

What City Council-Members need to know . . .
about LAFCO



Paul A. Novak, AICP
League of Cities Conference

So you're thinking
about annexing
unincorporated
territory into your
city

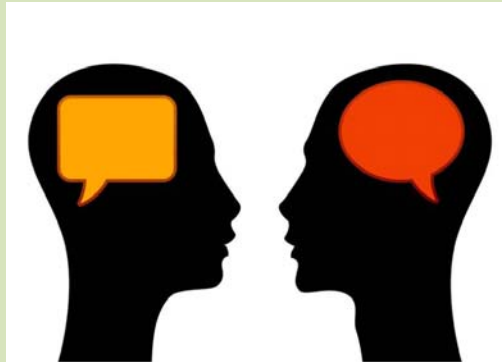


Paul Novak's Top Ten* List . . .
of things City Council- members
should know about LAFCO

* With apologies to David Letterman, who,
now that he is retired, probably will not sue me.



Number 1:



Ask your staff to learn a new language
(LAFCO)





“This is a proposal for a change of organization and concurrent SOI amendment for 12.6 acres of uninhabited territory. The Pleasantville City Council adopted a Resolution of Application on January 17th, 2012, and the Executive Officer issued a Certificate of Filing on March 1st, 2013. There are no DUCs within the affected territory.”



Common Term

LAFCO Term

Application

Proposal

Annexation

Change of Organization/
Reorganization

Property/Site

Affected Territory

Deemed Complete

Certificate of Filing

Approval/Entitlement

Certificate of Completion

Municipal Code

Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000 (Act or CKH)

City Manager

Executive Officer



Other LAFCO Terms

Incorporation/Disincorporation	Of a <u>city</u>
Formation/Dissolution	Of a <u>special district</u>
Consolidation	Of 2 or more cities or special districts
Merger	Dissolution of a special district, duties assumed by a city
Inhabited Territory	Affected territory contains 12 or more registered voters
Uninhabited Territory	Affected territory contains 11 or fewer registered voters



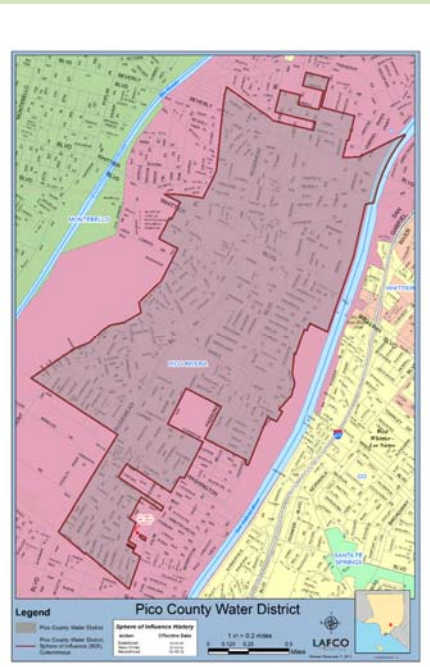
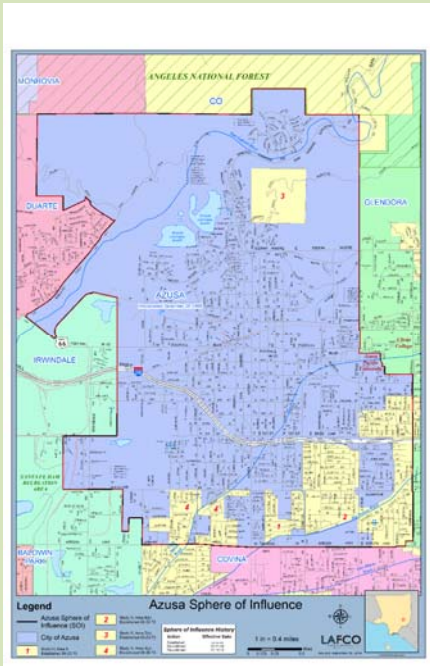
Spheres of Influence (SOIs)

As of 1971, LAFCOs are required to adopt SOIs for all cities and special districts

SOI is “a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission”

Presumed that the area within an SOI will be annexed over time





Number 2:

County Government



LAFCO is not a County agency



Number 3:



LAFCO **cannot** initiate annexations to cities



What LAFCO **can** do:

- Work with the proponent in scoping the boundaries
- Suggest alternatives after the proposal is filed
- Staff recommends approval . . . or denial
- Commission approves . . . or denies proposal



Number 4:



I may be responsible . . .
but I don't like to lead



CEQA Clearances

- LAFCO is most often the responsible agency
- Exceptions
- What to include in a CEQA Clearance

Number 5:



Don't complain about your
property taxes

Three Facts about the exchange of property taxes

- FACT 1: A proposal cannot be agendized before the Commission (LAFCO) unless the Executive Officer has received all required property tax exchange resolutions
- FACT 2: LAFCO is not directly involved in the exchange of property taxes between a city and the county
- FACT 3: The requirement to adopt a property tax exchange resolution gives both the City and the County leverage over the proposed annexation



Number 6:



We don't need no stinkin' findings!



The Commission (LAFCO)

- Are legislative (“quasi-legislative”) bodies
- Determinations not findings

Number 7:



Understand how “Protest” works

Protest

- What planners consider “protest” comes first, before a decision
- In LAFCO, protest comes last, after a decision
- “Protest” has a specific meaning as it is defined in LAFCO law

Protest

- Based upon the level of protest, a Commission’s approval can be reversed (50%), or it can be forced to go to a vote of registered voters within the affected territory (generally 25%)
- Protest is ministerial
- Anticipate any potential opposition

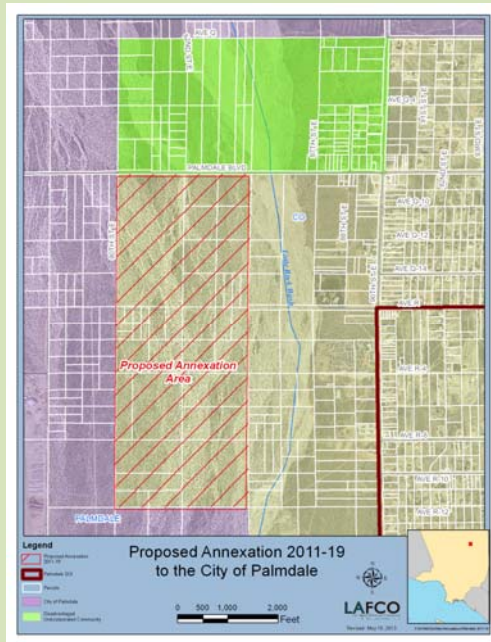
Number 8:



Get your DUCs in a Row

Disadvantaged Unincorporated Communities (DUCs)

- Law took effect January 1, 2012
- Inhabited territory with median household income of less than 80% of statewide median household income
- LAFCO must consider DUCs when amending SOIs
- Restrictions on Annexations
- Requirements for City & County General Plans



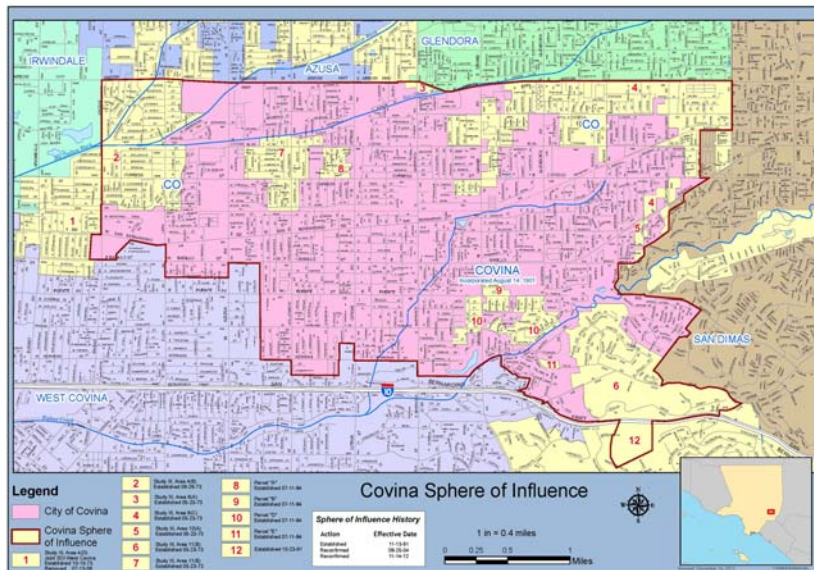
Number 9:



Understand the “Island Provision”

Island Provision

- Must be “surrounded” or “substantially surrounded” by annexing city, adjacent cities, county boundary, or Pacific Ocean
- City annexation of unincorporated islands of 150 acres or less without protest
- Must annex the “entire island”
- Certain requirements
- No discretion: “a commission shall approve”



Number 10



Talk to LAFCO beforehand



LAFCO is your friend!



- Contact us as soon as you are considering a proposal
- Don't surprise us with a proposal sent in the mail or delivered by a courier
- It is not better to ask forgiveness than it is to ask permission



Odds . . .

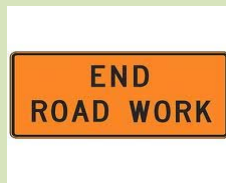
10:1

6:1

2:1



Ends . . .



Extra! Extra! Extra!

- All LAFCO authority is delegated authority from the State.
- Tell the judge.
- What is “Reconsideration”?
- LAFCO’s definition of “prime farmland” is different from, and much broader than, the definition in the CEQA Checklist.
- While the Act is universal, “local policies” are not