

LAFCO 101

An Introduction to Local Agency Formation Commissions



LAFCO 101

Introduction to Local Agency Formation Commissions

Bob, Braitman, San Benito LAFCO
Carole Cooper, Sonoma LAFCO
Marsha Burch, Counsel, Public Agencies
David Church, San Luis Obispo LAFCO, Moderator


California Association of Local Agency Formation Commissions



LAFCO 101 Presenters

- ❖ Bob, Braitman, San Benito LAFCO
- ❖ Carole Cooper, Sonoma LAFCO
- ❖ Marsha Burch, Counsel, LAFCOs and Public Agencies
- ❖ David Church, San Luis Obispo LAFCO, Moderator

California Association of Local Agency Formation Commissions



Things to Keep in mind

- ❖ More than one answer or one way
- ❖ Local conditions and policies may apply
- ❖ Let's hear your questions
- ❖ If the question is too tough...
- ❖ We will google it, park it, or make up a good story!

California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions

 **What's Ahead**

- ❖ Why LAFCO was created?
- ❖ LAFCO's Legislative Mission, Scope, and Composition
- ❖ LAFCO's Legal foundation
- ❖ LAFCO's Planning and Regulatory Functions
- ❖ Q and A

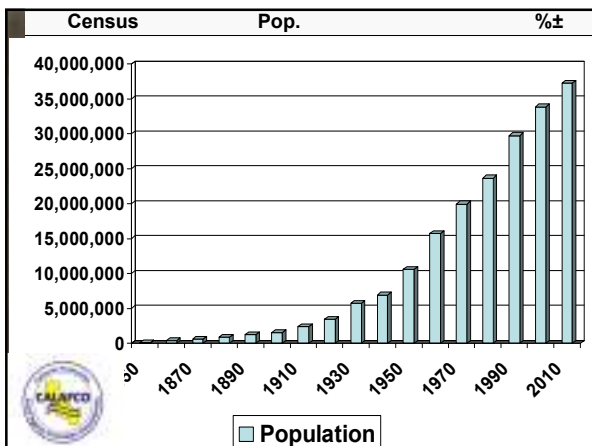
California Association of Local Agency Formation Commissions

 **Why LAFCO was created**

- ❖ Post World War II population and housing boom in California
- ❖ Following street cars, there were suburbs and a scramble to finance and extend services
- ❖ City annexation "wars," proliferation of limited purpose special districts
- ❖ Governor Pat Brown's Commission on Urban Problems focused on need to encourage orderly boundaries

11

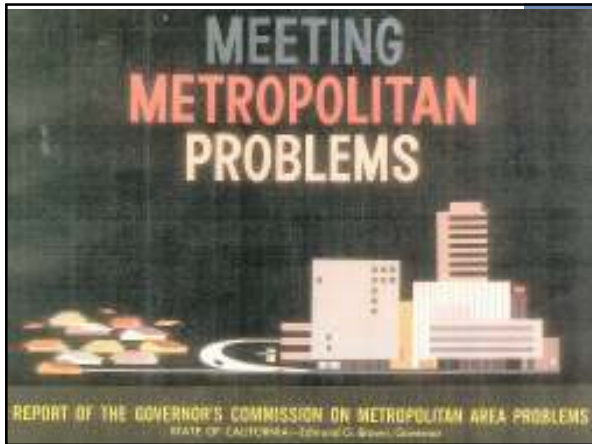
California Association of Local Agency Formation Commissions






LAFCO 101

An Introduction to Local Agency Formation Commissions




 **LAFCO'S Purposes Are To**

- ❖ Encourage orderly boundaries
- ❖ Discourage urban sprawl
- ❖ Preserve agriculture and open space
- ❖ Promote efficient public services
- ❖ Consider regional housing needs, adequate water and other key issues

14

California Association of Local Agency Formation Commissions



 **Legislative Compromise**

- ❖ No Statewide Commission or agency
- ❖ A LAFCO in each county
- ❖ Local Control; no State appointees
- ❖ LAFCO are independent; no administrative appeal

15

California Association of Local Agency Formation Commissions





LAFCO 101

An Introduction to Local Agency Formation Commissions




Legislative History

- ❖ 1963 - Knox-Nesbitt Act –LAFCOs created to regulate boundaries
- ❖ 1965 - District Reorganization Act (DRA) to unify district procedures
- ❖ 1971 - Spheres of influence – LAFCOs plan too
- ❖ 1972 - Allow special district members
- ❖ 1977 - Municipal Organization Act Clean up city procedures

16

California Association of Local Agency Formation Commissions




Legislative History cont'

- ❖ 1983 - Deadlines to prepare spheres
- ❖ 1985 - Cortese-Knox Local Government Reorganization Act – Recodify
- ❖ 1993 - AB 1335 (Gotch) – Improve procedures
- ❖ 2000 - AB 2838 (Hertzberg) – Major reforms
 - ◆ Broaden LAFCO funding formula
 - ◆ Make LAFCO the conducting authority
 - ◆ Require Municipal Service Reviews and periodic Sphere of Influence update
 - ◆ Add new factors – water supply, regional housing


17

California Association of Local Agency Formation Commissions



Recommendations:

- ❖ LAFCOs be neutral, independent, and provide well balanced representation.
- ❖ Strengthen LAFCO's powers to prevent urban sprawl and ensure orderly extensions of governmental services.
- ❖ Municipal Service Reviews to inform SOI Updates
- ❖ Strengthen policies to protect agricultural and open space.



California Association of Local Agency Formation Co



LAFCO 101

An Introduction to Local Agency Formation Commissions



Carole Cooper
Assistant Executive Officer
Sonoma LAFCO



California Association of Local Agency Formation Commissions



**LAFCO
in Every
County**



California Association of Local Agency F



LAFCO Composition

At the least:

- ❖ 2 County Supervisors
- ❖ 2 City Council members
- ❖ 1 public member
- ❖ Alternate for each category

30 LAFCOs also include:

- ❖ 2 Special District members plus an alternate
- ❖ Some LAFCOs have “special seats”



California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions




Commissions a Unique Mix

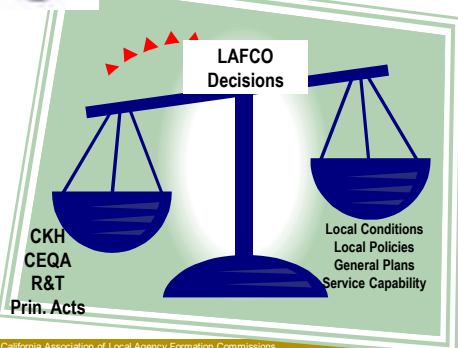


29+1 LAFCOs with Special District Members


California Association of Local Agency Formation Commissions



LAFCO Balancing Act



California Association of Local Agency Formation Commissions



Jurisdiction

- ❖ Includes:
 - ◆ Counties, cities, most special districts
- ❖ Does NOT include:
 - ◆ JPAs
 - ◆ Community facilities or Mello-Roos districts
 - ◆ School or college districts
 - ◆ County boundary lines
 - ◆ Bridge and highway districts
 - ◆ Transit or rapid transit districts
 - ◆ Improvement districts
 - ◆ Zones of benefit
 - ◆ Air Pollution/Quality Districts

California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions

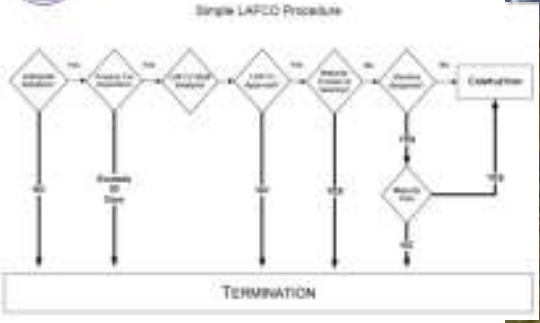
What LAFCO can do?

- ◆ Incorporations
- ◆ District Formations
- ◆ Dissolution
- ◆ Disincorporation
- ◆ Annexations
- ◆ Detachments
- ◆ Outside User Agreements
- ◆ Spheres of Influence/MSR
- ◆ Activate Latent Powers
- ◆ Consolidations-2 or more cities or 2 or more Districts
- ◆ Mergers-District is dissolved and City Takes over.



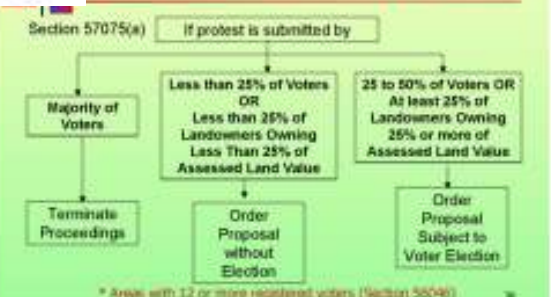

California Association of Local Agency Formation Commissions

“Normal” LAFCO Process



California Association of Local Agency Formation Commissions

Protest Thresholds; Inhabited Areas*




* Areas with 12 or more registered voters (Section 55046)

California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions



Marsha Burch
Legal Counsel
for Public Agencies and
LAFCOs


California Association of Local Agency Formation Commissions



LAFCOs Legal Role

- ❖ LAFCO is the Legislature’s “watchdog” over local governments – its job is to regulate local government actions
- ❖ While powers are broad, LAFCO jurisdiction is limited to certain actions and are limited to those powers granted by statute
- ❖ Must consider land use issues but not regulate them directly

California Association of Local Agency Formation Commissions



Subject to State Laws


- ❖ Cortese-Knox-Hertzberg Act
- ❖ Brown Act
- ❖ CEQA
- ❖ Revenue and Tax Code
- ❖ Political Reform Act
- ❖ Various Principal Acts

California Association of Local Agency Formation Commissions



LAFCO 101


An Introduction to Local Agency Formation Commissions



Limited Legal Challenge

- ❖ LAFCO decisions are quasi-legislative
- ❖ Not appealable to any other body except the courts
- ❖ Short period to file suit
- ❖ Limited legal challenge to decisions
- ❖ Upheld As long as decision is not "arbitrary and capricious"

California Association of Local Agency Formation Commissions






LAFCOs' Key Legal Concerns

- ❖ Must Act in accordance with state law and locally adopted policies
- ❖ Comply with CEQA particularly where acting as lead agency
- ❖ Must Adopt Findings to support decision (McBail)

California Association of Local Agency Formation Commissions






Environmental review of LAFCO decisions

- ❖ Many LAFCO actions are "projects" under CEQA
- ❖ Pre-zoning makes city lead agency
- ❖ LAFCO is often Responsible Agency
- ❖ Categorical exemptions tailored to LAFCO actions - Classes 19 & 20

33


California Association of Local Agency Formation Commissions





LAFCO 101

An Introduction to Local Agency Formation Commissions



David Church
Executive Officer
San Luis Obispo LAFCO

California Association of Local Agency Formation Commissions



LAFCO's PLANNING Function

- ❖ Develop and update Spheres of Influence for cities and districts
- ❖ Prepare Municipal Service Reviews for all local jurisdictions
- ❖ Work cooperatively on growth, preservation, and service delivery issues

California Association of Local Agency Formation Commissions



LAFCO's REGULATORY Function

- ❖ Administers modification of existing agencies and creation of new ones
- ❖ Considers boundary changes
- ❖ Controls extension of public services
- ❖ Is prohibited from directly regulating land use

California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions



LAFCOs Independent

- ❖ Commissioners make final decisions
- ❖ Adopts local policies
- ❖ Decisions cannot be appealed to other administrative bodies
- ❖ LAFCO Staff accountable to Commission and statutes



California Association of Local Agency Formation Commissions



Commissioners asked to be Independent

- ❖ Exercise Independent Judgment on behalf of public
- ❖ Based on CKH and LAFCO policies - Not solely on the interests of appointing authority
- ❖ “LAFCO Hat” involves a broader perspective representing “public as a whole”

California Association of Local Agency Formation Commissions



Each LAFCO Independent

- ❖ Provides own office, equipment, personnel
- ❖ Appoints an Executive Officer
- ❖ Appoints a Legal Counsel
- ❖ Can contract for staff services
- ❖ Administrative authority as an independent public agency




California Association of Local Agency Formation Commissions




LAFCO 101

An Introduction to Local Agency Formation Commissions




LAFCO is Funded Locally

- ❖ Must adopt a budget for each fiscal year by June 15
- ❖ Budget process is outlined in CKH Act
- ❖ Funded by the county, cities, and special districts in equal shares
- ❖ County Auditor processes the invoices




California Association of Local Agency Formation Commissions




LAFCO is Funded Locally

- ❖ Local funding formulas are allowed
- ❖ Processing fees help offset expenses for proposals




California Association of Local Agency Formation Commissions



LAFCO Staff serves Public/Commission

- ❖ Serve the Commission by providing accurate and comprehensive information
- ❖ Analyze and Interpret CKH and other laws (CEQA, General Plans, etc.)
- ❖ Process proposals consistent with CKH and local procedures and policies
- ❖ Prepare staff reports, studies and make recommendations
- ❖ Implement Commission decisions




California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions



Current Challenges


- ❖ Sphere Updates (56425(g))
- ❖ Service Extensions (56133)
- ❖ Authority to impose conditions (56886)
- ❖ Special requirements for Ag Land Conversion (56377)
- ❖ DUCs –Disadvantaged Unincorporated Communities (56375(a)(8))

California Association of Local Agency Formation Commissions



Panel Discussion Questions and Answers

California Association of Local Agency Formation Commissions



www.calafco.org

Information and resources on
LAFCO law and process

California Association of Local Agency Formation Commissions



LAFCO 101

An Introduction to Local Agency Formation Commissions

LAFCO Resources to Use

- ❖ www.leginfo.ca.gov
- ❖ www.calafco.org
- ❖ www.lao.ca.gov
- ❖ www.csda.net
- ❖ www.cacities.org
- ❖ www.dof.ca.gov/research
- ❖ www.csac.counties.org

California Association of Local Agency Formation Commissions

Examples and Good LAFCO Stories

California Association of Local Agency Formation Commissions

