LAFCO 101

2013 Staff Workshop
Hallmark Inn, Davis

Executive Officer Bob Braitman
A Biblical Explanation of LAFCO
In the beginning darkness covered everything

And there was chaos upon the land
And out of the darkness came light, and

Out of chaos came order
And that’s LAFCO’s job
Why LAFCO came about

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
MEETING
METROPOLITAN PROBLEMS

REPORT OF THE GOVERNOR’S COMMISSION ON METROPOLITAN AREA PROBLEMS
STATE OF CALIFORNIA—Edmund G. Brown, Governor
LAFCO’S Purposes Are To

- Encourage orderly boundaries and discourage urban sprawl
- Conserve agriculture and open space
- Promote efficient public services
- Consider regional housing needs, adequate water and other essential issues
Legislative Compromise

- No Statewide Commission or agency
- A LAFCO in each county
- Local Control; no State appointees
- LAFCO are independent; no administrative appeal
Who is LAFCO? Unique Mix

- All Local Folks – 2 County supervisors, 2 city officials, 1 public member
- Many LAFCOs also have 2 special district members
- One alternate member in each category
- Statute says members are to represent the interests of the public as a whole (G.C. 56325.1)
Legislative History – Part 1

- **1963** - Knox-Nesbitt Act – the beginning - LAFCOs created to regulate boundary decisions — funded by County

- **1965** - District Reorganization Act (DRA) – Unify and clean-up district procedures

- **1971** - LAFCOs are to plan too; new requirement to adopt spheres of influence

- **1972** - Allow special district members on LAFCO with control of latent powers
1977  - Municipal Organization Act (MORGA)
Clean up city procedures

1983  - Deadlines to prepare spheres –
LAFCOs must plan now

1985  - Cortese-Knox Local Government
Reorganization Act – Recodification

1993  - AB 1335 (Gotch)
• LAFCO can initiate certain changes of organization
• LAFCO can waive conducting authority hearing
• Easier to seat special districts
Legislative History – Part 3

2000 - AB 2838 (Hertzberg) – Major reforms

- Broaden LAFCO funding formula – not just the County
- Make LAFCO the conducting authority
- Require cities to prezone land
- Require periodic Sphere of Influence updates
- Require Municipal Service Reviews
- Add new factors – water supply, regional housing
What the Courts have said about LAFCO

LAFCO engaged in pursuit of an overriding State purpose

LAFCO is the Legislature’s “watch dog” for governmental efficiency

LAFCO is independent, not part of County

LAFCO is quasi-legislative; limited legal challenge to LAFCO decisions

LAFCO is an agency of “broad discretionary authority”

LAFCO cannot directly regulate land use but must consider land use issues in making its decisions
As a planning agency LAFCO

Adopts and periodically updates Spheres of Influence for cities and districts

Prepares Municipal Service Reviews to help Update Spheres of Influence and coordinate the provision of services

Works cooperatively with public and private agencies and interests
As a regulatory agency LAFCO

Regulates boundaries of existing agencies, creation of new ones and the local governmental structure

Can approve changes only if consistent with spheres of influence and Commission policies

Controls extension of public services even without annexations

Is prohibited from directly regulating how land is used . . . but
LAFCOs are Independent

State laws guide LAFCO action, but give broad discretion to Commissions to apply law in light of local circumstances

Commissioners make final decisions that cannot be appealed to other administrative bodies

Executive Officer and staff are solely accountable to the Commission and the statutes
LAFCO is subject to Political Disclosure and Conflict Rules

- Annual filing of assets and campaign contributions is required, plus
- Commissioners are disqualified from certain decisions where they received contributions of $250+ in prior 12 months
Environmental review of LAFCO decisions

Most LAFCO approvals are "projects" under CEQA

Pre-zoning makes city the lead agency, and LAFCO is then a responsible agency

Under CEQA LAFCO’s role as Responsible Agency is limited

Categorical exemptions are tailored to LAFCO actions - Classes 19 and 20
LAFCO does not have jurisdiction over

- Land use changes not requiring boundary changes
- Mello-Roos Community Facility Districts
- School district boundaries
- Municipal Advisory Councils
- COGS or Area Planning Commissions
- Transit Districts
- Joint Powers Authorities
LAFCO Staffing

- LAFCO provides for its own quarters, equipment, supplies and personnel.
- LAFCO appoints an Executive Officer to conduct day-to-day business and make recommendations on proposals.
- LAFCO appoints a Legal Counsel.
- LAFCO can contract for staff services.
State mandate – LAFCO adopts fiscal year budget

LAFCO is funded equally by the County and cities or

By County, cities and special districts in equal thirds

Other local funding formulas are allowed

Processing fees help offset costs
LAFCO decisions are made in full public view

- LAFCO conducts all boundary changes publicly
- Wide public notice of LAFCO hearings is required, including posting on Internet
- LAFCO staff coordinates with county, cities, special districts, school districts, private parties and others
Boundary Change Overview

- Pre-application consultation; land use approvals
- City, County or District resolution or petition
- Complete application filed with LAFCO
- Request for Reportbacks
- LAFCO notice of hearing
- LAFCO Executive Officer Report
- Commission hearing and decision
- Conducting Authority Procedures, if needed
- Recordation and filing with SBE et al
That’s all folks!
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