

SHASTA LAFCO

Report to the Shasta Local Agency Formation Commission
From: Jan Lopez, Executive Officer

Meeting Date: December 4, 2014
Agenda Item #: 11.c.
Subject: Release of Reports *(Information only)*

Background and Discussion

At its November 20, 2014, meeting, the Commission inquired about the release of reports to local agencies. This discussion addresses that and related issues.

Background

LAFCO essentially handles two primary activities: (a) processing applications for boundary changes for cities and special districts (GC 56000 et seq.), and (b) reviewing MSRs and SOI boundary updates for local public agencies (GC 56425 et seq.). It also is empowered to initiate studies (GC 56378) and initiate the following actions:

- 56375 (2) The commission may initiate proposals by resolution of application for any of the following:
 - (A) The consolidation of a district, as defined in Section 56036.
 - (B) The dissolution of a district.
 - (C) A merger.
 - (D) The establishment of a subsidiary district.
 - (E) The formation of a new district or districts.
 - (F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

In addition to initiating studies, GC 56378 also may ask for and receive information from local agencies under their jurisdiction and other local agencies as may be necessary to execute their purposes (see also GC 56386).

LAFCO codes do provide for the timely release of an Executive Officer report on an application that has been submitted by an agency or petitioner. Once the related CEQA and Property Tax Exchange actions have been concluded, LAFCO has 30 days to review the final submitted documents, and either declare them incomplete (requiring more information) or declaring them complete and setting a hearing date (not more than 90 days from the date of that decision). Public notice of the hearing must be at least 21 days prior to the hearing (GC 56154). Executive Officer reports on applications must be made available five days prior to a hearing

LAFCO codes do not provide a clear timeline for release of the SOI/MSR studies and updates, but do require 21-day hearing notice be sent to the affected agency and published in a local

newspaper that a hearing will be held. LAFCO is not required to pre-circulate such studies or updates when they are initiated in-house by the Commission.

Public notice of a regular meeting must be at least 72 hours in advance, while a special meeting notice must be posted 24 hours in advance of the meeting. Should an agency or individual request LAFCO consider a SOI update, it is considered an application and processed accordingly, as noted above.

Regardless of the lack of direction provided by the LAFCO codes on this matter, it has been the policy of the staff to release SOI/MSR update studies to the affected local agencies as soon as possible. These studies rely heavily upon the data provided by these agencies, and thus if there are adjustments to the data they are easily made. As a result, these studies are not “comprehensive” in nature, but rather provide a base-line for future SOI/MSR updates on each agency. The next round of SOI/MSR reviews for all agencies will begin again in 2019.

The Commission has generously granted requests for continuances by local agencies for more time to review the SOI/MSR report on their agency throughout 2014, and by in large the majority of requested changes have ultimately been ministerial data or format changes in nature that could have been made after the Commission’s decision to approve the reports and SOI boundary.

The compressed schedule for completing SOI/MSR Update Studies for the 38 special districts and 3 cities identified in the Briggs et al. v. Shasta LAFCO settlement approved by the Commission, required completion of this work by the end of November 2014, with a possible “clean-up” period of one month thereafter, stretching that work period to December 2014.

As noted above, we have endeavored to distribute reports as soon as they are completed. The sheer number of reports required and the significant lack of historical data for these agencies in the LAFCO records have contributed to release delays, as have the occasional refusal to participate in these studies by some agencies that required LAFCO staff to develop the required data independent of the agency.

The December 18, 2014 noticed public hearing should, unless some matters are further continued by the Commission, conclude the completion of studies requirements of the Briggs settlement.

We have, during this process, uncovered about ten county services areas no longer in operation that the Commission will be asked to adopt a “zero” sphere of influence boundary to assist Shasta County Public Works in requesting future dissolution of these dependent districts.

Once the current work is completed, the Commission can expect to go back to its regular schedule of six regular meetings a year, with occasional special meetings as may be required.

Staff will have sufficient time to work on both existing and future applications, and future special studies initiated by the Commission.

Conclusions and Recommendations

It is recommended that the Commission complete the December 18th hearings as noticed, with the expectation of perhaps meeting in January for the completion of any minor matters

Attachments: None