

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

USE OF ARTIFICIAL INTELLIGENCE (AI)

1.0 PURPOSE

The purpose of this Policy is to establish formal standards governing the use of Artificial Intelligence (“AI”) by the San Benito Local Agency Formation Commission (“LAFCO”) to ensure that such use is consistent with applicable law, protects the integrity of LAFCO decision-making, safeguards confidential information, and promotes transparency and public trust.

2.0 AUTHORITY

This Policy is adopted pursuant to LAFCO’s authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 et seq.) and in compliance with applicable state and federal laws, including but not limited to the California Public Records Act, the Ralph M. Brown Act, and applicable statutes governing artificial intelligence and data privacy.

3.0 APPLICABILITY

This Policy shall apply to all LAFCO commissioners, officers, employees, contractors, and consultants engaged in the conduct of official LAFCO business.

4.0 DEFINITIONS

For purposes of this Policy:

4.1 Artificial Intelligence (AI)

Software systems capable of generating text, data analysis, recommendations, or other outputs in response to user inputs.

4.2 AI Tool(s)

Any software application or platform utilizing AI technology.

4.3 AI-Generated Content

Any material, including text, data, or analysis, produced in whole or in part by an AI Tool.

4.4 Authorized AI Tools

AI Tools that have been expressly approved by the Executive Officer or designee for use in LAFCO business.

5.0 GENERAL POLICY

5.1 AI may be utilized as a **supplemental tool** to assist in the preparation of materials and administrative functions.

5.2 AI shall not replace human judgment, professional expertise, or the deliberative processes of LAFCO.

5.3 LAFCO retains full responsibility and accountability for all decisions, actions, and official documents, regardless of whether AI was used in their preparation.

6.0 PERMITTED USES

AI Tools may be used for limited, low-risk administrative and support functions, including:

- a. Drafting preliminary documents, correspondence, or reports
- b. Summarizing publicly available information
- c. Assisting with formatting, editing, or organization of materials
- d. Generating outlines or preliminary analyses for staff review
- e. Project and application management
- f. Supplemental productivity tools

All permitted uses are subject to the review and verification requirements set forth in this Policy.

7.0 PROHIBITED USES

AI Tools shall not be used for:

- a. Final decision-making or the formulation of official LAFCO determinations without independent human review
 - b. The provision of legal advice without review by legal counsel
 - c. Inputting or processing confidential, privileged, or sensitive information, including but not limited to personnel records, litigation materials, or non-public agency data into open AI systems that do not provide confidentiality protections
 - d. Using AI in a manner that interferes with the basis for LAFCO decisions
 - e. Circumventing the requirements of the Ralph M. Brown Act or other open meeting laws
 - f. Any use that violates applicable law, regulation, or other LAFCO policies
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8.0 HUMAN REVIEW AND ACCOUNTABILITY

8.1 Mandatory Review

All AI-Generated Content shall be reviewed by LAFCO staff prior to use in any official capacity.

8.2 Responsibility for Accuracy

The individual utilizing the AI Tool shall be responsible for ensuring the accuracy, completeness, and appropriateness of all content. If an individual becomes aware of inaccuracies in AI-Generated Content, harms caused by use of AI Tools, or other AI issues, the individual shall promptly report them to the Executive Officer.

8.3 Retention of Authority

No authority or responsibility of LAFCO shall be delegated to an AI Tool.

9.0 ACCURACY AND VERIFICATION

9.1 AI-Generated Content shall not be relied upon without independent verification. LAFCO staff must be able to understand, explain, and if needed publicly justify all AI-Generated Content included content found in reports and recommendations.

9.2 All factual information must be confirmed supported by reliable and authoritative sources. Citations created by AI Tools may be inaccurate and must be checked against reliable sources.

9.3 Citations in LAFCO documents shall reference original source materials; AI outputs shall not be cited as primary authority.

9.4 Additional scrutiny shall be applied in matters involving policy recommendations, boundary changes, or quasi-adjudicatory decisions.

10.0 PUBLIC RECORDS AND TRANSPARENCY

10.1 AI-related materials, including prompts and outputs, may constitute public records subject to disclosure under the California Public Records Act. LAFCO staff should consider when creating AI outputs that they may become publicly available and distributed widely in the community.

10.2 Records created or used in conjunction with AI Tools shall be retained in accordance with LAFCO's records retention policies.

10.3 LAFCO shall disclose the use of AI in the preparation of public-facing documents.

10.4 AI Tools shall not be used to conduct or simulate deliberations in violation of the Brown Act.

11.0 CONFIDENTIALITY AND DATA SECURITY

11.1 Users shall not input confidential, privileged, or sensitive information into AI Tools unless the tool is expressly authorized by LAFCO and if using a secure enterprise AI system that guarantees confidentiality protections such that appropriate data safeguards are in place.

11.2 Only Authorized AI Tools that meet applicable security and data protection standards may be used for LAFCO business. Employees are not permitted to use free-to-use GenAI websites or models that require the employee to create an account and agree to the terms and conditions of the GenAI company.

11.3 To the extent feasible, all users of AI systems shall strive to comply with applicable privacy and data protection laws and policies.

12.0 ETHICAL USE AND BIAS MITIGATION

12.1 AI-Generated Content shall be reviewed by LAFCO staff for potential bias, discrimination, or inequitable impacts.

12.2 LAFCO shall ensure that the use of AI aligns with principles of fairness, equity, and public accountability.

13.0 DOCUMENTATION AND SOURCE TRANSPARENCY

13.1 AI shall be used as a support tool and not as a substitute for evidence-based analysis.

13.2 All official LAFCO documents shall be supported by verifiable source documentation.

13.3 AI-Generated Content shall not be relied upon where supporting sources and/or documentation are unavailable or unverifiable.

14.0 TRAINING

LAFCO shall provide periodic training to applicable personnel regarding:

- a. Appropriate use of AI Tools
- b. Risks and limitations of AI technologies
- c. Legal and ethical obligations under this Policy

15.0 ADMINISTRATION

The Executive Officer, or designee, shall be responsible for:

- a. Approving Authorized AI Tools
- b. Implementing and administering this Policy
- c. Monitoring compliance and recommending updates
- d. Implementing LAFCO standard operating procedures to effectuate the goals of this Policy, including, at the Executive Officer's discretion, the creation of an internal documentation process for use of AI Tools
- e. Revoking use of AI Tools for all users if circumstances call for such action

16.0 ENFORCEMENT

Failure to comply with this Policy may result in:

- a. Revocation of access to AI Tools
 - b. Disciplinary action consistent with applicable personnel policies
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17.0 REVIEW AND AMENDMENT

This Policy shall be reviewed periodically and may be amended by LAFCO as necessary to reflect changes in law, technology, and best practices.

18.0 OPTIONAL DISCLOSURE STATEMENT

The following statement may be included in public documents, as appropriate:

“This document may have been prepared with the assistance of artificial intelligence tools. All content has been reviewed and verified by LAFCO staff for accuracy and compliance with applicable laws.”

19.0 VENDOR AND THIRD-PARTY REQUIREMENTS

Contracts with vendors providing AI Tools must include provisions for:

- Data ownership and explanation that LAFCO retains ownership
- Restrictions on vendor use of AI Tools
- Transparency about AI Tools capabilities and limitations
- Use of LAFCO data to train AI models