

CHAPTER I
INTRODUCTION

I. INTRODUCTION

This chapter provides background information regarding the purpose of the Sacramento Local Agency Formation Commission's (LAFCo's) policies, standards and procedures. It also discusses the legislature's intent and direction to the LAFCo, the LAFCo's jurisdiction, and its composition and responsibilities.

A. THE PURPOSE OF THESE POLICIES, STANDARDS AND PROCEDURES

The LAFCo is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding, among other things, annexations, incorporations, reorganizations, other changes of government organization, to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of Sacramento County and its communities, as indicated in Government Code Section 56301. These standards have been adopted pursuant to the authority contained in the Cortese-Knox-Hertzberg Act to assist in carrying out its provisions. Specifically, these standards are designed to:

- Give applicants for changes of organization guidance as to the information the LAFCo needs to make appropriate determinations concerning their applications;
- Provide applicants for changes of organization with explicit guidance as to the criteria the LAFCo will utilize in approving, disapproving, amending, or conditionally approving applications for changes of organization;
- Ensure consistency in the LAFCo's decision-making;
- Facilitate communication among local agencies in the region;
- Provide elected officials, governmental staff, and members of the general public information and notice as to the standards and procedures that the LAFCo will utilize in evaluating applications; and
- Minimize adverse social, economic and environmental impacts of growth.

B. THE LEGISLATURE'S CREATION OF LAFCos

LAFCos are intra-local agencies that were created by state legislation to ensure that changes in governmental organization occur in a manner that provides efficient and quality services and preserves open space land resources. The creation of LAFCos was a legislative response to actions by local jurisdictions in the 1940s and 1950s that incorporated or annexed large, irregular portions of land in a manner that resulted in

irrational urban boundaries and "stranded" population without efficient services or with no services at all. In 1963, the Legislature established Local Agency Formation Commissions in each county and gave them regulatory authority over local agency boundary changes. Additional legislation in the 1960s extended LAFCo authority, and in the 1970s the Legislature recognized the connection between decisions concerning governmental organization and the issues of urban sprawl and loss of prime agricultural land. In response to these concerns, LAFCos were charged with implementing changes in governmental organization in a manner that preserved agricultural and open space land resources, as well as provided for efficient delivery of services. The Legislature and the courts have also required LAFCos to implement the California Environmental Quality Act (CEQA) as it applies to LAFCo actions.

C. THE LEGISLATURE'S POLICY DIRECTION TO LAFCo

The Legislature has charged the LAFCo with carrying out changes in governmental organization to promote specified legislative policies now codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Cortese-Knox-Hertzberg Act commences with Section 56000 of the Government Code, and the reader is referred especially to Sections 56001, 56300, 56301, 56375, 56377 and 56668. These sections contain the following major policy elements:

- The LAFCo is charged with encouraging orderly growth and development while discouraging urban sprawl;
- The LAFCo is responsible for encouraging the logical formation and determination of boundaries;
- The LAFCo is tasked with encouraging the efficient provision of government services; and
- The LAFCo is required to exercise its authority to guide development away from open space and prime agricultural land uses unless such actions would not promote planned, orderly and efficient development.

D. THE SPECIFIC AND DELIMITED LAFCo JURISDICTION

LAFCo's have the specific authority to review:

- Annexations to, or detachments from cities or districts;
- The formation or dissolution of districts;
- The incorporation or disincorporation of cities;
- The consolidation or merger of cities or districts;
- The establishment of subsidiary districts;
- The extension of out of agency service powers;

- The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district; and,
- The development of, and amendments to, Spheres of Influence with the utilization of Municipal Service Reviews.

To carry out the legislative policies identified above, LAFCo has the power to approve or disapprove applications, or to impose reasonable conditions on approval. However, the LAFCo may not exercise direct land use authority. The California Supreme Court explains this unusual combination of power to deny coupled with no power to impose conditions to solve the same policy issue. It said the prohibition on imposing conditions regarding land use.

"Merely insures that final zoning decisions are made by the local agencies concerned. It certainly does nothing to detract from the power of a LAFCO to disapprove an annexation if it finds that it violates the detailed criteria that a LAFCo must consider such factors are now in Section 56668."

Bozung v. LAFCO (1975) 13 Cal. 3d 263, 284. Thus, for example, LAFCo may disapprove an application for an annexation to a city because it would create an area that is difficult to serve, or because it would cause the premature development of agricultural land. However, the LAFCo could not carry out the same policies by requiring land to be rezoned from residential to agricultural use, or by other direct exercise of land use authority through the zoning or subdivision process.

E. THE LAFCo COMMISSION: ITS COMPOSITION AND LEGISLATIVE CHARGE

LAFCos are intra-local agencies created by the Legislature to implement policies that the Legislature determined must be addressed with a county-wide perspective. The Cortese-Knox-Hertzberg Act established this intra-local mandate for the LAFCos in two ways:

1. The Legislature's policy mandates are county-wide in perspective; and
2. The Commission's composition is representative of the governmental agencies in the County by providing for city, county and public membership. Special districts may also be seated on LAFCo at the discretion of the Commission and if certain conditions are met.

Sacramento LAFCo Commissioners are selected from the groups most affected by its decision: the public, cities, the County and special districts. The Sacramento LAFCo is composed of seven members, each of whom serve four-year terms. These members are:

1. Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate member may serve and

vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

2. One appointed by the City of Sacramento who is a member of the city council, appointed by the mayor and confirmed by the city council. The mayor shall also appoint, subject to confirmation by the council, an alternate member who is a member of the city council. The alternate member may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.
3. One appointed by the cities in the county, who is a mayor or council member appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.
4. Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint one alternate member who shall be a presiding officer or member of the legislative body of an independent special district and shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to appoint members to fairly represent the diversity of the independent special districts in the county, with respect to population and geography.
5. One representing the general public, appointed by the other six members of the commission. The commission may also appoint an alternate public member who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

Through the particular interests and expertise that each member brings to LAFCo, LAFCo has both the local and county-wide perspective necessary to implement the policies of

the Cortese-Knox-Hertzberg Act. Decisions relating to the most efficient form of local government and the preservation of agricultural land inherently involve the balancing of potentially competing interests of jurisdictions because applications for change of organization may involve the interests of the County, a city, and one or more special districts. In addition, such determinations usually affect the public at large because of various options for the delivery of services. The legislative charge to LAFCo Commissioners is to bring their experience and perspectives to bear in a manner that carries out the best policy from a county- wide perspective. Commissioners are not selected to represent or to cast the vote of their appointing agencies, but rather are expected to bring the unique perspectives of their appointing agencies, or the public, to decisions which carry out the county- wide mandate of the Cortese-Knox-Hertzberg Act. It is for this reason that the Cortese-Knox-Hertzberg Act specifically authorizes members of the LAFCo to vote on issues which may affect their jurisdictions. Since these members are appointed to carry out objective policies concerning county-wide issues, it is assumed that their participation will benefit the debate rather than prejudice the decision.

F. LEGISLATIVE AUTHORITY FOR THE SACRAMENTO LAFCo's POLICIES, STANDARDS AND PROCEDURES

Sacramento LAFCo adopts these policies, standards, and procedures pursuant to specific authority in the Cortese-Knox-Hertzberg Act as part of LAFCo's authority to carry out its responsibilities and duties.