

LAFCO 101

An Introduction to LAFCO

Roseanne Chamberlain
Amador LAFCO Executive Officer
October 19, 2006

OVERVIEW

- **HISTORY**
- **NUTS AND BOLTS**
- **MISSION AND POLICIES**
- **POWERS AND TYPES OF DECISIONS**
- **THE PUBLIC PROCESS**
- **CALAFCO**
- **TEAMWORK**

ABOUT LAFCO

- Boundary Regulatory Commission
- State Mandates and Local Policies
- Purposes
 - Discourage Urban Sprawl
 - Protect Agriculture - Open Space
 - Orderly Local Government Services

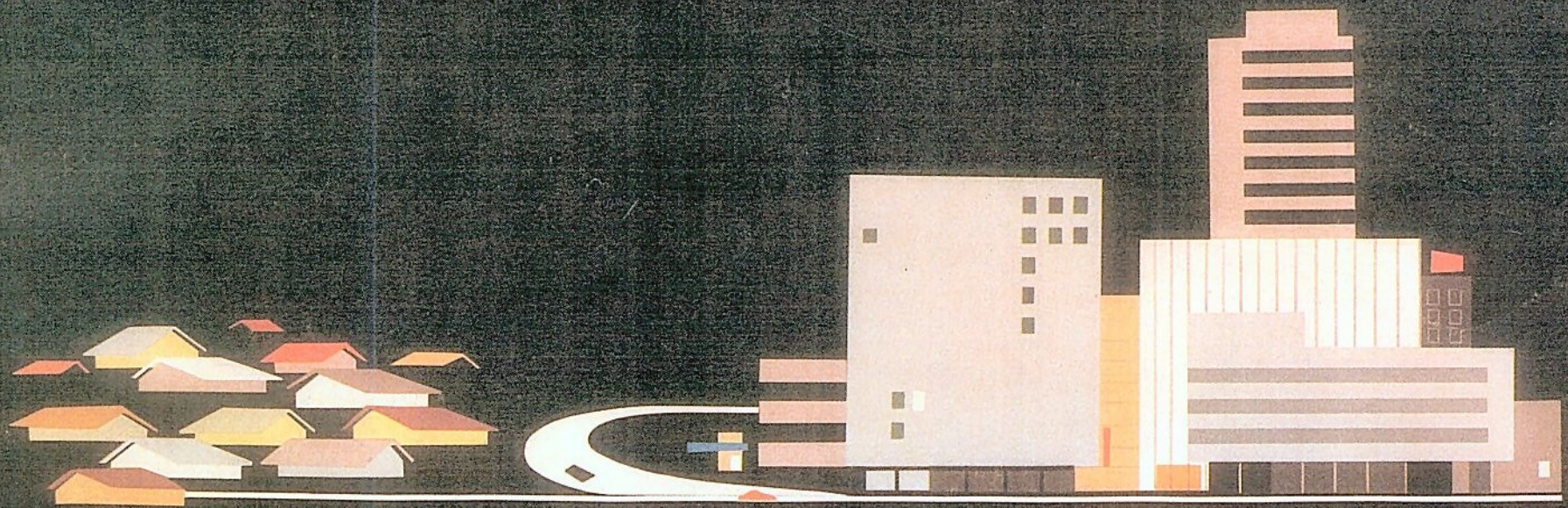
ABOUT LAFCO

- DIVERSE MEMBERSHIP
- INDEPENDENT BY STATUTE
- POWERS AND DUTIES
 - regulatory power (sets and revises boundaries)
 - quasi-legislative (decides policy)
 - indirect land use authority
 - planning authority--spheres of influence

History of LAFCO

- 1963 – Created
- 1985 – Laws Consolidated
- 2000 – LAFCO Reform – Expansion

MEETING METROPOLITAN PROBLEMS



REPORT OF THE GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS
STATE OF CALIFORNIA—Edmund G. Brown, Governor

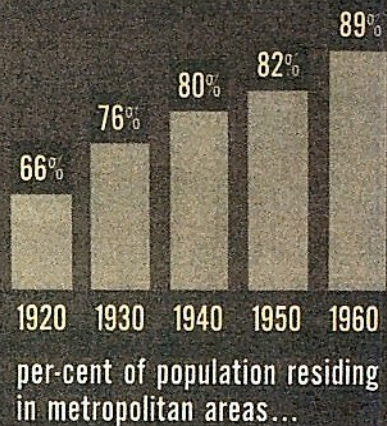
NIGHTMARE OF NUMBERS

1960

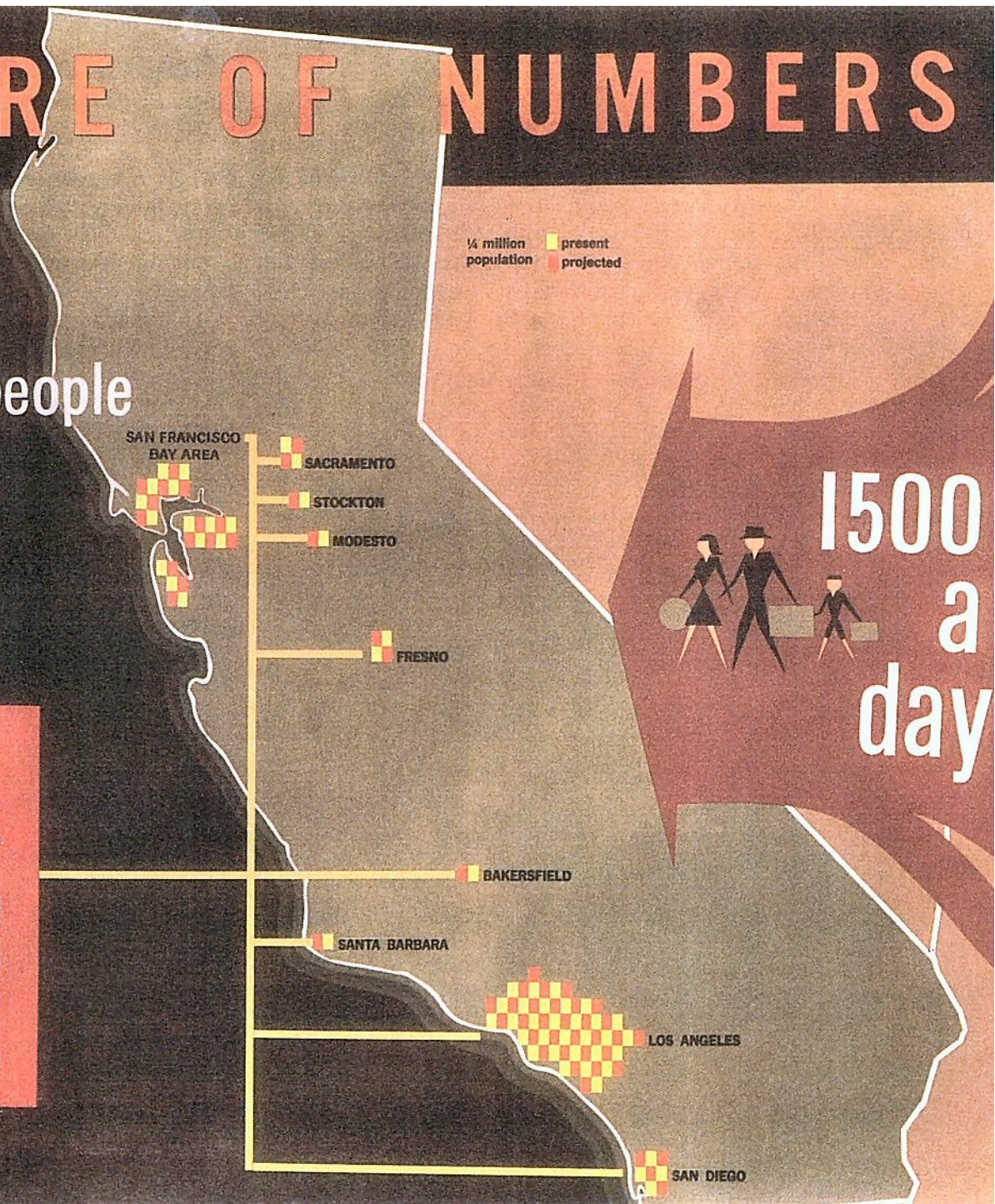
15½ million people

1980

30 million



90%+
CONCENTRATED
IN LESS THAN
5% OF TOTAL
LAND AREA



nightmare of numbers • jigsaw governments

MUSHROOMING PROBLEMS

- The present lack of a framework or organization by which the several local units of government in a metropolitan area may meet, decide, and act upon such area-wide problems as —
 - The continued uneconomic use of regional resources in the absence of metropolitan master plans for land use and development.
 - The increasing congestion of streets and highways as part of the metropolitan transportation problem.
 - The pollution of the atmosphere as a product of human activities in the State's metropolitan areas.
 - The increasing strain on metropolitan area facilities for water collection, storage and distribution.
- Numerous, overlapping, and uncoordinated local units make government in the metropolitan areas confusing and needlessly expensive.
- Democratic citizen control of local government is weakened by the increased use of and reliance on many independent special districts.
- Metropolitan area residents have not been made fully aware of how seriously uncontrolled metropolitan growth does and will affect their present manner of living.

COMMISSIONERS

JAMES B. BOYLE
MRS. RUDD BROWN
ALAN K. BROWNE
RICHARD CARPENTER
REV. MAURICE A. DAWKINS
J. EDWARD DAY
JOSEPH L. EICHLER
EVELIO GRILLO
MORTIMER W. HALL
FRANK E. HURD
S. C. JOYNER
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DON LEIFFER
CHARLES I. LUCKMAN
GEORGE T. MCCOY
WILLIAM R. MACDOUGALL
THOMAS W. MATHEW
VICTOR H. PALMIERI
ROY SORENSON
CHARLES WELLMAN



THE GOVERNOR'S COMMISSION
ON METROPOLITAN AREA PROBLEMS

ROOM 5016, STATE CAPITOL
SACRAMENTO 14, CALIFORNIA

EDMUND G. BROWN
GOVERNOR

ROY SORENSON
CHAIRMAN

J. EDWARD DAY
VICE-CHAIRMAN

PHILIP G. SIMPSON
EXECUTIVE SECRETARY

December 17, 1960

EDMUND G. BROWN
Governor of California
State Capitol
Sacramento, California

DEAR GOVERNOR BROWN:

In response to your charge to this Commission on Metropolitan Area Problems, we respectfully submit the attached report of Commission findings and recommendations.

The Commission is in unanimous agreement on the three major recommendations to:

- (1) Improve present laws concerning incorporation, annexation, and special districts.
- (2) Enact legislation enabling the formation of metropolitan area multi-purpose districts, with planning functions.
- (3) Establish a State Metropolitan Area Commission.

Included as part of the report are two statements by Commission members citing reservations on a number of points. These were submitted in response to an invitation to do so.

In this complex, urgent and mounting area of urban problems, the Commission believes its recommendations are practical and minimum and warrant your leadership and wide citizen support.

LEGISLATIVE COMPROMISE

- **1963**
- **1965**
- **Boundary Decisions Within County**
- **Autonomous**
 - **Local Control – Decisions by Local Officials**
 - **No State LAFCO**
- **Name and Acronym**

HELLO... L.A. COUNTY PUBLIC
WORKS DEPARTMENT? I'D
LIKE INFORMATION ON
PUBLIC WORKS PROJECTS
IN THE SANTA CLARITA
VALLEY...



I'LL CONNECT
YOU WITH
LAFCO, SIR

YES... I'D LIKE
INFORMATION
ON PUBLIC WORKS



IN THE
SCV—

**HA HA
HA**



**HEE HEE
HEE HEE**



**HO HO
HO HO**



NOW I KNOW WHY THEY
CALL IT... LAFCO!



WICKS
© BY SCOTT 1981

Evolution of Laws

- **Between 1963 and 1985 three acts governed annexations and other LAFCO reviews**
 - **Knox-Nisbet Act (LAFCO law)**
 - **Municipal Organization Act (cities)**
 - **District Reorganization Act (districts)**
- **Cortese-Knox Act combined the three in 1985**

2000 Issues

- **Reform of Local Governmental Reorganization Law**
- **Orderly Growth and Resource Protection**
- **Local Fiscal Reform**
- **Guiding Future Growth**
- **Local Government Efficiency**
- **Public Interest in Government**

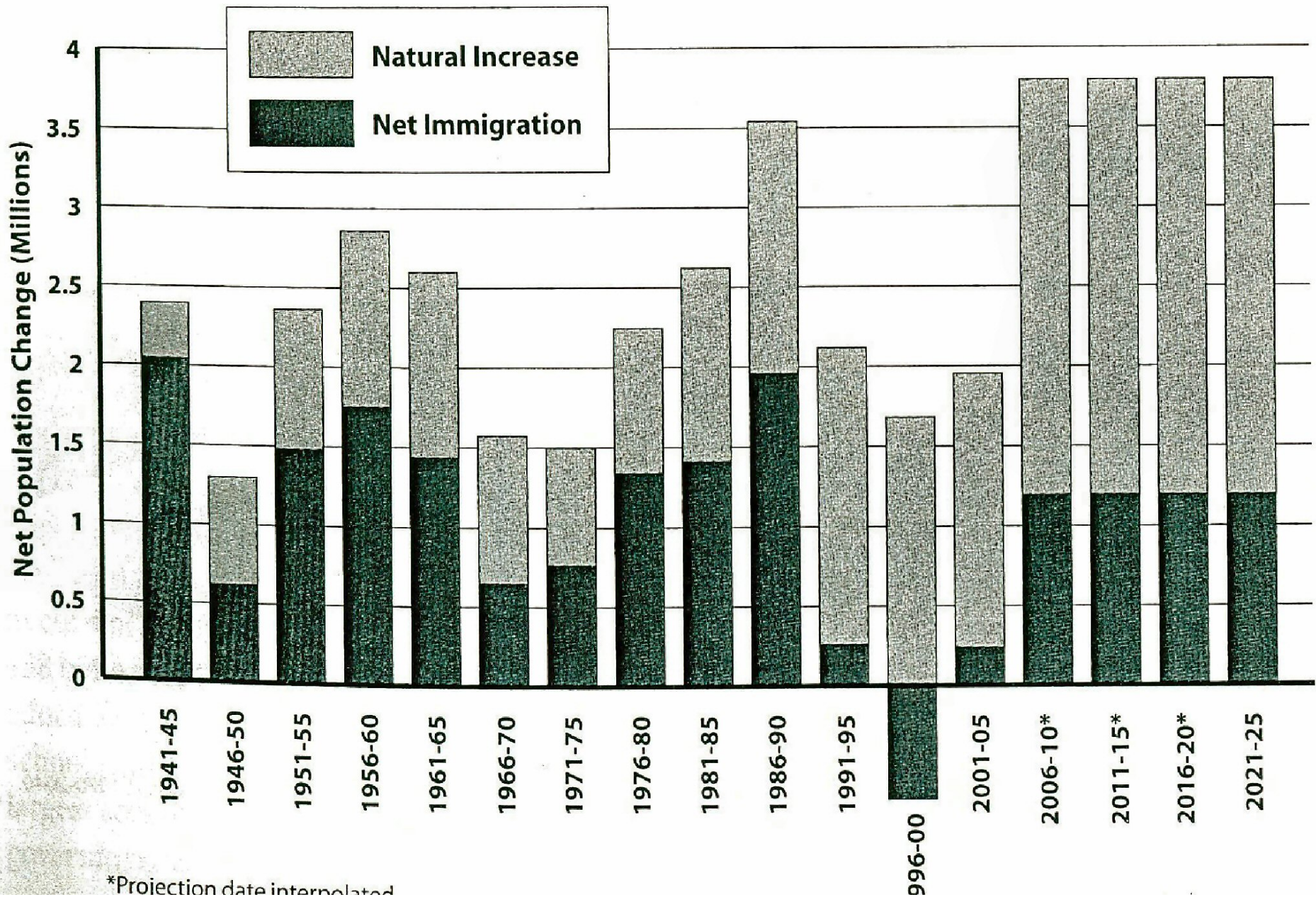


STATE OF CALIFORNIA

GROWTH WITHIN BOUNDS

*Report of the
Commission on Local Governance
for the 21st Century*

Population Growth



*Projection date interpolated

Issues

1960

- Lack of Organization of Local Governments
- Traffic congestion, air pollution and strained water resources
- Uneconomic Use of Regional Resources
- Numerous uncoordinated local governments make government expensive
- Lack of public interest in local government and regional growth

2000

- Reform of Local Governmental Reorganization Law
- Orderly Growth and Resource Protection
- Local Fiscal Reform
- Guiding Future Growth
- Local Government Efficiency
- Public Interest in Government

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

- **Budget Funding Formula Changed**
- **Designate Staff and Counsel**
- **New Procedural Steps**
- **LAFCO now conducts protest hearings**
- **5-Year Spheres of Influence (SOI) Updates**
- **Municipal Service Reviews to Support SOI
Decisions**

POWERS AND TYPES OF DECISIONS

- Boundaries – Exclusive jurisdiction to set or change local government boundaries
- Spheres of Influence – Plans for probable future boundaries (planning function)
- Municipal Service Reviews – Multi-agency studies and services analysis (research)
- Other Functions

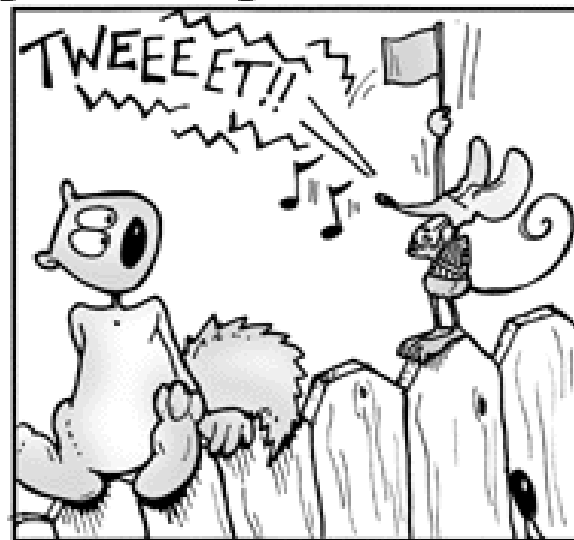
What Do Boundaries Mean?

- Boundaries Define the Geographic Area Within Which a Government Agency Can Exercise Its Powers:
 - Corporate Powers
 - Police Powers
 - Taxation Powers
- Boundaries Define Election/Voting Privileges

Not In My Backyard! by Dale Taylor

May 19, 1998

<http://nimby.net>

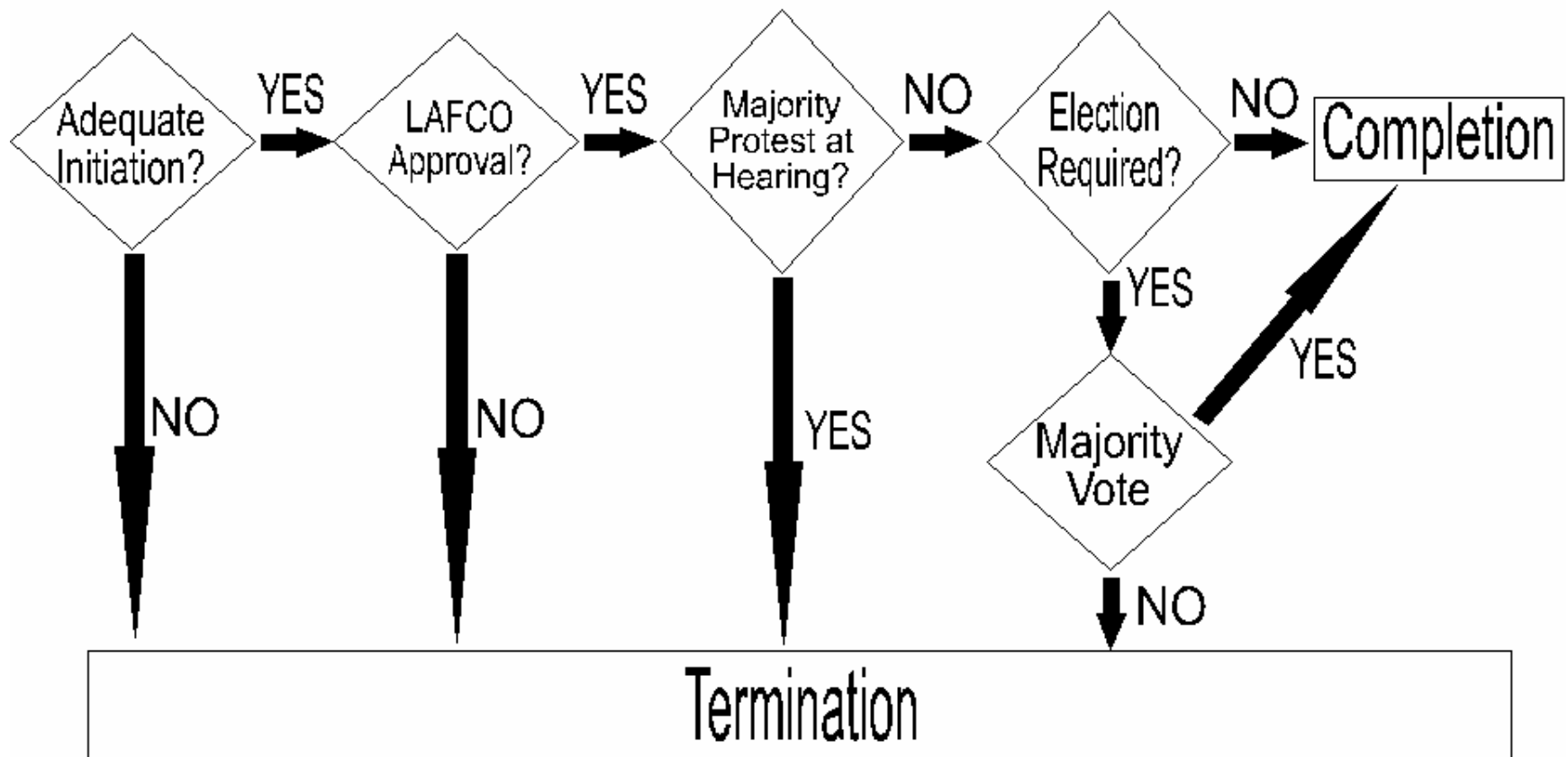


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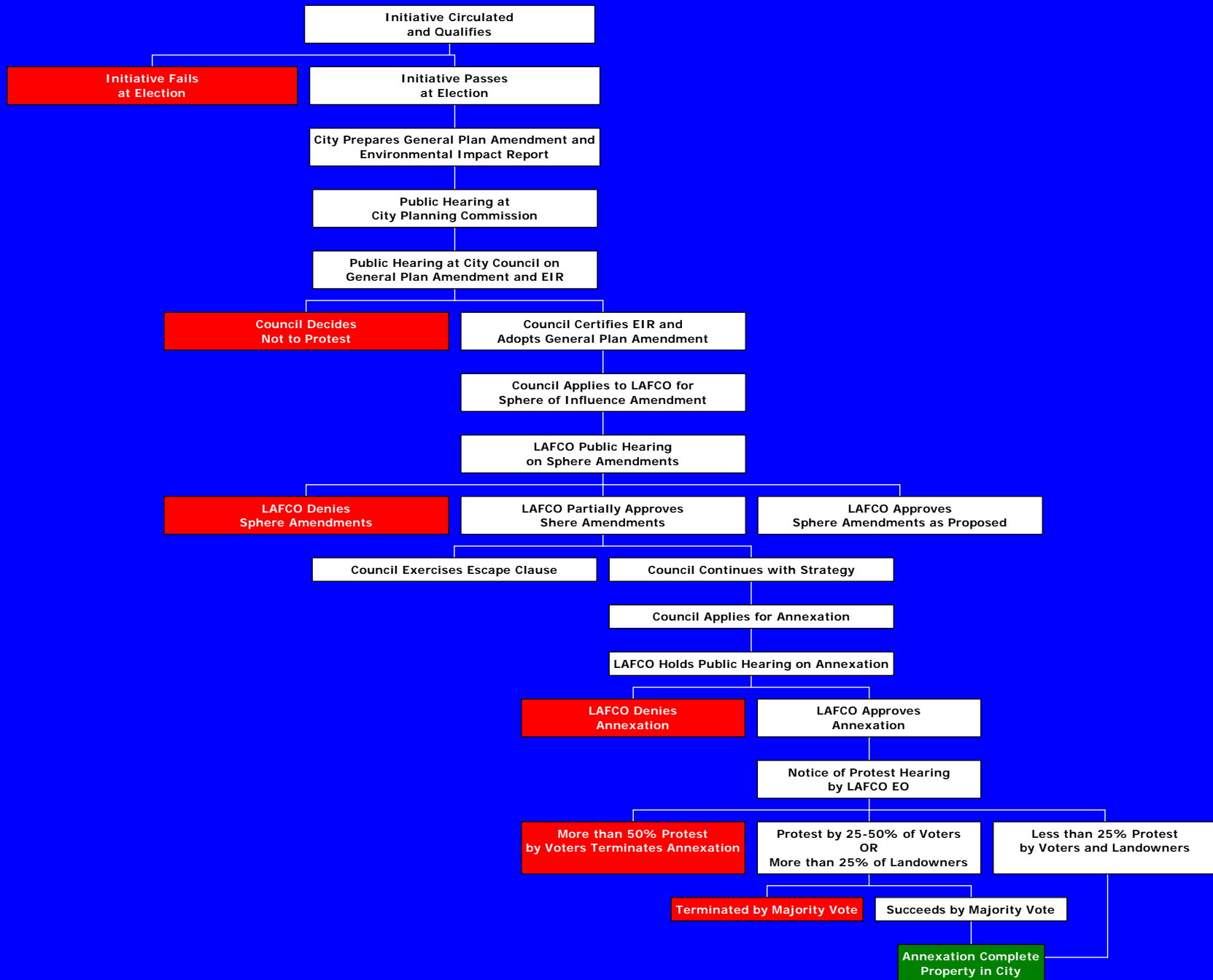
Annexations and Detachments

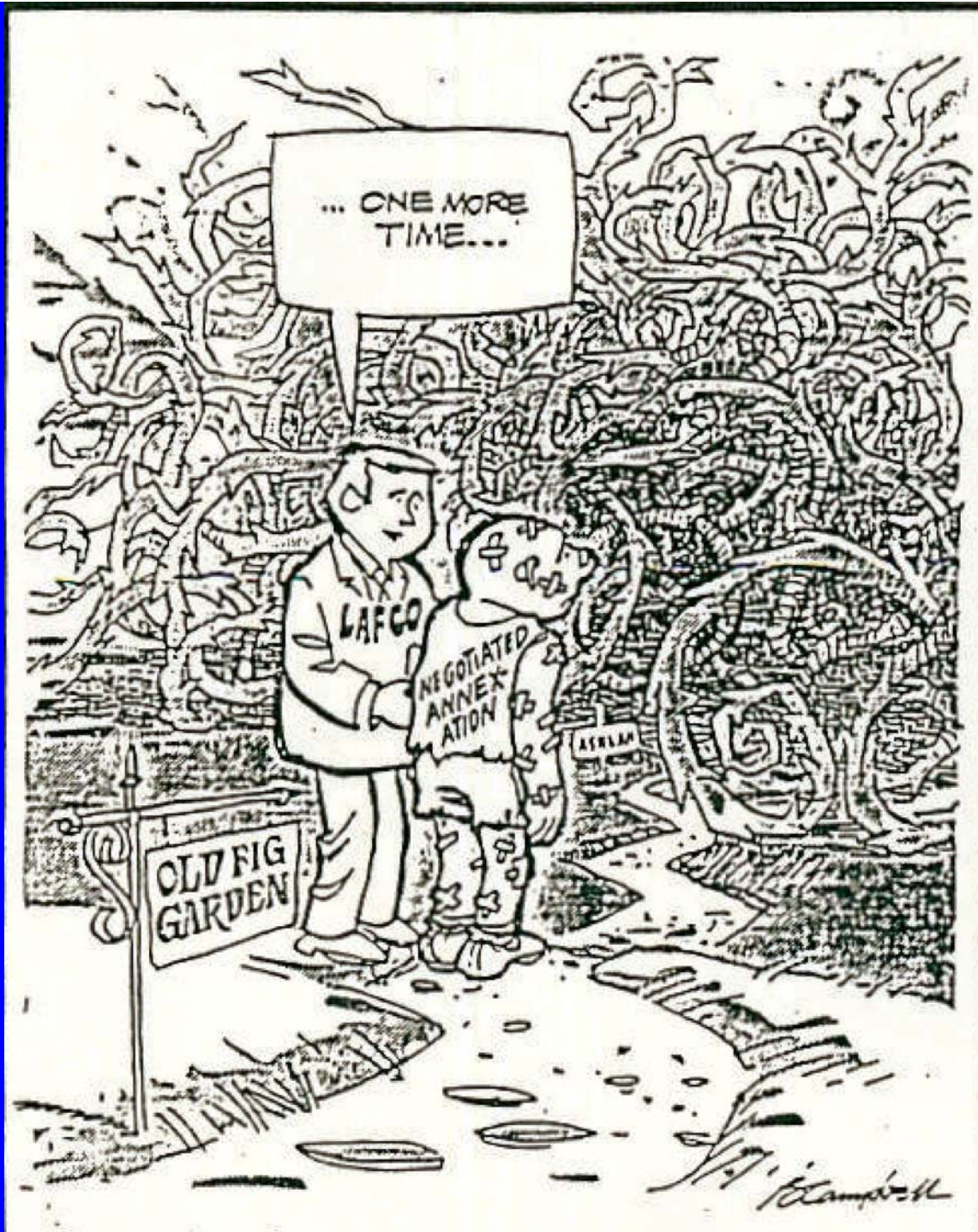
- Add or remove territory to an agency's boundary
- LAFCO can amend, modify, disapprove or continue proposals for boundary changes
- LAFCO adds conditions
- Range of discretion is broad

Simple LAFCO Procedure



ANNEXATION FLOW CHART
 (For areas not currently in city's sphere of influence)





Reorganization

- **More than one area**
 - **Annex Riverview Acres to Water District**
 - **Detach Mountain Reserve from Water District**
- **More than one agency boundary being changed**
 - **Annex to City A**
 - **Detach from Resource Conservation District**
 - **Detach from Rural Fire Protection District**
 - **Detach from County Service Area**

Other Changes

- **Consolidations**
 - **Mergers**
 - **Subsidiary Districts**
-
- **Only changes that LAFCO may initiate—
all other changes require voter, property
owner, or affected agency to initiate**

MISSION

To encourage the orderly formation of local governmental agencies.

Sacramento Metropolitan Fire District: 417 square mile fire district in Sacramento and Placer counties is comprised of territory that once fell within the boundaries of 18 different fire districts.

Mission Viejo: The city was preceded by a community services district.

Service Review and Sphere of Influence Review Programs

MISSION

To discourage urban sprawl.

Ventura Greenbelt Agreements: LAFCO recognizes greenbelt agreements entered into by county and cities.

Santa Clara Urban Service Areas (USA) policies: LAFCO has developed a special planning boundary for urban services for each of its cities.

Recognition of urban growth boundaries within general plans.

MISSION

To preserve agricultural lands.

Yolo LAFCO Agricultural Conservation Policy – extensive policies providing details and definitions of protected lands. Calls for mitigation of annexation of agricultural lands by requiring preservation of similar lands in a 1:1 ratio.

Santa Clara Policy on Gilroy Agricultural Lands – LAFCO policy to recognize an interjurisdictional effort to protect agricultural lands.

Amador LAFCO Mission

- *The mission of the Amador LAFCO is to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 with an understandable and open public process leading to informed decisions.*

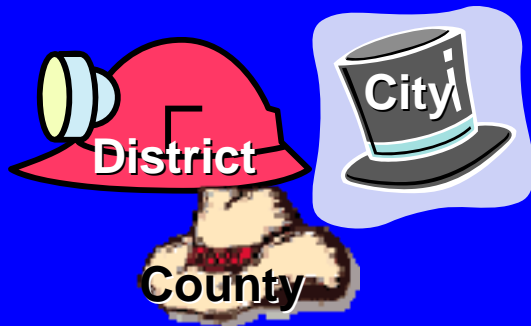
LAFCOs reflect the body politic of our County:

- **Members from the Board of Supervisors**
- **Public Member represents the general public**
- **City Council Members**
- **One Alternate for each category**
 - **Note: public alternate vacancy**
 - **Note: Many LAFCOs have members appointed by the independent special districts in the county**

Independence

**“Where you stand depends
on where you sit.”**

**The Legislature calls upon all commissioners
to take off their county, city, or special district
hats and sit as members of LAFCO.**



Independence

- **The CKH Act of 2000 mandated that all LAFCOs become independent of the county.**
- **G.C. §56381 was added in 2000 and creates a “pay to play” system for LAFCO. All agencies that are eligible to seat members on LAFCO must contribute to the LAFCO budget:**

In counties where the Board of Supervisors, cities, and special districts are seated on LAFCO, the county pays one-third, the cities pay one-third, and the special districts pay one-third.

In counties where only the Board of Supervisors and cities are represented, or where only the Board of Supervisors and special districts are represented, each pays one-half of the LAFCO budget.

Independence

- **Each LAFCO must appoint an Executive Officer and a Legal Counsel. These individuals can be employees of LAFCO, employees of another agency assigned to LAFCO through an agreement, or independent consultants.**
- **Each LAFCO must adopt policies and procedures.**
- **Each LAFCO may (and should) adopt a fee schedule.**

Staff Reports

- **The Executive Officer is required by G.C. §56665 to prepare and issue a staff report for each complete application filed with LAFCO.**
- **The staff report must contain recommendations concerning the application.**

Websites

- **The Commission on Local Governance for the the 21st Century called upon all LAFCOs to operate websites.**
- **G.C. §56661 requires that public notices be published to LAFCO websites.**
- **See our new website at**

[www. co. amador.ca.us/lafco](http://www.co.amador.ca.us/lafco)

The Art of LAFCO

Using Determinations to Add Local Context and Further the LAFCO Mission

LAFCO law does not ask the Commission to make findings – deductions of fact. Rather, the Commission makes determinations, drawing inference and making statements of its independent judgment and decisions.

Examples:

There are no public agencies within reasonable proximity to the Circle Oaks County Water District capable of assuming its service responsibilities.

The City of St. Helena requires improvements to its distribution system to account for the significant disparity between recent water production and actual water demand within its service area.

Annexation Factors – §56668

Planned Workshop in Early 2007

Existing land use, population and growth

Conformity to general plans

Regional housing needs

Analysis of services and future services

Revenues, ability to finance services

Alternatives and effects on others

Conformity to LAFCO policies

Consistent with spheres of all affected agencies

Effect on agricultural lands

Availability of water

Landowner and local agency comments

CEQA

- **LAFCO actions are subject to the California Environmental Quality Act**
- **Lead or responsible agency**
- **When LAFCO is a responsible agency, it should participate in lead agency's CEQA review (e.g., comment on notice of preparation and draft EIR for any major project)**

Planned Workshop on CEQA (early 2007)

Spheres of Influence

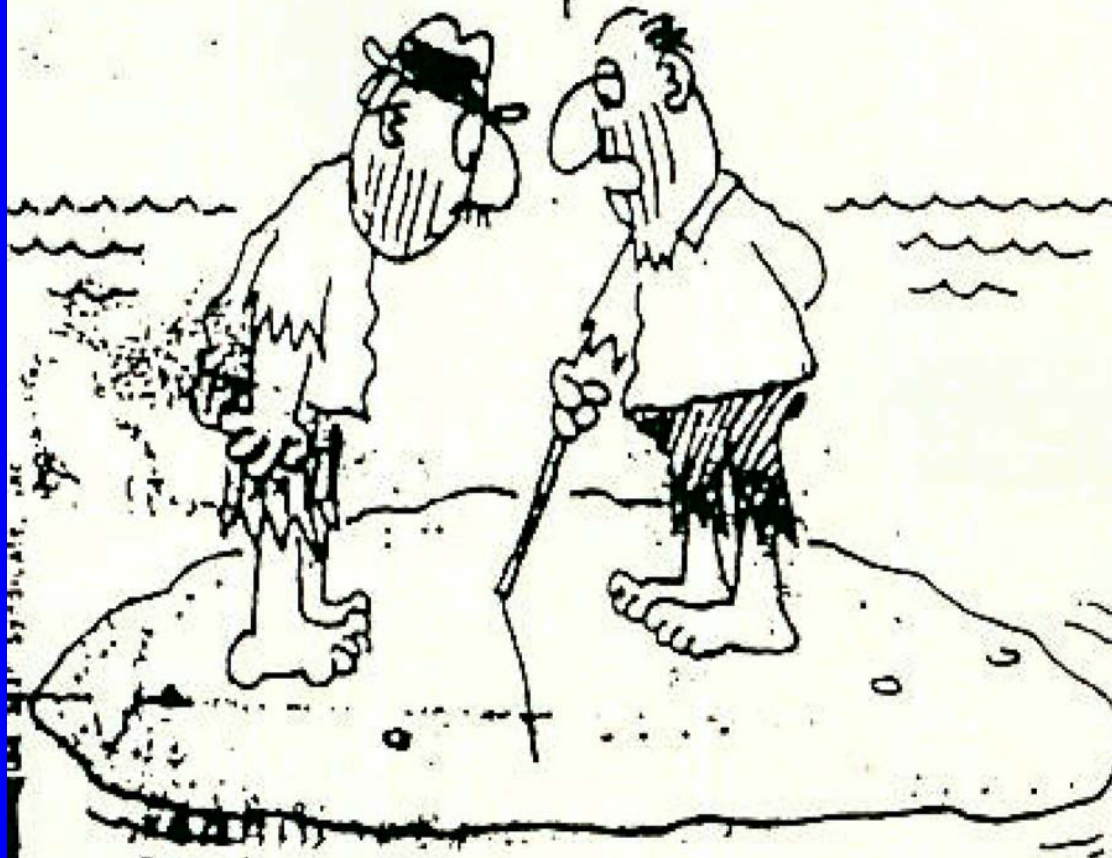
- **Plan for the probable future boundaries of a city or district**
- **Resolution, 4 determinations, map, optional policies**
- **Carry out mission based upon local circumstances**
- **Coordinate services and plans**
- **Resolve turf issues**

Spheres of Influence

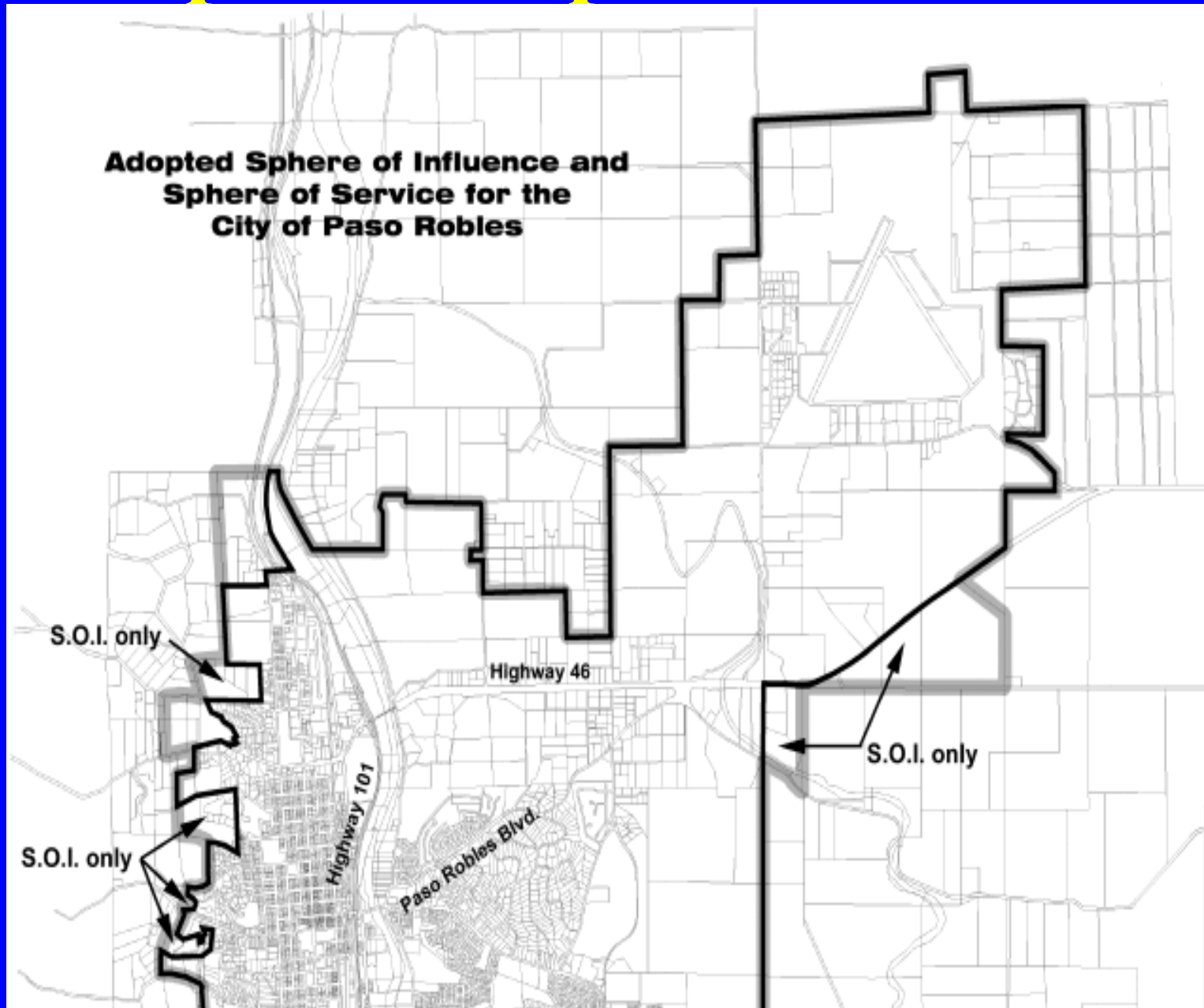
- **LAFCO must prepare for each agency and update at least every five years**
- **LAFCO must make determinations**
- **LAFCO must prepare service review (MSR)**
- **Annexations must be consistent**

Fonwick

THAT SIDE OF THE LINE IS YOUR SPHERE OF INFLUENCE.... THIS SIDE OF THE LINE IS MY SPHERE OF INFLUENCE!



Sphere Maps—“Normal”



Other Sphere Types

- **Sphere can be larger or smaller than agency boundary**
- **Contiguous Sphere – same area as boundaries**
- **Zero Sphere – the agency will eventually serve no territory, i.e. go out of existence**

Service Reviews

- **Comprehensive multi-agency studies**
- **Get away from single agency perspective and turf battles typical of individual sphere studies**
- **Customer/Public perspective**
- **Look for opportunities for more efficient public services**
- *Need to complete before changes in any Sphere of Influence or by 1/1/2008*

Service Review Subjects

- **Financing constraints and opportunities**
- **Cost avoidance opportunities**
- **Opportunities for rate restructuring**
- **Opportunities for shared facilities**
- **Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers**
- **Evaluation of management efficiencies**
- **Local accountability and**

PUBLIC PROCESS

HEARINGS

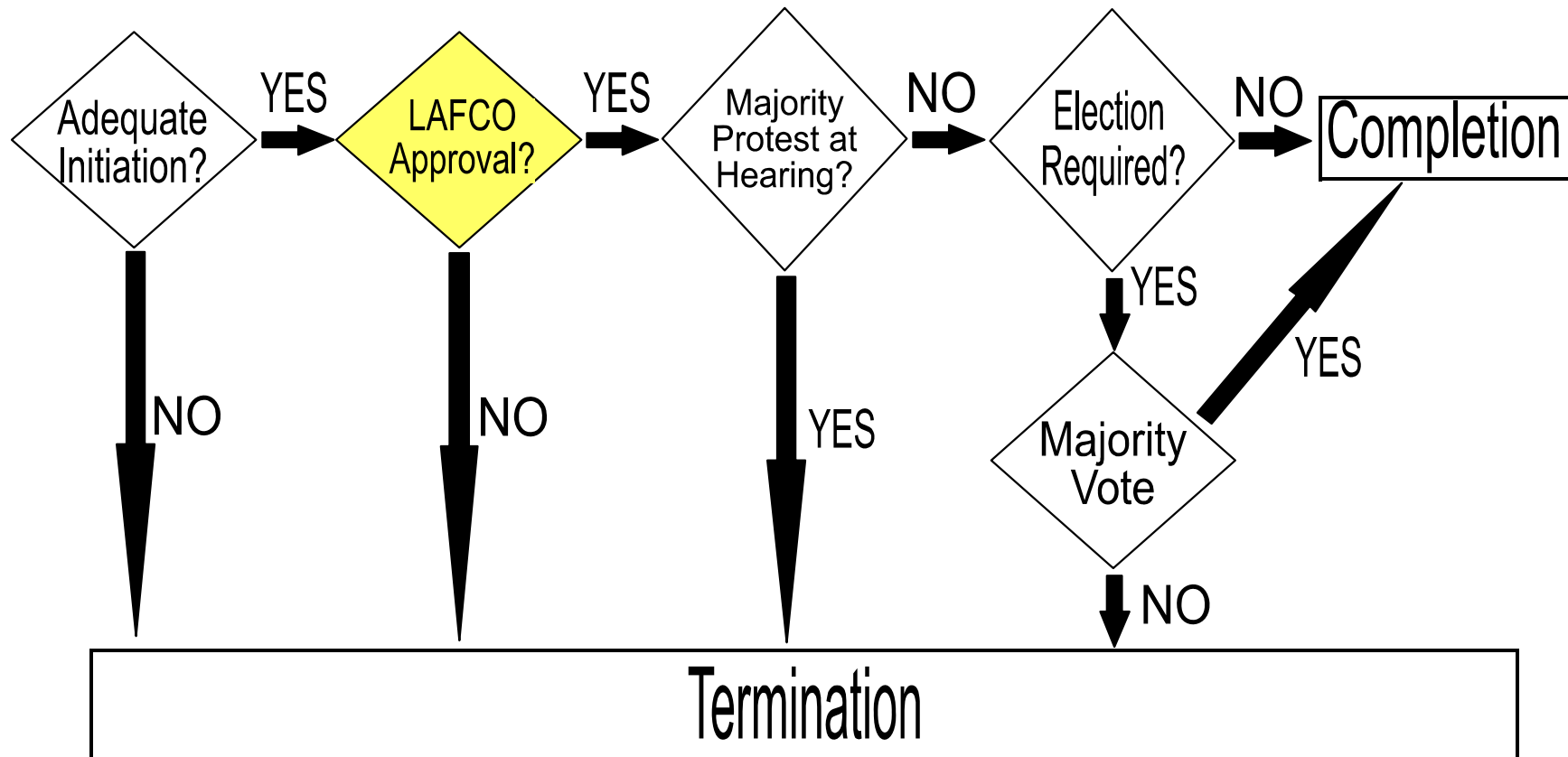
– LAFCO HEARINGS

- **Complex notice requirements**
- **Boundaries, spheres, budget, etc.**

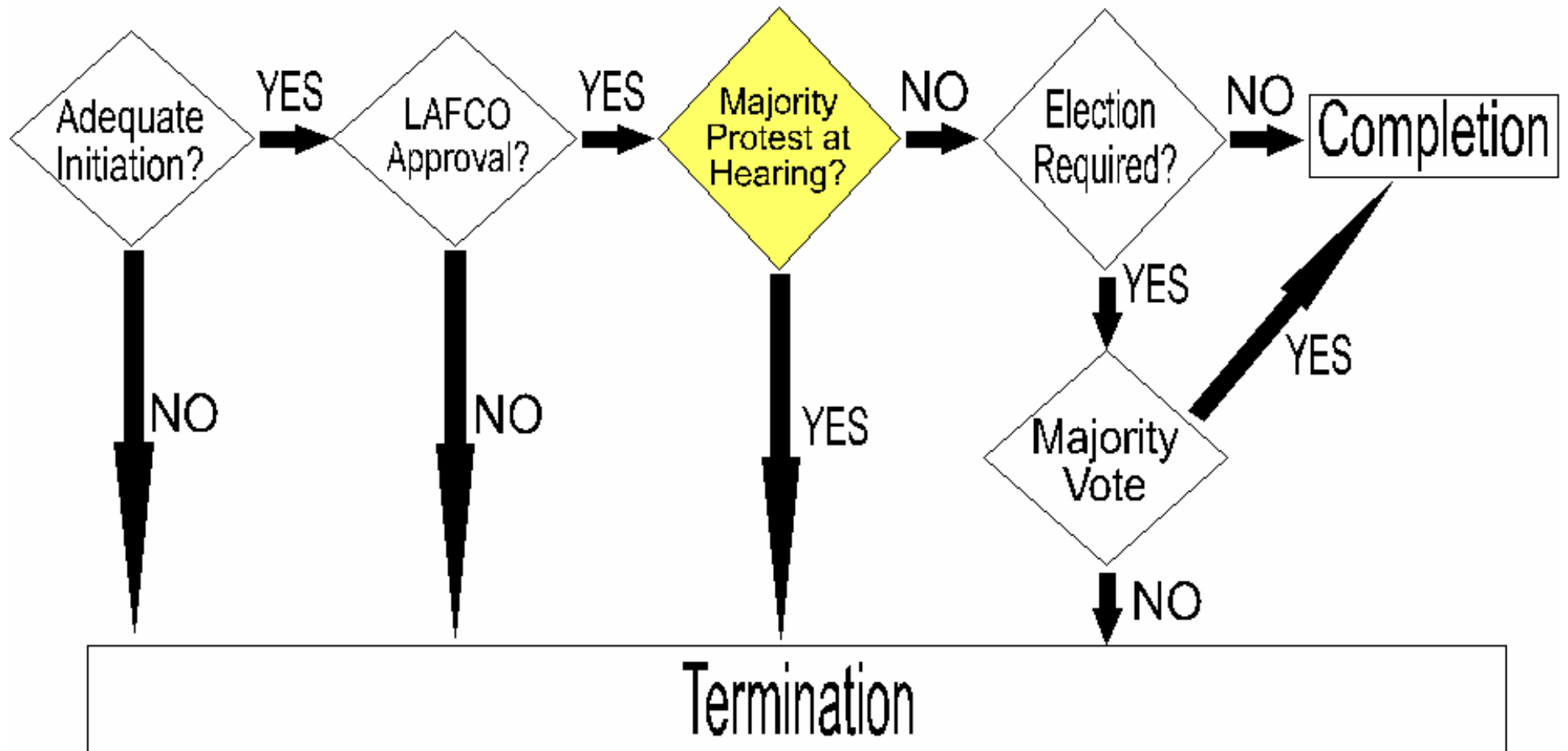
– CONDUCTING AUTHORITY PROCEEDINGS

- **Notice to registered Voters and Landowners**
- **Allows citizens with standing to protest and/or veto approved boundary changes (complex requirements)**
- **Sufficiency of protest is ministerial**
- **Executive Officer is usually the Hearing Officer**

LAFCO Hearing



Protest Hearing



Brown Act

- **Same rules as local boards**
- **Decisions in open meetings**
- **Agenda fixed in advanced**
- **Special meetings get special notices**

Financial Disclosure and Disqualification

- **Political Reform Act (FPPC)**
- **Tougher for appointed boards (LAFCO) than for elected boards (city council, etc.)**
- **\$350 contribution before or after LAFCO decision**
- **Contributor and Commissioner must disclose on LAFCO record**
- **Commissioner must not participate in LAFCO decision**

Other Public Communications

- Website with useful references, staff reports along with information required by law
- Notices must be posted on website—in addition to “traditional” noticing
- Press releases and information availability
- Informational and Op/ed articles for newspapers
- Public outreach and education
- Speak to civic groups

?

YES, I HAVE YOUR
LETTER ON MY DESK
RIGHT NOW



NEDIMAN ©76

Sources and Resources

- **CALAFCO Website—www.calafco.org**
- **It's Time to Draw the Line—Senate Local Government Committee**
- **Guide to Cortese-Knox Hertzberg Local Government Reorganization Act of 2000—Assembly Local Government Committee**
- **LAFCO Procedures Guide produced by San Diego LAFCO**
- **OPR Website—[www.opr.ca.gov/planning/LAFCO Reform.html](http://www.opr.ca.gov/planning/LAFCO_Reform.html)**

END