



LAFCO 101

Introduction to Local Agency Formation Commissions

June 28, 2017




What is LAFCO?

"Local Agency Formation Commission"



In simpler terms:
"Boundary Commission"





What is LAFCO?


- Oversees city and special district boundaries, services
- Intended to curb sprawl, encourage logical growth, ensure efficient services, preserve agricultural & open space lands
- Adopts a "Sphere of Influence" for each agency





Why LAFCO?

Prior to LAFCO:

- State Legislature had the sole authority to create and change jurisdiction of cities & special districts since 1850







Why LAFCO?


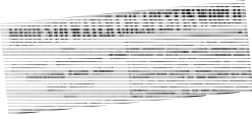
City Incorporations:

- Modesto - 1884
- Oakdale - 1906
- Turlock - 1908
- Newman - 1908
- Ceres - 1918
- Patterson - 1919
- Riverbank - 1922



Why LAFCO?

Why LAFCO?

THE IRREGULAR PICTURE OF URBAN GROWTH

What Has 343 Sides And Stretches 53 Miles Around?-



Why LAFCO?

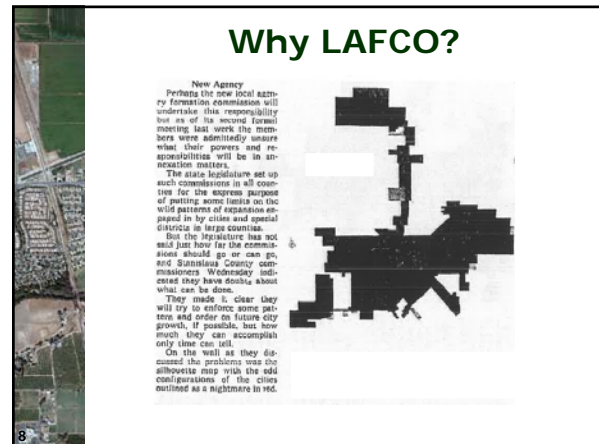
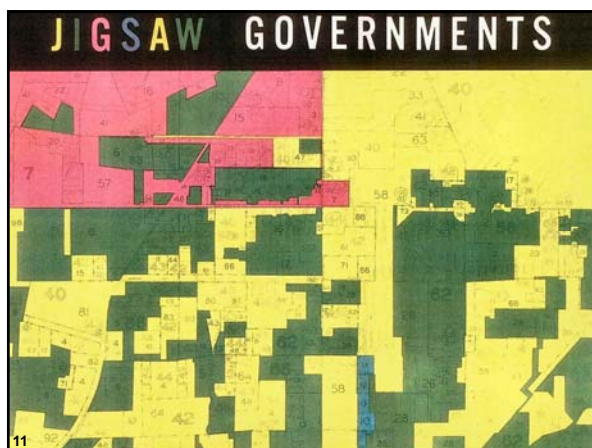
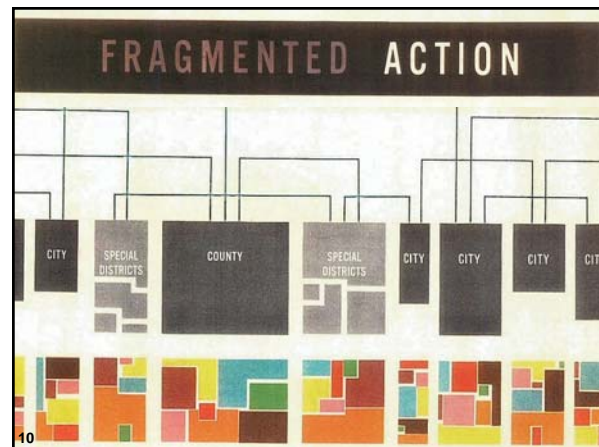
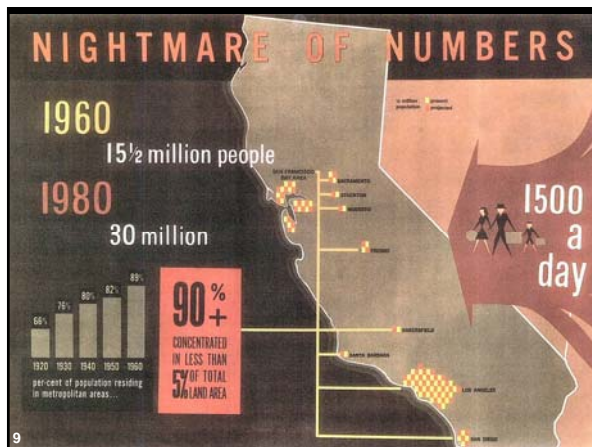
New Agency
Permits the new local agency formation commission will undertake this responsibility but as of its second formal meeting last week the members were admittedly unsure what their powers and responsibilities will be in allocation matters.

The state legislature set up such commissions in all counties for the express purpose of putting some limits on the wild patterns of expansion espoused by cities and special districts in large counties.

But the legislature has not said just how far the commissions should go or can go, and Stanislaus County commissioners Wednesday indicated they have doubts about what can be done.

They made it clear they will try to enforce some patterns and order in future city growth, if possible, but how much they can accomplish only time can tell.

On the wall as they discussed the problem was the allusive map with the odd configurations of the cities outlined as a nightmare in red.

LAFCOs Established

Legislature created LAFCOs in 1963:

- Not a State Commission
- Emphasized local control with a Commission in each County
- Laws governing LAFCOs can be found in Government Code section 56000+ (*Cortese-Knox-Hertzberg*)



Who is LAFCO?

Stanislaus LAFCO is made up of:

- **2 County** members (Board of Supervisors)
- **2 City** members
- **1 Public** member

&

- An Alternate for each category (3)





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Who is LAFCO?

Staff to the Commission:

- Executive Officer
- Assistant Executive Officer
- Commission Clerk
- Legal Counsel




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Why LAFCO?

Purposes of the Commission:

- Discourage urban sprawl
- Preserve open-space & prime agricultural lands
- Encourage efficient provision of services
- Encourage orderly formation of local agencies, based on local conditions and circumstances




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Powers

LAFCOs have exclusive authority:

- City and Special District Annexations
- Formations of new Special Districts
- Incorporations of new Cities
- Mergers, consolidations, detachments
- Establishing and modifying Spheres of Influence (SOI)
- Extensions of service outside boundaries




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Restrictions

LAFCOs do NOT have authority:

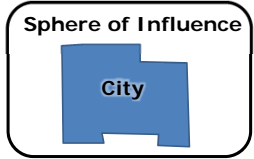


- County boundary as a whole
- School district boundaries
- Certain financing districts (e.g. Mello-Roos districts)
- Internal board divisions or city council districts
- Development standards, zoning




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Sphere of Influence

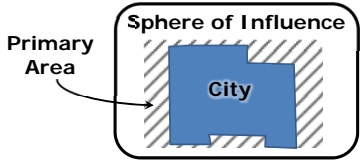
- Plan for the probable physical boundaries and service area of a local agency
- Intended to be a long term growth boundary (20 years)


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Local Policy: "Primary Area"

- An area within the Sphere of Influence (SOI) intended to show the direction of near-term growth (0-10 years)



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Municipal Service Reviews

- SOI must be reviewed and updated every five years
- SOI Updates require a MSR
- Required to be updated prior to or in conjunction with an updated Sphere of Influence
- Analyzes services within an area
- Includes written determinations

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Municipal Service Reviews

Written Determinations

- Growth and population projections
- Identify disadvantaged communities
- Present and planned facilities and services
- Financial ability of agencies to provide services
- Information on shared facilities
- Accountability for community services needs
- Any other related matter

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Special Districts

- 3 Cemetery Districts
- 8 Community Service Districts
- 22 County Service Areas
- 1 Drainage District
- 14 Fire Protection Districts
- 2 Flood Control Districts
- 3 Hospital/Healthcare Districts
- 5 Irrigation Districts
- 2 Mosquito Districts
- 2 Resource Conservation Districts
- 2 Sanitary Districts
- 7 Water Districts


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Legal Aspects of LAFCOs

- Commission is subject to the Brown Act, the Political Reform Act, CEQA and the Public Records Act
- Political Reform Act
 - Annual filing of assets and campaign contributions "700 Form"

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Legal Aspects of LAFCOs

- LAFCO actions are subject to the California Environmental Quality Act (CEQA)
 - Typically acts as a "Responsible Agency"


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Legal Aspects of LAFCOs

- The Commission is subject to the California Public Records Act
- GC §6252(e) – “Public Records”
 - Any writing relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics




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Legal Aspects of LAFCOs

- The Commission is subject to the California Public Records Act
- GC §6252(e) – “Writings”
 - “Writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.




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Courts Support of LAFCOs

- Engaged in the pursuit of an overriding State purpose
- Determinations vs. Findings – ensure that there is substantial evidence to support every finding
- Is the Legislature’s “Watch Dog” on local governments




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Commissioner’s Duty GC §56325.1

- While serving on the commission, all commission members **SHALL** exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority.



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Annexation Process

1. **Initiation:** By Petition or Resolution of Application
2. **Staff Review of Application**
3. **Public Hearing / Commission Review:** Approve, Modify or Deny
4. **Protest Hearing**
 - Possible Election
5. **Certificate of Completion or Termination**





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Commission’s Review

Several Factors Considered:

- Population & growth
- Ability to provide services
- Effect on agricultural lands
- Availability of water
- Logical boundaries
- Landowner & agency comments

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Commission's Review

Even More Factors:

- Effects on adjacent areas
- General Plan consistency
- Existing and proposed land uses
- Financial plans
- Conformity to LAFCO policies



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Local Policies: Agricultural Preservation

- Adopted by the Commission in 2012
- Requires a "Plan for Ag Preservation" be submitted with application
- Plan must specify method/strategy to minimize loss of ag lands
- Policy includes menu of strategies that Commission encourages



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Local Policies

- Guidance for logical boundaries
- Preference for infill, compact growth
- Priorities for provision of services




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Emerging Trends

Disadvantaged Unincorporated Communities (DUCs):

- Identification of all lower income areas adjacent or within boundaries and service needs
- Annexations of more than 10 acres must include *entire* DUC




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Emerging Trends

Special Districts' Involvement:

- Consideration of impacts to districts
- Proposed legislation to ease process to include districts on the Commission



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Emerging Trends

Out-of-Boundary Service Extensions:

- Cities and districts must obtain LAFCO approval prior to extending service outside their boundaries
- Limited exceptions
- Considered an alternative to annexation



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LAFCO's Future

Recent legislation has increased LAFCO's powers

- LAFCO-initiated actions
- Municipal Service Review recommendations

Bypassing LAFCO for specific goals

- Water system consolidations



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Contact Us:

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