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Executive Officer

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October 14, 2015
Agenda Item 12

October 14, 2015 (Agenda)

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Proposed Adoption of a Legislative Policy

Dear Members of the Commission:

This is a report from the LAFCO Policies & Procedures Subcommittee.

Background - Contra Costa LAFCO regularly receives reports on pending legislation affecting LAFCOs, and often takes positions on legislation by a vote of the Commission. The Commission then directs the LAFCO Executive Officer to send a letter stating LAFCO’s position. Most of the position letters are sent in response to requests from CALAFCO.

Recent legislative sessions have resulted in an unprecedented number of requests from CALAFCO to send letters to our legislators and the Governor – sometimes with less than 24-hours’ notice. This is due to an increase in “11th hour bills,” “dark of night bills,” and “gut and amend bills” resulting in the need for stakeholders to act quickly. Also, in the last several years, there has been a growing number of bills intended to circumvent the LAFCO process, assign LAFCO new (unfunded) duties, along with several bills focusing on a single LAFCO, to which CALAFCO is generally opposed. Therefore, it would be useful for the Commission to have some flexibility to respond to legislation that affects LAFCO.

This report provides a discussion of two issues: adopting the CALAFCO Legislative Policies as a basis for a Contra Costa LAFCO legislative platform, and adopting a local policy that would allow the LAFCO Executive Officer, in consultation with the Chair or Vice Chair, to communicate the Commission’s position on a bill subject if the position is consistent with the adopted legislative policies of the Commission, and when the Commission’s meeting schedule precludes a timely response.

CALAFCO Legislative Policies - CALAFCO’s Legislative Policies (Attachment 1) support legislation that enhances LAFCO’s authority to carry out the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 based on local conditions. CALAFCO’s Legislative Policies also serve as a guide for its Legislative Committee and the work of CALAFCO staff during the legislative session. Commissioner McGill and your Executive Officer currently serve as members of the CALAFCO Legislative Committee, which meets six to eight times each year. The Legislative

Committee acts on behalf of the CALAFCO Board in developing and taking positions on legislation based on the Board's legislative policies and priorities. The Legislative Committee also participates in the annual review of the CALAFCO Legislative Policies and makes recommendations to the Board regarding policy modifications.

The CALAFCO legislative procedures call for the CALAFCO Board's annual review and adoption of the policies, as recommended by the CALAFCO Legislative Committee. The CALAFCO Legislative Priorities and Policies were last reviewed and adopted in May 2015 (Attachment 1).

The CALAFCO Legislative Policies are comprehensive and cover a range of issues including *LAFCO Purpose and Authority*, *LAFCO Organization*, *Agricultural and Open Space Protection*, *Orderly Growth*, *Service Deliver* and *Local Agency Effectiveness* and *Legislative Priorities*.

Contra Costa LAFCO does not currently have adopted legislative policies and could adopt CALAFO's policies as a basis for a Contra Costa LAFCO legislative platform and to provide guidance in evaluating legislation.

Draft Contra Costa LAFCO Legislative Policy - As noted above, there has been an increasing number of requests from CALAFCO for position letters on legislation affecting LAFCO. The Legislative process can move quickly; consequently, many of CALAFCO's requests are "urgent." Timely input from LAFCOs around the state can help Legislators make more informed decisions. A local policy that would enable Contra Costa LAFCO to respond to legislative matters quickly would be useful.

The following policy is proposed and is comparable to other LAFCO policies and practices:

1.4 RULES AND PROCEDURES

J. Legislative Policy

- 1) The Commission shall consider adoption of a Legislative Policy annually, or as needed.
- 2) In situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission.
- 3) The Chair or Vice Chair would review the letter or email prior to it being submitted.
- 4) The Executive Officer will forward the email or letter to the Commission as soon as possible.
- 5) The item will be placed on the next regular LAFCO meeting agenda as either "informational" or for discussion purposes.

RECOMMENDATIONS

1. Review and adopt the CALAFCO Legislative Policies (Attachment 1) as a basis for a Contra Costa LAFCO legislative platform; and
2. Review and adopt a local policy as presented above, or as modified by the Commission.



CALAFCO 2015 Legislative Policies

As adopted by the Board of Directors on 8 May 2015

1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.

- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and insure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from prime agricultural lands.
- 3.4. Support policies and tools which protect prime agricultural and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.

- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication among cities, counties, and special districts through a collaborative process that resolves service, housing, land use, and fiscal issues prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within the city's designated sphere of influence.

staff and facilities to provide more efficient and cost effective services. Support legislation which provides LAFCo with additional opportunities to encourage shared services.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority and tools which provide communities with local governance and efficient service delivery options, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services,

2015 Legislative Priorities

Primary Issues

Authority of LAFCo	Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as to enact recommendations related to the delivery of services and the agencies providing them, including consolidations, reorganizations or dissolutions.
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Agriculture and Open Space Protection	Preserve prime agriculture and open space lands. Support policies that recognize LAFCo's mission to protect and mitigate the loss of prime agricultural and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.
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Water Availability	Promote adequate water supplies and infrastructure planning for current and planned growth as well as to support the sustainability of agriculture. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services. Support policies that promote an integrated
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approach to water availability and management.

Viability of Local Services

Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery, including incorporation as a city, formation as a special district, or reorganizations or dissolutions to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges and the maintenance of services.

decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory which is at risk for flooding. Support legislation that includes assessment of agency viability in