, which contains land use and growth policies.

OBJECTIVE II. B: The future urbanization of a City is reviewed comprehensively at the sphere of influence amendment stage rather than during the review of individual annexation requests.

Policy 5: The following criteria will be applied to cities requesting a sphere of influence amendment which is included in their General Plans and Policies that address both the Cortese/Knox/Hertzberg Act and Merced County LAFCO policies:

- a. Does the General Plan identify the City's desired sphere of influence boundary and all planned land uses in the expanded sphere?
- b. Does the City's General Plan contain policy regarding the phasing of future annexations which is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?

- c. Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?
- d. Does the City's General Plan demonstrate the present and probable need for public facilities and community services (including the sequence, timing and probable cost of providing such services) within the proposed sphere of influence boundary?
- e. Does the City's General Plan identify the existence of any social or economic communities of interest within the planning area, such as the relationship between any adjacent or nearby cities or special districts which provide urban services, which may affect the boundaries or the proposed sphere of influence?

Implementation: Cities that address the above referenced criteria/issues in their General Plans will have their sphere of influence amendment proposals scrutinized more thoroughly by LAFCO. The Commission shall adopt findings for each of the criteria indicating conformance with State and local LAFCO policy. Upon approval of the sphere boundary, LAFCO's review of future annexations within this boundary will be limited to the appropriateness and efficiency of the boundary, conformance with the City's General Plan including relevant phasing policies, and public service availability.

However, when the Commission finds that the City's General Plan does not satisfy one or more of the above sphere of influence criteria in accordance with State and local LAFCO policy, action on the sphere will be more limiting. Approval of an amended sphere boundary will reflect the City's interest in the future annexation of the territory but will not represent a general acceptance of future individual annexation requests. All subsequent annexation proposals will be scrutinized against the full factors outlined in the Cortese/Knox/Herzberg Act under Section 56668, including justification for annexing prime agricultural or other valuable open space lands when other non-prime or non-significant open space lands are available in the sphere; availability of public services; and the timing of the annexation in relation to vacant land availability within the existing City limits.

OBJECTIVE II.C: Create an urban land use pattern in unincorporated communities that provides adequate areas for growth while ensuring the efficient delivery of services.

Policy 6: An urban service district's sphere of influence boundary should be large enough to accommodate approximately 20 years of projected growth as well as territory that represents special communities of interest for the district.

Policy 7: LAFCO will recognize areas outside the sphere of influence boundary that reflect unique coordinated planning areas agreed to between the urban service district, City and/or County which are designated "area of interest", "joint planning area" or similar designation as identified in the City and/or County General Plans.

Policy 8: The County should adopt phasing policies in the General Plan or Community Plan which identify priority areas for growth and future district annexation and meet the joint objectives of extending urban services in an economic and efficient manner while avoiding premature conversion of prime agricultural lands or other valuable open space resources.

Implementation: When the Commission performs a periodic review of an urban service district's sphere of influence, or when a sphere of influence revision has been submitted at the request of a special district, the applicable County General Plan or adopted Community Plan will be evaluated to identify adopted growth, development phasing, and municipal service delivery policies. The Commission will also utilize information contained in the "service review" document that has been prepared by LAFCO consistent with Government Code Section 56430. The Commission will also consider any special agreements entered between the County, the special district and/or a City which contain land use, service delivery and growth policies affecting the proposed sphere of influence area.

OBJECTIVE II. D: The future expansion of an urban service district is reviewed comprehensively at the sphere of influence amendment stage rather than during the review of individual annexation requests.

Policy 9: The following criteria will be applied to an urban service district requesting a sphere of influence amendment when policies in the County General Plan and/or a Community Plan are found consistent with both the Cortese/Knox/Hertzberg Act and Merced County LAFCO policies:

- a. Does the County General Plan and/or Community Plan identify the urban service district's desired sphere of influence boundary and all planned land uses in the expanded sphere as identified as the Specific Urban Development Plan (SUDP) boundary?
- b. Does the County General Plan and/or Community Plan contain policy regarding the phasing of urban expansion that is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?
- c. Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?
- d. Does the County General Plan and/or Community Plan demonstrate the present and probable provision of public facilities and community services (including the sequence, timing and probable cost of providing such services) within the proposed sphere of influence boundary?
- e. Does the County General Plan and/or Community Plan identify the existence of any social or economic communities of interest within the planning area, such as the relationship between any adjacent or nearby cities or special districts which provide urban services, which may affect the boundaries of the proposed sphere of influence?

Implementation: When the above referenced criteria and issues have been addressed in the County General Plan and/or Community Plan, urban service districts will have their sphere of influence amendment proposals scrutinized more thoroughly by LAFCO. The Commission shall adopt findings for each of the criteria indicating conformance with State and local LAFCO policy. Upon approval of the sphere boundary, LAFCO review of future annexations within this boundary will be limited to the appropriateness and efficiency of the boundary, conformance with the County General Plan and Community

Plan including relevant phasing policies and public service availability.

However, when the Commission finds that either the County General Plan or Community Plan does not satisfy one or more of the above sphere of influence criteria in accordance with State and local LAFCO policy, action on the sphere will be more limiting. Approval of an amended sphere boundary in such instances, will only reflect the urban service district's interest in the future annexation of the territory, but will not represent a general acceptance of future individual annexation requests. All subsequent annexation proposals will be scrutinized against the full factors outlined in the Cortese/Knox/Hertzberg Act under Section 56668, including justification for annexing prime agricultural or other valuable open space lands when other non-prime or non-significant open space lands are available in the sphere; long-term availability of public services; and the timing of annexation in relation to vacant land availability within the existing Specific Urban Development Plan boundary that is available for similar types of development as the proposed annexation.

OBJECTIVE II. E: The sphere of influence reports for urban service districts clearly identify the types and capacity of services being provided to ensure their efficient and orderly delivery.

Policy 10: Ensure that urban service districts have adequately planned for the efficient delivery of services by requiring the following information be provided with sphere of influence applications:

- a. Identify the function, type and class of services provided by the district and available to future annexation areas; and
- b. Identify the nature, location and extent of any functions or classes of service provided by the district.

Policy 11: Unless authorized by the Cortese/Knox/Hertzberg Act, no new or different function or class of service shall be provided by an urban service district beyond that identified in the sphere of influence report adopted by the Commission.

OBJECTIVE II. F: Review of sphere of influence amendment proposals involving rural service districts will focus on those factors that are germane to non-urban service delivery and resources.

Policy 12: The following criteria will be applied to rural service districts requesting a sphere of influence amendment in conformance with Section 56425 of the Cortese/Knox/Hertzberg Act:

- a. The present and planned land uses in the area, including agricultural and open-space lands.
- b. The present and probable need for district facilities and services in the area.
- c. The present capacity of district facilities and adequacy of public services that the agency provides or is authorized to provide.
- d. The existence of any social or economic communities of interest in the area that the Commission determines are relevant to the agency.

OBJECTIVE II.G: The sphere of influence reports for independent special districts clearly identify the types and capacity of services being provided to ensure their efficient and orderly delivery.

Policy 13: Ensure that independent special districts have adequately planned for the efficient delivery of services through requiring the following information be provided with sphere of influence applications:

- a. Identify the function, type and class of services provided by the district and available to future annexation areas; and
- b. Identify the nature, location and extent of any functions or classes of service provided by the district.

Policy 14: Unless authorized by the Cortese/Knox/Hertzberg Act, no new or different function or class of service shall be provided by a special independent district than that identified in the sphere of influence report adopted by the Commission.

C. CITY AND URBAN SERVICE DISTRICT ANNEXATION POLICIES

OBJECTIVE III. A: City annexations reflect a planned, logical and orderly progression of urban expansion and promote efficient delivery of urban services.

Policy 1: Annexation boundaries should form a logical and efficient urban development pattern.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. The proposed annexation boundary is appropriate in relation to existing city boundaries.
- b. Avoid the creation of islands, corridors, peninsulas or other undesirable boundary characteristics that lead to service inefficiencies and potential land use conflicts.
- c. Proximity of the annexation to existing developed or developing areas within the City. Annexations shall be contiguous with existing city boundaries unless it can be demonstrated to be orderly, logical or appropriate under special circumstances.
- d. Evaluate any alternatives to the annexation which would be more consistent with orderly growth, open space protection and public service efficiency goals of LAFCO.
- e. The existence of any social or economic communities of interest within the proposed annexation territory including the relationship between any adjacent or nearby cities or special districts which provide urban services that may affect the territory.
- f. The use of natural or physical features (such as canals or roads) as annexation boundaries is encouraged over use of property lines. All annexation requests that do not conform to existing lines of assessment or property lines, shall be justified by the proponent.

Policy 2: Annexation proposals should be consistent with and implement City General Plan and Sphere of Influence policies:

Policy and Procedures
Merced County Local Agency Formation Commission

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Consistency of the proposal with City General Plan policy including planned land use designation, densities and other land use and development policy.
- b. Consistency with planned phasing of growth and improvements as defined in the City's General Plan and/or Sphere of Influence Report.
- c. Consistency with adopted open space and conservation policies of the City.

Policy 3: All territory proposed for annexation shall be prezoned by the City, and no changes in General Plan designations or prezoning are permitted within two years following annexation, consistent with the Cortese-Knox-Hertzberg Act of 2000.

Policy 4: Public services shall be available to all annexed land in an efficient and orderly manner.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Adequacy of governmental services for both existing and proposed land uses within the annexation territory.
- b. The ability to provide needed public services and facilities as demonstrated in the "plan for services," including the sufficiency of revenue sources for those services.
- c. Timely availability of water supplies adequate for projected needs as specified in Section 56668(k) of the Cortese-Knox-Hertzberg Act of 2000.
- d. Demonstration that public services will not be provided to annexing territory to the detriment of territory already within the City.

Policy 5: Promote a balance of housing for persons and families of all income levels.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the Merced County Association of Governments.

Policy 6: Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the City's Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.

Policy 7: Utilize considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Consider the amount of existing vacant land within the City that is available for similar types of development to the proposed annexation. Make a comparison

of existing vacant and available land to the amount of land needed to accommodate growth needs over a ten year period as established in the City's General Plan or other official projection such as that adopted by the Merced County Association of Governments. The City must provide evidence why the consideration of existing vacant land is not appropriate based on such factors as location, limitations to infrastructure, development constraints, agricultural viability, economic market conditions, or unique characteristics of the annexation project.

- b. If the annexation involves the conversion of prime agricultural land or identified valuable open space land, consider alternatives to the annexation that avoid or reduce the impacts.
- c. If annexation will result in urban development adjacent to existing agricultural lands, consider measures to minimize potential conflicts such as land use transitions or buffers and "right to farm" notification to future residents.

Policy 8: In the case of large comprehensive development proposals, annexation should be phased whenever feasible. The Commission may approve annexation of all the subject territory if it finds the territory is likely to be developed within a reasonable period of time and if the City has adopted a phasing plan for the territory and policies for ensuring adequate facilities will be available once development occurs. Adoption of a specific plan for the territory by the City would be the most desirable means to ensure LAFCO policies are satisfied.

OBJECTIVE III. B: Urban service district annexations reflect a planned, logical and orderly progression of urban expansion and promote efficient delivery of urban services.

Policy 1: Annexation boundaries should form a logical and efficient urban development pattern.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. The proposed annexation boundary is appropriate in relation to existing district boundaries.
- b. Avoid the creation of islands, corridors, peninsulas or other undesirable boundary characteristics that lead to service inefficiencies and potential land use conflicts.
- c. Proximity of the annexation to existing developed or developing areas within the district. Annexations shall be contiguous with existing district boundaries unless it can be demonstrated to be orderly, logical or appropriate under special circumstances.
- d. Evaluate any alternatives to the annexation which would be more consistent with orderly growth, open space protection and public service efficiency goals of LAFCO.
- e. The existence of any social or economic communities of interest within the proposed annexation territory including the relationship between any adjacent or nearby cities or special districts which provide urban services that may affect the territory.
- f. The use of natural or physical features (such as canals or roads) as annexation boundaries is encouraged over use of property lines. All annexation requests

that do not conform to existing lines of assessment or property lines, shall be justified by the proponent.

Policy 2: Annexation proposals should be consistent with and implement the County General Plan and district Sphere of Influence policies:

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Consistency of the proposal with County General Plan and Community Plan policy including planned land use designation, densities and other land use and development policy.
- b. Consistency with planned phasing of growth and improvements as defined in the County General Plan and Community Plan.
- c. Consistency with planned phasing of growth and improvements as defined in the County's General Plan and/or district Sphere of Influence Report.
- d. Consistency with adopted open space and conservation policies of the County.
- e. The annexation territory is designated for urban land uses in the County General Plan, when the annexation area is proposed for urban development.

Policy 3: Public services shall be available to all annexed land in an efficient and orderly manner.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Adequacy of governmental services for both existing and proposed land uses within the annexation territory.
- b. The ability to provide needed public services and facilities as demonstrated in the "plan for services", including the sufficiency of revenue sources for those services.
- c. Timely availability of water supplies adequate for projected needs as specified in Section 56668(k) of the Cortese-Knox-Hertzberg Act of 2000.
- d. Demonstration that public services will not be provided to annexing territory to the detriment of territory already within the District.

Policy 4: Promote a balance of housing for persons and families of all income levels.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. The extent to which the proposal will assist the County in achieving its fair share of the regional housing needs as determined by the Merced County Association of Governments or the Housing Element of the Merced County General Plan.

Policy 5: Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the District's Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.

Policy 6: Utilize considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.

Implementation: Utilize the following criteria in the review of annexation requests:

- a. Consider the amount of existing vacant land within the District that is available for similar types of development to the proposed annexation. Make a comparison of existing vacant and available land to the amount of land needed to accommodate growth needs over a ten year period as established in the County's General Plan or other official projection such as that adopted by the Merced County Association of Governments. The district must provide evidence why the consideration of existing vacant land is not appropriate based on such factors as location, limitations to infrastructure, development constraints, agricultural viability, economic market conditions, or unique characteristics of the annexation project.
- b. If the annexation involves the conversion of prime agricultural land or identified valuable open space land, consider alternatives to the annexation that avoid or reduce the impacts.
- c. If annexation will result in urban development adjacent to existing agricultural lands, consider measures to minimize potential conflicts such as land use transitions or buffers and "right to farm" notification to future residents.

D. RURAL SERVICE DISTRICT CHANGE OF ORGANIZATION POLICIES

OBJECTIVE IV. A: Review of change of organization proposals involving rural service districts will focus on those factors that are germane to non-urban service delivery and resources.

Policy 1: The following specific criteria will be applied in review of changes of organization to rural service districts in accordance with Section 56668 of the Cortese/Knox/Hertzberg Act:

- a. The need for district services, cost and adequacy of services and future needs and effects of the annexation on service levels.
- b. Conformity with the County and/or City General Plan and sphere of influence of the rural district.
- c. The definiteness and certainty of the boundaries, conformance of the proposal with lines of assessment and ownership, creation of islands or corridors as well as alternatives.
- d. The maintenance of the physical and economic integrity of agricultural or valuable open space lands.
- e. Identification of any social or economic interest affecting the proposal, such as the relationship between any adjacent or nearby special district.
- f. If the change of organization involves a detachment, demonstration that either the City or County has amended their General Plans to allow for development if the territory when a detachment is proposed due to anticipated urbanization of the area.

E. INDEPENDENT SPECIAL DISTRICT FORMATION POLICIES

OBJECTIVE V.A: Agency formations are allowed in areas where a need for public services clearly exists and where no existing agency can adequately and efficiently provide those services.

Policy 1: Formation proposals must support inhabitants, land uses and/or development consistent with the General Plan of the affected land use authority.

Policy 2: All formation proposals for districts providing municipal services shall include the State mandated Master Service Element which will be used to establish an appropriate Sphere of Influence, if the formation is approved.

Policy 3: Formation proposals for districts providing municipal services will not be approved when the Master Service Element of the proposed district conflicts with the Master Service Element of an existing agency, unless services can be provided more efficiently.

Implementation: The formation proposal shall describe the relationship between the proposed agency and all existing affected agencies, including the types and levels of service they perform.

They shall also contain a fiscal analysis detailing the services to be provided, estimated costs of providing those services for a period of at least five years, the related cost or rate to be charged service recipients, and the total annual revenues anticipated for at least five years.

Policy 4: Agency formations should only be supported where there is evidence for the fiscal success of the new agency.

F. CITY INCORPORATION POLICIES

(Pending)

G. EXTENSION OF SERVICES BY CONTRACT (OUTSIDE CITY OR DISTRICT BOUNDARIES)

OBJECTIVE VII. A: Extension of municipal services outside the boundaries of the service provider will be limited to circumstances where there exists a clear and immediate need and annexation is not feasible.

Policy 1: For requests within a jurisdiction's sphere of influence, consider whether annexation is a logical alternative to extending services beyond the jurisdictional boundaries of the local agency.

Policy 2: Consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.

Policy 3: The following factors will be utilized to determine the local and regional impacts of an out-of-agency contract for services:

- a. The growth inducing impacts of any proposal.
- b. The proposal's consistency with the policies and general plans of all affected local agencies.
- c. The ability of the local agency to provide service to the proposal area without detracting from current service levels.

Policy and Procedures
Merced County Local Agency Formation Commission

- d. Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

Implementation: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-agency service agreement is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.

Policy 4: An administrative approval may be allowed for those projects that pose an urgent health or safety concern, without consideration by LAFCO. The administrative approval shall be made jointly by the LAFCO Chairperson and the Executive Officer. Both must agree that an administrative approval is appropriate, based upon the criteria outlined below:

- a. The lack of service being requested constitutes an immediate health and safety concern.
- b. The property is currently developed.
- c. No future expansion of service will be permitted without approval from the Commission consistent with Policies 1, 2 and 3.

Policy 5: The Commission will not support service extension outside a local agency's Sphere of Influence unless there is an existing or impending threat to public health or safety.

Implementation: The Commission will follow the requirements contained in Section 56133(C) of the Government Code (Cortese/Knox/Hertzberg Act) in the review of proposals to serve territory with municipal services outside the local agency's sphere of influence.

MERCED COUNTY LOCAL AGENCY FORMATION COMMISSION POLICY

POLICY TITLE: REQUESTS FOR INSPECTION AND COPYING OF PUBLIC RECORDS

1. Purpose

This Policy sets forth the policies and procedures of Merced County Local Agency Formation Commission ("Merced LAFCO") regarding requests for inspection and copying of public records. It is designed to be in compliance with existing law as provided for in the California Public Records Act (Government Code Section 6250 *et seq.*) If any provision of this policy conflicts with the law, the law shall take precedence.

2. Definitions

As used in this Policy, the following terms shall have the following meanings:

- (a) "LAFCO" shall mean the Merced County Local Agency Formation Commission.
- (b) "Person" shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
- (c) "Writing" means handwriting, typewriting, printing, photostatting, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punch cards, discs, drums, and other documents.
- (d) "Public records" shall mean any writing containing information relating to the conduct of Merced LAFCO's business prepared, owned, used, or retained by Merced LAFCO, regardless of physical form or characteristics, that are open to public inspection by law.
- (e) "Requestor" shall mean a person, or representative of a person, who has correctly filled out the request form, attached as Exhibit "A" to this Policy.

3. Right to Inspect and/or Receive Copies

To the extent required by law, and except as otherwise provided herein, all public records of Merced LAFCO are open to inspection by any person by appointment during the office hours of Merced LAFCO (pursuant to Section 5 herein). Copies or certified copies of public records may be obtained by any person, subject to compliance with the procedures set forth in this Policy. Any reasonably segregable portion of a record shall be available

for inspection by any person requesting the record after deletion of the portions that are exempted by law.

4. Records Exempt from Disclosure

Records which are exempt from disclosure under applicable law include but are not limited to the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by Merced LAFCO in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure.
- (b) Records pertaining to pending litigation to which Merced LAFCO is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled.
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- (d) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
- (e) Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use.
- (f) The records made, if any, of closed sessions, pursuant to Government Code section 54957.2, are not public records subject to inspection.
- (g) Records the disclosure of which is exempted or prohibited pursuant to federal or state law (i.e., attorney-client privilege under the California Evidence Code).

This partial list of exemptions is subject to applicable law, and any changes in law are automatically incorporated herein.

5. Request to Inspect and/or Make Copies

- (a) Any person desiring to inspect records of Merced LAFCO should submit the request form, attached as Exhibit "A," to the Executive Officer or his/her designee. The requestor shall, in writing, specify the records to be inspected with sufficient detail to enable Merced LAFCO to identify the particular records and shall specify the number of persons to attend such inspection. *Due to limited workspace, any person who wishes to inspect Merced LAFCO records must*

schedule an appointment for inspection with staff during regular office hours. If the request is ambiguous or unfocused, Merced LAFCO shall make a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code Section 6253.1, Merced LAFCO shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; and
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Merced LAFCO, upon a request for inspection or for a copy of records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks inspection of or copies of disclosable public records in the possession of Merced LAFCO and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the Executive Officer of Merced LAFCO or his/her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than fourteen (14) days. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(b) Procedures for Approved Requests for Inspection and/or Copies

Approved requests for inspection and/or copies will be handled as follows:

- (1) Mail Request - The Executive Officer or his/her designee will notify the requestor of the fees to be paid to Merced LAFCO for copies of such records. Upon receipt of such fees, the Recording Secretary shall prepare and mail copies or certified copies of such records to the person requesting them.
 - (2) In-Person Request – Copies of requested documents will be provided after receipt of a completed request form (Exhibit "A") and payment of fees in accordance with the established fee schedule (Exhibit "B").
 - (3) Telephone Request – In response to a telephone request for copies of Merced LAFCO records, the Executive Officer or his/her designee will explain the records request procedure (including established fees) as outlined in subsections (1) and (2) above. Payment of fees is required before copies may be prepared.
 - (4) Fax Requests – In response to a fax request for copies of Merced LAFCO records, the Executive Officer or his/her designee will transmit to the Requestor an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits "A" and "B" to the Requestor. Payment of fees is required before copies may be prepared.
 - (5) E-Mail Requests – In response to an E-Mail request for copies of Merced LAFCO records, the Executive Officer or his/her designee will transmit to the Requestor an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits "A" and "B" to the Requestor. Payment of fees is required before copies may be prepared.
- (c) Any person in attendance at an inspection of Merced LAFCO records may request a copy of any record being inspected. Upon completion of the written request and payment of the fee set forth herein, the Executive Officer or his/her designee will prepare the copies or certified copies of such records for the requestor.

6. Fees for Copies

Merced LAFCO shall charge fees for copies or certified copies of identifiable public records or information as set forth in Exhibit "B."

EXHIBIT "A"

PUBLIC RECORDS ACT (PRA) REQUEST FORM & RECEIPT

[ATTACHED]

EXHIBIT "B"

**PUBLIC RECORDS REQUEST
SCHEDULE OF FEES**

Description	Price
Copy Price per Page – Standard Letter Size (8 1/2" x 11")	\$0.25
Copy Price per Page - Legal Size (8 1/2" X 14")	\$0.25
Color Copies	\$0.25
Copy charges for oversized documents that must be outsourced for duplication/reproduction	Actual cost
Price for Public Records in electronic format, including video and/or audio tapes of Merced LAFCO meetings, when requested in electronic format, shall be calculated by the Executive Officer or his/her designee in accordance with Government Code Section 6253.9, as it may be amended from time to time.	Per Gov. Code Section 6253.9
Note : Payment is required in advance of delivery of any requested records.	