A New Tool for the LAFCo Toolbox
By Pat McCormick, Executive Officer, Santa Cruz LAFCo

Context
The City of Watsonville is a Latino majority city of 50,000 people substantially surrounded by prime agricultural lands and wetlands. In 2005, the City applied for a 90-acre annexation titled "Manabe Burgstrom" after the two long-term family partnerships that owned the land. LAFCo had previously denied municipal annexation of these lands in 1977 and 1997 because they are prime agricultural lands and LAFCo believed that there were other sites upon which the potential industrial uses could be developed or redeveloped.

On LAFCo's part, the proposed annexation had been a purposeful "peninsula" of unannexed agricultural land bordered on 2½ sides by longstanding industrial lands and 1 side by newly developing residential lands, both within the city limits. The County of Santa Cruz adopted a growth management referendum in 1978 that prohibited the conversion of commercial agricultural lands, such as Manabe Burgstrom, out of agricultural use. The City of Watsonville pre-zoned the lands for industrial and other job-development uses along with the restoration of a degraded wetland on the site. So, LAFCo's decision on this site involved a de facto land use decision.

LAFCo's denial of the annexation in 1999 led to the City re-thinking its planning process. Instead of litigating, approaching the Legislature, or re-applying, City officials joined with the agricultural, environmental, and labor opponents of the Manabe-Burgstrom annexation in a multi-year consensus project led by a non-profit entitled "Action Pajaro Valley." Action Pajaro Valley promulgated a Growth Management Strategy that proposed a 25-year urban limit line. The only "greenfield" sites for major new employers were on the Manabe-Burgstrom properties. All the other new jobs would occur on infill development and redevelopment. This growth strategy was turned into an initiative, which the voters of Watsonville approved in 2002.

The Hearing
The LAFCo hearing was held on October 19, 2005. As a product of the Action Pajaro Valley consensus project, there was overwhelming local support for the annexation. The LAFCo Commissioners acknowledged the broad support, but also kept their "LAFCo hats" on. The Commissioners remembered the 200 acres immediately north of Manabe-Burgstrom, for which LAFCo had approved annexations for industrial development in the 1970's. This acreage hadn't found a market for industrial development, and, after rezoning, was in the process of being developed for residential uses. The Commissioners were concerned that the same scenario would happen on the Manabe Burgstrom site. If so, the job-creating potential of the Manabe Burgstrom site would be lost, and the other potential "greenfield" sites are located outside the city's 25-year urban growth boundary, are farther from the urban center, and have more constraints and significant political opposition.

At the hearing, the property owners made an offer to covenant their properties to become a long-term center for job growth. This covenant had the potential to address the Commission's concerns about rezoning while avoiding a situation of directly regulating land use as prohibited by the Local Government Reorganization Act. The motion directed staff to return...
FROM THE EXECUTIVE DIRECTOR

Reflections on LAFCo

November marks my second anniversary with CALAFCO. It continues to be a wonderful opportunity to work with each of you. As many know, in my work in cities, counties, and special districts I’ve had the opportunity to interact with LAFCo from the applicant side. So it’s been enlightening and a joy to experience the LAFCo perspective on the issues we face.

The occasion prompted me to reflect on some observations of Local Agency Formation Commissions from both in and outside.

Tough Issues, Decisions

LAFCos have long faced difficult issues and decisions. With the pressure to balance resource preservation and accommodate growth for housing and jobs, the decisions before LAFCo are increasingly complex. Commissioners and staff consider a wide range of challenging issues in their decisions. As growth moves further into suburban and rural counties, commissioners and staff are stepping forward to carefully consider how proposals meet the intent of Cortese-Knox-Hertzberg and locally adopted policies on orderly growth and resource preservation. Water availability is but one example. I’m impressed with the interest and attention that staff and commissioners have given at CALAFCO conferences, workshops, and courses on water issues. The same is true on other topics—as the information and responsibilities change, LAFCo officials want to learn. There is a commitment to understand these tough issues and to make the best decisions.

Leadership on challenging decisions is difficult. LAFCos demonstrate their willingness to understand issues and apply local community needs by making those decisions. Commissioners around the state are providing the leadership to address growth, services and preservation.

Independence

Two related facets caught my attention. LAFCo is one of the only regional boards or commissions where the Legislature has expressly instructed commissioners to consider decisions independent of their appointing authority. This independence in thinking is a hallmark for LAFCo. Since 2000, that independence has been further defined at the staff level too. Commissions are now required to retain their own staff. Many commissions have taken on the independence issue and separated their staff from the county, for both practical and perceptual reasons. Many more are now looking at options to assure communities that they and their staff are giving an independent review of the decisions before it.

Part of the growing respect for the role and authorities of LAFCo that I sense in Sacramento and among our peer agencies is because of the seriousness and independence with which LAFCos approach their decisions.

Accountability of Local Governments

Creating viable new governments, adding powers to agencies, reviewing local services and determining changes in boundaries have long been on LAFCo agendas. But it’s this ‘watchdog’ role that is emerging as an important contribution to assuring efficient local services. The Municipal Service Reviews are but one tool that LAFCos are perfecting in their desire to produce a value-added contribution to the community. Creating new governments and adding responsibilities to
FROM THE BOARD CHAIR

Cheers from the Chair

By Kathy Long, CALAFCO Board Chair

Work, Work, Work! The work of the CALAFCO Board and our Executive Director for the next year is already well underway! We came out of the September Annual Conference energized and excited about the confidence the members demonstrated in support of the new dues structure, the proposed member benefits and scope of work for the Association, and the positive comments from our overall conference programs.

Thank you for taking the time to send in evaluations from the conference—we received from you high ratings on the location, the roundtable discussions, the programs and panelists, awards recognition and the opportunity to listen and learn from fellow LAFCOs.

Thank you again to the San Diego team of Shirley Anderson, Claire Riley and Mike Ott and many others who put this together. Work is now underway for the 2007 conference to take place in Sacramento, with Chris Tooker from the CALAFCO Board agreeing to Chair the conference—thank you Chris!

The Board of Directors gave the green light for future CALAFCO U programs, such as the Nov. 17th course on CEQA for LAFCo, which was held in Irvine. Also on the calendar for 2007, is the Staff Workshop, to be held April 11-13 in Newport Beach. The Legislative Committee held its first meeting Oct. 6th, looking ahead to the 2007 issues, including reform of the MSR factors and service extensions outside of boundaries and spheres.

These programs are member benefits that will continue to be supported as we also look ahead to new opportunities. That look will take place at the Board of Directors Strategic Planning Workshop January 11-12 in Sacramento. With the By-laws revised and adopted and our financial house in order, we will now take the time to think long term and plan for the continued improvement of the Association’s work. We welcome your ideas and input at all times, workshops, conferences, and at Board meetings. We can only envision the future of the Association if we have been good listeners and open to new ideas.

Thank you for participating and may you have a joyous holiday season!

CALAFCO Board Officers Re-Elected

At their first meeting of the fiscal year, the Board of Directors unanimously re-elected it officers to serve for 2006-07.

Elected officers include:

Chair Kathy Long (county-Ventura LAFCo)
Vice Chair Peter Herzog (city-Orange LAFCo)
Secretary Roger Anderson (public-Santa Cruz LAFCo)
Treasurer Susan Vicklund Wilson (public-Santa Clara LAFCo)

Chair Long made several committee chair appointments at the meeting. Those include:

Conference Chair Chris Tooker (public-Sacramento LAFCo)
Nominations Chair Jerry Allen (city-Monterey LAFCo)
Awards Committee Sepi Richardson (city-San Mateo LAFCo)

CALAFCO members elected three new members to the Board of Directors at the Annual Meeting in San Diego.

MARY JANE GRIEGO was elected to a county seat. She serves as a county member of the Yuba LAFCo. Mary Jane has served on the Yuba County Board of Supervisors since 2000, representing District 3.

GAY JONES was elected to a special district seat. Gay serves as a special district alternate member of the Sacramento LAFCo. She is a member of the Sacramento Metropolitan Fire District Board of Directors, representing District 8. Gay also recently retired as a Captain with SMFD.

CATHY SCHLOTTMANN was elected to a special district seat. She serves as a special district alternate member on the Santa Barbara LAFCo. Cathy is a member of the Mission Hills Community Services District Board of Directors.

Re-elected Board members include Roger Anderson (Santa Cruz), Jerry Gladbach (Los Angeles), Matt Gourley (Monterey), Kathy Long (Ventura), Sepi Richardson (San Mateo) and Chris Tooker (Sacramento).

Several CALAFCO Board members concluded their service on the Board and were thanked by Boardmembers and the membership for their years of service and contributions. Those leaving the Board included:

Gary Lewis, County Member, Lake LAFCo
Mel McLaughlin, Special District Member, Kern LAFCo
Elliot Mulberg, Special District Member, Sacramento LAFCo. Elliot is not going far, however. He accepted a position as Senior Analyst with Monterey LAFCo.
TRACKS Around the State

NAPA
LAFCo of Napa County has hired Tracy Geraghty as its new staff analyst. Tracy formerly worked as a project manager for Pacific Municipal Consultants (Davis, CA) and as a field representative to former Assemblywoman Pat Wiggins (Assembly District No. 7).

In November, Napa County voters approved the formation of the Napa County Park and Regional Open Space District. The countywide District becomes the 18th special district in Napa County under the jurisdiction of LAFCO.

Keene Simonds, Executive Officer

STANISLAUS
Stanislaus LAFCO is proud to announce the appointment of Elizabeth Contreras as the new Assistant Executive Officer. Elizabeth previously worked for San Joaquin LAFCO.

Marjorie Blom, Executive Officer

EL DORADO
El Dorado LAFCO is pleased to welcome Robert Larsen and Norm Rowett as the alternate special district member and alternate public member, respectively. Both have brought with them a keen insight from past roles to the Commission.

The Commission and staff would also like to congratulate Erica Frink, El Dorado LAFCO Policy Analyst, on her recent marriage to Christopher Sanchez. We wish them many happy years together. Please note that Erica has also subsequently changed her last name to her married name.

José C. Henríquez, Executive Officer

MARIN LAFCO AMENDS SPHERE FOR SAN RAFAEL
After a lengthy review of San Rafael and its unincorporated areas, Marin LAFCO revised and amended the Sphere of Influence for the City of San Rafael this past spring. San Rafael is the urban center and county seat of Marin County with a population of over 68,000. Ten unincorporated areas were also studied during this SOI review. One of the areas studied was the 1,180 acre St. Vincent’s/Silveira area which for years has been controversial in nature due to it being one of the last large developable areas in the County’s City-Centered Corridor. This area lies between the city limits of San Rafael and Novato.

During its General Plan 2020 process in 2003, San Rafael formally requested to exclude the St. Vincent’s/Silveira properties from its sphere of influence. The St. Vincent’s property owners proposed development of 766 housing units and fought to remain in the San Rafael’s sphere and obtain city services. The City, however, wanted to exclude this area from its sphere, saying that extension of the requested services was not feasible. After detailed review and public hearings, the Commission excluded the St. Vincent’s/Silveira area from San Rafael’s Sphere of Influence.

This situation has been common in Marin County LAFCo’s recent SOI reviews - excluding territory from city spheres if the city’s general plan or other fundamental underlying circumstances show that annexation will be prevented for the foreseeable future. Since the change in definition of the Cortese-Knox-Hertzberg Act of a sphere of influence from “…a plan for the ultimate boundary and service area of a local government agency…” to “…a plan for the probable boundary…,” Marin LAFCO has taken this more pragmatic look at all its city spheres of influence.

The Sphere

2007 Staff Workshop
“Beyond Boundaries”
11-13 April 2007
Join us at the beautiful Hyatt Regency Newport Beach for the 2007 Staff Workshop

Watch for Registration Details in January!
Save the date!
New Tool for the LAFCo Toolbox
Continued from Cover

with a covenant that was acceptable to the City and property owners and was enforceable, if one could be crafted. If such a covenant could be prepared, the property owners would voluntarily record the covenant prior to the LAFCo Executive Officer recording the Certificate of Completion.

Manabe (“ma-NAH-be”) Property

If no covenant could be prepared to implement the property owners’ promises, then the matter would return to the Commission for further motions on the disposition of the proposed reorganization.

Covenant

The development of a covenant turned out to be a state-of-the-art exercise in California annexation practice. In order to increase the future number of parties who could enforce the covenant, two additional parties were asked to become signatories: the County of Santa Cruz and the Watsonville Wetlands Watch, a local environmental group that had opposed the Manabe-Burgstrom Reorganization in 1999 and had signed the Action Pajaro Valley consensus growth strategy in 2002.

Conclusion

After much hard work by representatives of all the parties in the negotiation, a covenant was successfully drafted. LAFCo unanimously found the covenant to be acceptable in March 2006. As stated in Article 3 of the covenant, through the year 2030 the principal uses of the annexed lands will be for a business park. Big boxes and auto sales are prohibited. A freshwater wetland will be restored. The covenant and reorganization were recorded on August 1, 2006. The covenant is a new tool available for use in annexations in a small number of situations where future land uses are an issue.

For more information please visit the Santa Cruz LAFCo website at:
http://santacruzlafco.org/pages/agendas.html#Manabe

BAY AREA
LAFCOs MEET
WITH ABAG

At the 2006 Annual Conference, Mark Pisano, executive director of the Southern California Association of Governments, who was a panelist on the session dealing with “unwelcomed growth,” mentioned the idea of LAFCos and Council of Governments (COGs) getting together to exchange information and discuss topics of mutual interest. Staff from the Bay Area LAFCos thought this was a good idea, especially in light of Assemblywoman Noreen Evans’s then-proposed legislation (AB 2158) to add LAFCo spheres of influence (SOI) and LAFCo policies as factors that COGs would use in the development of Regional Housing Needs Allocations (RHNA) methodology.

These thoughts resulted in a recent meeting between LAFCo staffs from Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma and staff from the Association of Bay Area Governments (ABAG), our COG. Although AB 2158 was vetoed after the meeting was set up, the group still had a lot to talk about!

The meeting provided an occasion for ABAG staff members to discuss with LAFCos ABAG’s Projections 2007 project and the process for developing the RHNA methodology, the timeline for assigning RHNAs to jurisdictions, and the value of including city SOIs in the mix. In the next few months, the ABAG Board of Directors will consider a number of options regarding the RHNA methodology.

This was a great opportunity to better understand the nexus between SOIs and RHNA and how COGs and LAFCos can coordinate our efforts. The group agreed to meet annually and share information regarding changes in spheres and projections.

A special thanks to Carole Cooper, Sonoma LAFCo, for coordinating this effort.

Editors Note: Similar meetings have now been held with the Sacramento Association of Governments, and the Southern California Association of Governments.
Well, this is the final episode of the continuing saga of “As the Sewer Turns.” After four LAFCo hearings, on September 21 the Commission unanimously denied the proposal to dissolve the Los Osos Community Services District. Previous articles have reported on the waste water treatment project saga and the way it has split the community. The primary reason for the Commission’s denial vote was that if the District was dissolved, up to $40 million in liabilities for lawsuits filed against the District and fines by the RWQCB would be transferred to the County as successor agency. LAFCO does not have the ability to shield the County from these liabilities if the District is dissolved. To further complicate matters, the District filed for municipal bankruptcy a few weeks before the LAFCO hearing.

Based on current law, including the conditioning powers in GC Section 56886, the Commission did not have the ability to insulate the County from those liabilities if the District is dissolved. Therefore, I am not ruling out the possibility that LAFCo may be asked to revisit the dissolution issue some time in the future. If this happens, I will definitely report on the continuing saga.

In the meantime, a subcommittee of the CALAFCO Legislative Committee is working on revisions to the district dissolution statutes contained in the CKH Act. It is clear from the Los Osos situation that changes are needed to make a distinction between the dissolution of “inactive” and “active” districts, particularly those districts that do not necessarily wish to be dissolved. One of the challenges is how to limit the liability of successor agencies.

Hopefully this is the final episode of “As the Sewer Turns.” There is still a lot of work to be done to resolve the environmental and financial issues in Los Osos relating to the waste water project. Therefore, I am not ruling out the possibility that LAFCo may be asked to revisit the dissolution issue some time in the future. If this happens, I will definitely report on the continuing saga.
Search the Web and Earn Funds for CALAFCO

GoodSearch.com is a new Yahoo-powered search engine, with a unique social mission ... every time you use GoodSearch, money is generated for not-for-profit organizations. And now CALAFCO has been approved as a GoodSearch recipient!

GoodSearch donates half its revenue – about a penny per search – to the organizations selected by its users. The pennies quickly add up. For example, if 100 CALAFCO supporters searched just twice a day, we would receive an estimated $730 per year to help fund our educational mission and programs.

It's simple. Use GoodSearch like any other search engine — the site is powered by Yahoo! — but each time you do, money is generated for CALAFCO.

Just go to www.goodsearch.com and enter California Association of Local Agency Formation Commissions as the organization you want to support. You can even download the handy GoodSearch toolbar on your home page. Then CALAFCO earns every time you search.

The more people who search with this site, the more money we'll earn ... so please help spread the word!

CALAFCO MEETS WITH PUC

Improved Communications on Private Water Companies

A long-anticipated meeting with the Public Utilities Commission happened at their San Francisco headquarters in October. The goal was to open discussions and build better communications with LAFCos on the boundaries, ownership and operational data of private water companies.

The level of involvement and interest from the PUC was evident in their participants. In addition to their policy staff, the Executive Director, both deputy directors, several department heads and three judges all participated in the meeting. CALAFCO was represented by Boardmember Susan Wilson, along with Bill Chiat, Kathy McDonald (San Bernardino), Bob Aldrich and Carolyn Emery (Orange), Pat McCormick (Santa Cruz), Steve Lucas (Butte), Neelima Palacherla (Santa Clara), Gloria Young (San Francisco), and Carole Cooper (Sonoma).

Pat McCormick summarized the meeting:

➢ PUC staff will consider revising their rules to require companies to notify LAFCO when a sale is going to be proposed.
➢ PUC staff told us that they don't regulate utility company extensions less than 2000 feet from their previous service area.
➢ PUC staff said they don't have the authority to deny utility company filings for a larger service area as long as they don't impinge on another investor-owned utility's turf. The PUC merely processes after-the-fact revised service area maps.
➢ PUC staff will consider revising rules to require investor-owned utilities to respond to LAFCO requests for information gathered as part of LAFCOs' Municipal Service Reviews.
➢ The PUC is working to require investor-owned companies to file more modern and accurate service area maps.
➢ We discussed possible future efforts to cooperate in order to promote more efficient public services—at least to reduce the most egregious conflicts that occur due to each group working under different laws to regulate utility service areas.

Since the meeting, PUC staff has initiated work on their rule rewrites. They are drafting language to require utilities to respond to LAFCO data requests for MSRs. They are also looking at options for requiring LAFCO notification of sale and service extensions. As new rules are promulgated, we will inform CALAFCO members.

CALAFCO Board Sets Strategic Workshop

The CALAFCO Board of Directors will hold a strategic workshop on 12 January 2007 in Sacramento to discuss and revise the Association's strategic plan.

The workshop is particularly critical as the Board will be responding to member input resulting from the dues increase, and exploring the what and hows of enhancing and expanding member services and communications.

Members are encouraged to share their thoughts on services, strategic priorities, member communications, and future issues for CALAFCO. Comments and suggestions may be sent to the Board through Executive Director Bill Chiat. The current Strategic Plan (June, 2005) is available on the CALAFCO website at: www.calafco.org/members/calafco_business.
Background

The City of Fontana is located on the southwestern portion of San Bernardino County and serves as the hub of the growing Inland Empire. The Inland Empire has earned its name as an economic area that is creating jobs, housing opportunities and new business enterprises along the eastern edge of the Los Angeles Basin. The City and its sphere of influence are positioned to take advantage of major north-south (Interstate 15) and east-west (Interstate 10) transportation corridors and are centrally located in the heart of the Inland Empire. In addition, the City is also traversed by the State Route 210-Freeway that is presently being extended into adjacent eastern valley cities. This new roadway brings ever increasing demands for housing and commercial development opportunities.

The community of Fontana is a combination of the City’s corporate boundaries and the unincorporated County area that lies within its Sphere of Influence. It is a community of two governments but its residents have one identity; they are all “Fontanans.” This area comprises about 52.4 square miles that begins at the foothills of the San Bernardino Mountains and descends on to the valley floor following the path of an ancient alluvial fan. An older city core, recent extensive residential and commercial development, and large tracts of vacant land generally characterize the area both within and outside the City’s corporate boundaries. These tracts of relatively inexpensive land, and the current demand for affordable housing and jobs, have served to focus attention on the area’s potential for growth.

Since the passage of Senate Bill 1266 (the “island annexation” bill), the City of Fontana had embarked on a quest to annex as many island areas that would qualify under the revised island annexation provisions. In working with the San Bernardino Local Agency Formation Commission staff, the City identified 32 islands of unincorporated territory. The island areas were located in the City’s central, eastern and southern portions of its Sphere of Influence. To provide a better perspective on the magnitude of this undertaking, the island areas collectively comprised 2,932 acres equating to 4.58 square miles, contained over 13,000 residents and 4,299 registered voters, and included over 4,000 individual parcels. In comparison, the smallest city in San Bernardino County is 3.5 square miles with about 13,000 residents. So, Fontana, a City of Action, appears to have done the impossible—annex an area—the size of a small city. In the words of Mark Nualimo, Mayor of Fontana, “From the beginning, our message was very clear—we want to keep Fontana revenues in Fontana.” I believe that this message resonated well with the community and it is now our challenge to show how that revenue is invested to benefit the annexed areas.

The Island Annexation Provisions

On January 1, 2005, a bill authored by Senator Tom Torlakson (SB 1266) which amended and expanded island annexations, became law. SB 1266 built on the previous island annexation legislation passed in 1999 (AB 1555). The legislation revised the language in Government Code Section 56375 pertaining to annexation of existing islands of territory. The special provisions permit cities throughout the State of California to annex islands of unincorporated territory that are substantially or totally surrounded by a city’s corporate boundaries that meet the following criteria:

- The area must be 150 acres or less in size and that area constitutes the entire island;
- The area constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands;
- The area must be substantially or totally surrounded by the annexing city;
- The area must be developed or developing;
- The area does not contain prime agricultural land;
- The area will benefit from the annexation or is receiving benefits from the annexing city.

The island annexation provisions outlined in SB 1266 was to sunset on January 1, 2007; therefore, any city desiring to take advantage of these special provisions must have done so prior to this date. However, the sunset clause for island annexations has been extended to January 1, 2014, as a result of AB 2223 having been signed by the Governor.

In light of the legislative changes, the San Bernardino LAFCo revised its annexation policy on March 31, 2005 pertaining to unincorporated islands of territory. The revised policy reads as follows:

1. For the purpose of applying the provisions of Government Code Section 56375.3, the territory of an annexation proposal shall be deemed “substantially surrounded” if 52% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the
affected City and adjacent Cities, or (c) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or forest service land.

2. The Commission determines that no territory within an established County Redevelopment Area shall be included within an island annexation proposal, unless written consent has been received from the County Board of Supervisors and County Redevelopment Agency.

3. The Commission directs that a City proposing to initiate an island annexation proposal shall have conducted a public relations effort within the area prior to the adoption of its resolution of initiation. Such efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the application submitted for consideration by the Commission.

In response to the legislative changes, Fontana City staff prepared and filed with San Bernardino LAFCO a single application that covered all the areas defined as “islands.” According to San Bernardino LAFCO’s policy, an island consists of unincorporated county area that is surrounded by 52 percent or more of incorporated city boundaries. All parcels within the islands were identified; a survey of the residents was conducted; and a plan for service of those areas was developed. In addition, based on the outcome of the survey, City staff developed an outreach program as defined in LAFCO’s annexation policy. It was a goal of Fontana’s Development Services Organization to have the annexation application on file with LAFCO by December 2005. The application was submitted on December 27, 2005. Below is the map outlining the various island areas that the City requested through the use of the special island annexation provisions. (As of September 19, 2006, out of the 32 island annexation areas, 27 were annexed to the City of Fontana. One island area was deferred for further review and approved at a subsequent hearing, and four island areas have been continued to May, 2007 for LAFCO review.)

Fontana Family Growing

Fontana was reported by the U. S. Census Bureau as the 23rd fastest growing city in the United States in 2004-05, for cities with a population above 100,000. With the annexation of 27 island areas and the inclusion of additional residents into the City, the population of Fontana now stands at 177,352. This ranking is sure to change with the recent annexation of miles of county areas or “islands,” adding over 13,000 new residents almost overnight.

How will annexed residents be affected? Sales tax revenues will remain local, instead of being diverted to other areas of the county. The City will be able to utilize that revenue to make needed improvements to roads, parks and services in the annexed areas. In fact, plans have been underway since July 2005 to prepare for the increase in population as well as corresponding service needs.

In anticipation of annexing such a large number of previously unincorporated island areas, the City has beefed up many departments with the 2005/06 and 2006/07 budget adoptions. Those areas include the Police Department, Public Works Department, Community Improvement Division and the Community Services Department.

So where does Fontana go from here? The City’s remaining Sphere of Influence stands at 10.9 square miles and primarily comprises its western and central sphere area. Three annexation areas are in the works, one is pending LAFCO’s review. Since the year 2000, the City has maintained an Annexation Program and has consistently committed its resources, staff and time to its outreach efforts to outline the benefits of annexing to the City. It seems for the time being, anyway, that the City will continue with its efforts to annex its remaining Sphere of Influence—a mere 10.9 square miles.

Editor’s Note: The City of Fontana is a CALAFCO Associate Member.
Reflections on LAFCo
Continued from Page 2

agencies is important business. LAFCOs have increased their sophistication in reviewing proposals to make sure they are viable, both fiscally and in practical performance. This accountability has added to the transparency and public oversight of local agencies in the community. LAFCOs are instrumental in asking difficult questions and facilitating action to address issues facing service providers, such as review of fire agencies that find themselves struggling to meet new performance. This accountability provides, such as review of fire agencies that find themselves struggling to meet new requirements on limited budgets.

The new Community Services District law requires LAFCo to assure viability before creating a CSD or adding services. With the passage of AB 1602, LAFCOs around the state will face a backlog of proposed incorporations. LAFCO will be in the key role to review these proposals to assure that the newly created and expanded governments will be viable and able to provide services in the long term.

This oversight and accountability that are commensurate with LAFCo review of applications, sphere changes, and MSRs plays a critical role in assuring effective agencies and municipal services for all Californians.

Growing Recognition and Respect for Your Work

Obscure agency. Little known. Unknown until now. Enigmatic. Those are just a few of the phrases the media uses to describe LAFCo. But that is changing. Those of you who subscribe to Google News Alerts (www.google.com/alerts) typically see three or four articles a day appearing in California newspapers about LAFCo (and in blogs too). That recognition is not only growing within local communities, but also with the local and regional agencies which interact with LAFCo on decisions.

Commissions bring together the perspectives of city, county, public—and in over half the counties—special districts to independently evaluate and decide on agencies, boundaries and services. There is no other regional body that develops policies, educates itself, and takes action to assure orderly growth, resource preservation, and service effectiveness. And for special districts (with the greatest number of independent governments in California), this is one of the only regional bodies where they can have a seat at the table and a voice in decisions.

As regional planning, such as Blueprint Plans, and multi-county agencies grow LAFCOs can play a critical role in aligning regional plans with local policies. By collaborating with neighbor LAFCOs and the COGs, Commissions can help hold local agencies accountable to boundary and service decisions that are consistent with regional plans, and provide regional agencies with an objective view on orderly growth, local services and resource preservation. The challenges for us are to engage in the discussions and develop processes to address decisions involving multi-county agencies (such as spheres in non-principal counties) and multi-county Blueprint Plans.

Meeting the Challenge

Serving LAFCo—as a commissioner, staff, or consultant—is a tough assignment. I am impressed with the dedication which is evident around the state. LAFCOs show by their actions that a state law can be interpreted locally to meet local needs while at the same time striving towards the state goals of orderly growth, perseveration of agricultural and natural resources, preventing sprawl, and helping to ensure the efficient delivery of municipal service.

Legal Updates Available in Free E-News and Blogs

Two new resources are available for those who want to keep up on LAFCo and public law.

Free emailed updates on legal issues facing LAFCos and other local agencies are available by a subscription to Scott Porter’s "Land Use & Public Law E-letter."

Mr. Porter, an attorney with Burke, Williams & Sorensen, issues the E-letter twice a month. He summarizes relevant and recent legal developments affecting local government including court cases, AG opinions, and recently enacted statutes. Mr. Porter shares commentaries provided by other legal scholars as well as his own insights.

To order a free subscription email your request to: porter@bwslaw.com. Include your: (1) name; (2) title; and (3) email address.

Meyers/Nave has announced the launch of a new blog: The Public BLAWG. The blog covers a wide range of public law topics. To learn more about the blog and what’s happening in public law visit: www.publiclawnews.com.

Both resources are great ways to make sure that you are up to date.

Burke, Williams & Sorensen and Meyers/Nave are CALAFCO Associate Member.

Happy Holidays

Wishing you the brightest of holidays and a prosperous new year!

CALAFCO Board and Staff
Down With Upland!

An Ontario resident wants smaller stepchild suburbs to merge with their larger, older neighbors

By Mark Kendall

OUT IN THE suburbs east of L.A., I live a divided municipal life, and it's all because of a silly, century-old civic schism.

My home is in Ontario, not far from the border with Upland, where I do my grocery shopping, play at the parks on weekends and barbecue at the in-laws' pad. Truth is, I wanted to live in Upland for its bigger homes and greener lawns, but average-Joe Ontario was a better fit for my budget.

I never should have had to choose between the two. In the beginning, Ontario and Upland were one "model colony," carefully laid out in the 1880s by industrious Canadian transplant George Chaffey. One of Southern California's grandest thoroughfares, the eight-mile-long Euclid Avenue, united this citrus-growing paradise, with a "gravity mule car" whisking residents along the avenue's wide center median.

But bickering soon broke out between settlements on opposite ends of the colony, and in 1906, residents of northern Ontario formed their own city — Upland. So today I'm living east of Euclid and far from Eden, constantly crossing the invisible but powerful dividing line between Ontario and the renegade province to the north.

This civic split is repeated in the lives of so many other SoCal suburbanites who are hemmed in and subtly shaped by city borders born of long-ago fear, rivalry and snobbery as much as by intelligent planning.

Back in 1916, the rural residents of what became Monterey Park were forced to form a city to thwart a scheme by Alhambra, Pasadena and South Pasadena to dispose of their sewage on its turf. Monterey Park's three foes put up quite a fight. "Triple Alliance Seeks to Kill the Baby City," read one Times headline. A few years later, West Covina incorporated for the same reason: Folks wanted to keep out Covina's doo-doo.

Whether legitimate, imagined or whipped up by cityhood boosters, annexation anxieties were rife during SoCal's postwar boom years. Rosemead turned to cityhood in 1959 for fear of being swallowed up by El Monte and San Gabriel. Cerritos' city website offers a lengthy account of how dairy farmers there cleverly hatched a cityhood plan, passed in 1956, to avoid being absorbed into the menace of "greater Artesia."

The results of all these ancient squabbles? Once you move east of the 710, the suburbs are splintered into countless — and often pointless — little cities, all competing for sales tax revenue and respect, all trying to lure one more big-box retailer or pull off one more spiffy redevelopment project.

This is the dark side of community pride. Everyone's trying to do it alone, and no one's willing to even consider throwing in the towel. Sheltered from the free-market forces that push businesses to merge and consolidate, our municipal mishmash is something akin to a shopping center where Woolworth's, Gemco and Montgomery Ward are still grinding it out against Target, Wal-Mart and Kohl's.

With all but the outer rings of L.A.'s suburbs pretty much built out — and increasingly worn out — it's time to rethink those arbitrary old lines, shutter some city halls and gain from economies of scale. Does there really need to be a separate city of South El Monte? Must Orange County befuddle visitors with the four "Lagunas" — Beach, Hills, Niguel and Woods? Is Chino Hills so much loftier than plain old Chino?

I see so many potential matchups. La Verne and San Dimas, both solidly conservative, attractive and well-to-do, would make a compatible pair, and besides, they already share a school district. In the opposites-attract department, I could see safe-and-sane Corona, full of soccer moms and tile-roofed tract homes, falling for the rugged cowboy ways of neighboring Norco. If the Berlin Wall can come down, can't the two Covinas mend their fences?

But it is my own Ontario and Upland that would make the most perfect pairing, at least on a practical level. Upland is an attractive bedroom community with mansions in the north but it lacks the sort of mega-malls and auto centers that its neighbor uses to rake in sales tax. Ontario, meanwhile, has its share of rough-around-the-edges neighborhoods with older, smaller homes, but a city hall awash in cash, thanks to the many car dealers, a huge outlet mall and the businesses around the airport.

Ontario has a little more than double Upland's population, but the city expects to take in five times the sales tax revenue for the 2006-07 budget year. Ontario recently opened a new library and a new police headquarters, and it has a community events center on the way.

So Ontario could essentially buy some of Upland's class. We'd even be willing to throw the big wedding shindig on Upland's turf, under the pepper trees shading Euclid's wide, park-like median.

Of course, Ontario would have to spring for the whole thing. Pucker up, Upland!

Mark Kendall, is a freelance writer based in Ontario. This article originally appeared in the Los Angeles Times on 18 October 2006. Used with the author's permission.
2007 Events Calendar

JANUARY
11-12  CALAFCO Board of Directors Strategic Workshop and Meeting (Sacramento)
19    CALAFCO Legislative Committee (Sacramento)
17-20  California Association of Sanitation Agencies Conference (Indian Wells)

FEBRUARY
22-23  CALAFCO U Incorporations Course (Sacramento)

MARCH
15-18  Local Government Commission (Yosemite)
21    Association of California Water Agencies Legislative Symposium (Sacramento)
28-29  California State Association of Counties Legislative Conference (Sacramento)

APRIL
11-13  CALAFCO Staff Workshop (Neptune Beach)

MAY
4      CALAFCO Legislative Committee (Sacramento)
11    CALAFCO Board of Directors Meeting (Burbank)
2-5    California Association of Sanitation Agencies Annual Conference (Napa)
8-11   Association of California Water Agencies Conference (Sacramento)
14-15  CSDA Policy and Advocacy Summit (Sacramento)

JUNE
16-17  California League of Cities Legislative Action Day (Sacramento)
22    CALAFCO Board of Directors Meeting (Sacramento)

JULY

AUGUST
15-18  California Association of Sanitation Agencies Conference (San Diego)
28-31  CALAFCO Annual Conference (Sacramento)
31    CALAFCO Board of Directors Meeting (Sacramento)

SEPTEMBER
5-8    League of California Cities Annual Conference (Sacramento)
19-20  Regional Council of Rural Counties (Napa)

OCTOBER
1-4    California Special Districts Association Annual Conference (Monterey)

NOVEMBER
13-16  California State Association of Counties Annual Meeting (Oakland)
27-30  Association of California Water Agencies Conference (Indian Wells)

DECEMBER

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