

**RESOLUTION OF THE VENTURA LOCAL  
AGENCY FORMATION COMMISSION MAKING  
VARIOUS AMENDMENTS TO CHAPTER 3 OF  
DIVISION 2, CHAPTER 3 OF DIVISION 3, AND  
CHAPTER 1 OF DIVISION 4 OF THE VENTURA  
LAFCO COMMISSIONER'S HANDBOOK**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission (LAFCo) to adopt written policies and procedures; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCo) adopted a new and revised Commissioner's Handbook containing its written policies and procedures on January 1, 2002 and readopted it October 17, 2007, and

WHEREAS, the Commission desires to make various amendments to its operational policies relating to municipal service review preparation costs, factors unfavorable to annexations, definitions of sphere of influence amendment and update, standards for determining and updating spheres of influence, preparation of municipal service reviews, and provisional spheres of influence; and

WHEREAS, on May 19, 2010, the public had an opportunity to comment and the Commission considered amendments to the Commission's operational policies;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends Division 2 – Operational Policies, Chapter 3 – Financial of the Commissioner's Handbook, by adding a policy relating to payment of the costs to prepare municipal service reviews as shown on Exhibit A.
- (2) Amends Division 3 – Changes of Organization and Reorganization, Chapter 3 – Standards, by amending or adding to Section 3.3.1.2. of the Commissioner's Handbook relating to consistency with applicable adopted plans, hazardous areas, and unacceptable significant impacts as shown in Exhibit B;
- (3) Amends Division 4 – Spheres of Influence, Chapter 1 – General Policies, by amending or adding:
  - (a) Section 4.1.2 of the Commissioner's Handbook regarding definitions of sphere of influence amendment and update as shown on Exhibit C;

- (b) Section 4.1.3.1 of the Commissioner's Handbook regarding clarification that the referenced boundaries are sphere of influence boundaries as shown on Exhibit C;
  - (c) Section 4.1.3.4 of the Commissioner's Handbook regarding standards as shown on Exhibit C;
  - (d) Section 4.1.6 of the Commissioner's Handbook regarding sphere of influence updates as shown on Exhibit C;
  - (e) Section 4.1.7 of the Commissioner's Handbook regarding provisional spheres of influence as shown on Exhibit C.
- (4) Directs the Executive Officer to compile the amendments to the Commissioner's Handbook in the form of replacement pages and distribute them to interested parties.

This resolution was adopted on May 19, 2010.

AYES: Commissioners Cunningham, Long, Morehouse, Parks, Parvin and Pringle

NOES: None

ABSTAINS: None

Dated: 5/19/10

Mathy J. Long

Attachments: Exhibit A  
Exhibit B  
Exhibit C

c: Ventura County Cities  
Ventura County Special Districts

## EXHIBIT A

### DIVISION 2 – OPERATIONAL POLICIES

#### CHAPTER 3 - FINANCIAL

#### SECTION 2.3.2 FEES

Fees for sphere of influence updates and municipal service reviews: LAFCo shall pay all costs associated with LAFCo-initiated quinquennial sphere of influence reviews, updates and any associated municipal service reviews that are required to be prepared pursuant to state law. For any sphere of influence update that is initiated by an agency other than LAFCo, the applicant shall be responsible for payment of all associated fees and costs, including the preparation of a municipal service review, if required.

## EXHIBIT B

### DIVISION 3 – CHANGES OF ORGANIZATION AND REORGANIZATION

#### CHAPTER 3 – STANDARDS

#### SECTION 3.3.1 STANDARDS FOR ANNEXATION TO CITIES AND DISTRICTS

##### 3.3.1.2 Factors unfavorable to approval:

- i. The proposal would create or result in corridors, peninsulas, or flags of city or district area or would otherwise cause or further the distortion of existing boundaries.
- ii. The proposal would result in a premature intrusion of urbanization into a predominantly agricultural or rural area.
- iii. The proposal is inconsistent with state law, adopted spheres of influence, adopted general or specific plans, adopted habitat conservation and/or restoration plans, or other applicable plans adopted by any governmental agency, or these policies.
- iv. For reasons of topography, distance, natural boundaries, or like considerations, the extension of services would be financially infeasible or another means of supplying services by acceptable alternatives is preferable.
- v. Annexation would encourage a type of development in an area that due to terrain, isolation, or other economic or social reason, is not in the public interest.
- vi. The proposal appears to be motivated by inter-agency rivalry or other motives not in the public interest.
- vii. The proposed boundaries do not include logical service areas or are otherwise improperly drawn.
- viii. The proposal area would accommodate new development and includes a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by federal, state or local public agencies, unless the Commission determines that the hazard or hazards can be adequately mitigated.
- ix. The proposal will result in an unacceptable significant adverse impact(s) to the environment as determined by the Commission.

## EXHIBIT C

### DIVISION 4 – SPHERES OF INFLUENCE

#### CHAPTER 1 – GENERAL POLICIES

##### SECTION 4.1.2 DEFINITIONS

Sphere of influence boundaries may be modified through either an amendment or an update process, as defined below:

- (a) Amendment: A sphere of influence amendment involves a modification to a sphere of influence that is associated with a concurrent proposal for a change of organization or an out of agency service agreement.
- (b) Update: A sphere of influence update involves a comprehensive review and modification of a sphere of influence that is not associated with a concurrent proposal for a change of organization or out of agency service agreement.

##### SECTION 4.1.3 GENERAL SPHERE OF INFLUENCE POLICIES

4.1.3.1 Compliance with state law: All sphere of influence boundaries shall comply with the provisions of state law.

4.1.3.4 Standards for determining, updating, and amending sphere of influence boundaries:

- (a) LAFCo favors sphere of influence boundaries that:
  - i. Coincide with existing and planned service areas.
  - ii. Follow natural and man made features, such as ridge lines, drainage areas, watercourses, and edges of right-of-way, provided they coincide with lines of assessment or ownership, or are described by metes and bounds legal descriptions which can be used easily for mapping boundaries.
  - iii. Include adjacent urbanized areas which are receiving or which may require urban services such as public water and/or sewer services.
- (b) LAFCo discourages sphere of influence boundaries that:
  - i. Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social and economic identity.
  - ii. Create areas where it is difficult to provide services.
  - iii. Result in islands, peninsulas, flags, “cherry stems,” or other unusual physical shapes that could cause, or further, the distortion of boundaries.
  - iv. That would accommodate new development and includes a tsunami inundation zone, wildfire hazard zone, FEMA designated floodway or floodplain, or other hazardous area designated by federal, state or local public agencies, unless the Commission determines that the hazard or hazards can be adequately mitigated.

## **SECTION 4.1.6 SPHERE OF INFLUENCE UPDATES**

- (a) LAFCo shall review and update, as necessary, the adopted sphere of influence of each local agency not less than once every five years.
- (b) LAFCo shall prepare a municipal service review in conjunction with each sphere of influence update unless the subject territory can be efficiently and effectively served by existing infrastructure and service levels.
- (c) Updates that remove territory from a sphere of influence will not require the preparation of a municipal service review.

## **SECTION 4.1.7 PROVISIONAL SPHERE OF INFLUENCE**

4.1.7.1 Purpose: A provisional sphere of influence serves as an indicator that the subject agency should pursue restructuring or reorganization options as recommended in the most recent MSR prepared by LAFCo.

- (a) LAFCo encourages agencies with a provisional sphere of influence designation to discuss alternatives to existing service provision or reorganization options and to return to LAFCo with the results of their discussions and/or studies.
- (b) If pursuant to the process outlined in subsection (a) any change of organization or reorganization is determined to be warranted, the subject agency, an affected agency, or LAFCo should consider initiation of such proceedings except as otherwise limited by state law.

4.1.7.2 Changes of organization of reorganizations within a Provisional Sphere of Influence: Annexations to any agency with a provisional sphere designation shall be discouraged unless the purpose of the proposal is to resolve the issues that prompted the adoption of the provisional sphere of influence.

4.1.7.3 Basis for adopting a provisional sphere of influence: The adoption of a provisional sphere for an agency should be based exclusively on the determinations in the most recent MSR prepared for the agency.

4.1.7.4. Reconsideration: The provisional status of a sphere of influence should be reconsidered if the Commission determines that the agency has adequately addressed the deficiencies and/or issues that led to the provisional status. Removal of the provisional status may occur:

- (a) During the quinquennial review of the agency's sphere of influence.
- (b) At the request of the agency's legislative body.
- (c) At any time that the Commission deems it to be warranted.