



# LAFCO 101

Understanding & Applying  
the Basics  
Siskiyou County LAFCo  
March 14, 2023



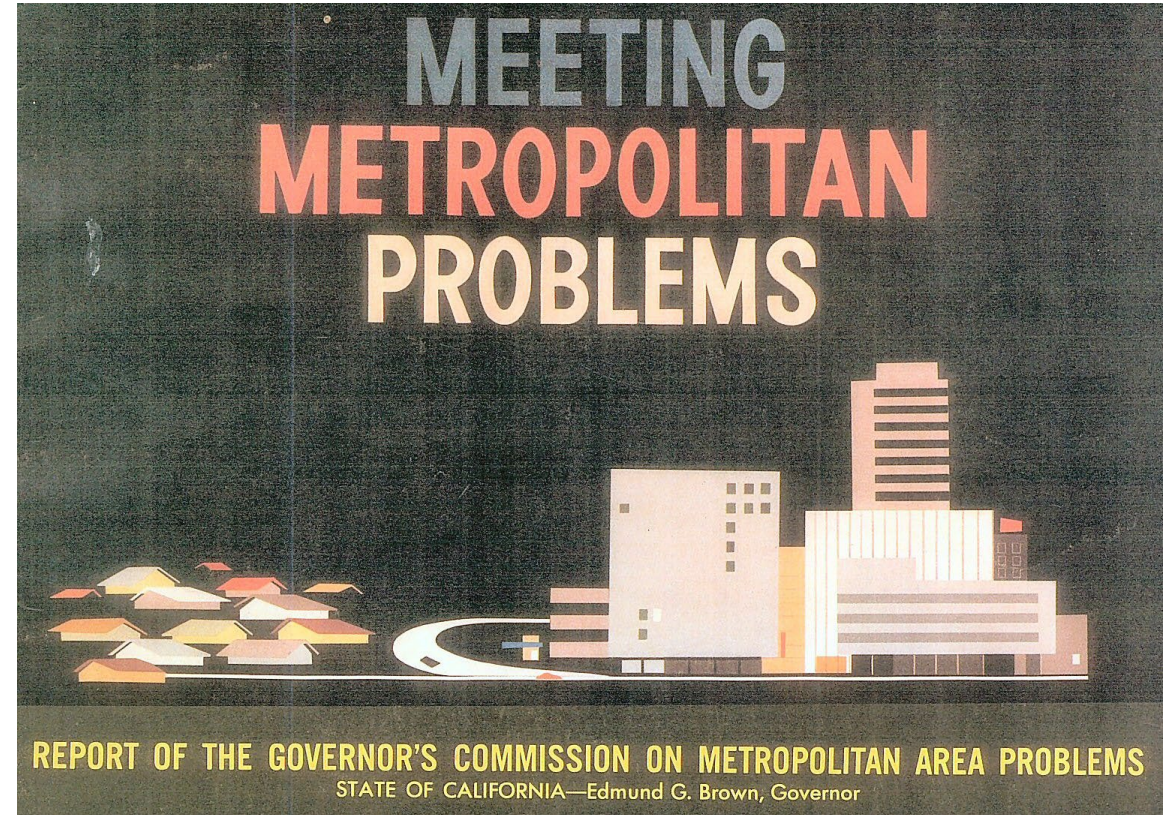
# WHY LAFCO WAS CREATED

Post World War II population and housing boom in California

Following street cars, there were suburbs and a scramble to finance and extend services

City annexation "wars," proliferation of limited purpose special districts

Governor Pat Brown's Commission on Urban Problems focused on need to encourage orderly boundaries



# LAFCO'S PURPOSES: LEGISLATIVE



Encourage orderly boundaries



Discourage urban sprawl



Preserve agriculture and open space



Encourage efficient public services



Consider regional housing needs, adequate water and other key issues

# LEGISLATIVE COMPROMISE

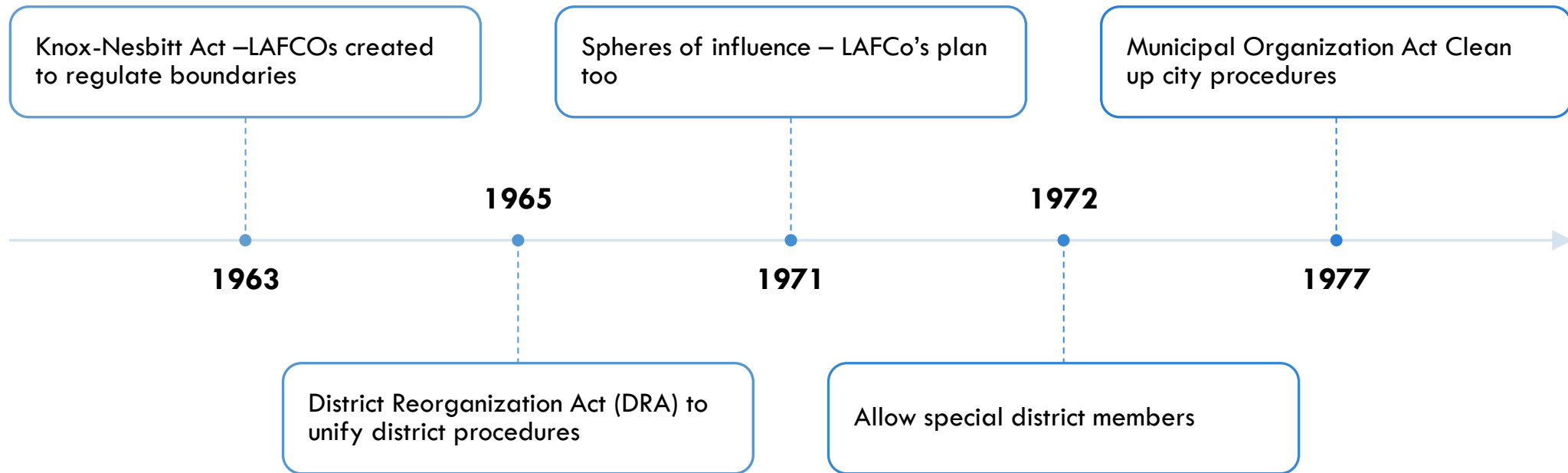
No Statewide Commission or agency

A LAFCo in each county

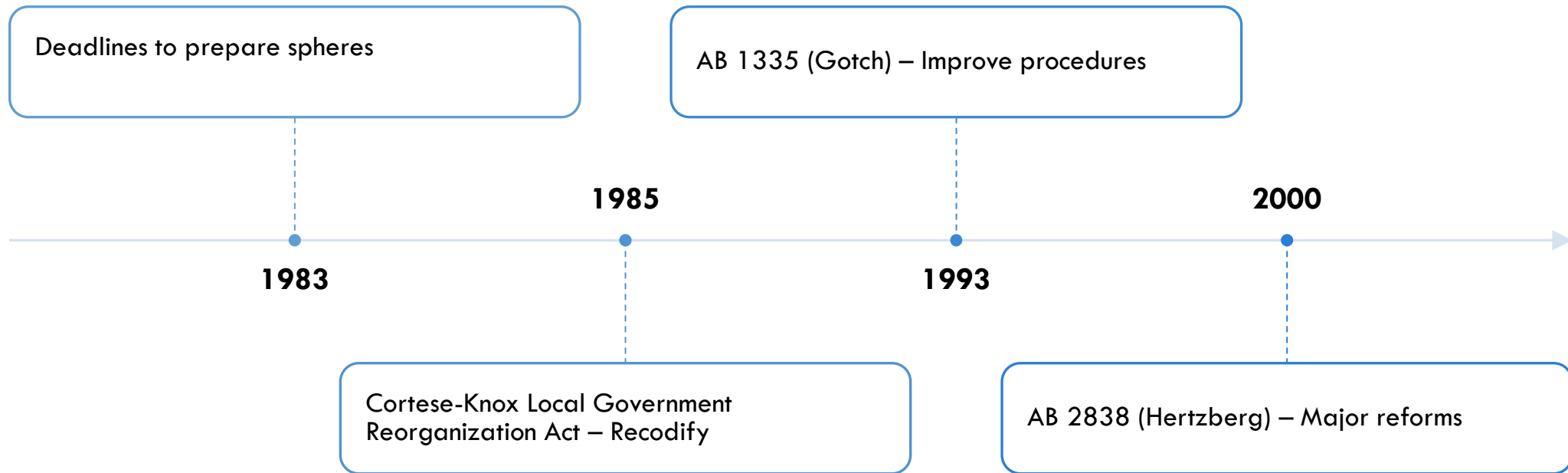
Local Control; no State appointees

LAFCo's are independent; no administrative appeal

# LEGISLATIVE HISTORY



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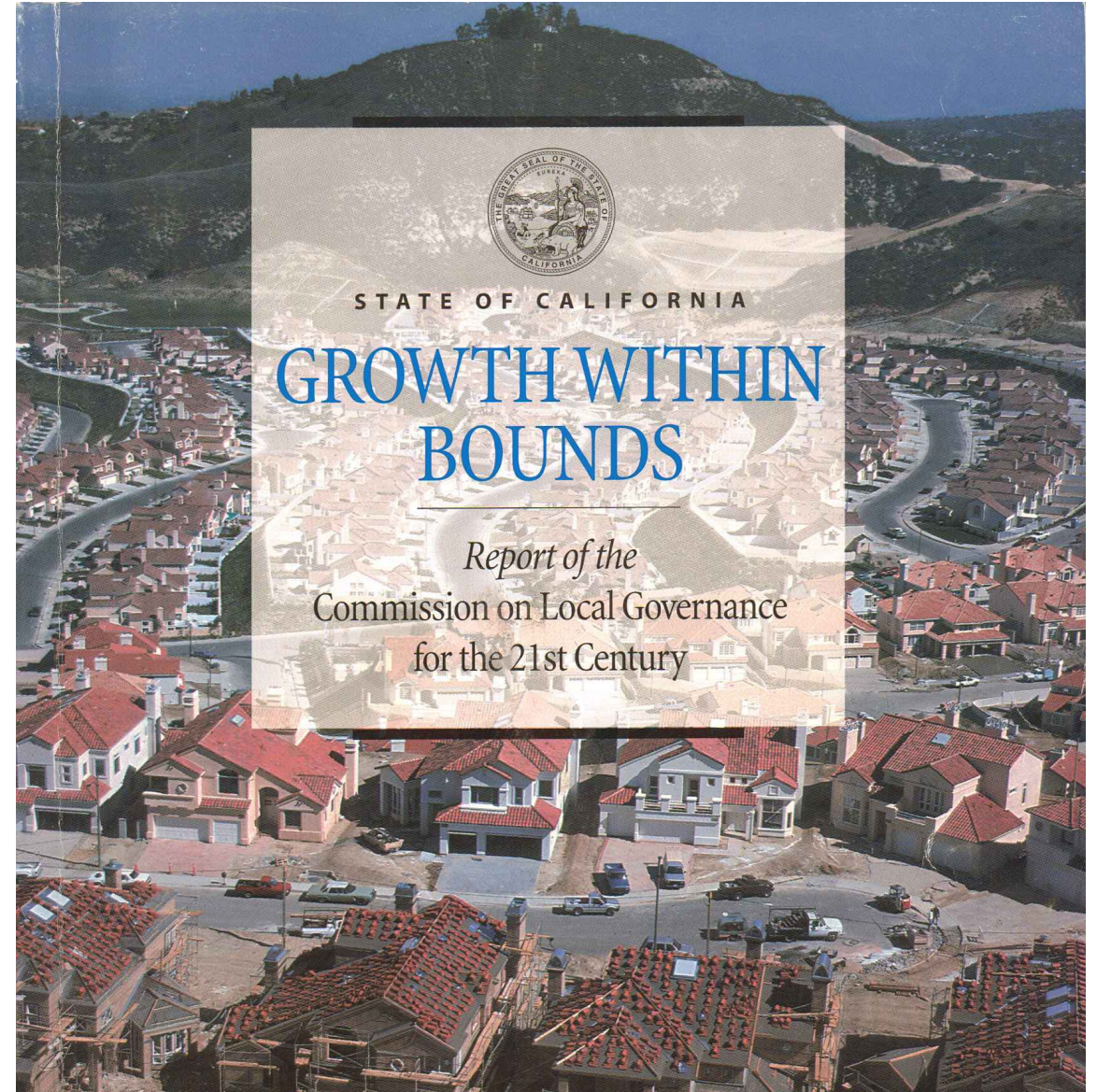
# RECOMMENDATIONS:

LAFCo's be neutral, independent, and provide well balanced representation.

Strengthen LAFCo's powers to prevent urban sprawl and ensure orderly extensions of governmental services.

Municipal Service Reviews to inform SOI Updates

Strengthen policies to protect agricultural and open space.



# COMMISSIONERS' ROLE

Why LAFCo's matter?

What decisions will you make?

What are your responsibilities?

Make decisions supported by statute, local policies, and sound and comprehensive analysis

Exercise independent judgement on behalf of public, not appointing agency

Based on CKH and local LAFCo policies – not interests of appointing agency alone

“LAFCo Hat” involves a broader perspective representing “public as a whole”





# COMMISSIONERS

Commissioners make final decisions

Decisions cannot be appealed to other administrative bodies

LAFCo staff accountable to Commission and statutes

Adopt local policies and procedures



# LAFCO COMPOSITION

## Basic composition:

- 2 County Supervisors
- 2 City Council members
- 1 Public member
- Alternate for each category

## 30 LAFCo's also include:

- 2 Special District members plus an alternate
- Some LAFCOs have “special seats”
- Counties with no cities



# WHAT DECISIONS DO YOU MAKE?

**City  
Incorporation  
and  
Disincorporation**

**District  
Formations and  
Dissolutions**

**Annexations &  
Detachments**

**Consolidations-2  
or more Cities or  
Districts**

**Service  
Extensions  
outside a District  
or City**

**Spheres of  
Influence/MSRs**

**Activate Latent  
Powers**

**Review Fire  
Contracts**

# LOCAL AGENCIES REGULATED BY LAFCO

## Includes:

- Counties, cities, most special districts

## Does NOT include:

- JPAs –(Must submit Agreements to LAFCo)
- Community facilities or Mello-Roos districts
- School or college districts
- County boundary lines
- Bridge and highway districts
- Improvement districts
- Zones of benefit
- Air Pollution/Quality Districts
- Councils of Governments



# LAFCO'S PLANNING FUNCTION



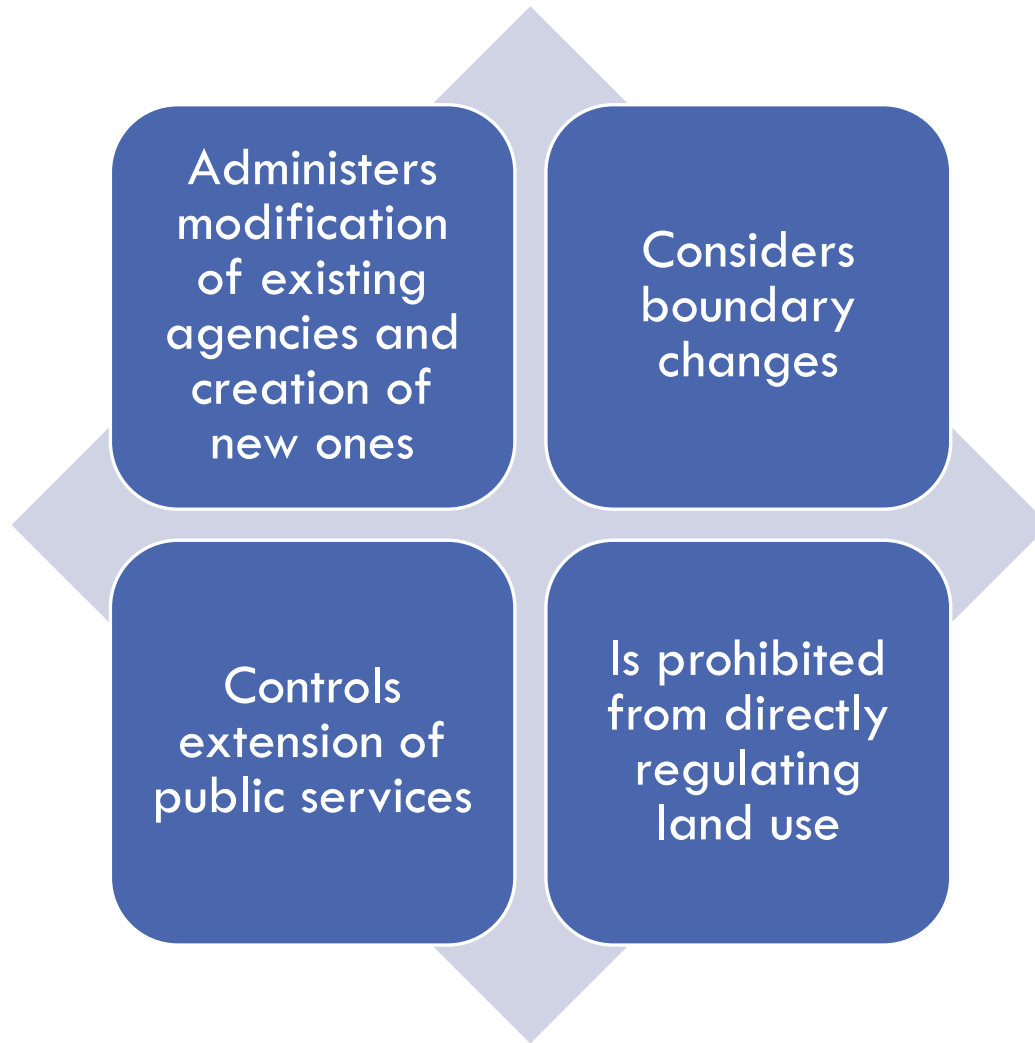
DEVELOP AND UPDATE  
SPHERES OF INFLUENCE FOR  
CITIES AND DISTRICTS



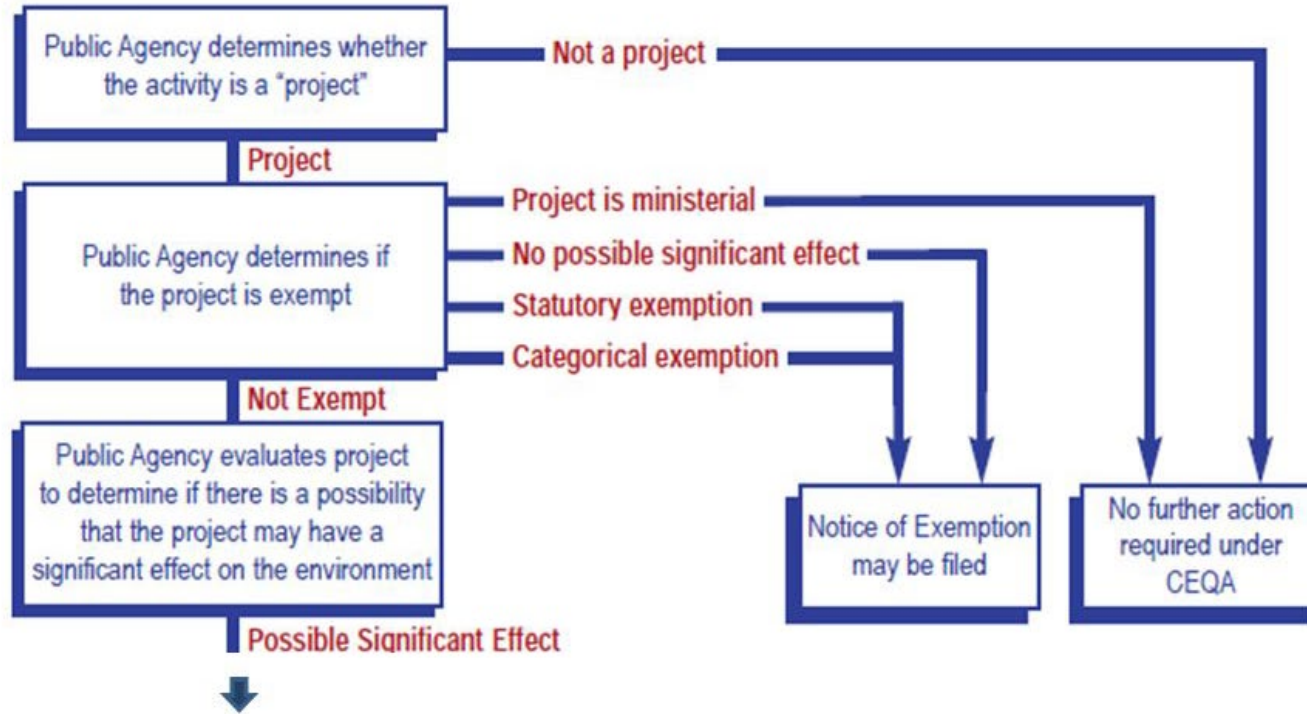
PREPARE MUNICIPAL SERVICE  
REVIEWS FOR ALL LOCAL  
JURISDICTIONS



WORK COOPERATIVELY ON  
GROWTH, PRESERVATION,  
AND SERVICE DELIVERY ISSUES



## LAFCO'S REGULATORY FUNCTION



# ENVIRONMENTAL REVIEW OF LAFCO DECISIONS

Many LAFCo actions are "projects" under CEQA

Pre-zoning makes city lead agency

LAFCO is often Responsible Agency

Categorical exemptions tailored to LAFCo actions - Classes 19 & 20



# LAFCOS LEGAL ROLE

While powers are broad, LAFCo jurisdiction is limited to certain actions and are limited to those powers granted by statute

Must consider land use issues but not regulate them directly. Legislature has given LAFCo's authority over boundary decisions and other government organization issues

LAFCo is the Legislature's "watchdog" for local governments – one job is to monitor local government actions



# SUBJECT TO STATE LAWS

Cortese-Knox-Hertzberg Act

Brown Act / Public Records Act

CEQA

Revenue and Tax Code

Political Reform Act / Other Conflict of Interest Laws

Levine Act

Various Principal Acts



# LAFCOS' KEY LEGAL CONCERNS

Must Act in accordance with state law and locally adopted policies

Comply with CEQA as lead or responsible agency

Must Adopt determinations to support decision (McBail)

Terms and Conditions

# LIMITED LEGAL CHALLENGE



LAFCo decisions are quasi-legislative



Not appealable except to the courts



Short period to file suit



Limited legal challenge to decisions



Upheld as long as decision is not “arbitrary and capricious”

# LITIGATION

Any decision can be litigated, so it is a good idea to do thorough reports and make good findings supported by record evidence as a routine practice

Still, the riskier projects tend to identify themselves

Talk to your counsel early and often about those

Make a good record





# LITIGATION

What Claims are Most Common?

- CEQA
- Cortese-Knox-Hertzberg
- Civil Rights Claims
- Public Records Act
- Brown Act
- Political Reform Act and Other Conflict Laws



# EACH LAFCO IS INDEPENDENT

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Provides own office, equipment,  
personnel

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Appoints an Executive Officer

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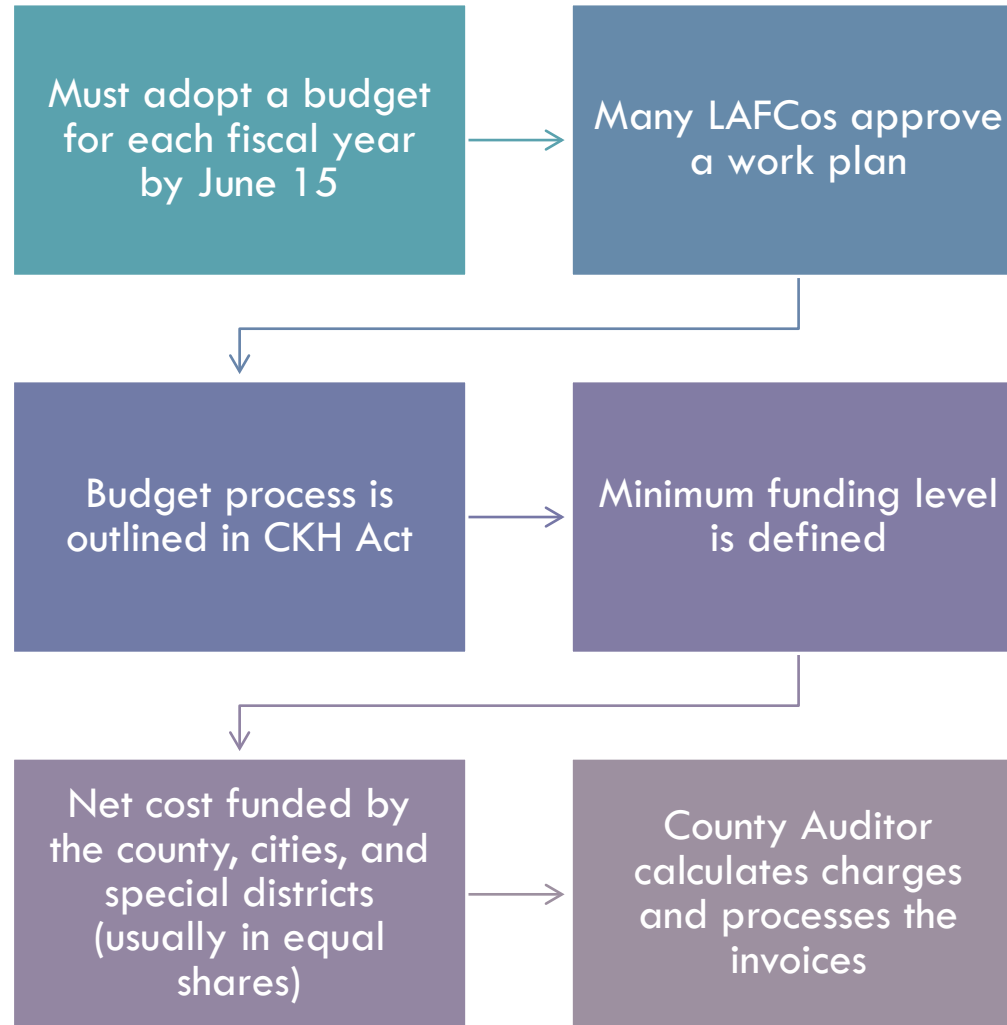
Appoints a Legal Counsel

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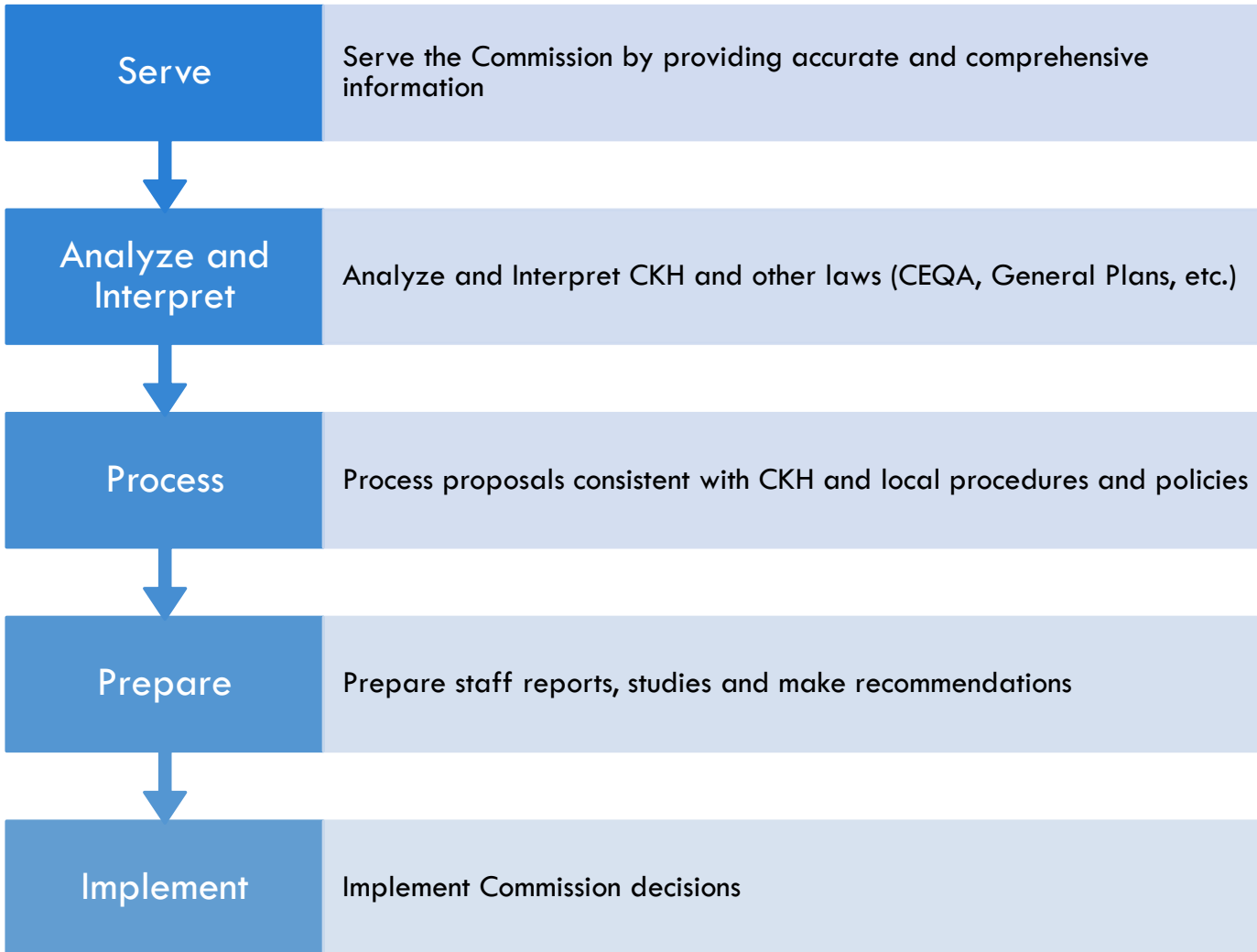
Can contract for staff services

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Administrative authority as an  
independent public agency



LAFCO IS  
FUNDED  
LOCALLY



# LAFCO STAFF SERVES PUBLIC/ COMMISSION



Sphere Updates  
(56425(g))

Service Extensions (56133)

Authority to impose  
conditions (56886)

Special requirements for  
Ag Land Conversion  
(56377)

DUCs –Disadvantaged  
Unincorporated  
Communities (56375(a)(8))

# CURRENT CHALLENGES

# LAFCO RESOURCES TO USE

[www.leginfo.ca.gov](http://www.leginfo.ca.gov)

[www.calafco.org](http://www.calafco.org)

[www.lao.ca.gov](http://www.lao.ca.gov)

[www.csda.net](http://www.csda.net)

[www.cacities.org](http://www.cacities.org)

[www.dof.ca.gov/research](http://www.dof.ca.gov/research)

[www.csac.counties.org](http://www.csac.counties.org)

