



## **ACTION ITEMS**

8. Appointment of Alternate Public Member  
Receive candidate recommendation from the ad hoc selection committee and select an individual to fill the LAFCo Alternate Public Member vacancy for the unexpired term of 2009-2013.

RECOMMENDED ACTION: Appoint Linda Ford-McCaffrey to complete the unexpired Alternate Public Member term.

9. Proposed Changes to Government Code 56133  
Request for comments from CALAFCO regarding proposed legislative revisions to Government Code 56133.

RECOMMENDED ACTION: Discuss and provide direction to staff as appropriate.

10. Cancel the February 15, 2012 LAFCo Regular Meeting  
Cancel the February 15, 2012 meeting and provide the required notice.

RECOMMENDED ACTION: Approval

## **PUBLIC HEARING ITEMS**

11. Bardsdale Cemetery District Sphere of Influence Review/Update  
Review the sphere of influence for the Bardsdale Cemetery District and determine that no update or municipal service review is necessary.

RECOMMENDED ACTION: Approval

## **EXECUTIVE OFFICER'S REPORT**

City Selection Committee  
LAFCo Website

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

**WEB ACCESS:**

**LAFCo Agendas, Staff Reports  
and Adopted Minutes can be found at:**

[www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov)

**Written Materials** - Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4<sup>th</sup> Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at [www.ventura.lafco.ca.gov](http://www.ventura.lafco.ca.gov), subject to staff's ability to post the documents before the meeting.

**Public Presentations** - Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least ten days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

**Quorum and Voting** – The bylaws for the Ventura LAFCo Commissioner's Handbook provide as follows:

**1.1.6.1 Quorum:** Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

**1.1.6.2 Voting:** Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

**Americans with Disabilities Act** - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCo office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCo to make reasonable arrangements to ensure accessibility to this meeting.

**Disclosure of Campaign Contributions** - LAFCo Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCo decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than \$250 to any LAFCo Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code, section 84308.



**MINUTES**

**REGULAR MEETING**

Wednesday, November 16, 2011, 9:00 A.M.  
Hall of Administration, Board of Supervisors' Hearing Room  
800 S. Victoria Avenue, Ventura

1. Call to Order

Chair Cunningham called the meeting to order at 9:04 A.M.

2. Pledge of Allegiance

Commissioner Parvin led the Pledge of Allegiance

3. Roll Call

The Clerk called the roll. The following Commissioners were present:

Commissioner Cunningham	Commissioner Parvin
Commissioner Freeman	Commissioner Parks
Commissioner Long	Commissioner Pringle
Commissioner Morehouse	Alternate Commissioner Dandy

4. Commission Presentations and Announcements

Commissioner Morehouse announced that the SCAG 2012-2035 Regional Transportation and Sustainability & Economic Recovery Summit would take place December 1, 2011 and encouraged everyone to attend noting that the agenda and other details could be found at [www.SCAG.ca.gov](http://www.SCAG.ca.gov).

**PUBLIC COMMENTS**

5. There were no public comments.

**COMMISSIONERS AND STAFF**

**COUNTY:**

Kathy Long  
Linda Parks  
*Alternate:*  
Steve Bennett

**CITY:**

Carl Morehouse  
Janice Parvin, Vice Chair  
*Alternate:*  
Carol Smith

**SPECIAL DISTRICT:**

Elaine Freeman  
Gail Pringle  
*Alternate:*  
Bruce Dandy

**PUBLIC:**

Lou Cunningham, Chair  
*Alternate:*  
Vacant

**Executive Officer:**

Kim Uhlich

**Dep. Exec. Officer**

Kai Luoma

**Office Mgr/Clerk:**

Debbie Schubert

**Office Assistant**

Martha Escandon

**Legal Counsel:**

Michael Walker

**CONSENT ITEMS**

- 6. Minutes of the Ventura LAFCo October 19, 2011 Regular Meeting
- 7. Unaudited Year End Financial Report: Fiscal Year 2010-11
- 8. Professional Services Agreement for Audit Services – Vavrinek, Trine, Day & Co., LLP
- 9. Fiscal Year 2011-12 Budget to Actual Reports: July, August and September 2011

MOTION: Approve Items 6 and 8 and Receive and File Items 7 and 9 as recommended with correction to Item 13 of the October 19, 2011 minutes: Morehouse

SECOND: Parvin

FOR: Cunningham, Freeman, Long, Morehouse, Parks, Parvin and Pringle

AGAINST: None

ABSTAIN: None

MOTION PASSED 7/0/0

**ACTION ITEMS**

- 10. LAFCo 11-07 Montalvo Municipal Improvement District Expedited Reorganization  
Kim Uhlich presented the staff report.

MOTION: Approve as Recommended: Freeman

SECOND: Morehouse

FOR: Cunningham, Freeman, Long, Morehouse, Parks, Parvin, and Pringle

AGAINST: None

ABSTAIN: None

MOTION PASSED 7/0/0

**PUBLIC HEARING ITEMS**

- 11. LAFCo 11-05 Ahmanson Ranch Community Services District Reorganization (Continued from October 19, 2011)

Chair Cunningham opened the public hearing. Kai Luoma presented the staff report. With no one wishing to speak, the public hearing was closed.

MOTION: Approve as Recommended: Parks

SECOND: Parvin

FOR: Cunningham, Freeman, Long, Morehouse, Parks, Parvin, and Pringle

AGAINST: None

ABSTAIN: None

MOTION PASSED 7/0/0

12. Discussion of Proposed Oxnard Union High School District School Sites – Annexation Considerations

Kim Uhlich gave a presentation. The following representatives of the Oxnard Union High School District provided information regarding the school site selection process: Superintendent Gabe Soumakian, Assistant Superintendent of Business Services Randy Winton, and Trustee Wayne Edmonds. The following public officials presented information in response to questions from the Commissioners: Todd McNamee, County Airports Director; Bob Burrow, Director of Community Development for the City of Camarillo; and Matthew Winegar, Director of Development Services for the City of Oxnard. Public comment was given by Laura McAvoy, attorney for the owners of the proposed high school site in Oxnard.

**EXECUTIVE OFFICER’S REPORT**

Kim Uhlich reported on the laws to take effect January 1, 2012: AB 54, which will require mutual water companies that operate public water supplies to submit specified information to LAFCoS; SB 244, which, unless specified exceptions apply, will prohibit LAFCoS from approving city annexations over ten acres in size if the annexation area is contiguous to a disadvantaged unincorporated community unless an application to annex the disadvantaged community has been filed; SB89, which will redirect vehicle license fee revenue from city general funds to public safety programs.

**COMMISSIONER COMMENTS**

Chair Cunningham announced that he would be attending the CALAFCO Executive Board meeting Friday, November 4 in Sacramento and reminded everyone to vote on November 8.

**ADJOURNMENT**

Chair Cunningham adjourned the meeting at 11:20 a.m.

**These Minutes were approved on January 18, 2012**

**Motion:**

**Second:**

Ayes:

Nos:

Abstains:

\_\_\_\_\_

\_\_\_\_\_

**Dated:**

**Chair, Ventura Local Agency Formation Commission**



## STAFF REPORT

Ventura Local Agency Formation Commission  
Meeting Date: January 18, 2012  
(Consent)

## Agenda Item 7

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer   
**SUBJECT:** FY 2011-12 Budget to Actual Reports – October and November 2011

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### RECOMMENDATION:

Receive and file the Budget to Actual reports for October and November 2011.

### DISCUSSION:

Pursuant to the Commissioner's Handbook policies, the Executive Officer is to provide monthly budget reports to the Commission as soon as they are available. The attached reports, which have been prepared with the assistance of the County Auditor-Controller staff, reflect revenue and expenditures for October and November of the 2011-2012 Fiscal Year.

As reflected in Attachments 1 and 2, the actual amount of Other Revenue-Miscellaneous (account code 9772) is significantly less than budgeted. However, this does not reflect an additional \$9,928 that was credited in late November after the latest budget report was finalized. Including this amount, actual miscellaneous revenue received as of November 30, 2011 is \$16,753 and represents approximately 25% of the budgeted amount.

No adjustments or transfers between expenditure account codes or from contingencies are necessary or recommended.

Attachments: (1) Budget to Actual Report October 2011  
(2) Budget to Actual Report November 2011

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### COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin, Vice Chair <i>Alternate:</i> Carol Smith	<b>SPECIAL DISTRICT:</b> Elaine Freeman Gail Pringle <i>Alternate:</i> Bruce Dandy	<b>PUBLIC:</b> Lou Cunningham, Chair  <i>Alternate:</i> Vacant	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker

**BUDGET TO ACTUAL FY 2011-12**  
**YEAR TO DATE ENDING OCTOBER 31, 2011 (33.33% of year)**  
**Fund 7920, Organization 8950**

Summary	Budget	Adj. Budget	To Date
Estimated Sources	766,598	766,598	699,893
Appropriations	766,598	766,598	176,186

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)	
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation		
<b>FUND BALANCE</b>									
	Beginning Balance	377,796		377,796	377,796.00		377,796.00	0.00	
5331	Committed	100,000		100,000	100,000.00		100,000.00	0.00	
5395	Unassigned	154,983		154,983	154,983.00		154,983.00	0.00	
5395	Unassigned - Appropriated	122,813		122,813	122,813.00		122,813.00	0.00	
<b>REVENUE</b>									
8911	Interest Earnings	8,000		8,000	0.00		0.00	8,000.00	0%
9372	Other Governmental Agencies	570,285		570,285	570,255.00		570,255.00	30.00	100%
9772	Other Revenue - Miscellaneous	65,500		65,500	6,825.00		6,825.00	58,675.00	10%
	<b>Total Revenue</b>	<b>643,785</b>	<b>0</b>	<b>643,785</b>	<b>577,080.00</b>		<b>577,080.00</b>	<b>66,705.00</b>	<b>90%</b>
	<b>TOTAL SOURCES</b>	<b>766,598</b>	<b>0</b>	<b>766,598</b>	<b>699,893.00</b>	<b>0.00</b>	<b>699,893.00</b>	<b>66,705.00</b>	<b>91%</b>
<b>EXPENDITURES</b>									
1101	Regular Salaries	337,000		337,000	95,802.42		95,802.42	241,197.58	28%
1106	Supplemental Payments	13,000		13,000	3,578.96		3,578.96	9,421.04	28%
1107	Term/Buydown	17,000		17,000	0.00		0.00	17,000.00	0%
1121	Retirement Contribution	66,000		66,000	16,428.57		16,428.57	49,571.43	25%
1122	OASDI Contribution	20,000		20,000	5,490.52		5,490.52	14,509.48	27%
1123	FICA - Medicare	5,200		5,200	1,450.33		1,450.33	3,749.67	28%
1124	Safe Harbor	1,750		1,750	487.02		487.02	1,262.98	28%
1141	Group Insurance	27,100		27,100	7,662.92		7,662.92	19,437.08	28%
1142	Life Ins/Dept. Heads & Mgmt.	400		400	50.40		50.40	349.60	13%
1143	State Unempl	700		700	191.98		191.98	508.02	27%
1144	Management Disability Ins.	2,400		2,400	213.93		213.93	2,186.07	9%
1165	Worker Compensation Ins	2,600		2,600	712.28		712.28	1,887.72	27%
1171	401K Plan	13,000		13,000	2,948.04		2,948.04	10,051.96	23%
	<b>Salaries and Benefits</b>	<b>506,150</b>	<b>0</b>	<b>506,150</b>	<b>135,017.37</b>	<b>0.00</b>	<b>135,017.37</b>	<b>371,132.63</b>	<b>27%</b>
2033	Voice/Data ISF	5,000		5,000	875.46		875.46	4,124.54	18%
2071	General Insurance Alloca - ISF	2,500		2,500	0.00		0.00	2,500.00	0%
2125	Facil/Matls Sq. Ft. Alloc. - ISF	17,000		17,000	4,928.00		4,928.00	12,072.00	29%
2128	Other Maint	500		500	0.00		0.00	500.00	0%
2141	Memberships & Dues	6,300		6,300	5,691.00		5,691.00	609.00	90%
2154	Education Allowance	2,000		2,000	2,000.00		2,000.00	0.00	100%
2158	Indirect Cost Recovery	20,107		20,107	0.00		0.00	20,107.00	0%
2172	Books & Publications	700		700	439.53		439.53	260.47	63%
2174	Mail Center - ISF	3,000		3,000	1,266.03		1,266.03	1,733.97	42%
2176	Purchasing Charges - ISF	500		500	44.38		44.38	455.62	9%
2177	Graphics Charges - ISF	5,500		5,500	0.00		0.00	5,500.00	0%
2178	Copy Machine Charges - ISF	400		400	148.77		148.77	251.23	37%
2179	Miscellaneous Office Expense	7,000		7,000	965.51		965.51	6,034.49	14%
2181	Stores ISF	50		50	7.00		7.00	43.00	14%
2191	Board Members Fees	5,000		5,000	700.00		700.00	4,300.00	14%
2192	Information Technology - ISF	13,500		13,500	693.30		693.30	12,806.70	5%
2195	Specialized Services/Software	1,850		1,850	0.00		0.00	1,850.00	0%
2197	Public Works - Charges	6,000		6,000	910.97		910.97	5,089.03	15%
2199	Other Prof & Spec Service	9,000		9,000	1,329.50	3,389.50	4,719.00	4,281.00	52%
2203	Accounting and Auditing Services	5,000		5,000	0.00		0.00	5,000.00	0%
2205	GSA Special Services ISF	100		100	0.00		0.00	100.00	0%
2214	County GIS Expenses	25,000		25,000	3,712.07		3,712.07	21,287.93	15%
2261	Public & Legal Notices	5,000		5,000	611.78		611.78	4,388.22	12%
2283	Records Storage Charges	250		250	91.10		91.10	158.90	36%
2293	Computer Equipment <5000	3,500		3,500	364.80		364.80	3,135.20	10%
2304	County Legal Counsel	25,000		25,000	3,422.50		3,422.50	21,577.50	14%
2521	Transportation Charges ISF	1,000		1,000	0.00		0.00	1,000.00	0%
2522	Private Vehicle Mileage	6,500		6,500	1,777.72		1,777.72	4,722.28	27%
2523	Conf. & Seminars Expense	13,000		13,000	7,741.36		7,741.36	5,258.64	60%
2526	Conf. & Seminars Expense ISF	500		500	0.00		0.00	500.00	0%
2528	Motorpool ISF	0		0	58.47		58.47	(58.47)	
	<b>Services and Supplies</b>	<b>190,757</b>	<b>0</b>	<b>190,757</b>	<b>37,779.25</b>	<b>3,389.50</b>	<b>41,168.75</b>	<b>149,588.25</b>	<b>22%</b>
6101	Contingency	69,691		69,691	0.00		0.00	69,691.00	0%
	<b>TOTAL EXPENDITURES</b>	<b>766,598</b>	<b>0</b>	<b>766,598</b>	<b>172,796.62</b>	<b>3,389.50</b>	<b>176,186.12</b>	<b>590,411.88</b>	<b>23%</b>

0.00

Note: Amounts with "( )" in the ACTUAL column reflect FY11 accruals in excess of actual expenditures to date

**BUDGET TO ACTUAL FY 2011-12**  
**YEAR TO DATE ENDING NOVEMBER 30, 2011 (41.67% of year)**  
**Fund 7920, Organization 8950**

Summary	Budget	Adj. Budget	To Date
Estimated Sources	766,598	766,598	700,522
Appropriations	766,598	766,598	251,642

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)	
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation		
<b>FUND BALANCE</b>									
	Beginning Balance	377,796		377,796	377,796.00		377,796.00	0.00	
5331	Committed	100,000		100,000	100,000.00		100,000.00	0.00	
5395	Unassigned	154,983		154,983	154,983.00		154,983.00	0.00	
5395	Unassigned - Appropriated	122,813		122,813	122,813.00		122,813.00	0.00	
<b>REVENUE</b>									
8911	Interest Earnings	8,000		8,000	629.03		629.03	(7,370.97)	8%
9372	Other Governmental Agencies	570,285		570,285	570,255.00		570,255.00	(30.00)	100%
9772	Other Revenue - Miscellaneous	65,500		65,500	6,825.00		6,825.00	(58,675.00)	10%
	<b>Total Revenue</b>	<b>643,785</b>	<b>0</b>	<b>643,785</b>	<b>577,709.03</b>		<b>577,709.03</b>	<b>(66,075.97)</b>	<b>90%</b>
	<b>TOTAL SOURCES</b>	<b>766,598</b>	<b>0</b>	<b>766,598</b>	<b>700,522.03</b>	<b>0.00</b>	<b>700,522.03</b>	<b>(66,075.97)</b>	<b>91%</b>
<b>EXPENDITURES</b>									
1101	Regular Salaries	337,000		337,000	133,860.34		133,860.34	203,139.66	40%
1106	Supplemental Payments	13,000		13,000	4,877.68		4,877.68	8,122.32	38%
1107	Term/Buydown	17,000		17,000	0.00		0.00	17,000.00	0%
1121	Retirement Contribution	66,000		66,000	23,659.86		23,659.86	42,340.14	36%
1122	OASDI Contribution	20,000		20,000	6,830.48		6,830.48	13,169.52	34%
1123	FICA - Medicare	5,200		5,200	2,028.95		2,028.95	3,171.05	39%
1124	Safe Harbor	1,750		1,750	676.08		676.08	1,073.92	39%
1141	Group Insurance	27,100		27,100	10,671.92		10,671.92	16,428.08	39%
1142	Life Ins/Dept. Heads & Mgmt.	400		400	71.16		71.16	328.84	18%
1143	State Unempl	700		700	270.28		270.28	429.72	39%
1144	Management Disability Ins.	2,400		2,400	306.67		306.67	2,093.33	13%
1165	Worker Compensation Ins	2,600		2,600	996.32		996.32	1,603.68	38%
1171	401K Plan	13,000		13,000	4,124.84		4,124.84	8,875.16	32%
	<b>Salaries and Benefits</b>	<b>506,150</b>	<b>0</b>	<b>506,150</b>	<b>188,374.58</b>	<b>0.00</b>	<b>188,374.58</b>	<b>317,775.42</b>	<b>37%</b>
2033	Voice/Data ISF	5,000		5,000	1,125.35		1,125.35	3,874.65	23%
2071	General Insurance Alloca - ISF	2,500		2,500	0.00		0.00	2,500.00	0%
2125	Facil/Matls Sq. Ft. Alloc. - ISF	17,000		17,000	4,928.00		4,928.00	12,072.00	29%
2128	Other Maint	500		500	0.00		0.00	500.00	0%
2141	Memberships & Dues	6,300		6,300	6,271.00		6,271.00	29.00	100%
2154	Education Allowance	2,000		2,000	2,000.00		2,000.00	0.00	100%
2158	Indirect Cost Recovery	20,107		20,107	10,054.00		10,054.00	10,053.00	50%
2172	Books & Publications	700		700	439.53		439.53	260.47	63%
2174	Mail Center - ISF	3,000		3,000	1,477.93		1,477.93	1,522.07	49%
2176	Purchasing Charges - ISF	500		500	44.38		44.38	455.62	9%
2177	Graphics Charges - ISF	5,500		5,500	0.00		0.00	5,500.00	0%
2178	Copy Machine Charges - ISF	400		400	148.77		148.77	251.23	37%
2179	Miscellaneous Office Expense	7,000		7,000	1,009.96		1,009.96	5,990.04	14%
2181	Stores ISF	50		50	7.00		7.00	43.00	14%
2191	Board Members Fees	5,000		5,000	1,000.00		1,000.00	4,000.00	20%
2192	Information Technology - ISF	13,500		13,500	875.40		875.40	12,624.60	6%
2195	Specialized Services/Software	1,850		1,850	0.00		0.00	1,850.00	0%
2197	Public Works - Charges	6,000		6,000	910.97		910.97	5,089.03	15%
2199	Other Prof & Spec Service	9,000		9,000	1,329.50	11,114.50	12,444.00	(3,444.00)	138%
2203	Accounting and Auditing Services	5,000		5,000	0.00		0.00	5,000.00	0%
2205	GSA Special Services ISF	100		100	0.00		0.00	100.00	0%
2214	County GIS Expenses	25,000		25,000	4,752.70		4,752.70	20,247.30	19%
2261	Public & Legal Notices	5,000		5,000	994.16		994.16	4,005.84	20%
2283	Records Storage Charges	250		250	111.05		111.05	138.95	44%
2293	Computer Equipment <5000	3,500		3,500	364.80		364.80	3,135.20	10%
2304	County Legal Counsel	25,000		25,000	3,422.50		3,422.50	21,577.50	14%
2521	Transportation Charges ISF	1,000		1,000	0.00		0.00	1,000.00	0%
2522	Private Vehicle Mileage	6,500		6,500	2,613.70		2,613.70	3,886.30	40%
2523	Conf. & Seminars Expense	13,000		13,000	8,214.16		8,214.16	4,785.84	63%
2526	Conf. & Seminars Expense ISF	500		500	0.00		0.00	500.00	0%
2528	Motorpool ISF	0		0	58.47		58.47	(58.47)	0%
	<b>Services and Supplies</b>	<b>190,757</b>	<b>0</b>	<b>190,757</b>	<b>52,153.33</b>	<b>11,114.50</b>	<b>63,267.83</b>	<b>127,489.17</b>	<b>33%</b>
6101	Contingency	69,691		69,691	0.00		0.00	69,691.00	0%
	<b>TOTAL EXPENDITURES</b>	<b>766,598</b>	<b>0</b>	<b>766,598</b>	<b>240,527.91</b>	<b>11,114.50</b>	<b>251,642.41</b>	<b>514,955.59</b>	<b>33%</b>

0.00

Note: Revenue amounts with "( )" in the ACTUAL column reflect FY12 accruals less than budgeted revenue to date.  
Expenditure amounts with "( )" in the ACTUAL column reflect FY12 accruals in excess of budget expenditures to date.



## STAFF REPORT

Ventura Local Agency Formation Commission  
Meeting Date: January 18, 2012

## Agenda Item 8

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer   
**SUBJECT:** Appointment of Alternate Public Member

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### **RECOMMENDATION:**

Appoint Linda Ford-McCaffrey as the Alternate Public Member of the Commission to an unexpired term ending on January 1, 2013.

### **BACKGROUND:**

In response to the resignation of former LAFCo Alternate Public Member Ken Hess on September 15, 2011, the Commission directed staff on October 19, 2011 to initiate a public notification process to recruit interested candidates to fill the unexpired term ending January 1, 2013. The Commission also appointed a three-member Ad Hoc Alternate Public Member Selection Committee consisting of Commissioners Long, Morehouse and Alternate Commissioner Dandy. The Committee was charged with reviewing the letters of interest received, interviewing the top candidates and making a recommendation to the full Commission.

The recruitment process for the Alternate Public Member began in early November and consisted of a press release and a display advertisement published in the Ventura County Star. The Star also featured news of the recruitment in the 'Local Briefs' Section on at least two occasions. In addition, the announcement was mailed to the clerks of the legislative body of each local agency within Ventura County and posted at the County Government Center and on the LAFCo website. Interested individuals were asked to submit a letter of interest and a brief resume on or before Friday, December 9, 2011. A total of 14 qualified resumes were received by the deadline. After reviewing the resumes, the Ad Hoc Selection Committee selected five finalists and conducted interviews on January 6, 2012.

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### COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin, Vice Chair <i>Alternate:</i> Carol Smith	<b>SPECIAL DISTRICT:</b> Elaine Freeman Gail Pringle <i>Alternate:</i> Bruce Dandy	<b>PUBLIC:</b> Lou Cunningham, Chair  <i>Alternate:</i> Vacant	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker

After the interviews were completed, the Committee unanimously recommended that Linda Ford-McCaffrey be appointed as the Alternate Public Member.

### **DISCUSSION:**

The Public Member and the Alternate Public Member are the only LAFCo Commissioners who are appointed by LAFCo. The appointments are governed both by state law and by the Commission's By-laws. State law provides that terms of office are for four years and that selection of the Public Member and Alternate Public Member, "... shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities" (i.e. the County Board of Supervisors, the City Selection Committee and the Independent Special Districts Selection Committee) (Gov. Code §56325(d)). The law also provides that the Alternate Public Member, "...may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission" (Gov. Code §56331). Also, no person appointed as a Public Member or Alternate Public Member shall be an officer or employee of the County or any city or special district in the County (Gov. Code §56331).

The Commission's By-laws provide that the Public Member and Alternate Public Member shall not hold two consecutive terms as the Public Member or the Alternate Public Member. The By-laws, however, contain no prohibition about an Alternate Public Member being appointed as the Regular Member or the Regular Member being appointed as the Alternate Member. The By-laws also provide that Alternate Members may participate fully in all meetings, but are eligible to make motions, vote or to attend closed session meetings only in the absence of the regular member for which they are an alternate (Commissioner's Handbook, Sections 1.1.3.3 and 1.1.3.4).



## STAFF REPORT

Ventura Local Agency Formation Commission  
Meeting Date: January 18, 2012

## Agenda Item 9

**TO:** LAFCo Commissioners

**FROM:** Kim Uhlich, Executive Officer 

**SUBJECT:** Proposed Revisions to LAFCo Law – Out of Agency Services  
(Government Code §56133)

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### **RECOMMENDATION**

1. Discuss and consider CALAFCO proposed legislative revisions to Government Code §56133.
2. Determine whether the Commission wishes to provide written comments to CALAFCO and direct staff as appropriate.

### **BACKGROUND**

In 2011 the CALAFCO Board of Directors approved a recommendation by the Legislative Committee to seek legislative changes to Government Code Section 56133 which governs the authority of cities and districts to extend services beyond their boundaries. Prior to moving forward with the proposal, the CALAFCO Board and, more recently, the Legislative Committee have asked for feedback from member LAFCos. Comments are requested to be submitted no later than January 20, 2012.

### **GOVERNMENT CODE §56133**

Among other provisions, Government Code §56133 currently provides as follows:

- A city or district may provide new or extended services outside its jurisdictional boundaries only if it first requests and receives written approval from LAFCo.

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#### COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin, Vice Chair <i>Alternate:</i> Carol Smith	<b>SPECIAL DISTRICT:</b> Elaine Freeman Gail Pringle <i>Alternate:</i> Bruce Dandy	<b>PUBLIC:</b> Lou Cunningham, Chair  <i>Alternate:</i> Vacant	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker

- LAFCo may authorize new or extended services within an agency's sphere of influence in anticipation of a later change of organization.
- New or extended services outside an agency's sphere may be authorized only to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if documentation of the threat has been provided to the Commission and if any alternate service provider has been notified.
- Exemptions include: (a) contracts/agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing provider; (b) contracts for the transfer of non-potable or non-treated water; (c) contracts/agreements solely involving the provision of surplus water to agricultural lands and facilities, including incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries; (d) an extended service that had been provided prior to January 1, 2001; and (e) a local publicly-owned electric utility, providing electric services that do not involve the acquisition, construction or installation of electric distribution facilities by the utility outside its boundaries.

The full text of Government Code §56133 is provided as Attachment 1.

Historically, §56133 has been somewhat controversial and the subject of frequent debate among LAFCo practitioners. When it was first enacted in 1993, it did not expressly contemplate the extension of services outside of an agency's sphere of influence. In 1999, the language pertaining to spheres of influence was revised to reflect that currently in effect: new or extended services may be authorized outside of a city or district sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory subject to other specified conditions.

### **Commission Policies**

The Commissioner's Handbook includes several policies applicable to contracts or agreements for service extensions, which are referred to locally as Out of Agency Service Agreements (OASAs). In general, the policies provide that the subject agency must demonstrate adequate service capacity and consistency with any adopted service plans. Further, the policies discourage OASAs that are inconsistent with the applicable general or specific plan as well as those that would result in premature urbanization in a predominantly agricultural or rural area. For OASAs pertaining to new development, the Commission's policies generally restrict LAFCo from accepting an application until all required land use approvals have been obtained. A copy of the relevant sections of the Commissioner's Handbook is attached (Attachment 2).

## Proposed Revisions

Information about the proposed revisions, which was e-mailed to the Executive Officer of each member LAFCo, is included as Attachments 3 and 4. Based on verbal discussions with the CALAFCO Executive Director and members of the CALAFCO Legislative Committee, it is staff's understanding that the genesis of the proposal came from the Napa LAFCo and a small number of executive officers from other LAFCOs who believe that the current statute does not recognize circumstances when it is logical for agencies to provide services outside their spheres of influence based on local conditions, as determined by the individual LAFCo. More specifically, the proposed changes would expand LAFCo's authority to approve new or extended services beyond a subject agency's sphere of influence regardless of whether a threat to public health or safety exists if LAFCo is able to make three specified findings at a noticed public hearing. Further, the proposed revisions purport to establish LAFCo as the sole authority in determining the application of the statute and deemphasize the approval of contracts or agreements in favor of service extensions. Supporters state that safeguards included in the proposed language would guide LAFCOs in exercising expanded discretion consistent with the responsibility to facilitate orderly growth and development.

In summary, the proposed revisions are as follows:

1. Expand LAFCo's existing authority to approve new and extended services beyond an agency's sphere of influence if consistent with adopted LAFCo policy, to "support existing or planned uses involving public or private properties." No requirement for a threat to health or safety is required.

Approval must be given at a noticed public hearing and must include the following determinations:

- a. The extension of service(s) or service deficiency was identified and evaluated in a Municipal Service Review prepared by the Commission;
  - b. The effect of the extension of service(s) "would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts"; and
  - c. A later change of organization is not feasible or desirable based on the adopted policies of the Commission.
2. Give sole discretion and application of the section to the LAFCo in the county in which the extension of service is proposed.
  3. Focus on the approval of extension of service(s) instead of contracts/agreements involving the public agency which would be providing the service(s) and the recipient of the service; often such contracts/agreements are not signed until after LAFCo action is taken.

## Staff Evaluation

Staff recommends that the Commission consider the following points in its review and consideration of the proposed revisions:

1. LAFCoS were created by the legislature to discourage urban sprawl, preserve open space and prime agricultural lands, encourage the orderly formation and development of local agencies, and ensure the efficient provision of government services (Govt. Code Section 56301). In order to carry out their purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies to advantageously provide for the present and future needs of the county and its communities, LAFCoS must develop and determine a sphere of influence (SOI) for each city and special district and enact policies designed to promote logical and orderly development of areas within the SOI (Govt. Code Section 56425). A SOI is defined as “a plan for the probable physical boundaries and service area of a local agency, as established by the commission.” (Govt. Code Section 56076). The California Attorney General opined that SOIs should “serve like general plans, serve as an essential planning tool to combat urban sprawl and provide well-planned, efficient urban development patterns, giving appropriate consideration to preserving prime agricultural and other open-space lands” (60 Ops. Cal. Atty. Gen. 118 (1977)). It is for these reasons that the legislature has authorized the extension of services outside of an agency’s SOI only under very narrow circumstances: to respond to an existing or impending threat to public health and safety of residents within the territory to be served. By providing significantly broader authority for LAFCoS to approve service extensions beyond SOIs in support of urban development, it could be argued that the proposed revisions would render SOIs moot as probable service area boundaries.
2. One of the three proposed determinations required before LAFCo may approve a service extension beyond a SOI is that *“(t)he effect of the extension of service would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts.”* However, the word “or” between the words “open space”, “agricultural lands” and “adverse growth inducing impacts” should be noted. While our legal counsel does not support this interpretation, a LAFCo could argue that, because of the use of the word “or,” a proposed service extension outside of a SOI could be approved as long as it did not result in an adverse impact to one of the three categories (“open space,” “agricultural lands” and “growth inducing impacts”). For example, as long as there was a determination of no adverse impact to open space lands, a LAFCo that was inclined to do so could approve extended services even if there would be an adverse impact to agricultural lands and/or an adverse growth inducing impact.

3. Another of the three proposed determinations required before LAFCo may approve a service extension beyond a SOI is that *“(a) later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission.”* However, it appears that this determination is self fulfilling. A later annexation would never be feasible as long as the property is located outside of the agency’s sphere of influence. In order to make a later annexation of the property feasible, the agency’s sphere must be amended to include it. However, once the sphere is amended to include the property, this determination (in fact this entire subsection of 56133) would no longer apply, as it applies only to service extensions outside of SOIs. Therefore, the very fact that the property is located outside the agency’s SOI means that annexation is not feasible and, thus, the determination can always be made. Making this finding does little to ensure that the urban development to be served is appropriate, efficient, orderly, or logical.
4. Under the proposed revisions, cities and districts would likely receive a greater number of requests for service from residents who live outside of anticipated service area boundaries. This could make it more difficult for cities and districts to plan the level of future service needs and result in the need for inefficient and costly infrastructure extensions. And, although it may be legally permissible to collect surcharges for providing services outside of their jurisdictional boundaries, the cost to administer a geographically based, multi-tiered rate structures would need to be considered.
5. The adoption of new local policies would likely be necessary if the proposed revisions are enacted. For example, the Commission would need to determine definitions for “planned uses,” “adverse impacts on open space or agricultural lands” and “adverse growth inducing impacts,” as referred to in (c)(2)(B) of the proposed revisions. Further, the Commission would need to adopt criteria for evaluating request for service extensions outside of SOIs in municipal service reviews.

In addition to requesting comments from member LAFCos, CALAFCO is soliciting feedback from outside stakeholders (e.g., the League of Cities, CSAC and CSDA). The Legislative Committee is scheduled to meet on January 20 to assess the feedback and determine whether to pursue legislation.

- Attachments:
- (1) Govt. Code §56133
  - (2) Division 5 of the Ventura LAFCo Commissioner’s Handbook
  - (3) CALAFCO proposed revisions to Govt. Code §56133
  - (4) CALAFCO flyer regarding proposed revisions

**GOVERNMENT CODE SECTION 56133**

**[Services by contract outside city and district boundaries]**

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

**[Threat to public safety]**

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

**[Notice for alternate service provider]**

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

**[Proceedings for review]**

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

**[Exemptions]**

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public

service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on or before January 1, 2001. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.



## DIVISION 5 – OUT OF AGENCY SERVICE AGREEMENTS

### CHAPTER 1 – GENERAL POLICIES

#### SECTION 5.1.1 APPLICABILITY AND WAIVER

##### 5.1.1.1 Applicability:

(a) These policies do not preempt state law. In the event of a conflict between these policies and the provisions of state law, the provisions of state law shall prevail.

(b) In the event of a conflict between these policies relating to out of agency service agreements and the rules and regulations, or the operational policies adopted by the Ventura LAFCo, the provisions of the rules and regulations and the operational policies shall prevail.

5.1.1.2 Waiver: These policies and standards relating to out of agency service agreements shall be given great weight as a part of the Ventura LAFCo's consideration of proposals. They are general guidelines for the Commission to follow, however, they are not mandatory or binding. The Commission can and will consider each proposal upon its merits within the parameters set forth in state law. Should the Commission elect not to follow a policy, it shall, as a part of any resolution on the matter and as part of the written record, set forth the specific waiver, and the reason for it.

#### SECTION 5.1.2 ANNEXATION PREFERRED

Annexations to cities and special districts are always preferred to out of agency service agreements.

#### SECTION 5.1.3 APPLICATIONS

5.1.3.1 Eligibility and Requirement For Copy of Agreement: Applications to LAFCo for consideration of out of agency service agreements shall be filed by the agency that is seeking approval to provide the service outside its boundaries and shall include a service agreement signed by all parties.

5.1.3.2 Land Use Approvals Required: No application for out of agency service involving the provision of service to a proposed subdivision or lot line adjustment and/or development project should be accepted before the associated tentative map, parcel map waiver and/or land use entitlement is approved by the agency with jurisdiction over the project.

## SECTION 5.1.4 STANDARDS

### 5.1.4.1 Factors Favorable to Approval:

- (a) The city or district has demonstrated that there is adequate capacity to provide the proposed service and the service is consistent with the agency's adopted service plans.
- (b) The existing or proposed land use is consistent with the applicable general plan and any applicable specific plan.
- (c) The territory to which the service is proposed to be extended involves only legal lots.

### 5.1.4.2 Factors Unfavorable to Approval:

- (a) A more cost efficient alternative for providing the service is available.
- (b) The service would be provided in a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by any federal, state or local public agency and the associated hazard cannot be adequately mitigated.
- (c) The basis for the proposed service is solely to accommodate the creation of a new lot or lots without a corresponding development proposal.

## SECTION 5.1.5 AGRICULTURE AND OPEN SPACE PRESERVATION

### 5.1.5.1 Findings and Criteria For Prime Agricultural and Open Space Land Conversion:

LAFCo will approve out of agency service agreements which are likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the out of agency service will lead to planned, orderly, and efficient development. For the purposes of this policy, an out of agency service agreement leads to planned, orderly, and efficient development only if all of the following criteria are met:

- (a) The territory is already developed or will be developed immediately upon the connection of the requested out of agency service and has been designated for non-agricultural use by applicable general and specific plans.
- (b) Provision of the service would not result in a premature intrusion of urbanization into a predominantly agricultural or rural area.
- (c) The out of agency service agreement will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.
- (d) The use or proposed use of the territory involved is consistent with local plans and policies.

5.1.5.2 Impacts on Adjoining Prime Agricultural or Open Space Lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:

- (a) The prime agricultural and open space significance of the territory included in the out of agency service request relative to other agricultural and open space lands in the region.
- (b) The economic viability of the prime agricultural lands to be converted.
- (c) The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.



- (d) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's proposed sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's proposed sphere of influence.
- (e) Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
- (f) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
- (g) Comments and recommendations by the Ventura County Agricultural Commissioner.

### **SECTION 5.1.6 DETERMINATION OF NO OTHER SERVICE PROVIDER**

In order to approve an out of agency service agreement LAFCo shall determine that no other public agency can provide the same service at the same level of service. If the territory involved is within the sphere of influence of two or more public agencies that can provide the same service, all other such public agencies must first agree in writing to the out of agency service being requested or LAFCo must have first recognized the boundaries of a formal agreement between public agencies that defines their service areas. Only the City or District that is intending to provide or receive service may request approval of an out of agency service agreement.

### **SECTION 5.1.7 ADDITIONAL FACTORS FOR APPROVING AGREEMENTS**

In addition to the factors required by law and other factors required by these policies, in order to approve out of agency service agreements LAFCo must also make favorable determinations regarding one or more of the following additional factors:

- (a) Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on applicable general and specific plans, these policies, and other entitlements for use.
- (b) Emergency or health related conditions require prompt action versus waiting for the processing of a proposal for a change of organization or reorganization.

### **SECTION 5.1.8 AGREEMENTS CONSENTING TO ANNEX**

Whenever the affected territory may ultimately be annexed to the service agency, a standard condition of approval for an out of agency service agreement shall be the recordation of an agreement by the landowner consenting to annex the territory. Said agreement shall be binding on future owners of the property.

## **SECTION 5.1.9 TIME LIMIT ON SERVICE INITIATION**

5.1.9.1 Recordation Required: LAFCo approval of an application for out of agency service will not become effective until the service agreement is recorded by the Ventura County Recorder. Any approval of a request for out of agency service will be conditioned to require recordation no later than six (6) months following the date of approval.

5.1.9.2 Deadline For Obtaining a Building Permit:

(a) Unless exceptional circumstances exist, whenever a building permit is required to authorize construction of a property improvement to which the requested service is intended to be provided, LAFCo will not approve an application for out of agency service unless the service agreement contains language which expressly limits the time period for obtaining a building permit to no more than one (1) year following the date of recordation.

(b) Requests to exceed the one (1) year deadline shall state what facts are claimed to warrant exceptional circumstances and shall be submitted with the application. Whenever the Executive Officer considers a request pursuant to this subsection, a copy of his/her response shall be provided to the Commission.

5.1.9.3 Request For Time Extension:

(a) The agency intending to provide the service may request one twelve (12) month extension of the one-year deadline set forth in Section 5.1.9.2 either as part of the initial LAFCo application or within one (1) year of the date of recordation of the approved service agreement provided that all of the following can be demonstrated:

i. The service provider has amended the service contract accordingly.

ii. The proponents of the project that is to receive the service have diligently pursued all necessary permits to begin construction of the project, but due to factors beyond their control, permits have not yet been obtained.

iii. There is a reasonable expectation that the permits necessary to commence construction can be obtained within a reasonable timeframe, as determined by the Executive Officer.

(b) Requests for time extensions will be considered by the authority that approved the original out of agency service agreement.

## **SECTION 5.1.10 CRITERIA FOR OUT OF AGENCY SERVICE AGREEMENTS FOR SCHOOLS**

5.1.10.1 City and School District Collaborative Planning: To ensure that the affected city and school district(s) have engaged in good faith, collaborative long range planning for school sites, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:

(a) Whether the school site committee, made up of the affected city and school officials have been meeting to engage in discussions and long range planning and the meetings are ongoing.



- (b) Whether the affected city has discussed all major development proposals with the school district.
- (c) Whether the affected city has a policy of considering school capacity and location when reviewing major development proposals and long range plans.
- (d) Whether an official inventory of all potential sites has been evaluated and has been subject to public review.
- (e) Whether the affected city general plan and specific plans include adequate and appropriate school locations.
- (f) Whether school siting has been addressed in the last five years of development in the affected city.
- (g) Whether the proposed out of agency service agreement may be unnecessary if the affected city is considering expansions to the sphere of influence or city urban growth boundary.

5.1.10.2 Options Exhausted: To ensure that the affected school district(s) have exhausted options within the existing sphere of influence or city urban growth boundary, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:

- (a) Whether the affected school district(s) has a long-range facility plan.
- (b) Whether the affected school district(s) has prepared an inventory and evaluation of all district-owned facilities.
- (c) Whether the affected school district(s) has considered joint use facilities with other entities, cities, parks, and other public institutions.
- (d) Whether the affected school district(s) has evaluated all undeveloped land within the affected city's sphere of influence or city urban growth boundary.
- (e) Whether the affected school district(s) has, after consideration of the safety and health of the children, considered asking for any appropriate exceptions from State of California school size guidelines.
- (f) Whether the school district has considered and eliminated multi-story school buildings as an option.

5.1.10.3 Overall Planning Issues Addressed To ensure that the affected city and school district(s) have addressed overall planning issues, LAFCo will consider the following criteria when reviewing proposals for out of agency service agreements for schools:

- (a) Whether there are unique safety and health concerns of the proposal.
- (b) Whether the proposed school site is considered growth inducing.
- (c) Whether the proposal adversely affects agriculture and/or provides buffers between the school site and adjacent agriculture.
- (d) Whether the proposed school site is the best site available when considering logical, orderly, and efficient city boundaries and adopted greenbelts.
- (e) Whether the affected city is willing to support expanding the urban growth boundary to accommodate the development site, including requesting a citizen's vote if necessary.
- (f) Whether the affected school district(s), after an unsuccessful vote for approval, indicate that the school site must be sited outside the existing urban growth boundary.

# CALAFCO Proposed Amendments to G.C. Section 56133

Final draft language for review – 3 December 2011

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional ~~boundaries boundary~~ only if it first requests and receives written approval from the commission ~~in the affected county~~. The commission may delegate approval of requests made pursuant to subdivisions (b) and (c)(1) below to the Executive Officer.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional ~~boundaries boundary~~ but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, ~~the~~ commission may authorize a city or district to provide new or extended services outside its jurisdictional ~~boundaries boundary~~ and outside its sphere of influence under any of the following circumstances:

(1) ~~to~~ To respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1A) The entity applying for ~~the contract~~ approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2B) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(2) To support existing or planned uses involving public or private properties subject to approval at a noticed public hearing that includes all of the following determinations:

(A) The extension of service or service deficiency was identified and evaluated in a municipal service review prepared by the commission pursuant to section 56430.

(B) The effect of the extension of service would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts.

(C) A later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district ~~of a contract~~ to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of ~~those~~ requests made under this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the ~~contract for~~ extended services. If ~~the contract is the extended services are~~ disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to ~~contracts or agreements solely involving~~ two or more public agencies where the commission determines the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(f) This section does not apply to ~~contracts for~~ the transfer of nonpotable or nontreated water.

(g) This section does not apply to ~~contracts or agreements solely involving~~ the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(h) This section does not apply to an extended service that a city or district was providing on or before January 1, 2001.

(i) This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

(j) The application of this section rests solely within the jurisdiction of the commission in the county in which the extension of service is proposed.



June 2011

## The Proposal: Three Changes ...

The CALAFCO Board has unanimously approved a proposal from the Legislative Committee to amend Government Code (G.C.) Section 56133 and its provisions governing the LAFCo approval process for cities and districts to provide new and extended outside services. Three key changes underlie the Board-approved amendments. The **first** and most significant change expands LAFCo's existing authority in approving new and extended services beyond agencies' spheres of influence irrespective of public health and safety threats so long as LAFCo make three findings at noticed public hearings. These findings involve determining the extension 1) was contemplated in a municipal service review and 2) will not result in adverse impacts on open-space and agricultural lands or growth nor is a 3) later change of organization expected or desired based on local policies. The **second** change clarifies LAFCo's sole authority in determining the application of the statute. The **third** change deemphasizes the approval of contracts and emphasizes the approval of service extensions.

## Why the Changes ...

The CALAFCO Board and Legislative Committee believes the three changes proposed for G.C. Section 56133 will measurably strengthen a LAFCo's ability to effectively regulate outside service extensions in concert with our evolving role in regional growth management. Specifically, if passed into law, the changes will provide LAFCo more flexibility in accommodating service extensions lying beyond spheres of influence that are otherwise sensible given local conditions while clarifying the determination of when the statute and its exemptions apply rests solely with LAFCo. The changes would also strike unnecessary references to "contract or agreement approval" given these documents are generally prepared only after the proposed service extensions have been considered and approved by LAFCo. Examples showing how these changes could be implemented follow.

- LAFCo would have the authority, subject to making certain findings, to approve new or extended outside services beyond spheres of influence for public facilities, such as fire stations and schools, where the connection to the affected agency's infrastructure is a potential option.
- LAFCo would have the authority, subject to making certain findings, to approve new or extended outside services beyond spheres of influence for private uses supporting permitted intensity increases, such as residential construction or commercial additions.
- LAFCo would avoid delays and other transaction costs tied to disagreements with agencies regarding the constitution of "new" and "extended" services as well as determining when exemptions apply. Notably, this includes determining when a contract service proposed between two public agencies qualifies for exemption if it is "consistent with the level of service contemplated by the existing provider."

## FAQs

**Does providing LAFCo with more flexibility to approve services beyond spheres of influence undermine LAFCo's ability to curb sprawl?**

No. The proposed changes include measured safeguards to protect against inappropriate urban development by requiring LAFCo to make three specific findings (consistency with a municipal service review, no adverse agricultural or growth inducing impacts, and no expectation of future annexation) at noticed hearings before approving new or extended services beyond spheres.

**Will these changes create new pressures on LAFCo to accommodate development beyond agencies' spheres they would otherwise reject?**

The proposed changes do not effect LAFCo's existing right and duty to deny outside service requests deemed illogical and inconsistent with their policies.

**How long has CALAFCO been discussing the proposal?**

The Legislative Committee has spent two plus years working on the proposal before Board approval in April 2011.

## Questions or Comments

The following regional coordinators are available for questions or comments on the proposed changes to G.C. Section 56133. The regional coordinators are also available to make presentations to interested LAFCos.

- Scott Browne, Nevada
- Steve Lucas, Butte
- Marjorie Blom, Stanislaus
- Ted Novelli, Amador
- Neelima Palacherla, Santa Clara
- Keene Simonds, Napa
- Kathy McDonald, San Bernardino
- George Spiliotis, Riverside

**Contact:** William Chiat, Exec. Dir.  
(916) 442-6536  
wchiat@calafco.org



## STAFF REPORT

Ventura Local Agency Formation Commission  
Meeting Date: January 18, 2012

**Agenda Item 10**

**TO:** LAFCo Commissioners   
**FROM:** Kim Uhlich, Executive Officer  
**SUBJECT:** Cancellation of the February 15, 2012 Regular Meeting

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### **RECOMMENDATION:**

Cancel the February 15, 2012 regular LAFCo meeting and direct staff to provide notice of cancellation to the County, all cities, independent special districts and other interested parties as required by law.

### **DISCUSSION:**

Due to the fact that there are no pending applications for Commission action as of the date this report was prepared, staff is recommending that the Commission cancel the February meeting. The next scheduled meeting would occur on March 21, 2012.

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#### COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin, Vice Chair <i>Alternate:</i> Carol Smith	<b>SPECIAL DISTRICT:</b> Elaine Freeman Gail Pringle <i>Alternate:</i> Bruce Dandy	<b>PUBLIC:</b> Lou Cunningham, Chair  <i>Alternate:</i> Vacant	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker



## STAFF REPORT

Ventura Local Agency Formation Commission  
Meeting Date: January 18, 2012

**Agenda Item 11**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Sphere of Influence Review for the Bardsdale Cemetery District

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### **RECOMMENDATION:**

Review the sphere of influence for the Bardsdale Cemetery District and determine that no update or municipal service review is necessary.

### **BACKGROUND:**

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Govt. Code §56000 et seq.), LAFCo must determine and adopt a sphere of influence for each city and special district on or before January 1, 2008. Every five years thereafter, LAFCo must, as necessary, review and/or update each sphere of influence (Govt. Code §56425(g)).

In September 2007 the Commission reviewed and updated the sphere of influence for the Bardsdale Cemetery District in accordance with recommendations contained in a Municipal Service Review (MSR) report completed in May 2007.

### **DISCUSSION:**

Based on the sphere of influence review schedule included in the municipal service review work plan approved by the Commission in May 2008, the sphere of influence review for the Bardsdale Cemetery District is to be completed in 2012.

The District owns and operates the Bardsdale Cemetery and offers burial and other related services to the City of Fillmore, the unincorporated community of Bardsdale and surrounding unincorporated areas. The sphere of influence was amended in 2007 to remove territory

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<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker

located in the Los Padres National Forest and nearby lands owned by the federal government.

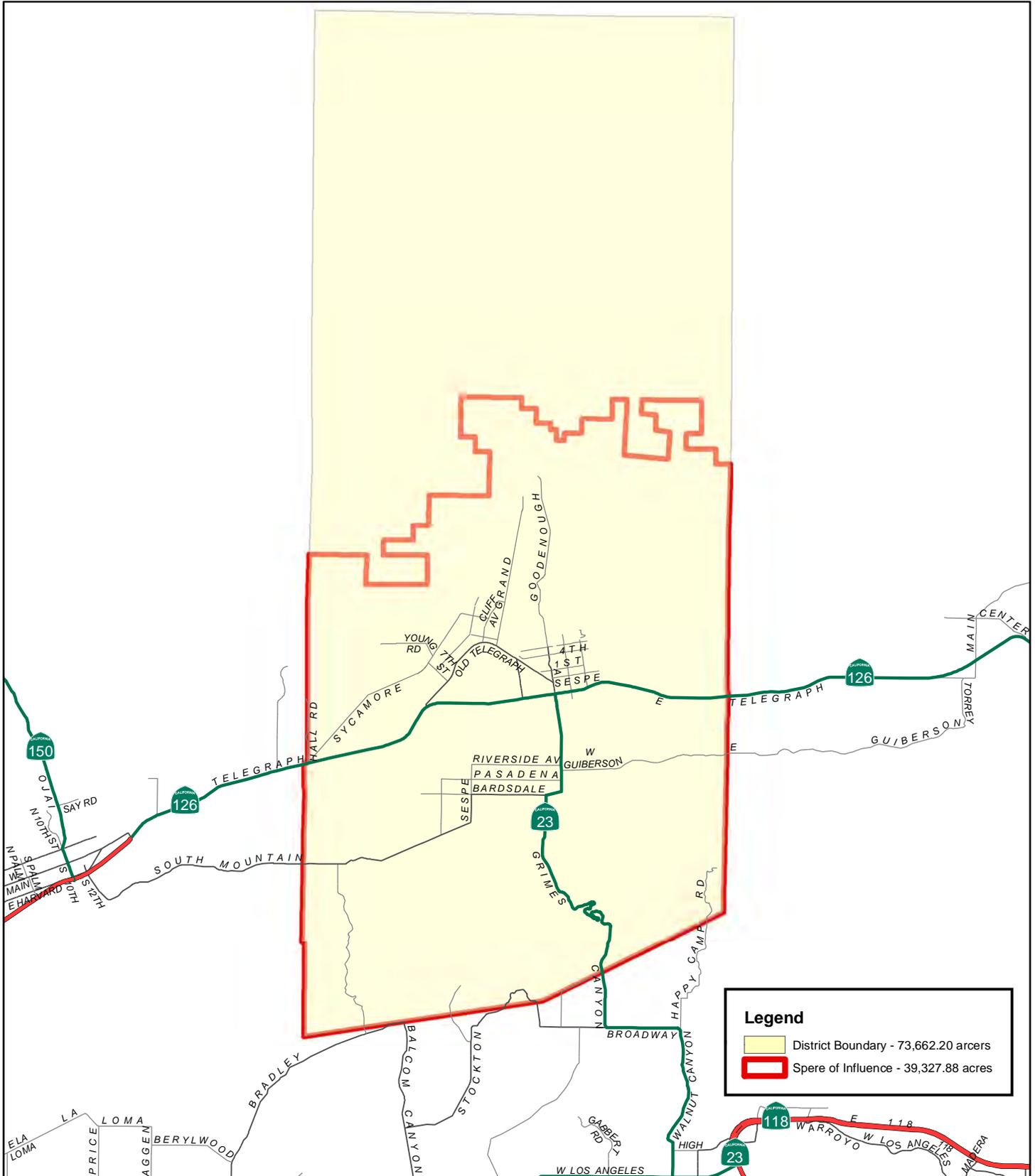
In 2011, LAFCo staff met with members of the District board of trustees and staff to determine whether any changes have occurred with respect to the existing service areas since the last sphere update in 2007 and to determine whether changes to the District's probable future service areas would be warranted. Based on the information provided and a comprehensive review of the existing boundary and sphere, no issues were identified. As such, LAFCo staff has determined that the current sphere accurately reflects the current and anticipated service area for the District. It is therefore recommended that the Commission determine that no update to the sphere of influence for the Bardsdale Cemetery District is necessary. The effect of this recommendation is that the existing sphere of influence would remain the same.

As the Commission is aware, the law requires that a MSR be completed prior to, or in conjunction with, any sphere of influence update (Govt. Code §56430(a)). In light of the recommended action, there is no requirement for a MSR and thus staff is recommending that one not be prepared. While not mandated, however, the Commission does have the authority to conduct a MSR or other special study of any agency with a sphere of influence at any time. However, the recommendation is based on staff's determination that such work is not necessary at this time. LAFCo pays for the preparation of MSRs. To the extent that sphere of influence updates are not deemed necessary for the subject districts, at least at this time, there will be some cost savings and work efforts can be focused on other districts and the cities. Should circumstances change in the future, the Commission retains the authority to determine that a sphere of influence update is necessary, thereby necessitating a MSR at that time. Plus, if the Commission accepts the recommendation, under the law, it must again review the District's sphere in five years.

Because there would be no changes, the review action by the Commission is not considered a project subject to CEQA.

Attachments:

- (1) Bardsdale Cemetery District Sphere of Influence Map



**Legend**

- District Boundary - 73,662.20 acres
- Sphere of Influence - 39,327.88 acres

# Ventura LAFCO

## Bardsdale Cemetery District

Sphere of Influence as updated on September 19, 2007

State Plane Coordinate System California Zone V - NAD 27

This map was compiled from records and computations

Published: October, 2007

