
UNDERSTANDING AND WORKING WITH THE SAN BENITO LAFCO

The Local Agency Formation Commission (referred to as LAFCO) is an agency created by the State legislature in every California county. The Commission works closely with the county, cities, special districts and citizens on a variety of issues concerning public services and the organization of local governments.

LAFCO's statutory purposes are to discourage urban sprawl, preserve agricultural land, promote adequate public services and encourage orderly governmental boundaries based on local circumstances and conditions.

We hope you find this brochure helpful in understanding and working with the San Benito LAFCO.

June 2014

SAN BENITO LAFCO
2301 Technology Parkway ❖ Hollister, CA 95023
(831) 637-5313 ❖ FAX 805/647-7647

FIRST, THE LAW . . . LAFCO implements the

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000 (Government Code Section 56000 et seq.)

This statute defines LAFCO responsibilities. It creates the Commission, mandates its duties, grants its legal authority and describes required procedures.

RALPH M. BROWN OPEN MEETING LAW (Government Code Section 54950 et seq.)

LAFCO is subject to the Open Meeting Law. Commission business is conducted in public.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Public Resource Code Section 21000 et seq.)

LAFCOs are subject to State environmental policies, procedures and public participation rules in environmental matters.

CALIFORNIA REVENUE AND TAXATION CODE (Revenue & Taxation Code Section 99 et seq.)

LAFCOs commence property tax negotiations among agencies affected by a change of organization and establish the amounts of property tax revenues to be distributed to new cities and districts.

POLITICAL REFORM ACT (Government Code Section 81000 et seq.)

Commissioners are subject to the reporting and disqualification requirements of the California Political Reform Act.

NOTE: To access State Codes on the Internet go to www.leginfo.ca.gov/calaw.html and follow the instructions for locating specific sections.

NEXT, THE COMMISSIONERS . . .

The San Benito LAFCO is composed of:

- Two City Council Members (selected by the cities in the County),
- Two County Supervisors (selected by the Board of Supervisors),
- One public member (selected by the other four Commissioners).

Alternate members – one in each category – are appointed to vote whenever a regular member in that category is absent or disqualified from participating.

All members and alternates are appointed to serve four-year terms.

The current members of the San Benito LAFCO are:

CITY MEMBERS

Rick Edge
Pauline Valdivia
Victor Gomez, Alternate

COUNTY MEMBERS

Margie Barrios
Anthony Botelho
Robert Rivas, Alternate

PUBLIC MEMBERS

Richard Bettencourt
Mark Tognazzini, Alternate

Regular meetings are held at 6:00 PM on the fourth Thursday of each month except in June, November or December. Special meetings are called by the Chair as needed.

. . . AND THE STAFF

The Executive Officer is appointed by the Commission to conduct its day-to-day business and prepare staff reports and recommendations on proposals submitted to LAFCO.

The Commission also appoints its legal counsel.

San Benito LAFCO staff members are:

EXECUTIVE OFFICER:	Bob Braitman
CLERK TO THE COMMISSION:	Mary Everett
LEGAL ADVISOR:	Matt Granger

PLANNING RESPONSIBILITIES. . .

As a **planning agency** LAFCO is charged by the State Legislature to determine, and update at least every five years, the “**Sphere of Influence**” of each city and special district. A sphere of influence is a plan for the probable physical boundaries and service area of a local agency.

Determinations LAFCO must make in adopting spheres of influence include:

- The present and planned land uses, including agricultural and open space lands,
- The present and probable needs for public facilities and services in the area,
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, and
- The existence of any social or economic communities of interest in the area if the Commission determines that they area relevant to the agency.

In updating the spheres of influence LAFCO must prepare **Municipal Service Reviews** of the affected local agencies.

In preparing these reviews LAFCO must make determinations with respect to:

- Growth and population projections for the affected area,
- Location and characteristics of an disadvantaged unincorporated communities,
- Present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies,
- Financial ability of agencies to provide services,
- Status of and opportunities for shared facilities and
- Accountability for community service needs.

REGULATORY POWERS AND DUTIES . . .

As a **regulatory agency** LAFCO is charged by the legislature with “discouraging urban sprawl and encouraging the orderly formation and development of local agencies” based on “local circumstances and conditions.” To meet its responsibilities, LAFCO reviews and approves, modifies or denies proposals to:

- Annex land to cities or special districts,
- Allow cities or special districts to provide services outside of their boundaries,
- Detach land from cities or special districts,

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- Consolidate two or more cities or two or more special districts,
 - Incorporate new cities and form new special districts,
 - Dissolve existing special districts and disincorporate existing cities, and
 - Merge cities and special districts.

AUTHORITY TO CONDUCT STUDIES AND INITIATE CHANGES . . .

The Commission is authorized to inventory and study governmental agencies. Based upon the spheres of influence or special studies, the Commission may initiate proposals to consolidate special districts, merge a special district with a city, dissolve a special district, establish a subsidiary district or any combination of these changes.

FACTORS LAFCO MUST CONSIDER . . .

Though LAFCO cannot impose conditions that directly regulate land use or subdivision requirements it must consider specific factors when it reviews a proposal. These factors include but are not limited to:

- Land area and land use, topography, natural boundaries and drainage basins, population, population density and proximity to other populated areas,
- The likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years,
- The effect of the proposed action and of alternate actions on adjacent areas, mutual social and economic interests and the local governmental structure,
- The need for organized community services, the present cost and adequacy and probable future needs for governmental services and controls in the area,
- Probable effects of the proposal and of alternatives on the cost and adequacy of services and controls in the area and adjacent areas,
- The ability of the entity to provide services to the area, including the sufficiency of revenues for those services,
- The timely availability of water supplies adequate for projected needs,
- The extent to which the proposal will assist the entity in achieving its fair share of regional housing needs,

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- Conformity with appropriate city or county general and specific plans and the sphere of influence of any local agency, which may be applicable to the proposal,
 - The definiteness and certainty of the boundaries of the territory, the non-conformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and similar matters affecting the proposed boundary,
 - The conformity of the proposal and anticipated effects with adopted Commission policies on providing planned, orderly efficient patterns of urban development.
 - The extent to which the proposal will promote environmental justice, meaning the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

PERMITTED TERMS AND CONDITIONS . . .

LAFCO can apply conditions when it approves a proposal. These include but are not limited to:

- Payment for the acquisition of existing property; levying or fixing and collection of special or extraordinary taxes, assessments or service charges for payment for acquired property,
- Disposition of responsibility for outstanding bonds or contractual obligations as well as the amount of responsibility,
- Formation of new improvement district(s) and annexations to or detachments from existing improvement district(s),
- Incurring of liability or bonded indebtedness on behalf of the territory annexed or the agency as a whole; issuance and sale of bonds,
- Acquisition, improvement, disposition, sale, transfer or division of property,
- Fixing the use or right-of-use in any public improvement, facility or property,
- Disposition of any office, department or board within the affected agency and determination of the rights of employees affected by a proposal,
- Designation of a successor agency to any agency being extinguished,
- Method for selecting the members for an agency formed or reorganized,
- Fixing the effective date for any change,
- Continuation or provision of any service provided or authorized by the agency,
- Levying a benefit assessment or the calling of an election to decide a special tax.

THE PUBLIC IS INVITED . . .

The meetings where LAFCO considers and decides issues are open to the public.

All members of the public are welcome and encouraged to attend LAFCO meetings and comment during public hearings on proposals before the Commission.

LAFCO meetings are an excellent opportunity for citizens to familiarize themselves with land use, public service and interjurisdictional issues facing their county.

County residents may be appointed to serve as a public member of the Commission.

Copies of LAFCO proposal filing requirements, questionnaires and forms, processing fee schedule and related documents are available by contacting the LAFCO office at.

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