

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, its composition, and its responsibilities.

A. THE PURPOSE OF THESE POLICIES, STANDARDS AND PROCEDURES

The LAFCo is charged with applying the policies and provisions of the Cortese-Knox Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government organization. These standards have been adopted pursuant to the authority contained in the Cortese-Knox 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

LAFCo's are intra-local agencies for each county that were created by state legislation to ensure that changes in governmental organization occur in a manner which 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 which 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 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 which 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 California Environmental 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 Local Government Reorganization Act of 1985. The Cortese-Knox Act commences with Section 56000 of the Government Code, and the reader is referred especially to sections 56001, 56300, 56301, 56375, 56377, and 56841. These sections contain the following major policy elements:

1. The LAFCo is charged with encouraging orderly growth and development;
2. The LAFCo is charged with encouraging the logical formation and determination of boundaries;
3. The LAFCo must exercise its authority to ensure that affected populations receive efficient governmental services; and
4. 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 reorganization of cities or districts;
- The establishment of subsidiary districts, and
- The development of, and amendments to, Spheres of Influence.

In order 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, 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 which a LAFCo must consider (i.e., the "factors" now in Section 56841)."

Bozung v. LAFCOC 91975) 13 Cal. 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 on agricultural land. However, 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 which the Legislature determined must be addressed with a county-wide perspective. The Cortese-Knox Act established this 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 serves a four-year term. These members are:

- Two City Council members who are appointed by a committee made up of the mayor of each of the cities within Sacramento County and an alternate;
- Two Sacramento County Supervisors appointed by the Sacramento County Board of Supervisors and an alternate;
- Two Special District Board Members selected by vote of the governing boards of independent districts and an alternate; and
- One Public Member appointed by the regular City, County and Special District members of the LAFCo and an alternate.

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 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 perspective to bear in a manner which 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 perspective of their appointing agencies, or the public, to decisions which carry out the county-wide mandate of the Cortese-Knox Act. It is for this reason that the Cortese-Knox 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 POLICIES**

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