

**LAFCO** of Monterey County

**LOCAL AGENCY FORMATION COMMISSION**

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KATE McKENNA, AICP  
Executive Officer

DATE: April 29, 2010

TO: Sphere of Influence and Annexation Policy Committee

FROM: Kate McKenna, AICP, LAFCO Executive Officer

SUBJECT: **MISCELLANEOUS, NON-SUBSTANTIVE, CLEAN-UP REVISIONS TO ADOPTED POLICIES AND PROCEDURES RELATING TO SPHERES OF INFLUENCE AND CHANGES OF ORGANIZATION AND REORGANIZATION**

**SUMMARY OF RECOMMENDATIONS:**

It is recommended that the LAFCO Sphere of Influence and Annexation Policy Committee:

1. Receive report from the Executive Officer;
2. Open and close the period for public comments;
3. Discuss recommended revisions to adopted policies and procedures in Attachment 1 (changes are tracked in Attachment 2);
4. Recommend a finding that the recommended revisions are not a "project" for purposes of the California Environmental Quality Act, and
5. Recommend approval of the recommended miscellaneous, non-substantive, clean-up revisions to adopted policies and procedures to the Local Agency Formation Commission.

## EXECUTIVE OFFICER'S REPORT:

### Overview

This report presents a recommended set of minor revisions to adopted Policies and Procedures that guide the Commission's work regarding Spheres of Influence, annexations, consolidations and other changes in boundary organization and reorganization. All of the changes are of a technical, non-substantive, clean-up nature. The recommended changes were prepared in consultation with LAFCO General Counsel Leslie Girard.

Purposes are to: (1) consolidate a series of individual existing policies into one document; (2) integrate a newly adopted agricultural preservation policy with older policies; (3) increase the clarity and consistency of adopted policies, and eliminate redundancies; (4) bring the policies into consistency with current State law by updating Government Code citations and other provisions; and (5) make similar improvements of a technical and non-substantive manner.

Attachment 1 is a clean version that shows only the recommended language. Attachment 2 is a marked up version that tracks the details of recommended language additions and deletions.

### Nature of the Changes

Attachment 1 is the recommended compilation of 11 different policy documents adopted by the Commission over the past 30 years. Please see the list of adopted documents in the footnote below<sup>1</sup>. For the first time, all Sphere of Influence/annexation policies are brought together in one place for ease of reference. Attachment 2 tracks all of the changes in detail, with recommended additions underlined [underlined] and recommended deletions crossed-out [~~crossed-out~~].)

<sup>1</sup> List of adopted policy documents relating to Spheres of Influence, Annexations and Other Boundary Organizations and Reorganizations:

- o Agricultural Lands Preservation Policy, adopted on 11/27/1979 (Resolution 79-30) and subsequently amended;
- o LAFCO Adoption of State Guidelines for the California Environmental Quality Act (CEQA) on 7/22/1986 (Resolution 86-9);
- o Standards for the Evaluation of Proposals, originally adopted on 11/25/1986, and subsequently amended;
- o General Policies and Criteria for the Development and Determination of Spheres of Influence, originally adopted on 11/30/1988, and subsequently amended;
- o The Fort Ord Policies adopted by minute order on 8/25/1992;
- o The Minor Sphere of Influence Amendment Criteria adopted by minute order on 3/25/2002;
- o The Preliminary Sphere of Influence Evaluation Program adopted on 12/2/2002 (Resolution 02-19);
- o State Incorporation Guidelines adopted on 6/24/2003 (Resolution 03-18);
- o The Regional Traffic Impact and Efficient Development Standards policies adopted on 10/23/2006 (Resolutions 06-15 and 06-16);
- o The policy for requiring a Sphere of Influence Update with annexation requests adopted by minute order on 9/24/2007, and
- o The Policy on Preservation of Open-Space and Agricultural Lands, adopted on 1/25/2010 (Resolution 10-01).

As part of compiling and organizing the body of adopted policies, newly adopted policies were integrated with older policies, redundancies were eliminated, and internal consistencies were achieved. For example, as had been anticipated, the January 2010 adoption of an agricultural preservation policy renders a 1979 agricultural preservation policy redundant, and so the 1979 policy can be deleted at this time.

Attachment 1 also includes technical changes to achieve consistency with current Government Code references and other provisions of State law. Current practices of this LAFCO are consistent with State law, but the policies need updating.

### **Content and Organization of the Recommended Policies and Procedures**

Attachment 1 is divided into five parts:

- A. **Introduction** to create a context for the document;
- B. **Definitions** for the meaning of words used in the Policies and Procedures
- C. **Sphere of Influence Policies and Criteria** to provide guidance for LAFCO's consideration of applications for Sphere of Influence updates and amendments;
- D. **Standards for the Evaluation of Proposals for a Change of Organization or Reorganization** to provide guidance for LAFCO's consideration of proposals for changes of organization or reorganization, including annexations, city incorporations, district formations, detachments, consolidations, mergers, disincorporations and dissolutions, the exercise of new or different functions or classes of services by a special district, and
- E. **Preservation of Open-Space and Agricultural Lands** to provide guidance for LAFCO's review and consideration of open space and agricultural land issues for Spheres of Influence and Changes of Organization or Reorganization.

For the Committee's information only, the attached recommended draft Policies and Procedures for Spheres of Influence/annexations will be one chapter in a future comprehensive LAFCO policy manual. The future policy manual will bring all of LAFCO's adopted policies into one place, including those relating to the conduct of hearings, conflict of interest, financial management, personnel practices, etc.

### **California Environmental Quality Act Compliance**

Recommended Policies and Procedures are not subject to environmental analysis, as they solely lay out general considerations for a Commission decision and are therefore not a "project" for purposes of CEQA.

## Local Agencies and Interested Parties

Local agencies and other interested parties received early notice on March 1 of the Policy Committee meeting on April 29, and received the meeting agenda and Executive Officer report at least one week prior to the meeting. The agenda and report are posted on the LAFCO website and in public locations. Any written comments received before the meeting will be forwarded to the Committee. The meeting location will accommodate all interested persons who may wish to comment.

## Next Steps

The Committee's recommendations will be presented to the Local Agency Formation Commission for consideration at a public meeting. The date has not yet been set. Notice of that meeting will be provided to local agencies and interested parties.

## **ALTERNATIVE ACTIONS:**

In lieu of the recommended actions, the Committee may consider these or other alternatives:

1. Modify the draft policies.
2. Recommend that no updates be made; or
3. Continue the meeting or provide other direction.

Respectfully Submitted,



Kate McKenna, AICP  
Executive Officer

## Attachments:

1. Miscellaneous, Non-Substantive, Clean-Up Revisions to Adopted Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization (**without tracked changes**).
2. Miscellaneous, Non-Substantive, Clean-Up Revisions to Adopted Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization (**with tracked changes**).

cc: LAFCO Chair Simón Salinas and Members of the Commission (Information Only)  
Local Agencies and Interested Parties (Distribution List is Available upon Request)