LAFCo Makes Significant Reductions in Urban Spheres
Over 10,000 acres removed from spheres in Kings

By Greg Gatzka, Assistant Executive Officer, LAFCo of Kings County

Coming in just under the January 1, 2008 deadline, Kings LAFCo staff prepared in-house MSRs and a comprehensive sphere of influence review and update of all the county’s cities and community service districts. As a result of this work, Kings LAFCo made a total reduction in urban sphere of influence territory of over 18%. The MSRs and SOIs were adopted by the Commission on October 24, 2007.

The Sphere reviews and reductions included the four cities of Avenal, Corcoran, Hanford, and Lemoore and four community districts: Armona, Home Garden and Kettleman City Community Service Districts, and the Stratford Public Utilities District. The direction from the Commission was to justify existing sphere of influence boundaries for planned urban areas of each city and district. In conducting these studies, the cities and districts quickly came to realize that LAFCo does play a substantial and ever increasing role in evaluating services, ensuring orderly growth boundaries, and determining whether future growth can be adequately accommodated.

In preparing the MSRs, a considerable amount of LAFCo staff interaction with city and district staff was necessary to gather the data and information. This was a fairly new experience for most entities since they have often operated with little exposure to LAFCo and thought themselves separate and independent from outside agency intervention. To LAFCo’s benefit, a number of city general plans were recently adopted which provided crucial information on existing and planned services that justify their ability to serve planned land uses. In addition, LAFCo continually used the annexation application process to collect more extensive service information from the two most active annexing cities, Hanford and Corcoran.

In conjunction with the MSRs, the Sphere of Influence Update was prepared using multiple sources of GIS data for analysis. A series of maps that led to recommended changes included
2008 is shaping up to be a busy year for LAFCos and CALAFCO. Several new LAFCo laws took effect on 1 January; CALAFCO has embarked on an ambitious set of member service goals for the year; and it’s looking like another busy legislative session.

New Laws Take Effect

They’ve been widely discussed by staff and at Commission meetings around the state. Three laws took effect this month and affect LAFCo procedures and decisions.

AB 745 (Silva) clarifies and increases the requirements for financial disclosure by applicants. It raises the standards by requiring that “… expenditures for political purposes related to a proposal for a change of organization or reorganization that will be submitted to a commission pursuant to this part, and, contributions in support of or in opposition to those proposals, shall be disclosed and reported to the commission to the same extent and subject to the same requirements of the Political Reform Act…” Many LAFCos are adopting local policies for implementing this new requirement. A model and additional information is available on the CALAFCO website in the member’s section. CALAFCO supported this legislation.

SB 162 (Negrete McLeod) makes changes to §56668 of Cortese-Knox-Hertzberg in the factors a LAFCo must consider in reviewing applications. In particular it now requires a commission to consider the extent that the proposal will promote environmental justice, thus creating a 15th factor to consider. The Legislative Committee is developing suggested approaches a LAFCo may want to use in its application of this new factor. CALAFCO had a watch position on this legislation.

SB 819 (Kehoe and Hollingsworth) removes the sunset on the ability of LAFCos to consolidate two or more special districts not formed pursuant to the same principal act. It also now gives LAFCo the authority to initiate a proposal to create a successor district.

A number of other minor changes were made to Cortese-Knox-Hertzberg. Each fall the Assembly Local Government Committee issues an updated version of C-K-H which includes changes to the laws that were chaptered in 2007. The 2007 edition has just been released. It is available in Word and pdf versions on the CALAFCO website (www.calafco.org/resources). The Acrobat version is particularly helpful because it is easy to search for specific words or phrases, much faster than trying to scan through the entire law!

2008 Member Services

Look ahead to a variety of resources and materials to be available from CALAFCO.

CALAFCO University courses are designed for LAFCo staff and commissioners, as well as those who interact with LAFCo. Four courses are planned for the year:

♦ Water Determinations Practical, hands-on course for helping staff perform water availability and infrastructure analysis and prepare staff reports. Friday, 18 January in Sacramento.

♦ Delta Decisions and Drought: The Future Water Supply in California Major decisions are pending which could dramatically affect the water supply in California. This session will explore approaches for LAFCo to take in assessing water supply and capacity for the future. Tentatively scheduled for Friday, 2 May 2008 in Los Angeles (tentative).
FROM THE BOARD CHAIR

Transitions: Looking to the Future

By Peter Herzog, CALAFCO Board Chair

As I write this column in early December, I am reminded, once again, how quickly a year can pass by. With the start of 2008 less than a month away, I look back at 2007 with certain disbelief. Where did the time go? Have I accomplished what I intended to? Can’t life slow down just a little bit? Has it really been a year since I won the Hawaii Ironman? (not!)

As your new CALAFCO Board Chair, I may not be able to slow down the clock, but I am committed, with your help, to make 2008 a meaningful and productive year for CALAFCO. Before I get too carried away, I would like to publicly thank two individuals whose outstanding contributions to CALAFCO over the last several years deserve special recognition: Kathy Long and Everett Millais. Kathy, immediate past CALAFCO Board Chair, and Everett, immediate past CALAFCO Executive Officer, have immeasurably strengthened our organization through their commitment and strategic leadership. During their tenure, among other accomplishments, CALAFCO significantly increased membership benefits, strengthened our legislative committee work and launched new public outreach and engagement efforts. Each of these efforts has served to position CALAFCO as a stronger voice both within our local commissions and on a statewide basis. Thank you both for your time and dedication to this organization.

I am honored to have been selected to lead CALAFCO as its Board Chairman. We are fortunate to have a strong leadership team already in place, starting with our Executive Director Bill Chiat and an excellent Board of Directors. We are also pleased to have two new members on the Board this year, County Members Ed Robey from Lake County and Ted Novelli from Amador County. We also will have an excellent staff this coming year. Paul Hood, San Luis Obispo LAFCo Executive Officer, will be the CALAFCO Executive Officer. The Deputy Executive Officers for CALAFCO will be Don Lockhart, Sacramento LAFCo Assistant Executive Officer, and Joyce Crosthwaite, Orange LAFCo Executive Officer.

As we quickly move into the new year, I am looking forward to building on the successes of this past year by continuing to sponsor CALAFCO University classes and programs as requested by our members, strengthening our legislative efforts and increasing membership and outreach services. I am also looking forward to what promises to be a very educational and engaging CALAFCO Conference in Los Angeles next fall. I commit to you that I will make every effort to make this a successful year for CALAFCO. I may not be able to slow down the clock but, together, I believe we can make 2008 a year of significant accomplishments for CALAFCO.

Your Board and CALAFCO staff are here to serve you. Please contact us at any time with any ideas, suggestions or legislative matters.

The Board of Directors

NEW MEMBERS; NEW OFFICERS

The CALAFCO Annual Meeting was held as part of the annual conference in Sacramento on 30 August. Delegates from 47 of the 57 members were present. Seven commissioners were elected or re-elected to the Board.

Board members re-elected to two-year terms include:

- Jocelyn Combs (district–Alameda LAFCo)
- Peter Herzog (city-Orange LAFCo)
- Cathy Schlottman (district–Santa Barbara LAFCo)
- Josh Susman (city-Nevada LAFCo)
- Susan Vickland Wilson (public-Santa Clara LAFCo)

Two new members were elected to two-year terms. CALAFCO welcomes:

- Ted Novelli (county-Amador LAFCo)
- Ed Robey (county-Lake LAFCo)

The Board thanked retiring Board members Paul Biane (County-San Bernardino) and Jerry Smith (County-Monterey).

CALAFCO learned that on 26 November former Board member and Monterey LAFCo Commissioner Jerry Smith passed away after a long fight with cancer. He was 62 and leaves his loving wife of many years, Byrl, and their large extended family.

The Board of Directors held a brief meeting following the conference and elected the following officers:

Chair Peter Herzog
Vice Chair Roger Anderson
Secretary Susan Vickland Wilson
Treasurer Jerry Gladbach

Changes to the staff officers were also made at the Board meeting. After thanking retiring Executive Officer Everett Millais (Ventura LAFCo), the Board made the following appointments:

Executive Officer
Paul Hood (San Luis Obispo LAFCo)

Deputy Executive Officers
Joyce Crosthwaite (Orange LAFCo)
Don Lockhart (Sacramento LAFCo)

The Board and the Association appreciate the many hours of volunteer time contributed by Board members and the volunteer staff officers.
EL DORADO LAFCo

El Dorado LAFCo and its staff congratulates Allison Parsons, Commission Clerk, on her recent marriage to Tony Moroso.

ORANGE LAFCo

Two New Staff Join OC LAFCo

Following the departure of long-term employees Daphne Charles and Danielle Ball last year, Orange LAFCO has recently hired two new staff: Analyst Benjamin Legbandt and Office Manager-Commission Clerk Esther Garcia-Negrete.

Ben is currently working part-time while he completes a Master’s Degree in Urban and Regional Planning at the University of California, Irvine. He holds an undergraduate degree in Political Science from the University of California, San Diego. A native Southern California (born in Long Beach), Ben is a world traveler, having spent time in Israel, Spain, France, England and an extended stay in Alaska. Previously, he contemplated a career as a ceramic potter. Besides bringing his expertise in planning and policy to OC LAFCO, Ben has also proven adept at upgrading the agency’s GIS capabilities. From all accounts, it appears that Ben fits the OC LAFCO mold very well.

Esther, Orange LAFCO’s new full-time Office-Manager-Commission Clerk, is currently majoring in Public Administration at California State University, Fullerton, and expects to graduate in the fall of 2008. She enjoys working with elected officials and local government agencies, and has a passion for party planning and home decorating. Prior to LAFCO, Esther worked for a variety of businesses, most recently as a Bookkeeper/Personal Assistant for a psychologist. Many would say that is excellent training for working at LAFCO. Esther is also busy planning her January 2008 wedding.

Please welcome both to the CALAFCO family!

“As the Sewer Turns:” The Los Osos Community Services District-Proposition 218 Election Update

By Paul Hood, Executive Officer, San Luis Obispo LAFCo

Since SLO LAFCo denied the request to dissolve the Los Osos Community Services District last September, many things have happened. Just prior to the LAFCo’s action, Assembly Bill 2701 was signed essentially transferring responsibility for the sewer project to San Luis Obispo County IF a Proposition 218 assessment was approved. After much debate, on October 23, 2007, the Proposition 218 measure passed by a vote of almost 80% to 20%. Of the approximately 8,700 ballots set to property owners, almost 6,100 were turned in — nearly 70 percent.

The town of nearly 14,000 will be financing an assessment of $127 million. Each residence could be facing a debt of as much as $25,000, plus monthly sewer charges. Even before the results were in, some property owners were considering a legal challenge to the election.

One bright spot is that Los Osos could get as much as $35 million in federal money for a sewer as part of a spending bill enacted into law last week. The U.S. Senate overrode President Bush’s veto of the $23 billion Water Resources Development Act on Thursday of last week. The House of Representatives voted to override the veto on Tuesday. While the bill authorizes millions for Los Osos, the community isn’t guaranteed the full amount, and local officials won’t know how much money they’ll get toward building a sewer until future bills that actually appropriate the money are approved.
On 17 December the Delta Vision Blue Ribbon Task Force submitted to Governor Schwarzenegger 12 linked recommendations and several proposed near-term actions to protect the Delta ecosystem and the state’s water supply.

The delta, formed by California’s two largest rivers, the Sacramento and San Joaquin, is the largest estuary on the West Coast and the hub of the state’s water systems. California’s Delta increasingly has become a center of controversy as federal, state, and local governments and private entities have sought to make use of its resources.

“We started from the premise that the Delta ecosystem and a reliable water supply for the state are co-equal values, and that conflicts between them should be resolved by applying the state constitutional principles of ‘public trust’ and ‘beneficial use,’” said Task Force Chair Phil Isenberg. From there the Task Force recommends a significant increase in conservation and water system efficiency, new facilities to move and store water, and likely reductions in the amount of water taken out of the Delta watershed.

In addition, the Task Force recommends several near-term actions. These focus on preparing for disasters in or around the Delta, including emergency flood protection and disaster planning, protecting the Delta ecosystem and water supply system from urban encroachment, and making immediate improvements to protect the environment and the system that moves water through the Delta. Task Force members cautioned that their recommendations are linked and meant to be implemented together.

Addressing the inevitable questions about water conveyance facilities the Task Force members wrote: “For those who rush to discuss Delta water conveyance as if no other issue is of importance, we caution that decisions about storage and conveyance flow from all twelve recommendations in our Vision, and cannot be decided by themselves. To that end, we have recommended an assessment process focused on dual conveyance as the preferred direction, allowing an ultimate decision which fits into the other elements of this Vision.” The full report is available at www deltavision ca gov.

**Editors Note:** The potential impacts of decisions related to the Delta, drought, and other supply issues on LAFCo water determinations is the subject of a CALAFCO University course on 2 May 2008 in Los Angeles.
Phone Taxes: When Communication Breaks Down

By Sandra J. Levin, Colantuono & Levin, P.C.

The programs and services of more than 100 California local governments are funded by utility users taxes (UUTs). A UUT is levied on each user of a utility (e.g. telephone, electricity, gas, water, or video services) within an agency’s boundaries. Most UUT ordinances in California date from a model ordinance developed by the League of California Cities in the mid-1980s after negotiations with the major utilities. Since that time, however, communication technology has changed dramatically with the demise of telegrams and the rise of e-mail, the invention of cell phones, internet communications, satellite communication, and other communication media, as well as the advent of fixed-fee calling plans and other marketing trends which simplify billing and reduce costs.

Meanwhile, UUT ordinances have not kept pace with industry, because modernization of tax ordinances has been impeded by the voter-approval requirements of Propositions 62 and 218. This growing gap between 1980s ordinances and a rapidly changing marketplace has fueled a number of legal and practical challenges to utility users taxes on telephony.

The FET Issue: For example, most UUT ordinances, like the League model ordinance, exclude from the tax base payments for services “exempt from” or “not subject to” the Federal Excise Tax (FET). For many years, the IRS imposed the FET on most telephone charges, including charges based on either time or distance. In May 2006 following a number of court losses, however, the IRS announced it would no longer collect the FET on telephone charges not based on both time and distance. Some carriers argued that the IRS’ policy change applied to California local agencies, too, and greatly reduced UUTs on telephony, since charges for many telephone plans, especially cellular plans, are based on time only, regardless of the distance between the two phones served by a call.

A number of agencies have amended their UUT ordinances to clarify that they did not wish to adopt the IRS’ new practice, but rather wished to continue to impose their UUTs as they had historically been imposed (i.e. on charges based on time or distance). Lawsuits challenging the right of local taxing authorities to amend their ordinances, or to continue to collect this revenue without amendment, are now pending against the County and City of Los Angeles, the City of Sacramento and the City of Long Beach. A number of cities have opted to seek voter approval of modernized and clarified ordinances in order to prevent this sort of challenge.

Technological Change: It is likely that older technologies (e.g. landlines) will continue to be replaced by newer technologies. Indeed, some predict that web-based communications, like voice-over-the-internet protocol (VoIP) as offered by Vonage or Skype, will take over a significant portion of the market in the next decade, perhaps even overtaking cellular telephony. Therefore, local agencies can expect continuing challenges to tax ordinances dating from the League’s 1980s model. Such challenges could be troubling, both because failure to tax newer technologies would result in a substantial reduction in revenue for local services and that failure would create an inequitable situation where those who can afford newer technologies are not taxed, while those who cannot continue to be taxed.

Similarly, the convergence of voice, data, video, and other services also poses challenges for the application of older UUTs to new service plans offered by so-called “triple play” providers. These issues, too, can be addressed by voter approval of an updated UUT ordinance. The February ballot will see proposals to do so in Los Angeles, Pasadena and other cities around California.

Plainly, the 100+ cities and counties in California with UUTs on telephony should review their taxes in light of these developments. An important first step is to ensure that the agency has a current claiming ordinance that requires an administrative claim prior to a tax refund case being filed and bars class and representative claims. (A model of such an ordinance is available at www.cllaw.us/papers.htm.)

Local governments should also determine whether and how to amend a UUT ordinance to eliminate references to the FET and whether to present an ordinance to the voters. These decisions should be made in consultation with legal counsel, as there are significant issues regarding both the FET and Proposition 218 to be considered.

From the Cover

LAFCo Makes Reductions in Urban Spheres

existing boundaries, General Plan land uses, Williamson Act contracted land, Development Interest Areas, and areas planned for service. The recommendations resulting from this analysis led to the overall reduction of 18.25% of all urban Sphere of Influence territory.

This total reduction of all urban spheres resulted in the removal of 10,723 acres that were within city and community district spheres of influence but not planned for urban uses. LAFCo staff worked closely with City and District staff to resolve any disagreements before consideration by the Commission. As a result, little opposition to this substantial reduction of Sphere territory was expressed at either of the two public hearings held in September and October of 2007. One area of contention, however, was debated with the City of Hanford for a square mile of agricultural land that is not currently planned for urban uses.

In the end, a majority Commission vote approved the Sphere of Influence Updates as recommended by the Executive Officer with a few months still left to spare.

CLERKS HOLD CALAFCO UNIVERSITY COURSE

In October over 40 clerks from 36 LAFCos attended LAFCo Clerking: Sessions for Solutions. The class was designed and instructed by LAFCo clerks and provided such hands-on topics as application processing, minute management, data management systems, and forms and templates.

The course was designed and taught by Debbie Shubert, Ventura LAFCo, Donna Boyd, SLO LAFCo, Elizabeth Solander, Riverside LAFCo, and Emmanuel Abello, Santa Clara LAFCo.

Best Best & Krieger LLP is one of California’s leading full-service public law firms with 8 offices strategically located throughout California. BB&K provides a full range of legal services to public agencies and is uniquely qualified to provide legal counsel to LAFCOs.

Santa Clara LAFCo Clerk Emmanuel Abello Instructs Clerks Course
2. LAFCo Organization

2.1. Support the independence of LAFCo from local agencies.
2.2. Oppose the recomposition of any or all LAFCOs without respect to the existing balance of powers that has evolved within each commission or the creation of special seats on a LAFCo.
2.3. Support representation of special districts on all LAFCOs with independent districts and oppose removal of special districts from any LAFCo.
2.4. Support communication and collaborative decision making among neighboring LAFCOs when growth pressures and multicounty agencies extend beyond a LAFCo’s boundaries.

3. Agricultural and Open Space Protection

3.1. Support legislation which clarifies LAFCo authority to identify, encourage and mitigate the preservation of agricultural and open space lands.
3.2. Encourage a consistent definition of agricultural and open space lands in law and application.
3.3. Support policies which encourage cities, counties and special districts to direct development away from prime agricultural lands.

4. Orderly Growth

4.1. Support the recognition and use of spheres of influence as the management tool to provide better planning of growth and development, and to preserve agricultural and open space.
4.2. Support adoption of LAFCo spheres by other agencies involved in determining long-term growth and infrastructure plans.

4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
4.4. Support communication among cities, counties, and districts through a collaborative process that resolves service, housing, land use, and fiscal issues prior to application to LAFCo.
4.5. Support cooperation between a county and city on decisions related to development within the city’s designated sphere of influence.

5. Service and Local Agency Effectiveness

5.1. Support the use of LAFCo resources to review regional growth plans and scenarios to ensure reliable services, orderly growth and sustainable communities, and that assure conformity with LAFCo’s legislative mandates.
5.2. Support LAFCo authority and tools which provide communities with local governance and efficient service delivery options, including authority to condition proposals that assure conformity with LAFCo’s legislative mandates.
5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed agency’s long-term financial viability, governance structure and its ability to efficiently deliver proposed services.
5.4. Support availability of tools for LAFCo to mitigate and ensure equitable distribution of revenues to local agencies consistent with their service responsibilities.

The Board also adopted legislative priorities for 2008. The complete policies and priorities are available on the legislative page at www.calafco.org.
A Busy Year Ahead
Continued from page 2

♦ Agriculture and Open Space Mitigation Policy, Practices and Definitions
An in-depth examination of LAFCOs role, responsibility and authority in ag and open space mitigation.
Friday, 11 July 2008 in Sacramento (tentative).

♦ Assessing Wastewater Infrastructure and Capacities
This practical course will help staff and commissioners understand the basics of wastewater infrastructure and systems and how to evaluate the existing and future capacity of systems.
Friday, 24 October 2008 in Los Angeles (tentative).

CALAFCO White Papers are research documents prepared to assist member LAFCOs with the analysis and preparation of recommendations for actions before a commission. Four papers are planned for the year, several associated with a CALAFCO U course:

♦ District Consolidation and Dissolution
An update of the 2005 paper on “District Extinguishment” with the addition of the requirements from several significant changes in the law from SB 819 as well as the new Community Services District law and other changes.

♦ Agriculture and Open Space Mitigation Policy, Practices and Definitions
This paper is a companion to the course and will document the laws, court cases, and LAFCo practices related to mitigations.

♦ Delta Decisions and Drought: The Future Water Supply in California
This paper is a companion to the course and will document the current situation and its impact on LAFCo water determinations.

♦ Protest Provisions and Process
A practical paper summarizing the various LAFCo protest provisions, processes, and requirements contained in all applicable state laws.

Workshops and conferences are on the horizon as well. The CALAFCO Staff Workshop LAFco Innovations: Emerging Trends & Practices is scheduled for April 2-4, 2008 in San Jose. The Annual Conference is already shaping up to be an exceptional learning and networking experience. It is scheduled for September 2-5, 2008 at the Sheraton Universal in Universal City (Los Angeles area).

Whewww: What a year ahead! And most of it is possible because of the incredible LAFCo staff and commissioners who contribute their time to CALAFCO projects and serve on CALAFCO boards and committees. Thank you to you all!

Best wishes for a healthy and productive new year. BC

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Best wishes for a healthy and productive new year. BC

ON THE WEBSITE
Special District Resources Page Among New Features

New features and resources have been added to www.calafco.org, including a new special district resources page. The page includes key reference and informational materials on special districts; model documents for independent special districts that want to be seated on their LAFCo; and links to special district sites. With over 4,000 special districts in California and 29 LAFCos that do not have special district representation, we hope this page will provide a broad range of information to the community and encourage districts to seek their seats. The California Special Districts Association is helping to spread the word to its members.

Other new features include the 2008 EVENT CALENDAR which includes dates for all CALAFCO activities and the conferences of our peer associations.

CALAFCO Recognizes Achievements

CALAFCO presented its 2007 Achievement Awards at the Annual Conference Awards Banquet on August 29th in Sacramento. The awards recognize outstanding contributions and accomplishments by LAFCo commissioners, staff and stakeholders.

Outstanding CALAFCO Member
Kathy Long
CALAFCO Board Chair

Distinguished Service Award
William D. Smith
San Diego Legal Counsel

Most Effective Commission
Santa Clara LAFCo

Outstanding Commissioner
Gayle Uilkema
Contra Costa LAFCo

Outstanding LAFCo Professional
Joyce Crosthwaite
Orange LAFCo Executive Officer

Outstanding LAFCo Clerk
Debby Chamberlin
San Bernardino LAFCo

Project of the Year
San Bernardino LAFCo and City of Fontana Islands Annexation Program

Government Leadership Award
City of Fontana Islands Annexation Program

Lifetime Achievement
John T. “Jack” Knox
The Creation of LAFCo

Excerpts of an Address on LAFCo’s Creation by former Legislative Committee Consultant Thomas H. Willoughby

Editor’s Note: It was in December of 1960—47 years ago last month—that the Blue Ribbon Commission on Metropolitan Problems delivered its report and recommendations to Governor Edmund Brown. Nearly three years later those recommendations resulted in the creation of Local Agency Formation Commissions.

Thomas Willoughby was consultant to the Assembly Local Government Committee during the period John Knox was chair and the legislation creating LAFCos was debated. Mr. Willoughby served as a legislative staff member from 1961 to 1983.

In 1979 Mr. Willoughby addressed the CALAFCO annual conference in Stockton on the creation of LAFCO. It provided a fascinating inside look into the intent, process, and politics involved.

We recently uncovered a copy of that full speech. Excerpts are presented here. The full speech is available on the CALAFCO website, www.calafcoc.org. Enjoy this historical perspective!

Actually, when I received the invitation, I felt a little bit like living history—to speak to this meeting about the creation of LAFCo. I almost felt as though I were the survivor, the sole remaining survivor, of some momentous historical event and that someone wanted to get from me the oral history of that event before I faded away and went off into the distance and there was no record left of that event.

I would like to be able to talk to you about “The Creation,” and I would like to be able to say that the creation of LAFCO, that is happened somewhat in the following fashion: In the beginning, local agencies were without order, continuity or logic. Confusion was upon the face of the land. And God said, "Let there be LAFCO." And there was LAFCo.

I would like to be able to say that to you, but unfortunately I can’t. I think, if you were to ask how LAFCO came about and why it came about, it would have to be said it was not a creation, but rather an evolution. It was an evolution of a number of ideas, with some political pressures and tradeoffs and deals and whatnot thrown in. It was, in fact, a typical end result of the political process.

The initial seed that became LAFCo was planted in March of 1959. Now you have to remember what was happening in March of 1959. California had a new Governor. In 1958 Edmund G. “Pat” Brown had soundly trounced the Republicans. He’d been elected Governor, he headed a sweep of Democrats. The State had a Democratic legislature.

This was the Governor’s first session with the legislature. Then in March of that year the administration, full of optimism and foresight as all new administrations are, became concerned with urban problems. It became concerned with the fact that metropolitan areas in California were developing in a leap frog, unplanned, haphazard fashion. And so, the Governor decided to create the Blue Ribbon Commission.

He outlined five issues he wanted this Blue Ribbon Commission to consider: transportation; housing and land use planning; prevention of air and water pollution; maximum economy and usefulness in handling tax dollars; and finally, metropolitan government structures and districts. His concluding instruction was, “I want the commission to take a new and fresh look at the structure of local government in metropolitan areas. We do not rule out the possibility that in some measure we may even leave behind present concepts of counties, cities and districts.”

See what a farsighted, far ranging charge this was? “We may even have to devise a new name for a new concept in local government. Perhaps metro or metro-county or metropolis.” This was way before ‘metro’ became kind of a dirty word. “In any event”, he concluded, “we must abandon inflexible ideas and start thinking in terms of meeting the needs of our communities. We must focus on the welfare and happiness of the man in the middle of the metropolis.”

So with that general admonition, the commission labored until late December of 1960. Finally a report was submitted to the Governor and to the world. It had all kinds of impressive graphics such as, “The Result of Fragmented Action” and “The Result of Unified Action”—with a lot of confusion and busyness on the side of the page labeled “Fragmented Action” and everything orderly and visually pleasing on the side of the page that talks about “Unified Action.”

But in any event, when the commissioners reported to the Governor in late December of 1960, they made three general recommendations. First, they said metropolitan areas needed to improve, simplify and rationalize the structural relationships of existing and future local government units. They explained that discretionary criteria should be developed and enacted into law to serve as a guide in the establishment and alteration of units of local government. So they called for discretionary criteria to guide the process of forming and altering local governments. Further, annexation laws should be amended to provide

Continued on next page
Thomas Willoughby on the
Creation of LAFCo
Continued from page 10

The second recommendation was to permit the establishment, by metropolitan areas, of area-wide governmental frameworks through which truly area-wide matters could be presented, discussed, decided upon on an area-wide basis. Specifically, they recommended enabling legislation to permit the establishment of metropolitan area multi-purpose districts to be governed by a metropolitan council, selected from the local city councils and boards of supervisors. These districts would exercise those functions permitted to be performed by any enabling legislation, specifically regional functions such as air quality management, water supply, sewage treatment and disposal, transportation, parks, law enforcement, fire protection, urban renewal.

Finally, and most essential, was a recommendation for the establishment of a State Metropolitan Areas Commission to be appointed by the Governor. It would have the following responsibilities: exercise quasi-judicial powers in reviewing and approving proposals for the incorporation or annexation to cities. This commission would also study and make recommendations about State laws affecting boundary changes of local governments. It would also inform and advise the Governor with respect to current and changing problems of metropolitan areas. It would exercise quasi-judicial powers in the review and approval of proposals to incorporate or to annex territory to cities. That was a very far reaching proposal, and it was in that proposal that the seed of what became LAFCo was planted.

Well, not a great deal happened after this nice Christmas present was presented to the Governor in December of 1960. Governor Pat Brown's office decided in 1963 to introduce a package of essentially four bills that would be known as the Governor's metropolitan area program. One bill would create a Local Agency Formation Commission, a State level agency to approve or disapprove the formation of new cities and new districts. That bill was authored by Jack Knox. A companion bill was introduced by Senator Gene Nisbet from San Bernardino County. It would have created Local Agency Annexation Commissions in each county of the State. They would police and approve or disapprove annexations to cities and to districts.

It still remains unexplained why the Governor's staff made this kind of strange choice to have formations handled by a State agency and annexations handled by a series of local agencies. But, nonetheless, that was the choice that had been made and the two bills were introduced.

Jack Knox was in his second term as an Assemblyman and he had been appointed Chairman of the Assembly Local Government Committee. This was his own committee and would be the first committee to hear his own bill. Well, you might suppose that Jack Knox would have had an easy time with his own bill in his own committee, but he had a very difficult time of it. The County Supervisors Association vigorously lobbied against the idea of a State agency. After the first hearing on the bill, Jack Knox, an expert at counting votes, decided that he didn't remotely have the votes to get that bill out of his own committee. So he decided to put off the vote.

A quick conference with members of the Governor's staff was called and a decision was made, at the prompting and urging of the County Supervisors Association. The Supervisors Association vigorously opposed this legislation, you never really knew if opponents of this kind of legislation, who felt it was too radical a step, would muster up a majority of votes and succeed in changing the position of their respective organizations. Finally, after an extremely vigorous fight on the Assembly floor, and in the Senate, both in committee and on the floor, both bills were passed.

There is an interesting footnote (not only a footnote but my intuition about one of the reasons that LAFCo is here today). In the critical times when these pieces of legislation were on the floor of each house of the legislature, both the League of Cities and the Supervisors Association put on a major lobbying effort. However, because of the division within the ranks of these organizations, there was not a lot of mail from Supervisors or Council members or Mayors.

Between the 1963 and 1965 sessions it was decided to rewrite the statutes to combine both the annexation and formation procedures into one, which we have today. Jack Knox had the vision and the insight to decide that we also needed to go a little farther; that it didn't make sense to have an arbitrary number of different procedures for districts to annex territory. The District Reorganization Act was developed after 1963 and enacted into law in the 1965 session.

That pretty much brings you up to date. Since 1965 LAFCo has evolved pretty steadily to where it is today. So that's my insight into the creation.
2007 Annual Conference Focused on Sustainability

Over 260 LAFCo commissioners and staff gathered in Sacramento in late August for the CALAFCO annual conference. Hosted by Sacramento and Yolo LAFCOs the conference was highlighted by three general sessions, 17 breakout sessions, an agriculture mitigation mobile workshop, and plenty of networking opportunities. Sustainability was emphasized throughout the conference as participants examined issues of agriculture, water availability, local agency sustainability, flood control, growth, blueprint planning, and incorporations. Case studies from Butte County and the San Joaquin Valley integrated the concepts of sustainability with LAFCo roles and responsibilities.

Thank you to all who participated and to the many volunteers and sponsors who contributed to the success of the conference!

Copies of conference presentations are available on the CALAFCO website www.calafco.org

Breakout sessions allowed in depth discussions of topics

Conference Chair Chris Tooker addresses opening session

Participants engaged in presentations and discussions at conference

Participants examine agricultural mitigations during mobile workshop

Conference committee members Greg, Don, and Peter enjoy Wine & Beer Competition reception

Former Assembly Member John Knox shares insights on LAFCo’s creation and role today

Senator Gloria Negrete McLeod (speaking) and OPR Director Cynthia Bryant open the conference

Registration team—Jim, Jamie, Kris, and Peter—ready to go!

Networking during reception at California Museum