

LAFCO of Monterey County

LAFCO and Your City Boundaries

A Presentation to the Marina City Council

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LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY

What's Ahead

- ▶ LAFCO's **role** and how it can assist the City in implementing municipal goals
- ▶ The **process** to change the City's boundaries

What is LAFCO?

LAFCO of Monterey County is an independent regulatory authority of the State of California. It was created by the Legislature in 1963 to promote the orderly growth and development of local cities and special districts. LAFCO is also known as the State's steward of "good government."



LAFCO of Monterey County

Legislative Purposes

- ▶ Promote orderly growth
- ▶ Prevent sprawl
- ▶ Preserve agricultural and open space lands
- ▶ Assure efficient delivery of municipal services

LAFCO As a REGULATORY Agency

- ▶ Forms new cities and districts
- ▶ Changes the boundaries of cities and districts – annexations, consolidations, annexations, reorganizations, dissolutions. Changes must be consistent with the city or district's Sphere of Influence.
- ▶ Approves the authorized services of districts
- ▶ Allows extension of services outside of a district or city
- ▶ Cannot directly regulate how land is used, but must adopt policies that encourage orderly and logical development of land inside a Sphere of Influence.

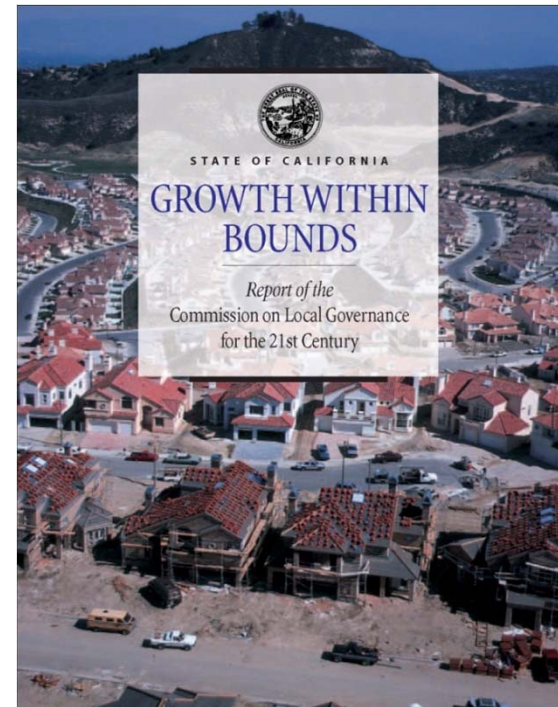
LAFCO As a PLANNING Agency

- ▶ Establishes and updates **Spheres of Influence** for cities and districts
- ▶ Prepares **Municipal Service Reviews** for all cities and districts, and may recommend or initiate changes in boundaries, services and governance
- ▶ Works **cooperatively** with public and private agencies and interests on growth, land preservation and service delivery

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code 56000)

Significantly strengthened LAFCO's powers and abilities and affirmed LAFCO's role.

1. Requires LAFCO independence
2. Allows special districts to be seated
3. Requires all local agencies to fund
4. Requires Municipal Service Reviews
5. Requires Sphere of Influence updates every 5 years



LAFCO of Monterey County

LAFCO Composition

The Commission is a Unique Mix

- ▶ 2 County Members
- ▶ 2 City Members
- ▶ 2 Special District Members
- ▶ 1 Public Member
- ▶ Alternate member in each category
- ▶ All members required by law to represent the interests of the entire public



LAFCO *of Monterey County*

LAFCO is Independent

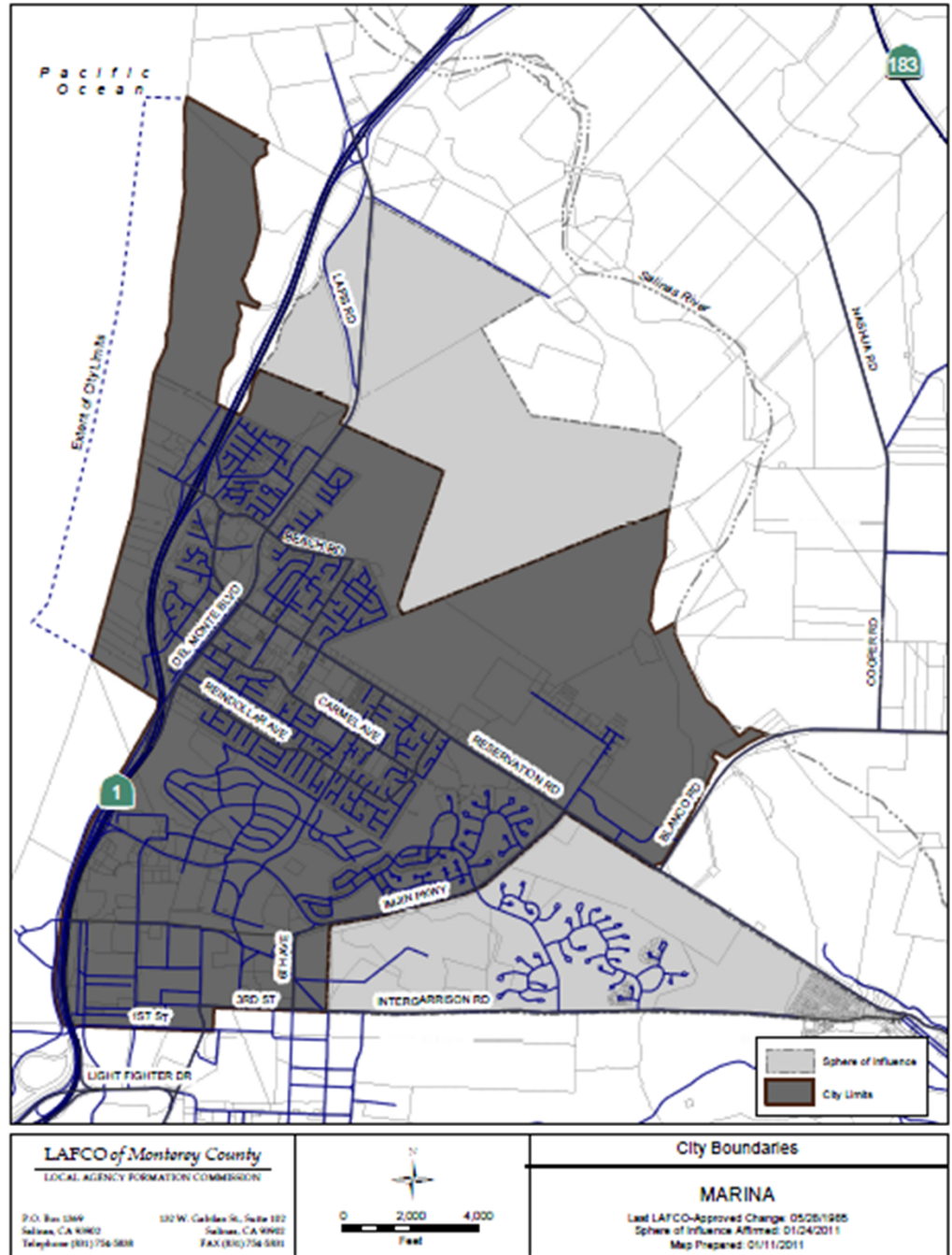
- ▶ Locally funded by cities, districts and County of Monterey
- ▶ Adopts local policies and procedures
- ▶ Commission makes final decisions; cannot be appealed to other administrative bodies
- ▶ Appoints an Executive Officer and Legal Counsel
- ▶ Can contract for staff services

LAFCO's Jurisdiction

- ▶ Includes these Local Agencies:
 - 12 Cities, 43 Independent Special Districts, 47 Dependent Special Districts

- ▶ Does NOT include:
 - Redevelopment agencies
 - Joint Power Authorities (exception: dissolution of FORA)
 - Community facilities or Mello-Roos districts
 - School or college districts
 - County boundary lines
 - Bridge and highway districts
 - Transit or rapid transit districts
 - Improvement districts

City of Marina



Application Process

- Step 1. Pre-Application
- Step 2: Application to LAFCO
- Step 3: LAFCO Hearing
- Step 4: Post-Hearing

STEP 1:

Before Applying To LAFCO

- ▶ **Pre-application meetings** with LAFCO Staff
- ▶ **City tasks:** General Plan amendments if needed, FORA consistency if needed, pre-zoning, fiscal analysis, public services study, CEQA, map and legal description, preparing the LAFCO application and Resolution, consult with affected agencies, etc.
- ▶ City - County **consultation on growth issues** (for a Sphere of Influence amendment). Agreement is given weight by LAFCO.
- ▶ City – County **property tax exchange agreement** (for an annexation)
- ▶ City Resolution of application or a Petition of application from landowners or voters

STEP 2:

Application to LAFCO

- ▶ City submits Resolution and application or landowners/voters submit Petition
- ▶ Plan for services, fiscal analysis
- ▶ Map and geographic description
- ▶ General Plan consistency, pre-zoning, CEQA documents, City – County agreements
- ▶ Public notice requirements
- ▶ Deposit toward LAFCO fee
- ▶ Other information as requested

STEP 3:

LAFCO Review and Action (min. 3 months)

- ▶ Accept City Resolution or certify Petition
- ▶ Review application for completeness
- ▶ Certificate of Filing
- ▶ Executive Officer's report and recommendation
- ▶ LAFCO public hearing, Resolution, and Commission approval or denial

STEP 4:

Post-Hearing (min. 3 months)

- ▶ Reconsideration process
- ▶ Protest hearing/election process
- ▶ Condition clearance
- ▶ U.S. Civil Rights Act compliance
- ▶ Record Notice of Completion
- ▶ File annexation with State Board of Equalization
- ▶ Notify all affected agencies

Cost Estimates

- ▶ **Pre-Application Tasks by City or 3rd Party**
 - Tasks, costs, responsible parties and schedule to be determined by the City. See Step 1 for a partial list of tasks.
- ▶ **LAFCO Application Processing – \$10,000**

No charge for pre-application assistance. Actual costs are charged to process a formal application (Steps 2, 3 and 4).
- ▶ **State Board of Equalization Filing – \$1,500**

Sphere of Influence Proposals – Mandatory Determinations (4)

1. Present and planned land uses in the area;
2. Present and probable need for public facilities and services in the area;
3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide, and
4. Existence of social or economic communities of interest, if LAFCO determines they are relevant.

Annexation Proposals – Mandatory Findings (15)

1. Demographic and land use factors;
2. The need for, cost, and adequacy of public services;
3. The effect on adjacent areas, interests, and government structure in the county;
4. Conformity with planned, orderly, efficient development patterns;
5. The integrity of agricultural lands;

Annexation Findings (continued)

6. The definiteness and certainty of boundaries;
7. Consistency with the regional transportation plan and City and County general / specific plans;
8. Local agency Spheres of Influence;
9. Public agency comments;

Annexation Findings (continued)

10. Agency's ability to provide services and sufficiency of revenues;
11. Timely availability of water supplies;
12. Impact on regional housing needs;
13. Comments of landowners and residents;
14. Existing land use designations, and
15. The fair treatment of people of all races, cultures and incomes.

Local Policies

In addition to consistency with the State law, boundary proposals are analyzed in the context of local LAFCO policies, including policies relating to the former Fort Ord area.

www.monterey.lafco.ca.gov

Information and Resources
about LAFCO law, policies, process
and our local governments

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