

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF SEPTEMBER 23, 2020

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #6: DISCUSSION ON THE COMMISSION'S POLICY ON PROVIDING NOTICE TO THE PUBLIC, CONSIDER POTENTIAL AMENDMENTS TO SAID POLICY AND PROVIDE DIRECTION TO STAFF ON THE APPLICATION OF SAID POLICY ON THE REQUIRED NOTICE FOR AMENDING THE SPHERE OF INFLUENCE TO THE EL DORADO IRRIGATION DISTRICT

RECOMMENDATION

Staff recommends that the Commission:

1. Receive the following information regarding the implementation of your Policies & Guidelines Section 6.1.13 concerning public noticing requirements;
2. Consider potential amendments to said policy; and
3. Approve of staff's recommendation to provide notice to the public about the EID sphere amendment via newspaper ads.

REASON FOR RECOMMENDED ACTION

Within the context of whether to adopt the recommended sphere of influence (SOI) for the El Dorado Hills Community Services District (EDHCSD) at the August regular meeting, the Commission drew attention to its noticing requirements for SOI amendments. The Commission directed staff to review its policies and return the EDHCSD SOI at a later date. In reviewing the policies, staff determined that it would be prohibitively expensive to implement for the SOI amendment to the El Dorado Irrigation District.

BACKGROUND

In 2018, the Commission adopted Policies & Guidelines Section 6.1.13 (Attachment A),

which codified the Commission’s preference to provide more notice to the public, rather than rely on the minimum required by law. There are four components to the policy:

- 1) It anchors itself to Government Code 56157 (Attachment B)
- 2) It specifies that mailed notice is to be given to landowners and registered voters within the subject area (this is consistent with 56157);
- 3) It states that this policy applies to changes of organization (boundaries), sphere of influence amendments and out of agency service agreements instigated by development-related activity (the latter two elements are not required by law); and
- 4) It requires that notice be provided to landowners and registered voters within 500 feet surrounding the exterior boundaries of the proposal area (policy also goes beyond the 300-foot notice minimum required under the law).

The policy reflects the Commission’s intent to provide more notice to the public, beyond the minimum required by State Law. Indeed, the Commission wanted the noticing requirements to apply to other LAFCO actions beyond changes in boundaries (Attachment C). It was discussed at the time of the policy adoption that the policy would increase staff time and cost to implement, though the discussion was centered on applicant-centered proposals. Presumably, the added cost would be passed along to the applicant.

This policy will be applied for the first time since its adoption on three different projects over the next few months, two sphere changes and a change of boundary proposal. The first two are the SOI changes to the El Dorado Hills Community Services District and the El Dorado Irrigation District, both of which are currently in the public comment period. Specifically, the EDHCSD SOI amendment is to add to EDHCSD’s sphere; the EID change in SOI is to remove parcels from its sphere. The project is El Dorado County Fire Protection District’s annexation of some of its service area “holes” that are entirely surrounded by the District. None of these have 100% landowner consent, thereby triggering Policy 6.1.13.

The challenges staff has encountered with Policy 6.1.13 will become more apparent as this discussion progresses. What staff started realizing is that the amount of noticing that is required becomes exponentially more difficult and costly the larger the project. Staff has compiled these data in the last few weeks:

Project	Subject Parcels	Parcels Within 500’	Total	Registered Voters (estimate)	Mailing Cost (postcard)	Total
EDHCSD SOI	35 parcels	257 parcels	292 parcels	701	\$0.35	\$245.50
El Dorado County Fire Island Project	159 parcels	772 parcels	931 parcels	2,234	\$0.35	\$781.90

Please note that the number of registered voters for both of these projects is only an estimate. Staff is waiting on the Elections Office to provide LAFCO with that information. The registered voter number was derived from multiplying the number of

parcels times the factor 2.4. In addition, staff assumed there was 100% overlap between the parcel landowners and registered voters (State Law says only one notice can be sent if the landowner and registered voter are the same person). As a result, the costs provided by the chart are educated estimates.

But the cost is only one takeaway. The most revealing and consequential takeaway from the chart is that the number of parcels that need to be notified under Policy 6.1.13 increases 5- to 7-fold when one goes from subject parcels to the inclusion of the parcels within 500 feet of boundary. While the increase in noticing for these projects is notable, it is, for the most part, manageable. The biggest repercussion for the EDHCSD SOI amendment is a delay in the Commission’s adoption of the SOI; as noted above, staff was unable to send the 21-days’ notice to registered voters since that information has not been received from Elections.

These are important because the Commission’s discussion at the August 2018 meeting and staff’s analysis in 2018 centered around projects and SOI changes involving a small or limited number of parcels. Changes involving the number of parcels in the EDHCSD SOI amendment or the County Fire Island Project would be in the high end. Indeed, the August 2018 discussion acknowledged that the expanded noticing would result in increases in staff time and cost, but those would be passed along to the applicant. And this will be the case for the EDHCSD SOI amendment and the County Fire Island Project.

Neither staff or the Commission anticipated a scenario where the action being considered involved a project as large as the proposed SOI amendment to the EID sphere and/or the instance in which there is no applicant. The Commission will recall that the consultant recommends (and LAFCO and EID staff support) reducing the EID SOI by 30% from its current size (Attachment D). The chart below summarizes the numbers involved:

Project	Subject Parcels	Parcels Within 500’ (estimated)	Total	Registered Voters (estimate)	Mailing Cost (postcard)	Total
EID SOI	3,909 parcels	23,454 parcels	27,363 parcels	65,671	\$0.35	\$22,985

The assumptions for this chart are the same as those for the chart above. The registered voter number was derived from multiplying the number of parcels by 2.4 and that there is 100% overlap between landowners and registered voters. Of the cost, \$3,284 would be the mailing to registered voters within the area being removed from the SOI. The remainder is the mailing cost to the landowners/registered voters within 500 feet of the subject area. EID staff indicated that it may consider helping LAFCO with the costs of notifying the landowners and registered voters within the subject parcels but not the costs to notify those within the 500 foot of the boundaries.

Unlike the other two projects, LAFCO staff has not requested the registered voter information from the El Dorado County Elections Office yet. But another complication is that staff will also need to request information from the Amador and Sacramento Offices of the Surveyor and Elections. Requests for time and cost estimates have been

submitted to those offices and the goal is to have answers for the Commission in time for the September meeting. My counterpart in Amador LAFCO sent this warning though:

“Give elections a lot of extra time. With the Covid restrictions, and preparing for the November election... the elections officer, is spread very thinly. In the best of times they run on a skeleton crew. These are not the best of times.”

It should also be taken into account that there will be delays in getting information on registered voters given the coming November 2020 General Election.

In light of this information, staff requests that the Commission consider and approve providing notice via newspaper ads as allowed under Government Code 56157(h). Staff already believes that it has the ability to do so within the confines of the existing policy given that it is anchored to GC56157; however, it recognizes the Commission’s clear preference to provide more notice (mailed notice) rather than less notice. If it eases the Commission’s concern about going in this direction, staff can place the ad in multiple papers (State Law only requires that the ad be placed in one newspaper of general circulation). Ads can be placed in not only the Mountain Democrat but also the (El Dorado Hills) Village Life, the Sacramento Bee and the (Amador) Ledger Dispatch. In addition, the ad can be larger than the minimum 1/8 of a page as State Law requires. The costs for publishing the ad are as follows:

	1/8 of a Page Ad	1/4 of a Page Ad
Ledger-Dispatch		
Mountain Democrat	\$189	\$378
Sacramento Bee	\$600 (approx.)	\$1,200 (approx.)
Village Life	\$150	\$310

The Commission should also consider whether it wants to amend its policy based on this. While rare, it is possible a similar scenario like this will arise in the future. The policy changes could include:

- Remove SOI amendments as actions that require noticing consistent with Policy 6.1.13;
- Codify that 56157(h) applies if more than 1,000 people are to be notified; and/or
- That the Commission retains the discretion to decide when this policy applies on a case-by-case basis (though staff does not recommend pursuing this option)

Staff will return with the recommended language if the Commission decides to pursue any of these options.

Attachments

Attachment A: Policies and Guidelines Section 6.1.13

Attachment B: Government Code Section 56157

Attachment C: Staff Memo from August 2018

Attachment D: Recommended EID SOI Amendment