

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF APRIL 24, 2013

REGULAR MEETING

TO: Don Mette, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #8: DISCUSSION ON PRINCIPAL LAFCO STATUS FOR LAFCO
PETITIONS THAT CROSS COUNTY LINES AND PROVIDE
DIRECTION TO STAFF

RECOMMENDATION

Staff recommends that the Commission receive the following information on Principal LAFCO status for petitions that involve actions across county lines.

REASON FOR RECOMMENDED ACTION

This item was placed on the Agenda at the request of Commissioner Briggs. There is the potential of an annexation crossing county lines and a clarification was requested on how State Law determines which LAFCO would process such an application.

BACKGROUND

Government Code (GC) §56066 has the following definition: “Principal county’ means the county having the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization is proposed.”

This definition is important because GC §56120 states that the LAFCO of the principal county has exclusive jurisdiction to regulate the boundaries of all districts within its home county:

Where the principal act of any parent district provides that the boundaries of the parent district shall be automatically changed in the event of a change in the boundaries of a member district, or that the boundaries of the parent district may be concurrently changed with a change in the boundaries of a member district, the boundaries of the parent district shall be deemed to be automatically, or may be

concurrently, changed as the case may be, when proceedings are in accordance with the provisions of the principal acts of any parent district, upon completion of a change of organization or a reorganization changing the boundaries of the member district. The commission of the principal county of the member district shall have exclusive jurisdiction over such a change in boundaries of the member district and also of any parent district subject to this division (emphasis added).

GC §56120 prevents the altering a district's boundaries by a LAFCO outside of its home county. Despite this protection of jurisdiction, the Legislature was also aware that there are districts that cross county lines; consequently, GC §56123 resolves the issue of jurisdiction by indicating:

Except as otherwise provided in Section 56124, if a proposed change of organization or a reorganization applies to two or more affected counties, for the purpose of this division, exclusive jurisdiction shall be vested in the commission of the principal county. Any notices, proceedings, orders, or any other acts authorized or required to be given, taken, or made by the commission, board of supervisors, clerk of a county, or any other county official, shall be given, taken, or made by the persons holding those offices in the principal county. The commission of the principal county shall provide notice to the legislative body and the executive officer of all affected agencies of any proceedings, actions, or reports on the proposed change of organization or reorganization. Any officer of a county other than the principal county shall cooperate with the commission of the principal county and shall furnish the commission of the principal county with any certificates, records, or certified copies of records as may be necessary to enable the commission of the principal county to comply with this division (emphasis added).

That means that at the time of an annexation, it must be determined where the greater portion of the entire assessed value of the affected district resides. For example, if the City of Folsom requests that the El Dorado Irrigation District provide water to the balance of its newly-annexed area south of Highway 50, then El Dorado LAFCO would have jurisdiction to oversee the proceedings because the majority of EID's assessed value resides in El Dorado County (a small portion of EID's service area is already located in Sacramento County). Conversely, if Sacramento Metropolitan Fire District wanted to annex lands within El Dorado County, Sacramento LAFCO would have jurisdiction in such a scenario.

There is a provision that allows for the transfer of jurisdiction. In those cases, GC §56124 regulates how that can occur:

If a proposed change of organization or a reorganization applies to two or more affected counties, for purposes of this division, exclusive jurisdiction may be vested in the commission of an affected county other than the commission of the principal county if all of the following occur:

- (a) The commission of the principal county approves of having exclusive jurisdiction vested in another affected county.
- (b) The commission of the principal county designates the affected county which shall assume exclusive jurisdiction.

- (c) The commission of the affected county so designated agrees to assume exclusive jurisdiction.

If exclusive jurisdiction is vested in the commission of an affected county other than the principal county pursuant to this section, any notices, proceedings, orders, or any other acts authorized or required to be given, taken, or made by the commission, board of supervisors, clerk of a county, or any other officer of a county, shall be given, taken, or made by the persons holding those offices in the affected county. Any officer of a county other than the affected county shall cooperate with the commission of the affected county and shall furnish the commission of the affected county with any certificates, records, or certified copies of records as may be necessary to enable the commission of the affected county to comply with this division.

So it is possible to transfer jurisdiction in cross-county actions, but it is at the discretion of the LAFCO of the principal county. Yolo LAFCO, as the commission of an affected county, requested to have the jurisdiction transferred to it when the Sacramento Municipal Utility District sought to expand into Yolo County in 2003-2004. In that case, Sacramento LAFCO chose to retain jurisdiction. The courts have also protected the right of a principal LAFCO to retain jurisdiction in friendly and unfriendly lawsuits.

LAFCO staff has been made aware of at least two examples where jurisdiction was transferred by a principal LAFCO. In 2003, Santa Clara LAFCO transferred jurisdiction to San Mateo LAFCO for a regional open space district annexation on the coast side of San Mateo County. More recently, in 2010, San Benito LAFCO transferred jurisdiction to Monterey LAFCO on a proposal involving the expansion of a water district. If there are additional examples, they will be shared at the April meeting.