

CALAFCO
2014 STAFF WORKSHOP
April 24, 2014



**MSRS FOR A BRAVE
NEW WORLD?**

Panelists



- **David E. Fey, AICP, EO, Fresno LAFCo**
- **Patrick M. McCormick, EO, Santa Cruz LAFCo**
- **Kathleen Rollings-McDonald, EO, San Bernardino LAFCo**
- **Neelima Palacherla, EO, Santa Clara LAFCo**
- **Jason Fried, Senior Program Officer, San Francisco LAFCo**

What can you expect from this session?



- A legislative summary of MSR's (and other studies);
- CKH at 14: is there a CEQA Analog?
- MSR's as instruments in a logical evolution of LAFCo authority;
- Summary of “lessons learned” and emerging trends;
- Session discussion: What's next? What's possible?
- Conclude at the evolutionary crossroads!

Legislative Summary



- **AB 2054 (Knox) - Died on the Senate Floor, 1969.**
- **AB 237 (Knox) - Signed, Ch. 792, Statutes of 1972.**
- **AB 2870 (Knox) - Signed, Ch. 1241, Statutes of 1971.**
- **AB 2977 (Priolo) - Died in Assembly Local Government, 1974.**
- **SB 687 (Petris) - Signed, Ch. 652, Statutes of 1973.**
- **SB 467 (Smith) - Died in Senate Local Government, 1978.**
- **AB 287 (Knox) - Died in Senate Local Government, 1980.**
- **AB 972 (Torlakson) - Signed, Ch. 677, Statutes of 1998.**
- **AB 1476 (Sweeney) - Died in the Senate Local Government, 1998.**

MSRs' evolution of LAFCo authority



- AB 1484 (Hertzberg) – Commission on Local Gov. for the 21st Century; Final Action: Signed, Ch. 943, Statutes of 1997.
- *Growth Within Bounds*, 2000
- A major overhaul of statements of legislative intent
- Recommendation 6-7.

MSR: A CEQA Analog?



- Who woulddathunkit back in 1972?
- “The principal legal question that arises is whether the EQA applies to private activities for which a permit or other similar entitlement is required....”

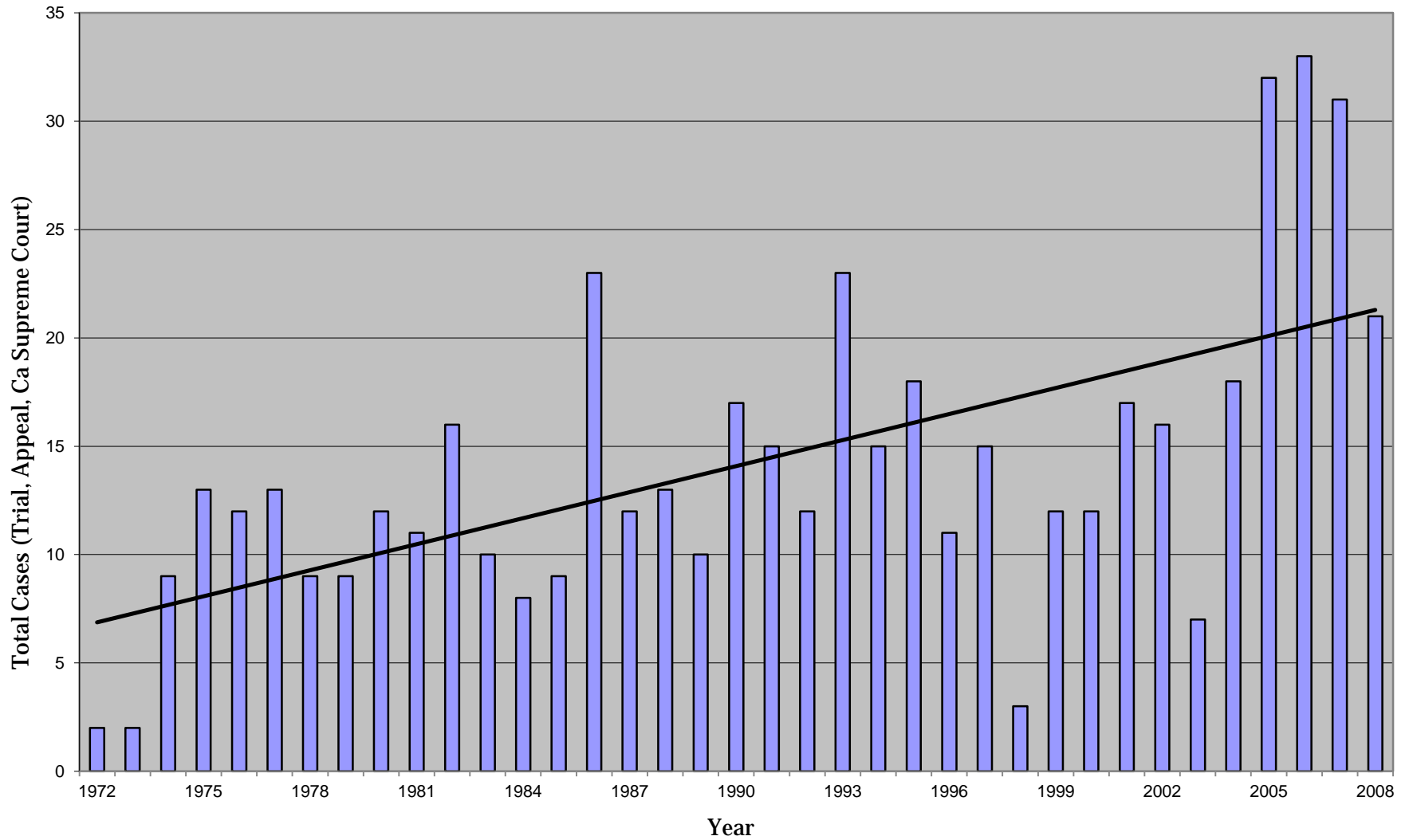
Friends of Mammoth

MSR: A CEQA Analog?



CEQA's broad scope and lack of clear thresholds often lead to litigation, both by groups that support development, and individuals and agencies opposing such development.

CEQA Cases 1972-2009



MSR: A CEQA Analog?



Not analogous.

Determinations not findings;

Recommendations not regulations;

Responsible agency, not lead agency;

Can be statutorily exempt from CEQA; and

Reflects LAFCo's broad authority to conduct studies

Panelist Discussion



- **Patrick M. McCormick, EO, Santa Cruz LAFCo**
- **Kathleen Rollings-McDonald, EO, San Bernardino LAFCo**
- **Neelima Palacherla, EO, Santa Clara LAFCo**
- **Jason Fried, Senior Program Officer San Francisco LAFCo**

Panelist Discussion



Patrick M. McCormick
Executive Officer
Santa Cruz LAFCo

1999-2000 Commission on Local Governance for the 21st Century



Recommendation 6-7

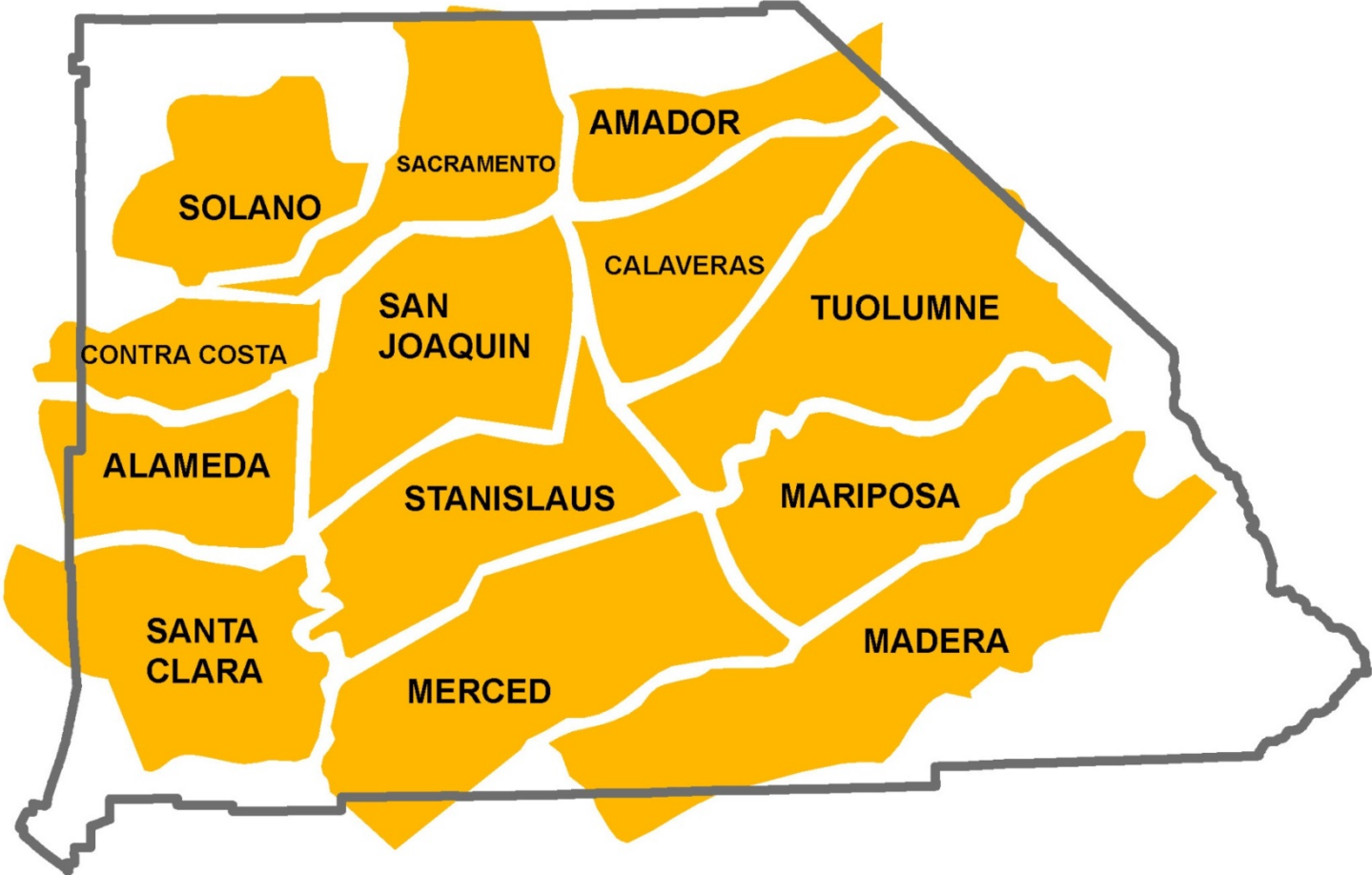
- Periodically prepare service reviews
- Nine determinations (infrastructure needs, cost avoidance, shared facilities, government structure options, . . .)
- Before of in conjunction with sphere updates
- Considered a state mandate

Panelist Discussion

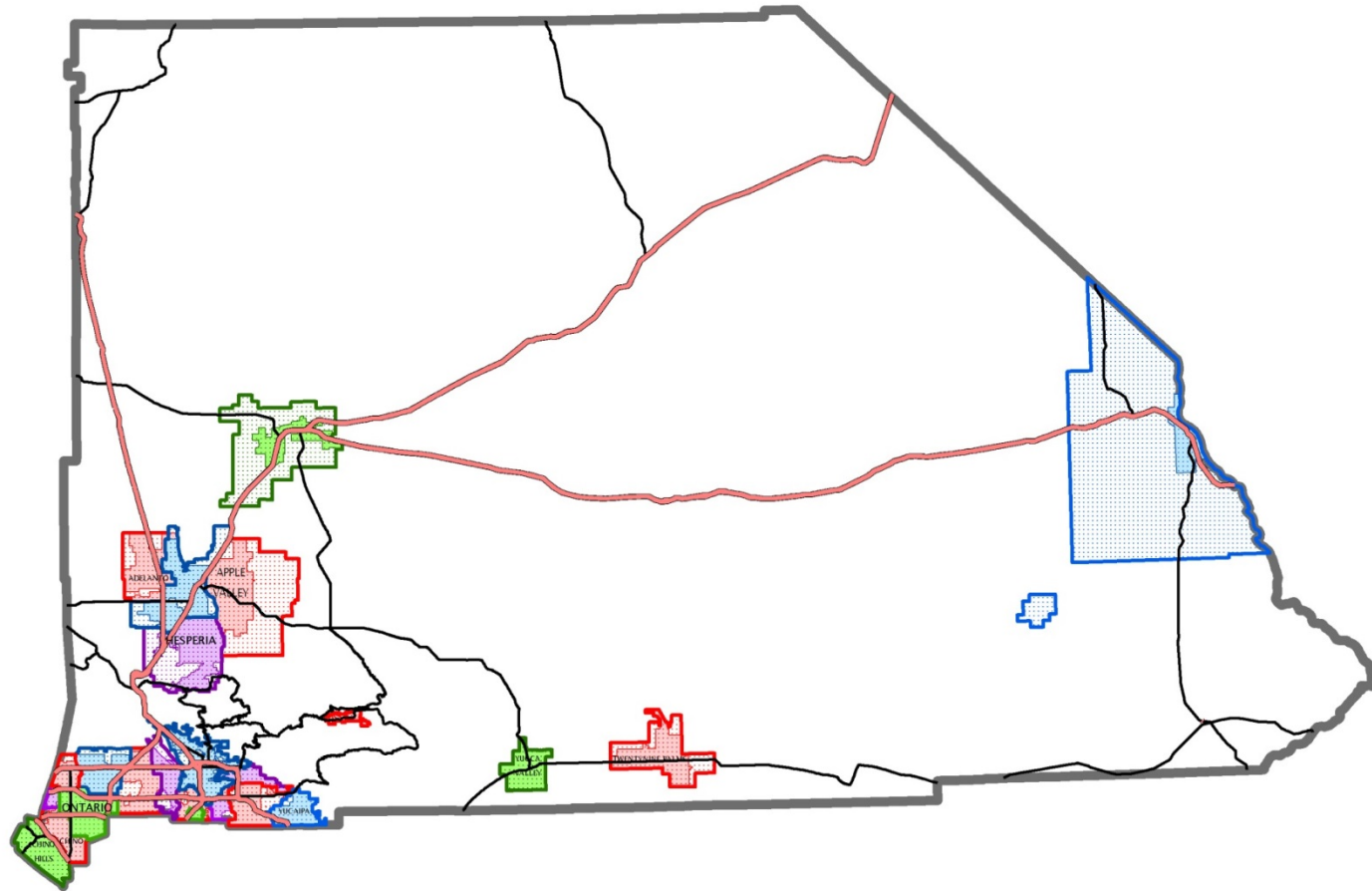


Kathleen Rollings-McDonald
Executive Officer
San Bernardino LAFCo

County of San Bernardino



County of San Bernardino



Panelist Discussion



Neelima Palacherla
Executive Officer
Santa Clara LAFCo

Panelist Discussion



Jason Fried
Senior Program Officer
San Francisco LAFCo

MSR “Future State” Influences



Evolution of MSR ***Implementation***:

- Local Agencies modify/increase their participation in the MSR process;
- Additional agencies (with permitting authority) and resources (District Atty, State Controller,...) can be brought into the process;
- LAFCos incorporate additional uses for MSRs such as compliance report when applications are submitted by the subject local agency;

MSR “Future State” Influences



Potential Changes to the *Statute*:

- Increased enforcement of recommendations;
- Recommendations become directives;
- Additional Sensitive Communities must be considered (DUC analog);
- Additional sensitive communities:
 - Environmental Justice communities,
 - Poorly-managed districts,
 - Others?

MSRs' "Brave New World" Influences



Plenary Discussion

And in conclusion..



**“We stand today at a crossroads:
One path leads to despair and utter hopelessness.
The other leads to total extinction.**

**Let us hope we have the wisdom to make the right
choice.”**

Woody Allen