



CALAFCO U Webinar

The Dirty Dozen: Things I Wish I Had Known About the Act

February 23, 2023





Materials

/calafco.org

Search

About Us LAFCO Law **Education** Resources Legislation Contact Us

CONFERENCES & WORKSHOPS

- Annual Schedule
- A Guide to Hosting CALAFCO Conferences and Workshops

CALAFCO UNIVERSITY

- Courses**
- Course Material Archive
- AICP Credit

JULY 06, 2022 Conferences & Workshops More

POPULAR INFORMATION
If you are not already, please [log in](#) for m



Moderator

❖ PAUL NOVAK

Executive Officer – Los Angeles County Local Agency Formation Commission





Panelists

❖ **JOSÉ HENRIQUEZ**

Executive Officer – Sacramento Local Agency Formation Commission

❖ **UMA HINMAN**

Executive Officer - Mendocino Local Agency Formation Commission

❖ **KATE McKENNA**

Executive Officer - Monterey Local Agency Formation Commission





Speaker (Central Region)

José Henriquez
Sacramento LAFCO





Setting the Hearing Date (José)

- ❖ Upon issuance of the Certificate of Filing
- ❖ Set the proposal for hearing
- ❖ Within ninety (90) days
- ❖ Ninety (90) day timeframe is mandatory (reinforced by GC Section 56106)

Government Code Section 56658(h)





Consolidation of Agencies (José)

- ❖ Two or more agencies
- ❖ Resolution of application to consolidate districts
- ❖ Commission shall approve, or conditionally approve

Government Code Section 56853





Resolution Ordering Dissolution (José)

- ❖ Corporate powers have not been used
- ❖ Registered-voter district and is uninhabited
- ❖ Board of directors provide unanimous consent
- ❖ Without an election

Government Code Section 57102





Bonus Code: Notice (José)

Waiver of conducting authority hearings for change of organizations consisting of annexations, detachments or reorgs consisting solely of annexation or detachments or both:

- ❖ Notice per 56157 has been given to LOs and RVs
- ❖ Notice contains specified provisions
- ❖ Written opposition has not been received

Government code Section 56663





Speaker (Northern Region)

Uma Hinman
Mendocino LAFCO





Proposal Processing (Uma)

- ❖ LAFCO process is different than the land-use process
- ❖ Not just CKH . . . but also a principal act, the Revenue & Taxation Code, and CEQA
- ❖ Important to identify process and responsibilities up front

Government Code Section 56000 et seq, Public Resources Code Section 21000 et seq, R & T Code Section 99, and several principal acts





Protest Proceedings (Uma)

- ❖ Do NOT underestimate the protest process (conducting authority proceedings)
- ❖ Work with the applicant—early—to gauge level of support and opposition
- ❖ If protest overturns Commission approval, it is a significant waste of time, money, and resources

Government Code Sections 57000-57052





Data for a Municipal Service Review (Uma)

- ❖ Cast a wide net
- ❖ Don't limit data to agency-provided information
- ❖ Solid determinations will support future Commission actions
- ❖ Purpose is not to make agency look bad, but to identify areas for improvement and assess long-term viability
- ❖ MSR is not an audit, investigation, or enforcement method, nor a complaints forum

Government Code Sections 56430





Speaker (Coastal Region)

Kate McKenna
Monterey LAFCO





Authority to Require Information (Kate)

Each application (proposal) shall contain the following information:

- ❖ Required by Commission regulation or policy
- ❖ Required by the Executive Officer
- ❖ Plan for services (including financial feasibility)

Government Code Section 56652(d)-(e) and 56653(b)(5)





Authority to Impose Conditions and to Deny a Proposal (Kate)

- ❖ LAFCO has the power to adopt local policies to help achieve mandates in the CKH Act.
- ❖ LAFCO has the power to deny or approve proposals with or without amendment, wholly, partially, or conditionally
 - ◆ LAFCO’s authority is related to its consideration of various factors (a through q list) related to a proposal, and the power to say “no”.
 - ◆ List of possible terms and conditions (a through u list)
 - ◆ Catch-all condition (v) – “any other matters” necessary or incidental to other authorized authority to impose conditions – can be a flexible tool in a conditional approval

Government Code Sections 56300(a), 56375(a)(1) and 56886(a-v)





The Budget and Work Plan as Communication Tools (Kate)

Establishing a clear connection between LAFCO's priorities and resources:

- ❖ Annual budget must be adopted in a two-step hearing process by May 15 (draft) and June 15 (final). Resources must be sufficient to carry out the Commission's work.
- ❖ In practice, many LAFCOs adopt annual work plans to accompany the budget, and monitor both during the year.

Government Code Section 56381(a)





Speaker (Southern Region)

Paul Novak
Los Angeles LAFCO





Directory vs. Mandatory (Paul)

- ❖ Any provision in the Act concerning the time in which an official or commission is to act is directory
- ❖ Even with that discretion, it is nevertheless best to follow the timeframes identified in the Act
- ❖ Two provisions involving time are mandatory: notice and setting a hearing upon issuance of a Certificate of Filing; and request for reconsideration must be filed thirty (30) days

Government Code Section 56106





Corrections to a Resolution (Paul)

- ❖ On good cause being shown
- ❖ Executive Officer may correct clerical errors or mistakes made through inadvertence, surprise, or excusable neglect
- ❖ Upon request of any commissioner, any affected agency, or the Executive officer

Government Code Section 56883





In Anticipation of a Later Change of Organization (Paul)

- ❖ Commission may authorize new or extended services outside its jurisdictional boundary but within its SOI
- ❖ In anticipation of a later change of organization
- ❖ Approach “A”: Require the filing the change of organization within a set period of time
- ❖ Approach “B”: The application will be filed . . . some day.





Questions?

Click on the Q&A link to enter questions.





Thank You!

Topic Suggestions: info@calafco.org

