

# Mono County Local Agency Formation Commission

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Mammoth Lakes, CA 93546  
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PO Box 8  
Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## **SPECIAL MEETING AGENDA**

**April 24, 2023 – 3:00 pm**

**Hybrid Meeting: Zoom & Dana Room**  
Dana Room-Mono County Civic Center  
1290 Tavern Rd. (Dana Room on 2nd Floor)  
Mammoth Lakes, CA

Alternative meeting location with Commissioner Present  
824 Burcham Flat Road  
Coleville, CA 96107

The meeting may be joined by video at

<https://monocounty.zoom.us/j/83834124335?pwd=djROcWtCNnQ5U0JqV2dMSzJ0QXRLZz09>

or by telephone at: 669-900-6833 (**Meeting ID# is 838 3412 4335, password 56789**) where members of the public shall have the right to observe and offer public comment.

An alternate method to access the video meeting is <https://zoom.us/join> and enter **Meeting ID: 838 3412 4335, password 56789**)

If you are unable to join the Zoom webinar and wish to make a public comment prior to the meeting, please submit your comment, limited to 250 words or less, to [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) by 5:00 PM on Friday, April 21, 2023. Comments longer than 250 words may be summarized, due to time limitations. All comments will be made a part of the record.

### **1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

### **2. PUBLIC COMMENT**

### **3. CONSENT ITEMS:**

- A. Review and approve AB 361 meeting minutes of September 8, 2022 (pg. 1)
- B. Review and approve special meeting minutes of September 8, 2022 (pg. 2)

### **4. ADMINISTRATION**

- A. Presentation on LAFCO purpose and responsibilities (pg. 4)
- B. Staffing update

### **5. 2:05 PM PUBLIC HEARING: FISCAL YEAR 2022-23 PRELIMINARY BUDGET**

- Receive staff report (pg. 59)
- Questions of staff
- Open the public hearing, receive any public comments, close public hearing

## **LAFCO COMMISSIONERS**

Paul McFarland, Tom Cage, Sarah Rea, Amanda Rice, Jennifer Kreitz, Rhonda Duggan, Bruce Woodworth

- Commission discussion; provide any desired direction to staff on the 2023-24 preliminary budget

**6. LAFCO BUSINESS**

- A. Pending Applications
- B. Municipal Service Reviews (MSR) update

**7. COMMISSIONER REPORTS**

**8. EXECUTIVE OFFICER'S REPORT**

- A. Update on property tax negotiations regarding the Snowcreek VIII Annexation
- B. Support Letter regarding AB 1753 (pg. 64)

**9. UPCOMING AGENDA ITEMS:**

- A. Adopt budget
- B. Appoint new Executive Officer

**10. ADJOURN** to a future special meeting before June 15, 2023. Discuss date and times with Commission for the June Budget adoption hearing.

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## Draft Minutes for AB361 Meeting September 8, 2022 – 2:00 pm

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**COMMISSIONERS PRESENT:** Lynda Salcido, Town of Mammoth Lakes; Rhonda Duggan and Jennifer Kretz, Mono County; Tom Cage and Paul McFarland, special districts; Bruce Woodworth, public member

**STAFF PRESENT:** Heidi Willson, Secretary, Wendy Sugimura, Director, Kelly Karl, Staff Planner

**PUBLIC:** Garrett Higerd

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1. **CALL TO ORDER** Meeting called to order at 2:05pm
2. **ADOPT RESOLUTION R22-03** to meet remotely under the Brown Act remote meeting laws per Assembly Bill 361.

**MOTION:** Approve resolution R22-03 to meet remotely.

Commissioner Duggan Motioned; Chair Cage Seconded.

Vote- Ayes: Kretz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)

3. **PUBLIC COMMENT**
  - No public comment
4. **ADJOURN** to September 8, 2022 at 2:05pm.

### LAFCO COMMISSIONERS

Paul McFarland, Tom Cage, Sarah Rea, Lynda Salcido, Jennifer Kretz, Rhonda Duggan, Bruce Woodworth

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## Draft Minutes September 8, 2022 – 2:05 pm

**COMMISSIONERS PRESENT:** Lynda Salcido, Town of Mammoth Lakes; Rhonda Duggan and Jennifer Kreitz, Mono County; Tom Cage and Paul McFarland, special districts; Bruce Woodworth, public member

**STAFF PRESENT:** Heidi Willson, Secretary, Wendy Sugimura, Director, Kelly Karl, Staff Planner

**PUBLIC:** Garrett Higerd

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Meeting called to order at 2:08 pm, Sugimura led the Commission in the Pledge of Allegiance.
2. **PUBLIC COMMENT:** No public comment
3. **MINUTES:**
  - A. Review and approve AB 361 meeting minutes of June 13, 2022  
**MOTION:** Approve AB361 meeting minutes of June 13, 2022  
 Commissioner McFarland Motioned; Chair Cage Seconded.  
 Vote – Ayes: Kreitz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)
  - B. Review and approve special meeting minutes of June 13, 2022  
**MOTION:** Approve special meeting minutes of June 13, 2022  
 Commissioner Kreitz Motioned; Commissioner Duggan Seconded.  
 Vote – Ayes: Kreitz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)

*\*Commissioner Kreitz requested that the minutes become consent agenda items.*

4. **2:05 PM PUBLIC HEARING: ADOPT RESOLUTION R22-04 UPDATING THE LAFCO FEE SCHEDULE**  
*(Wendy Sugimura)*
  - Receive staff report and ask any questions of staff.
    - -Sugimura gave a presentation and answered questions from the Commission.
  - Open the public hearing at 2:16 pm
    - -No public comment
  - Close the public hearing at 2:17 pm
  - Deliberate, make desired modifications.
    - -No modifications were requested.

### LAFCO COMMISSIONERS

Paul McFarland, Tom Cage, Sarah Rea, Kirk Stapp, Jennifer Kreitz, Rhonda Duggan, Bruce Woodworth

- Find that the project qualifies as a CEQA exemption under Public Resource Code §21080(b)(8) and 14 Cal Code Regs §15273, direct staff to file a Notice of Exemption, and adopt Resolution R22-04 updating the LAFCO fee schedule with any desired modifications.

***MOTION:*** Approve Resolution R22-04 updating the LAFCO fee schedule.

Commissioner Kreitz Motioned; Commissioner Duggan Seconded.

Vote – Ayes: Kreitz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)

## 5. ADMINISTRATION

- A. Resolution of Appreciation for Hank Brown

***MOTION:*** Approve Resolution of Appreciation for Hank Brown.

Commissioner Woodworth Motioned; Chair Cage Seconded.

Vote – Ayes: Kreitz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)

- B. LAFCO Handbook, Bylaws, Policies, and Procedures Amendment: Find that the project qualifies as an exemption under CEQA §15061(b)(3), direct staff to file a Notice of Exemption, and waive the second reading and adopt Resolution R22-06 (*Kelly Karl & Wendy Sugimura*)

Karl gave a presentation and answered questions from the Commission.

Commissioner McFarland requested for a future handbook update to expand the language on page 13 and 17 on consistency and notification of a condition of a permit and the relation to LAFCO.

***MOTION:*** Approve R22-06 for the LAFCO Handbook, Bylaws, Policies, and Procedures as presented.

Commissioner Kreitz Motioned; Commissioner McFarland Seconded.

Vote – Ayes: Kreitz, Duggan, Salcido, Woodworth, McFarland, Cage. (Passes 6-0)

## 6. LAFCO BUSINESS

- A. Update on property tax negotiations regarding the Snowcreek VIII Annexation (*Wendy Sugimura*)  
Sugimura gave a brief update.
- B. Municipal Service Reviews (MSR) update (*Wendy Sugimura*)  
Sugimura gave a brief update.

## 7. COMMISSIONER REPORTS

-No reports

## 8. EXECUTIVE OFFICER'S REPORT

-Sugimura will be attending the CAL LAFCO conferences.

## 9. UPCOMING AGENDA ITEMS:

- MSR review
- Report on LAFCO conferences

## 10. ADJOURN at 2:52pm to a future meeting as needed.

# Local Agency Formation Commissions

## Basic Guide - 101

MONO COUNTY LOCAL AGENCY FORMATION  
COMMISSION

# LAFCo's Function

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Implement State Policy on Local Agency Boundaries

Oversee --

- Creation of New Agencies
- Boundary Changes
- District Services
- Extensions of Services Outside Agency Boundaries

# Why LAFCOs Came About

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Post World War II population and housing boom in California led to:

- Scramble to finance and extend services
- City annexation "wars," and proliferation of limited purpose special districts

In 1959, the **Governor's Commission on Metropolitan Area Problems** was established and issued a report identifying problems and outlining recommendations.



# Lofty Goals -- Legislative Direction

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From: California Legislature

To: LAFCo

- ✓ *Promote Orderly Growth and Development*
- ✓ *Discourage Urban Sprawl*
- ✓ *Preserve Open Space and Prime Agricultural Lands*
- ✓ *Efficient Extension of Government Services*

*Consider Provision of Housing for Persons and Families of All Incomes, as well as **environmental justice, adequate water and Regional Transportation Plans***

## What the Courts have said

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- LAFCO is engaged in the pursuit of an overriding State purpose
- State laws fully occupy the field
- LAFCO is quasi-legislative; limited legal challenge to LAFCO decisions

## What the Courts have said (continued)

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- LAFCO is independent, not part of County Government
- Cannot directly regulate land use, but must consider the impacts of land use in its determinations
- LAFCO appoints an Executive Officer to conduct its day to day business

# Legislative History

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- 1963 – LAFCOs Created (County based)
- 1985 - Cortese-Knox Local Government Reorganization Act
- 1993 - AB 1335 (Gotch) – Several reforms
  - LAFCO can initiate certain types of changes
  - LAFCO can waive conducting authority hearings
  - Easier to seat special districts on LAFCO
- 2000 - AB 2838 (Hertzberg) – More reforms
  - Broaden LAFCO funding – not just the County anymore
  - LAFCO is the conducting authority for boundary changes
  - Require periodic sphere of influence and municipal service reviews updates
  - Requires city/county discussion re city sphere expansions
  - Require cities to prezone land
  - Add new LAFCO factors – water supply, regional housing

## LAFCos Are Independent

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- Commissioners make final decisions
- Adopt local policies reflecting unique local circumstances
- Decisions cannot be appealed to other administrative bodies
- Executive Officer accountable only to Commission and statutes

## Balanced Interests – Independent Judgment

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- Mono Co LAFCo - 7 Member Commission
  - 2 Town Council Members
  - 2 County Supervisors
  - 2 Special District members
  - 1 public member
  - One alternate member in each category



*All commission members shall exercise their independent judgment on behalf of the interests of residents, property owners and the public as a whole ...  
(Government Code Section 56325.1)*

# LAFCO Staffing

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- LAFCO appoints an Executive Officer to conduct the day-to-day business and make recommendations on proposals – for Mono County LAFCO this has been the Community Development Director or a designee with staffing provided by County
- LAFCO appoints a Legal Counsel – County Counsel staff
- LAFCO may either contract for staff services or have employees accountable to LAFCO

# LAFCO Funding & Budget

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- LAFCO must adopt a budget for each fiscal year (May 1 and June 15)
- LAFCO is funded by the County, cities and special districts in equal thirds, or the Cities and the County in halves (in some cases) – 1/3 TOML & County, MCWD / SMHD split remaining 1/3
- Authorized to charge fees to help offset expenses
- To reduce the budget from previous fiscal year, Commission must make a specific finding that it can complete its program with reduced funding



# LAFCO Authority

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- LAFCOs have broad authority to conditionally approve any proposal for a change of organization, reorganization, or sphere of influence.
- LAFCOs have this authority so they may effectuate the important policies LAFCOs are charged with protecting

# As a Planning Agency LAFCO

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- Prepares Municipal Service Reviews which examine public services
- Develops and updates Spheres of Influence for cities and districts
- Works cooperatively with public and private agencies and interests on growth, preservation and service delivery

# As a **Regulatory Agency** LAFCO

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- Manages modification of existing agencies and creation of new ones
- Can approve boundary changes if consistent with spheres
- Controls extension of public services
- Is prohibited from directly regulating how land is used, **however LAFCo must consider impacts of land use when making its determinations**

# CEQA Applies to LAFCo

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- LAFCOs are generally Responsible Agencies (using Lead Agency Environmental Documents)
- LAFCOs sometimes act as Lead Agencies (e.g., spheres of influence)
- Categorical exemptions are tailored to LAFCO actions - Classes 19 and 20

# Conclusion

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LAFCo's Function is:

- Quasi-Legislative
- Balances Competing Interests
- Decisions Must be Consistent with Policies
- Broad Discretion – Limited Jurisdiction
- Planning Responsibilities: Spheres and Service Reviews
- LAFCO acts as an independent referee among agencies and is distinct from a city/county or special district (21 in Mono Co)
- LAFCo processes are public

PowerPoint information from CKH act, CALAFCO, and Plumas Co LAFCO

MONO  
LAFCO HANDBOOK  
Including  
Bylaws, Policies, and Procedures

2022

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## **I. PURPOSE, JURISDICTION, AUTHORITY AND COMPOSITION**

### **A. PURPOSE AND EFFECT OF THESE POLICIES, STANDARDS AND PROCEDURES (56300)**

Mono LAFCO is charged with the duty of applying and incorporating the policies and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 into its decision making process regarding annexations, incorporations, reorganizations, formations and other changes of government. Mono LAFCO is required to adopt written policies and procedures and to exercise its powers in a uniform manner consistent with those policies and procedures and within the policy directives of the Act. Specifically, the policies and standards set forth in this chapter are designed to:

1. Provide Information: Give Mono LAFCO applicants who seek to reorganize guidance regarding the information they need to provide Mono LAFCO so that the Mono LAFCO staff can make appropriate determinations concerning their applications and provide information and notice to elected officials, governmental staff, and members of the general public as to the standards and procedures that Mono LAFCO will use in evaluating applications.
2. Set Criteria: Provide Mono LAFCO applicants with explicit guidance as to the criteria Mono LAFCO will use in approving, disapproving, amending, or conditionally approving applications for changes of organization.
3. Provide greater consistency in Mono LAFCO decision-making process by initiating regularly scheduled municipal service reviews.
4. Facilitate communication among local agencies in the region.
5. Minimize adverse impacts of growth on the social, economic and environmental structure of Mono County.
6. Provide for planned, orderly and efficient urban development patterns based upon comprehensive study and projection of future needs with appropriate consideration toward preserving open space and prime agricultural lands within those patterns.

### **B. THE LEGISLATURE'S CREATION OF LAFCO**

Mono LAFCO is an intra-local agency that was created by state legislation to ensure that changes in governmental organization occur in a manner that provides efficient and quality services and preserves open-space land resources.

The creation of Mono LAFCO was a legislative response to actions by local jurisdictions in the 1940s and '50s. These agencies incorporated or annexed large, irregular portions of land in a manner that resulted in irrational urban boundaries and isolated populations without efficient services or with no services at all. In 1963, the Legislature established a Local Agency Formation Commission in each county and delegated to them its regulatory authority over local agency boundary changes.

Additional legislation in the 1960s extended LAFCO authority. In the 1970s, the Legislature recognized the connection between decisions concerning governmental organization and the issues of urban sprawl and loss of prime agricultural land. In response to these concerns, Local Agency Formation Commissions were charged with implementing changes in governmental organization in a manner which would preserve agricultural and open-space land resources and provide for efficient delivery of services. Concerned that LAFCO organizations were responding reactively without considering long-term regional issues, in 1972 the Legislature began requiring LAFCO to adopt a sphere of influence for each agency

in its jurisdiction. The sphere is the physical boundary and service area each local government agency is logically expected to serve as it expands and each proposal the commission considers must be consistent with the sphere plan. The Legislature and the courts also require LAFCO to implement the California Environmental Quality Act (CEQA) as it applies to LAFCO actions.

In 1985, the Cortese-Knox Local Government Reorganization Act consolidated all statutes relative to local government changes of organization under Government Code § 56000, et seq. Later, in 1997, the Legislature assembled a Commission on Local Governance in the 21st century to examine governance issues with special attention to the Local Government Reorganization Act. “Growth within Bounds” is the commission’s report based on four major findings: 1) The future will be marked by continued phenomenal growth; 2) California lacks a plan to accommodate growth; 3) local government is plagued by fiscal insecurity; and 4) the public is not engaged.

The commission made eight recommendations:

1. LAFCO policies and procedures should be uniform, streamlined and clarified.
2. LAFCO must be neutral, independent and balanced in representation of counties, cities and special districts.
3. LAFCO powers must be strengthened to prevent sprawl and ensure the orderly extension and evolution of local government services.
4. The Legislature must strengthen LAFCO policies to protect agricultural and open-space lands.
5. The Legislature must comprehensively revise the state-local fiscal relationship.
6. The Legislature must develop incentives to encourage coordination of local plans within each region.
7. The Legislature must enhance communication, coordination, and procedures of LAFCO organizations and local governments.
8. The Legislature must increase opportunities for public involvement, active participation, and information regarding government decision-making.

These recommendations were incorporated into the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, which was adopted by the Legislature in September 2000, and became effective in 2001.

### **C. THE LEGISLATURE’S POLICY DIRECTION TO MONO LAFCO**

Legislature has charged LAFCO with carrying out changes in governmental organization to promote specified legislative policies now codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Cortese-Knox-Hertzberg Act is set forth at length in Section 56000 of the Government Code. Section 56001, 56300, 56301, 56375, 56377, and 56668, contains the following major policy elements:

1. Orderly Growth: LAFCO is charged with encouraging orderly growth and development. Providing housing for persons and families of all incomes is an important factor in promoting orderly development (56001).
2. Logical Boundaries: LAFCO is responsible for encouraging the logical formation and determination of boundaries (56001).
3. Efficient Services: LAFCO must exercise its authority to ensure that affected populations receive adequate, efficient and effective governmental services (56001).

4. Preservation of Agricultural and Open Spaces: LAFCO is required to exercise its authority to guide development away from open space and prime agricultural land uses unless such actions would not promote planned, orderly and efficient development (56001).

#### **D. MONO LAFCO JURISDICTION**

1. Specific Authority (56375). Mono LAFCO has the specific authority to review and approve or disapprove:
  - a. Annexations to, or detachments from, cities or districts.
  - b. Formation or dissolution of districts.
  - c. Incorporation or disincorporation of cities.
  - d. Consolidation, merger or reorganization of cities or districts.
  - e. The establishment of a subsidiary district(s).
  - f. The preparation of Municipal Service Reviews and adoption, amendment and update of Spheres of Influence.
  - g. Extensions of service beyond an agency's jurisdictional boundaries through out-of-agency-service agreements.
  - h. Pursuant to Government Code §56434, the commission may review and approve proposals that extend services into previously unserved territory.
  - i. Provision of new or different services by districts.
2. Limited Authority to Initiate Proposals (56375.2. a).  
Under specific circumstances, Mono LAFCO may initiate proposals resulting in consolidation of districts, formations, dissolution, merger, or establishment of subsidiary districts, or reorganizations that include any of those changes of organization.
3. Authority to Modify Proposals (56375.a. 1).  
Mono LAFCO has the power to conduct studies, make recommendations, approve or disapprove proposals, modify boundaries and impose reasonable terms and conditions on approvals of proposals. Mono LAFCO will weigh, balance, deliberate and set forth facts and determinations regarding each action taken by the commission.
4. Limitation of Authority Relating to Land Use Conditions (56375.6).  
In order to carry out the legislative policies identified above, Mono LAFCO will exercise its power to make findings and approve or disapprove applications, or to impose reasonable conditions on approved applications based upon findings of fact. However, while Mono LAFCO in general is charged with consideration of the impacts of land use in its determinations, it is prohibited from directing specific land use or zoning actions. Mono LAFCO can deny an application where the land use that would result violates the statutory policies of the Cortese-Knox-Hertzberg Act. The California Supreme Court has explained this unusual combination of power to deny coupled with no power to impose specific land use conditions to solve the same policy issue. It said the prohibition on imposing conditions regarding land use "*merely insures that final zoning decisions are made by the local agencies concerned. It certainly does nothing to detract from the power of a LAFCO to disapprove an annexation if it finds that it violates the detailed criteria which a Mono LAFCO must consider.*" Bozung v. LAFCO (1975) 13 Cal. 3d 263, 284. Thus, for example, Mono LAFCO may disapprove an application for an annexation to a city if it would create an area of urban development that is difficult to serve, or because it would cause the premature development of agricultural land. However, Mono LAFCO could not carry out the same policies by requiring land to be rezoned from residential to agricultural use, or by other direct exercise of land use authority through the zoning or subdivision process.

## **E. MONO LAFCO COMPOSITION AND LEGISLATIVE CHARGE**

The LAFCO commissioner's role cannot be separated from the role of the commission itself.

1. General Statutory Requirements: Mono LAFCO is an independent and neutral, intra-local agency created by the Legislature to implement policies that the Legislature determined must be addressed from a regional perspective.
2. Independent Agency: Mono LAFCO is, by statute, a separate public agency from the County, the cities and the districts that provide funding and appoint members from the different agencies and the public to the commission.
3. Intra-Local Representation: The legislative body of Mono LAFCO is the commission. The Legislature established the composition of the commission to be representative of the local governmental agencies in the county by providing for city, county, special district, and public membership.
4. Public Interest: While the commission is primarily made up of members appointed by individual local agencies, the Legislature requires the commissioners to exercise their independent judgment in carrying out the provisions of the Act and to make their decisions impartially, on behalf of the public as a whole (56325.1). Decisions required of Mono LAFCO relating to the most efficient form of local government and the preservation of agricultural and open-space lands inherently involve the balancing of potentially competing interests of cities, counties and special districts. In addition, such determinations usually affect the public at large because of various options for the delivery of services. Commissioners are not selected to represent or to cast the vote of their appointing agencies. While commissioners' decisions may be informed by their experience at their agency, the interests of that agency must not dictate those decisions.

Since commissioners are appointed by law to impartially carry out objective policies concerning public policy issues within the county, it is presumed that they will do so. It is for this reason that the Legislature determined that it is not an automatic conflict of interest for a commissioner to vote on issues that may affect their appointing agency. Nevertheless, if a commissioner feels that he or she is unable to act impartially, the commissioner should voluntarily disqualify himself or herself from participation on the issues presented.

## **II. BYLAWS FOR THE MONO LOCAL AGENCY FORMATION COMMISSION**

### **A. ARTICLE I – TITLE**

This commission shall be entitled and known as the Mono Local Agency Formation Commission.

### **B. ARTICLE II – MEETINGS**

#### Section 1 – Date and Place

Regular Meetings: The bylaws specify regular meetings shall be held on the second Thursday of each month, as needed. Scheduled meetings falling on holidays are held on the next regular business day or are rescheduled. At a minimum LAFCO will convene meetings in April and June to review/adopt the preliminary and final annual budget.

Special Meetings: Special meetings may be called as needed, provided at least 24 hours public notice is given to each member of Mono LAFCO and publicly posted in the Mono County offices and on the Mono County website. The notice must specify the items of business, and only those items can be considered.

Notices, Agendas and Staff Reports: Notices, agendas and staff reports for each meeting are prepared by the executive officer based upon matters of business scheduled to come before the commission.

Notices of hearings must be published in a local newspaper of record in accordance with the Cortese-Knox-Hertzberg Act or, if the Act is silent, at least 10 days prior to the meeting. A packet consisting of the agenda and all staff reports is distributed approximately five days prior to the meeting.

#### Section 2 – Chair

A chair shall be selected by the members. It is the intent that the position of chair be rotated among the members. A member shall serve as chair for one year or until a successor is selected, unless the commission by unanimous vote elects to retain the same chair for a second year. The chair's term of office shall begin on the first Monday in May.

#### Section 3 – Vice-Chair

A vice-chair shall be selected by the members to serve for one year or until a successor is selected. The vice-chair shall serve as chair in the absence of the chair. The office of vice-chair shall be rotated in a manner similar to that of the chair. The vice-chair's term of office shall begin on the first Monday in May.

#### Section 4 – Quorum

A majority of the commission's members shall constitute a quorum for the transaction of business.

#### Section 5 – Voting

A majority of the commission's members present at the meeting is required to approve, disapprove, or otherwise act on any proposal or other item. A tie vote shall constitute a denial.

### **C. ARTICLE III – RECORDS OF PROCEEDINGS**

Section 1. All papers involving official acts of the commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the chair or vice-chair attested by the executive officer or commission secretary shall be deemed sufficient.

Section 2. Routine correspondence, communications, or certifications may be signed by the executive officer.

Section 3. The executive officer shall keep a record of the resolutions, transactions, findings, and determinations of the commission.

### **D. ARTICLE IV – HEARINGS**

Section 1 – Oaths. All persons giving testimony before the commission may be sworn by the secretary.

Section 2 – Order of Presentation. The staff shall make its report first. The proponents shall then present testimony. After the staff and the proponents have presented testimony, the commission shall hear testimony of those opposing the proposed action.

Section 3 – Rules of Evidence. The formal rules of evidence applicable to an action of law shall not apply to hearings before the Mono Local Agency Formation Commission. The only rule that shall govern the admissibility or the reception of evidence is the requirement that

offered evidence has some reasonable tendency to explain or shed light upon the matter in inquiry.

## **E. ARTICLE V – COMMISSION COMPOSITION**

1. Selection of Members. The authority and procedures for selecting members to serve on Mono LAFCO are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (56325).
2. City Members. Two regular, and one alternate, city members are chosen by, and serve at the pleasure of, the Mammoth Lakes Town Council. City members of Mono LAFCO must be a member of Town Council during the time they serve. The appointed term of office on Mono LAFCO is four years, expiring on the first Monday in May.
3. County Members. Two regular, and one alternate, county members are appointed by, and serve at the pleasure of, the Board of Supervisors. The appointed term of office is four years, expiring on the first Monday in May. County members must be a County Supervisor during the time they serve.
4. Public Members. One regular and one alternate public member represent the general public. The public members are appointed by, and serve at the pleasure of, the regular city, county and special district members of Mono LAFCO. The public member and alternate serve a four-year term, which also expires on the first Monday in May. The manner of recruiting and selecting the public member is a policy decision for the regular city, county and special district members. No person appointed as a public member or alternate public member pursuant to (56329) shall be an officer or employee of the county or any city or district with territory in the county.
5. Special District Members. The commission of any county can be enlarged to seven members to include two special district representatives. Mono LAFCO has enlarged its commission in such a manner. The Special District Selection Committee appoints two regular and one alternate special district commissioners to serve on the commission. The two regular and one alternate special district commissioners serve four-year terms expiring on the first Monday in May. Special District commissioners are appointed by, and serve at the pleasure of, the Special District Committee, which is composed of the presiding officer or other board member of the legislative body of each independent special district in the county. If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings. As an alternative to the delivery of certified mail, the executive officer, with the prior concurrence of the district, may transmit the ballot and voting instructions by electronic mail, provided that the executive officer shall retain written evidence of the receipt of that material (56332 c.1).
6. Alternate Members. Alternate members assure there will be a qualified person entitled to vote when a regular member is disqualified or absent. Alternate members may participate fully in Mono LAFCO proceedings with the exception that they do not vote except in the absence or disqualification of a regular member.
  - a. The alternate city member may vote only in place of a regular city member.
  - b. The alternate county member may vote only in the place of a regular county member.

- c. The alternate public member may vote only in the place of the regular public member.
  - d. The alternate special district member may vote only in the place of a regular special district member. Alternate members receive the same compensation as regular members for their attendance. Alternates are encouraged to participate in Mono LAFCO meetings and attend CALAFCO conferences and workshops.
7. Compensation. The commission has authorized payment of a per diem to members of Mono LAFCO for attendance at Mono LAFCO meetings. Compensation is \$25 per meeting and both regular and alternate members may choose to receive this amount.
  8. Mileage and Expenses. Mileage to and from Mono LAFCO meetings is reimbursed at the current County rate. Mileage and other necessary expenses incurred while on LAFCO business are also compensable.

## **F. ARTICLE VI – COMMISSION RULES**

Rule 1. Resolutions of the commission may be adopted conditionally and referred to the commission counsel for drafting in proper form.

Rule 2. All questions of law shall be referred to the commission counsel for opinion.

Rule 3. An agenda shall be prepared by the executive officer for each meeting of the commission, and a clear description of all matters requiring action shall be set forth therein. The commission may act on several items on the agenda under the heading “Consent Agenda” at one time, provided that there has been compliance with any mandatory notice and hearing procedures.

Rule 4. The commission shall select a chair and vice-chair to serve for a period of one year from the selection.

Rule 5. The executive officer of the commission shall be appointed by the commission.

Rule 6. The county counsel of the County of Mono shall assign legal counsel to the commission.

Rule 7. The executive officer shall appoint a staff analyst, a commission secretary, and other staff, as necessary, to conduct the business of the Local Agency Formation Commission.

Rule 8. The chair may second any motion and present and discuss any matter as a member of the commission. The chair may vote on all matters before the commission.

Rule 9. The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of any objection, the chair may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as voting “aye.”

Rule 10. The chair shall preserve order and decorum and shall decide questions of order subject to appeal to the commission.

Rule 11. Any citizen desiring to address the commission, when recognized by the chair, shall be permitted to provide comments. The chair may, in the interest of facilitating the business of the commission, limit the amount of time a citizen may use in addressing the commission.

Rule 12. All official actions or decisions by the commission shall be recorded in the minutes of the commission meeting and communicated by the secretary to all interested parties.

Rule 13. Written protests may be filed with the secretary of the commission prior to the time of the public hearing or may be presented to the commission at the time of the public hearing. The commission may consider written protest as one of the factors involved in the evaluation of a proposal. Following the disposition of the proposal, all written protests shall be referred to the executive officer to be inserted in the proposal file.

Rule 14. A Petition, Resolution of Application, or Application for Initiation of Proceedings may be withdrawn only after it has been accepted for filing by the executive officer, with the approval of the commission, and in accordance with the terms and conditions imposed by the commission.

Rule 15. A Petition, Resolution of Application, or Application for Initiation of Proceedings filed with the executive officer shall be accompanied by a completed proposal questionnaire, in the manner and form prescribed by the commission. An Application for Initiation of Proceedings shall also be accompanied by a list of sponsors, in the manner and form prescribed by the commission.

Rule 16. The executive officer shall ascertain each local agency required by law to be notified of the hearing on the proposal and secure from each local agency affected by the proposal a written statement providing such information as may be required by the commission. The failure of any agency to provide the information required by the commission within 45 days from the date of receipt of the request for information by the executive officer shall be deemed to be complete acquiescence to the proposal on the part of the local agency, and the local agency shall not be permitted to give testimony or evidence at the hearing on the proposal unless the failure to provide the required information is explained to the satisfaction of the commission.

Rule 17. Any rule may be altered, amended, or repealed by majority vote of the commission, except that such alteration, amendment, or repeal shall not affect any pending matter.

Rule 18. Any rule may be temporarily suspended by unanimous consent of the commission.

Rule 19. At the meeting succeeding that during which a final vote on any question has been taken, said vote may be reconsidered on the motion of any member of the commission, provided notice of intention to move such reconsideration shall have been given at the meeting at which such final vote was taken by a member voting with the majority; and it shall not be in order for any member to move for reconsideration at the meeting at which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion except a motion to adjourn.

Rule 20. A checklist of procedural requirements for each proposal shall be prepared as part of the staff report for consideration by the commission.

Rule 21. A majority of the members of the commission shall constitute a quorum for the transaction of business.

Rule 22. Emergency or special meetings shall be called as provided in Section 54956 of the Government Code of the State of California.

Rule 23. The following procedures shall be utilized in the development and adoption of Spheres of Influence by the commission:

The executive officer of the commission shall solicit comments and opinions from the local governmental agency whose Sphere of Influence is under study and from other such agencies whose interest, in the opinion of the executive officer, may be affected by the study being undertaken. The information received from these agencies shall be considered by the executive officer in his/her preparation of a proposed Sphere of Influence determination for the agency.

Rule 24. Applicants shall pay the necessary processing fee to cover a portion of the costs of preliminary proceedings to be taken by the commission upon any proposal. The fee shall be deposited with the executive officer by the applicant within five days after the proposal is filed with the commission. No further action shall be taken on the proposal until the processing fee is deposited with the executive officer.

## **G. STAFF**

The Mono LAFCO does not have its own employees, per se. Instead, the executive officer and others in the Mono LAFCO office are employed by the County of Mono and are employed by virtue of the adopted budget and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH) of 2000.

1. Executive Officer. The executive officer serves at the pleasure of the commission. The commission may choose a new executive officer when a vacancy occurs or at any time



the services of the incumbent are not deemed satisfactory (56384). If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer (56384). The CKH Act sets forth the following specific responsibilities for the executive officer:

- a. Conduct and perform the day-to-day business of the commission (including, but not limited to, signing comment letters, preferably based on adopted policies of the membership body, and other non-controversial administrative items on behalf of the Commission, if deemed necessary outside of regular meeting months, and commenting on projects within LAFCO jurisdiction as needed);
  - b. Review each application filed and prepare a report, including recommendations thereon; and
  - c. Prepare an impartial analysis of a ballot proposition for approval by the commission when required by law.
2. Recruitment and Appointment. There are no statutory requirements for recruiting and appointing the executive officer. This matter is subject to the discretion of the commission. Mono LAFCO has traditionally appointed the Community Development Director or Designee as its executive officer.
  3. Commission Secretary. The commission secretary is supervised by the executive officer and serves at the pleasure of the executive officer and the commission. Responsibilities include a wide variety of clerical, administrative, and statutory responsibilities.
  4. Commission Counsel. The Mono Local Agency Formation Commission utilizes the county counsel's office as commission counsel. Counsel advises the commission with respect to applicable statutes, proper proceedings, and other matters as necessary.
  5. Other Staff. (a) Further, the CKH Act provides in Section 56386.a, that the officers and employees of a city, county, or special district, including any local agency, school district, community college district, and any regional agency, or state agency or department, as may be necessary, or any other public agency shall furnish the executive officer with any records or information in their possession that may be necessary to assist the commission and the executive officer in their duties, including, but not limited to, the preparation of reports pursuant to Sections 56665 and 56800. (b) Upon request by the commission or the executive officer, the county surveyor, or any other county officer, county official, or employee as the board of supervisors may designate, shall examine and report to the commission or the executive officer upon any application or other document involving any of the matters specified in subdivision (1) of Section 56375.

## H. BUDGET

1. Authority to Develop and Adopt. The CKH Act (56381) requires LAFCO to annually adopt a budget. The budget must be at least equal to the budget adopted for the previous fiscal year unless the commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirement of the Act. The CKH Act provides methods for apportioning LAFCO staffing and program costs among the County, Town and special districts. Through an agreement between the Town of Mammoth Lakes and Mono County, Mono LAFCO budgets have been funded equally between the Town and County and the remaining third is split between the two largest special districts, Southern Mono Hospital District and Mammoth Community Water District.
2. Budget Preparation Calendar. The executive officer prepares a proposed budget for LAFCO review. Per 56381, the commission shall adopt a proposed budget by May 1 and a final budget by June 15, after noticed public hearings. Once a budget is adopted by LAFCO, it is submitted to the County to be included in the budget recommendation to the Board of Supervisors. LAFCO may unilaterally amend its budget at any time on or

before June 10. With the Board of Supervisors' concurrence, the LAFCO budget may be amended at any time prior to adoption of the final budget by the County.

3. **Rollover Amount:** Any amount not expended in the current fiscal year will be rolled over to the next fiscal year as a credit for each of the funding members. The credit will reduce the required contribution for the next fiscal year, proportional to the member's contribution amount. The budget will reflect an estimate of the rollover amount and will be finalized after the close of the fiscal year, and then the finalized credit will be applied to each member's contribution amount.

### **III. LAFCO GENERAL POLICIES AND STANDARDS (See 56668)**

The following are the general policies and standards that Mono LAFCO will apply to matters under Mono LAFCO consideration. Circumstances may arise where the application of one policy or standard may conflict with the application of another; in that event, Mono LAFCO will exercise its discretion to balance policies in a manner consistent with the directives within the Cortese-Knox-Hertzberg Act and with the standards set forth in these written policies and procedures.

#### **A. COMMUNICATION BETWEEN LOCAL AGENCIES**

Mono LAFCO has determined that an important part of its role is to encourage and promote communication and collaborative planning and studies between public agencies (such as the county, cities and special districts), members of the public, and service-providing members of the private sector such as water and electric companies.

#### **B. URBAN DEVELOPMENT**

Mono LAFCO will encourage application proposals that promote urban development to include annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Mono LAFCO will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services. Urban development includes development that utilizes either public water or sewer, and that involves industrial or commercial use, or residential use with density of at least one unit per 1.5 acres.

#### **C. DISCOURAGING URBAN SPRAWL**

Mono LAFCO will discourage urban sprawl, and the commission will make findings and deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, public sewer and public water.

#### **D. ENVIRONMENTAL CONSEQUENCES (CEQA)**

LAFCO shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 and the Guidelines for implementation of the California Environmental Quality Act. Like other public agencies, Mono LAFCO is required to comply with CEQA and consider the environmental consequences of its actions. Each proposal must receive the appropriate environmental review for consideration by the commission in making its decisions at times. Mono LAFCO is a "responsible agency" and reviews and considers the environmental document prepared for the project by another agency (city, county, or special district). Occasionally, Mono LAFCO will be the "lead agency" and may be required to prepare and certify a Negative Declaration or Environmental

Impact Report (EIR) for a proposal. If a city, county, or special district is the proponent, it is usually the lead agency.

#### **E. BALANCING JOBS AND HOUSING**

Mono LAFCO will encourage applications that improve the regional balance between jobs and housing. Mono LAFCO will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the commission that any adverse impacts of the proposal on the regional affordable housing supply will be mitigated.

#### **F. COMPACT URBAN FORM AND INFILL DEVELOPMENT ENCOURAGED**

When reviewing proposals that result in urban development, Mono LAFCO will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. Mono LAFCO will favor development of vacant or under-utilized parcels already within a city or other urbanized area before annexation of new territory.

#### **G. PUBLIC ACCESSIBILITY AND ACCOUNTABILITY**

Mono LAFCO recognizes that the public's ability to participate in the local governance process is improved when the government structure is simple, accessible, and when decision-makers are accountable to those affected. The commission will consider this principle when it evaluates proposals for change of organization or reorganization.

#### **H. ADEQUATE SERVICES**

Mono LAFCO will consider the ability of an agency to deliver adequate, reliable and sustainable services and water resources, and will not approve a proposal that has significant potential to diminish the level of service in the agency's current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.

#### **I. EFFICIENT SERVICES**

Community needs are normally met most efficiently and effectively by proposals that:

1. Utilize existing public agencies rather than create new ones;
2. Consolidate the activities and services of public agencies in order to obtain economies of scale from the provision of consolidated services; and
3. Restructure agency boundaries and service areas to provide more logical, effective, and efficient local government services.

#### **J. COMMUNITY IMPACTS:**

Mono LAFCO will consider the impacts of a proposal and any alternative proposals on adjacent areas, on mutual social and economic interests, and on the local government structure. The commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.

1. Application. The application shall describe the effect the annexation could have on adjacent areas and outside the agency. It shall also describe any social and economic benefits, or detriments, that will accrue to the agency and other affected agencies. The proposal should not be motivated by inter-agency rivalry, land speculation, or other motives not in the public interest, and should not create significant negative social or economic effects on the County or neighboring agencies.
2. Explanation and Discussion. This standard responds to the Cortese-Knox-Hertzberg factor listed under Section 56668(c). As worded in the law, the factor is somewhat vague

and tends to overlap with the purpose of several other standards, including those pertaining to the protection of agricultural land, meeting needs of the housing market, orderly growth, and the provision of urban services. Consequently, meeting this standard requires placing in perspective the overall beneficial consequences of a proposal as compared to potential negative impacts, through qualitative analysis.

3. Benefits. Examples of mutual social and economic benefits include achieving a balanced housing supply within the community, the provision of commercial areas where existing commercial development does not meet the needs of residents, the creation of new employment opportunities to meet the needs of the unemployed or under-employed, protecting sensitive resources, advancing the time when public improvements needed by the larger community may be provided, improvement of levels of service within the community without incurring additional costs or harming other public service providers and protection of communities of regional/national economic and social importance, through the utilization of permanent open space and reserve areas. These types of benefits may, in a given case, argue for a project as off-setting negative consequences or negative determinations identified in responding to other discretionary standards. The written response to this standard provides the opportunity to make a case for a proposal which, based on other standards, might appear to be questionable.
4. Impacts. Potential negative impacts upon the County and neighboring agencies will also be considered. Examples include proposals that negatively impact Special District budgets or service provision or proposals that demand Special District services without the provision of adequate funding, threaten major employers, alter current/future military missions or otherwise cause hardship to communities of regional/national economic and social importance.
5. Required Documentation. In cases where Special Districts might be harmed, either through detachment or annexation, the applicant should work with the executive director to identify the affected agencies and work with those agencies to identify and mitigate the impacts prior to the LAFCO hearing.
6. LAFCO will not normally approve detachments from special districts or annexations that fail to provide for adequate mitigation of the adverse impacts on the district. Where the adverse impact is fiscal, adequate mitigation will normally include a permanent funding source for lost revenues or increased costs to the affected Special District. Where potential impacts on other agencies have been identified, the application may be deemed incomplete or the LAFCO hearing continued until the applicant has met with the affected agencies and made a good-faith effort to reach agreement with those agencies on appropriate mitigation.
7. Standard. This standard requires that an application for a change of organization or reorganization show the interrelationship and effect of the proposed project on adjacent areas, both within and outside the boundaries of the affected agency, and to weigh the overall beneficial aspects of a proposal as compared to the potential negative impacts. The application shall provide a written response to this standard and all supporting documentation regarding mitigation.
8. LAFCO Action. If the applicant and the affected agencies have reached agreement on permanent, annual mitigation for the impacts to affected agencies, LAFCO will normally include the mitigation measures in its terms and conditions approving the change of organization. If the parties have failed to reach agreement, LAFCO shall hear from both sides and determine an appropriate mitigation, if any, and impose that mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCO's authority and approval would, in the determination of the commission, seriously impair the district's operation, the commission may choose to deny the application.

## **K. CONFORMANCE WITH GENERAL, TRANSPORTATION, AND SPECIFIC PLANS**

1. Consistency with General and Specific Plans. Mono LAFCO will approve changes of organization or reorganization only if the proposal is consistent with the general plan and relevant specific plans and transportation plans of the applicable planning jurisdiction.
2. Planning Jurisdiction. The applicable planning jurisdiction is as follows:
  - a. For areas within a city's sphere of influence, the city is the applicable planning jurisdiction; and
  - b. For areas outside a city's sphere of influence, Mono County is the applicable planning jurisdiction.
3. Notification of Consistency. Prior to consideration of the application and proposal by Mono LAFCO, the applicable planning jurisdiction shall be requested to advise Mono LAFCO in writing whether the proposal meets all applicable consistency requirements of state law, including internal consistency. If the applicable planning jurisdiction is also applying to Mono LAFCO by Resolution of Application, such findings may be included in the resolution. Mono LAFCO shall retain independent discretion to determine consistency and may require additional information if necessary, particularly where the proposal involves an amendment to the general plan of the applicable planning jurisdiction.
4. Consistency Found Adequate. For purposes of this standard, the proposal shall be deemed consistent if the proposed use is:
  - a. Consistent with the applicable general plan designation and text; and
  - b. The anticipated types of services to be provided are appropriate to the land use designated for the area.
5. Pre-zoning or Planning. All territory proposed for annexation must be specifically planned and/or pre-zoned by the planning agency. The pre-zoning or zoning of the territory must be consistent with its general plan and sufficiently specific to determine the likely intended use of the property. State law permits no subsequent change to the zoning by a city for a period of two years under most circumstances.

## **L. BOUNDARIES**

1. Definite Boundaries Required. Mono LAFCO will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain, and fully described.
2. Boundary Criteria. Mono LAFCO will normally favor applications with boundaries that do the following:
  - a. Create logical boundaries within the affected agency's Sphere of Influence, and where possible, eliminate previously existing islands or other illogical boundaries.
  - b. Follow natural or man-made features and include logical service areas, where appropriate.
3. Boundary Adjustments. Mono LAFCO will request that applicants amend their proposals if boundaries:
  - a. Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity.
  - b. Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further distort existing boundaries.
  - c. Are drawn for the primary purpose of encompassing revenue-producing territories.
  - d. Create areas where it is difficult to provide services.
4. Boundary Disapprovals. If Mono LAFCO cannot suitably adjust the boundaries of a proposal to meet the criteria established in item 2 above, it will normally deny the proposal.

## **M. REVENUE NEUTRALITY**

Revenue neutrality is applicable to all proposals. Mono LAFCO will approve a proposal for a change of organization or reorganization only if the commission finds that the proposal will result in a similar exchange of both revenues and service responsibilities among each affected agency. A proposal is deemed to have met this standard if the amount of revenue that will be transferred from an agency or agencies currently providing service in the subject territory to the proposed service-providing agency is substantially equal to the expense the current service provider bears in providing the services to be transferred.

1. Adjustment to Create Revenue Neutrality. In the event the expense to the new service provider is substantially greater than or less than that amount of revenue transferred from the current service provider, the current service provider and new service-providing agency must agree to revenue transfer provisions to compensate for the imbalance. Such provisions may include, but are not limited to, tax sharing, lump-sum payments, and payments over a fixed period.
2. Failure to Achieve Revenue Neutrality. Where achieving substantial revenue neutrality is not possible because of the limitations of state law, Mono LAFCO shall impose all feasible conditions available to reduce any revenue imbalance, or it may deny the proposal. The commission recognizes that strict compliance with the revenue neutrality standard may not be feasible for certain proposals and that the need for service may sometimes outweigh the requirement for complete revenue neutrality. Where the failure to achieve revenue neutrality is primarily due to a disagreement between the affected agencies, the commission shall deny the application.
3. Revenue-Sharing Agreements. Paragraphs 1, 2, and 3 of this section will be considered to be complied with if:
  - a. The affected agencies have agreed to a specific revenue split for the proposal and have filed a copy of that agreement with the executive officer with a statement that the agreement adequately provides for revenue neutrality; or
  - b. A master tax exchange agreement or agreed-upon formula is in effect between the affected agencies and the agencies confirm in writing that such agreement is applicable to this proposal and that it provides for a balanced exchange of service costs and revenues.

## **N. PRIME AGRICULTURAL AND OPEN SPACE LAND CONSERVATION**

A primary goal of Mono LAFCO is the preservation of open space and prime agricultural lands. Mono LAFCO will exercise its powers to preserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code, and open-space land as defined in Section 65560 of the Government Code pursuant to the following standards

1. Conditions for Approval of Prime Ag/Open Space Land Conversion. Mono LAFCO will apply a heightened level of review when considering proposals for changes of organization or reorganization likely to result in the conversion of prime ag/open-space land use to other uses, and will approve such proposals only when the commission finds that the proposal will lead to planned, orderly, and efficient development. For purposes of this standard, a proposal leads to planned, orderly, and efficient development if all of the following criteria are met:
  - a. The land subject to the change of organization or reorganization either is contiguous to lands developed with an urban use or lands that have received all discretionary approvals for urban development.;

- b. The proposed development of the subject lands is consistent with the Spheres of Influence, including the master services element of the affected agency or agencies; and
  - c. The proposal will have no significant adverse effect on the physical and economic integrity of other adjacent or nearby ag/open-space lands.
2. Approved Sphere of Influence Required. Mono LAFCO will not make the affirmative findings that the proposed development of the subject lands is consistent with the Spheres of Influence in the absence of approved Spheres of Influence, containing all of the elements required by Section III.B below.
  3. Determining Impact on Adjacent Ag/Open Space Lands. In making the determination, whether conversion will adversely impact adjoining prime agricultural or open-space lands, Mono LAFCO will consider the following factors:
    - a. The prime ag/open space significance on the subject and adjacent areas relative to other ag/open-space lands in the region;
    - b. The use of the subject and the adjacent areas;
    - c. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby prime ag/open-space land, or will be extended through or adjacent to any other prime ag/open-space lands that lie between the project site and existing facilities;
    - d. Whether natural or man-made barriers serve to buffer adjacent or nearby prime ag/open-space land from the effects of the proposed development; and
    - e. Applicable provisions of the general plan Open Space and Land Use elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture or open-space land.
  4. Comments on Prime Ag/Open Space Projects. Mono LAFCO will comment upon, whenever feasible, a Notice of Preparation for Environmental Impact Reports (EIRs) or projects that involve the development of large tracts of open space or agricultural land.
  5. Williamson Act Contracts – Spheres. The commission will not normally approve a change to the Sphere of Influence of a local government agency of land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (the Williamson Act) if that local government agency provides or would provide facilities and services related to sewers, nonagricultural water, or streets and roads to the land unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the Sphere of Influence. Mono LAFCO will make specific findings considering the criteria and applicability of Government Code Section 56426.5 prior to approval of a change to the Sphere of Influence.
  6. Williamson Act Contracts – Annexations. Mono LAFCO will not normally approve or conditionally approve a change of organization or reorganization that would result in an annexation by a city or a special district of land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (the Williamson Act), if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract. Mono LAFCO shall consider the criteria and applicability of annexing land pursuant to Government Code Section 56856.6.
  7. Agricultural Buffer Policy. Mono LAFCO will normally disapprove an annexation of territory to a city or district or the formation of a district that will facilitate urban development where the territory to be annexed or formed is adjacent to agricultural lands unless adequate protections are included in the proposal to protect agricultural activities on nearby agricultural lands. Adequate protection shall normally be provided for an open-space buffer of adequate width along the boundary (for example, 300 feet in width) to

protect adjacent agricultural lands and activities. The commission will consider other methods after making a finding, based on thorough environmental analysis and substantial evidence in the record, or that a buffer of reduced width and (or) an alternative are equally effective in protecting adjacent agricultural land and activities. Any protections shall be in the form of long-term legally enforceable restrictions such as a restrictive covenant or open-space easement enforceable by the public as well as the annexing or forming agency.

#### **O. NEED FOR SERVICES**

A need for the services that will be made available must be established. Mono LAFCO will determine that a need for service exists if any of the following situations are present:

1. Public Health and Safety Threat. If the lack of the service creates a demonstrated threat to the public health and safety.
2. Community Needs. If a proposal includes the extension or provision of community services that are not considered growth inducing, such as fire protection, recreation, road maintenance, etc., and the residents of the area have indicated a desire for the service. A positive indication from the residents may be established by a city or district being requested by residents to initiate annexation on their behalf.
3. Five-year Urbanization. If a proposal will result in the extension of services that may reasonably be expected to result in urbanization of the subject territory, the area growth patterns must indicate that the subject area is likely to be developed for urban use within five years, if permitted, and local planning regulations provide:
  - a. It is designated for urban uses in the appropriate land use authority's general plan;
  - b. If the proposal includes annexation to a city, the subject territory has been pre-zoned for urban uses; and
  - c. Development at the site is consistent with the policies of the applicable general plan, and the policies of the Cortese-Knox-Hertzberg Act.

#### **P. TRIBAL LANDS**

If a proposal involves an amendment or establishment of a Sphere of Influence or change of organization, which could ultimately lead to the provision of services to tribal lands, the proper tribal authority shall be informed of Mono LAFCO's intention to seek a partial waiver of sovereign immunity prior to its approval of a change of organization.

#### **Q. UPDATED MUNICIPAL SERVICE REVIEW REQUIRED**

At the time Mono LAFCO receives an application for a sphere of influence amendment, information contained in the applicable Municipal Service Review (MSR) shall be reviewed and updated, as necessary. Revised determinations within an applicable MSR will be required when significant changes in the MSR baseline result in inconsistencies with existing MSR determinations.

#### **R. EXCEPTIONS**

Mono LAFCO may make exceptions to any of the standards in this chapter if it determines that such exceptions can be justified under one or more of the following grounds:

1. Unique. The project has a unique physical constraint that is so unusual and inconsistent with other similar locations that granting an exception would not constitute a grant of a special privilege.
2. Standards Conflicts. The exception is required to resolve conflicts between standards of the policies set forth herein.



3. Quality/Cost. Making an exception results in significantly improved quality or substantially lower cost of service available.
4. No Alternative. The exceptions are required because no feasible or logical alternative exists.

## IV. SPHERES OF INFLUENCE

### A. GENERAL POLICIES

Mono LAFCO must adopt a sphere of influence for each city and each district in its jurisdiction, and all Mono LAFCO actions must be consistent with a sphere plan. Mono LAFCO must review as necessary and update each agency's Sphere of Influence at least once every five years. A Sphere of Influence is defined in Section 56425 of the Government Code as "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the commission."

The determination of a Sphere of Influence is one of the most important planning functions given to Local Agency Formation Commissions by the state Legislature. The Cortese-Knox-Hertzberg Act is an important tool for "planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities describes Spheres of Influence." Spheres serve a similar function in Mono LAFCO determinations as general plans do for cities and counties. Consistency with the adopted sphere is mandatory, and changes to the plan require careful review.

While Mono LAFCO encourages the participation and cooperation of the subject agency, the sphere of influence plan is a Mono LAFCO responsibility, and the commission is the sole authority as to the sufficiency of the documentation and the plan's consistency with law and Mono LAFCO policy. In determining the sphere of influence of each agency, Mono LAFCO must consider and prepare a written statement of its determinations with respect to the following four factors as required by Section 56425 (e) of the Cortese-Knox-Hertzberg Act:

1. The present and planned land use in the area;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services provided by the agency; and
4. Any social or economic communities of interest in the area that the commission determines are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
  - Upon determination of a sphere of influence, the commission shall adopt that sphere.
  - On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.
  - In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to

- ensure wide public dissemination of the recommendations
- When adopting, amending or updating a sphere of influence for a special district, the commission shall do both of the following:
  - 1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts; and
  - 2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

In order to prepare and update spheres of influence, Mono LAFCO is required to conduct a review of the municipal services provided in the county, region, subregion, or other appropriate designated area. The standards, procedures and policies Mono LAFCO applies to service reviews are set forth in these policies and procedures. Spheres of influence must be consistent with the findings of the applicable municipal service reviews and will be modified as necessary.

1. Consistency Requirement. Every sphere of influence plan must be internally consistent, as well as consistent with Mono LAFCO's Policies and Procedures, the state Legislature's policy direction to Mono LAFCO, the sphere plans of all other agencies in the area, the commission's statement of written determinations with respect to its review of municipal services in the applicable area, and with the long-range planning goals for the area.
2. Sphere Boundaries. In establishing the boundaries of a sphere of influence plan for an agency, Mono LAFCO will consider the factors listed in Section 56425 (e) of the Government Code as noted above.
  - a. With respect to the second factor (present and probable need for public facilities and services), Mono LAFCO will not include lands that are unlikely to require the services provided by the agency; e.g., lands not designated for development by the applicable general plan, territory where development is constrained by topographical factors, or areas where the projected and historical growth rates do not indicate a need for service within the timeframe of the sphere plan.
  - b. With respect to the third factor (present capacity of facilities and adequacy of services), Mono LAFCO will not include areas in an agency's sphere of influence, which cannot feasibly be served by the agency within a time frame consistent with the sphere plan.
3. No Concurrent Amendment. Mono LAFCO will not amend a Sphere of Influence concurrently with its action on an applicant's proposal. Exceptions to this standard generally will be discouraged and will occur only when necessary and practical and at the direction of the commission upon the recommendation of the executive officer.
4. Time Factor. Sphere of Influence amendments and municipal service reviews will ordinarily take longer to process than applications for changes of organization and generally will require more-detailed information.
5. Updated Plans Encouraged. Agencies are encouraged to keep the supporting documentation for their Municipal Service Reviews and Sphere of Influence plans up to date so that applications for changes of organization or reorganization are able to proceed with minimal delay.
6. Planning Concern Area. Mono LAFCO may designate, at its discretion, a geographic area beyond the Sphere of Influence as a Planning Concern Area to any local agency.
  - a. An Area of Concern is a geographic area beyond the Sphere of Influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency ("the Concerned Agency"). For example, approval of a housing project developed to urban densities

on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such situation would be the Concerned Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.

- b. Mono LAFCO will notify any Concerned Agency when the commission receives notice of a proposal of another agency in the Planning Concern Area to the Concerned Agency, and will give great weight to its comments.
7. Zero, Minus, and Interim Spheres. The commission may adopt a “zero” sphere of influence (encompassing no territory) for an agency when the commission has determined that the public service functions of the agency are either non-existent, no longer needed, or should be reallocated to some other agency of government. Adoption of a “zero” sphere indicates the agency should ultimately be dissolved. The commission may initiate dissolution of an agency when it deems such action appropriate. The commission may adopt a “minus” sphere (excluding territory currently within that agency’s boundaries) when it has determined that territory within the agency’s boundaries is not in need of the agency’s services, or when the agency has no feasible plans to provide efficient and adequate service to the territory in question. The commission may adopt an “interim sphere,” which means a sphere of influence boundary that will remain in effect until such time that the agency is joined into a city or another special district capable of providing the same or broader level of services.

## **B. CONTENTS OF THE SPHERE OF INFLUENCE PLAN**

1. General Requirements. The Spheres of Influence for all cities and special districts within Mono LAFCO jurisdiction shall contain the following:
  - a. A sphere map and phased plan for annexation of the depicted territory defining the probable boundary of the agency’s service area 20 years hence (the long term of influence) and identifying a near term of influence defining the agency’s logical boundary for lands likely to be annexed prior to the next sphere review or update (typically within five years). The phased annexation plan may include specific conditions for particular areas that must be satisfied before annexations may occur.
  - b. Documentation to support the commission’s determinations regarding the factors stated in §56425(e). Generally, this information will be provided in the applicable Municipal Service Review(s), supplemented and updated as necessary to assure the information and analysis satisfy Mono LAFCO policy requirements and are complete, current and accurate.
2. Specific Requirements for City Sphere Plans.
  - a. City/County Agreement. When required by G. C. §56425(b), a city and county shall meet and confer regarding the boundaries of the city’s sphere prior to the commission’s final determination. If a city and county have reached agreement regarding the boundaries, development standards, and zoning requirements within a proposed city sphere, the commission shall give great weight to the agreement in the commission’s final determination of the city’s sphere.
  - b. Parcel Inventory and Absorption Study. The commission must be able to make a positive determination that the city’s sphere is consistent with its historical and expected growth rates, and that the territory within the sphere is likely to be annexed within the 20-year time frame. The commission’s determination will be based on information provided by the city, including: 1) vacant land inventory; 2) analysis of the vacant lands to determine their suitability for development; and 3) market study to determine the absorption rate of the usable vacant lands. If the city is unable to

supply such information, LAFCO will make a sphere determination after considering the city's historical growth rates for each land use designation, pertinent city and use and zoning regulations, and the physical characteristics of the property intended to be included in the sphere.

- c. Spheres for New Cities. The commission should adopt a Sphere of Influence plan for a newly incorporated city within a year of the date of incorporation.
3. Specific Requirements for District Sphere Plans.
  - a. Appropriate capacity. A district's sphere plan must document that the territory within the district's sphere is likely to require the district's services and that the district has or will have the capacity to serve the area at the appropriate level.
  - b. Spheres for new districts. Mono LAFCO will adopt a Sphere of Influence plan for a newly formed district within two years of the completion of formation proceedings.

### **C. MUNICIPAL SERVICE REVIEWS**

In order to establish an appropriate sphere for an agency, Mono LAFCO must have adequate information on present and future service needs in the area and the capabilities of the agency to meet those needs. To this purpose, the Cortese-Knox-Hertzberg Act requires Mono LAFCO to conduct service reviews prior to establishing or updating spheres of influence. A service review is a comprehensive review of provision of specified services within a designated geographic area. Its purpose is to evaluate the provision of services on a regional basis and to recommend actions, when necessary, to promote the efficient provision of those services. The service reviews are intended to help Mono LAFCO, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services. Mono LAFCO uses the information and analysis provided by the Municipal Service Review (MSR) to ascertain whether an agency can provide adequate and efficient services to the areas in the agency's sphere within the applicable time frame.

Mono LAFCO will prepare or update the appropriate Municipal Service Reviews prior to or in conjunction with the adoption or update of an agency's sphere of influence plan. In general, Mono LAFCO will conduct such reviews on a service-by-service basis for designated geographic areas. The commission will periodically develop and implement a multi-year coordinated schedule for preparing MSRs and updating spheres of influence, in accordance with the Legislature's direction to review each agency's sphere of influence every five years and update as necessary and provided for in Mono LAFCO's budget.

1. General Standards. Mono LAFCO shall prepare Municipal Service Reviews in conformance with the provisions of Government Code §56430. A Municipal Service Review must provide information specific to each agency to support the commission's written determinations with respect to the following:
  - a. Growth and population projections for the affected area;
  - b. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies;
  - c. Financial ability of agencies to provide service;
  - d. Status of, and opportunities for, shared facilities;
  - e. Accountability for community service needs, including governmental structure and operational efficiencies; and
  - f. Any other matter related to effective or efficient service delivery.

2. Municipal Service Reviews Must Support Spheres of Influence. In addition to the requirements discussed above, Municipal Service Reviews shall contain information on which the commission can base its determination of the appropriate sphere of influence for an agency, including:
  - a. Identification of existing land uses and a reasonable projection of land uses, which would occur if services were provided consistent with each agency's sphere of influence plan. This analysis should include maps and explanatory text detailing the following:
    - Present designated and actual land uses in the area, improved and unimproved properties, and agricultural and open-space lands, as defined by G.C. Sections 56064 and 56059;
    - Proposed future land uses in the area; and
    - Discussion of present and probable future needs for public facilities and services in the sphere area. The discussion should include consideration of the need for all types of major facilities, not just those provided by the agency.
  - b. A determination of the present and future capacity of facilities and adequacy of services the agency provides or has plans to provide. The review must include specific information and analysis of how the agency will meet anticipated growth in demand within its current boundaries and within the area included in its sphere. This information will guide the commission's designation of appropriate sphere of influences in the Sphere of Influence plan. The required information should include the following:
    - Maps and explanatory text that indicate the location and capacity of existing and proposed facilities, including a plan for timing and location of new or expanded facilities;
    - An estimate of projected revenue and expense over the sphere of influences, specifically identifying the cost of planned new facilities or services and projected source(s) of revenue to fund those new facilities or services.; and
    - Actual and projected costs of services to consumers in current dollars. A statement of actual and projected allocations of the cost of services between existing and new residents shall be included.
  - c. Identification of any relevant social or economic communities of interest in the area. For example, an area completely within one subdivision governed by a single homeowners association should be noted, in order to avoid unnecessary division of the territory between service agencies.
  - d. Uses of the Municipal Service Review. Upon approval of the Municipal Service Review, Mono LAFCO will utilize it both in establishing the agency's sphere of influence and in the consideration of all proposals affecting that agency.

#### **D. AMENDMENTS AND UPDATES OF SPHERES**

1. Adoptions and Revisions. Mono LAFCO will adopt, amend, or update Sphere of Influence plans after a public hearing and pursuant to the procedures set forth in Section 56430 of the Cortese-Knox-Hertzberg Act. Sphere actions are subject to the provisions of the California Environmental Quality Act (CEQA). After the initial updates, Sphere of Influence plans for every city and special district within the county shall be updated as necessary as determined by the commission. Wherever possible, city sphere updates shall be scheduled to coincide with city general plan updates.
2. Amendments and Updates Defined. Amendments generally involve discrete changes to a sphere of influence map or plan that are proposed by an agency or individual to accommodate a specific proposal. An amendment may or may not involve changes to the

Municipal Service Review information. Updates generally involve a comprehensive review of the entire sphere of influence plan, including the map and applicable Municipal Service Review(s).

3. Amendments Required. An amendment to the sphere of influence plan or municipal service review will be required in the following circumstances:
  - a. To modify a sphere by adding or removing territory;
  - b. To move territory from one sphere of influence to another;
  - c. When a district seeks to provide a new or different function or class of service; and
  - d. When an agency proposes a significant change in its plans for service that make the current sphere plan impractical.
4. Updates Required. Mono LAFCO will review the adopted sphere of each agency not less than once every five years, and will update it, as the commission deems necessary. Prior to completion of a sphere of influence update, Mono LAFCO will request the agency provide updated information for the applicable Municipal Service Review(s) and the Spheres of Influence. In the absence of adequate information from the agency, the commission will complete the sphere update by identifying the territories that currently receive the agency's services and excluding unserved territories from the sphere.
5. General Requirements. Mono LAFCO will generally treat an update or a proposed amendment to an agency's Sphere of Influence similarly to an application for approval of a Sphere of Influence. Each of the following sets of policies apply to amendments to and updates of Spheres of Influence:
  - a. General policies; and
  - b. Specific policies and standards for Spheres of Influence and for updates and amendments thereto.

Mono LAFCO will not approve a sphere plan that would result in a sphere that is inconsistent with other Mono LAFCO policies or standards unless a specific finding is made.

6. Precedence of Amendments over Annexations. Sphere of Influence amendments shall precede the commission's consideration of proposals for change of organization or reorganization.
7. Treatment of Amendment under Spheres of Influence. Mono LAFCO will not place territory in an agency's sphere of influence unless the agency can show an immediate need for service by clear and convincing evidence.
8. Demonstrated Need Required. An application for amendment to a Sphere of Influence must demonstrate a projected need or (in the case of reduction of the sphere) lack of need for or inability to provide service.
9. Prime Agricultural and Open Space Land. Mono LAFCO will not approve amendment proposals involving sphere expansion that contain prime agricultural or open-space land if there is sufficient alternative land available for annexation within the existing Sphere of Influence.

#### **E. DISTRICTS AND SERVICES THAT ARE NOT GROWTH-INDUCING**

The commission may prepare abbreviated Municipal Service Reviews and Sphere of Influence Updates for agencies and districts providing non-growth inducing services, and where appropriate, determine Sphere of Influence actions to be exempt from the provisions of CEQA.

Non-growth-inducing services are defined as all public services except water conveyance, treatment, extraction and use of ground and (or) surface water for domestic services or to facilitate urban development; domestic wastewater collection, treatment and disposal to facilitate urban development; road construction and maintenance services. Districts providing

non-growth- inducing services normally would serve finite geographical areas, surrounded by public lands, provide limited specified services to residents or landowners, have coterminous district/sphere of influence boundaries and are not generally or routinely considered for expansion through annexations or sphere amendments for the purpose of providing services for existing or future urban development.

## V. ANNEXATIONS AND DETACHMENTS

### A. GENERAL STANDARDS FOR ANNEXATION AND DETACHMENT

These standards govern Mono LAFCO determinations regarding annexations to and detachments from all agencies.

1. Consistency with Mono LAFCO Policies. The annexation or detachment must be consistent with the General Policies set forth in Section II of this chapter above.
2. Consistent with regional transportation plans and with city or county general and specific plans.
3. Consistency with Spheres and Municipal Service Reviews.
  - a. The annexation or detachment must be consistent with the internal Spheres of Influence boundaries. The land subject to annexation shall normally lie within the sphere of influence, which is land expected to be annexed before the next sphere update.
  - b. The annexation must also be consistent with the applicable Municipal Service Review. An annexation or detachment shall be approved only if the Municipal Service Review and any update done as part of the annexation process demonstrate that adequate services will be provided within the time frame needed by the inhabitants of the annexed or detached area.
  - c. Proposed annexations of lands that lie outside of the sphere of influence are presumed to be inconsistent with the Sphere Plan. In such case, the agency or proponent must first request Mono LAFCO consider a sphere amendment to bring the territory within the sphere of influence. Only if the amendment is approved can Mono LAFCO proceed with the annexation proposal.
4. Plan for providing services required. Every proposal must include a plan for providing services that addresses the items identified in Government Code Section 56653. This plan for providing services must be consistent with the Municipal Service Review of the agency.
5. Contiguity. If required by statute, or if necessary to ensure efficient service provision, territory proposed to be annexed must generally be contiguous to the annexing city or district. Territory is not contiguous if its only connection is a strip of land more than 300 feet long and less than 200 feet wide. (Government Code §56031 & § 56119)
6. Piecemeal Annexations Are Discouraged. Mono LAFCO will favorably consider proposals that are a part of an orderly, phased annexation program by an agency for territory within its Sphere of Influence. Mono LAFCO may modify small, piecemeal annexations within the sphere to include additional territory in order to promote orderly annexation and logical boundaries.
7. Annexations to Eliminate Islands. Proposals to annex islands and that otherwise correct illogical distortion of boundaries will be approved unless they would violate another provision of these standards.
8. Annexations That Create Islands. An annexation will not be approved if it will result in the creation of islands of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries. The commission may nevertheless approve the annexation where it finds that annexation as proposed is necessary for orderly growth

and that reasonable effort has been made to include the island in the annexation but that inclusion is not feasible at this time.

9. Service Requirements. An annexation or attachment shall not be approved merely to facilitate the delivery of one or a few services to the detriment of either existing or future delivery of a larger number of services or services more basic to public health and welfare.
10. Adverse Impact of Annexation on other Agencies or Service Recipients. Mono LAFCO will deny annexation proposals that would result in significant adverse effects upon other service recipients or other agencies serving the affected area unless the approval is conditioned to avoid such impacts.
11. Need for Services. An annexation will normally not be approved unless an agency can demonstrate there is a demand and need for services in the short-term and that the annexation will not be premature meeting the criteria in Section II O.
12. Action Options. Mono LAFCO shall take one of the following three actions on an application for annexation or detachment:
  - a. Approve the proposal if it has found the change to result in the most efficient delivery of services for the affected population and complies with other applicable standards.
  - b. Modify or conditionally approve the proposal to ensure efficient service delivery and meet other policy objectives. These may include, but are not limited to:
    - Waiver of detachment from an existing service provider or, in the alternative, appropriate detachment fees.
    - Entering into a Joint Powers Agreement with another service provider.
    - Requiring the inclusion of additional territory or exclusion of territory in order to achieve boundaries that are more logical.
    - Such other conditions as authorized by Government Code § 56886.
  - c. Deny the annexation. In the event of such a denial, Mono LAFCO, where appropriate, may provide direction as to changes in the proposal that could cause the commission to consider approving a revised application.
13. Service Extensions. Mono LAFCO disfavors extension of services by an agency without annexation unless such extension is by contract with another government entity or a private utility and the agency has sought Mono LAFCO approval through the filing of an application to Approve Out-of-Agency Service Agreement.

## **B. DETERMINATION OF THE MOST-EFFICIENT SERVICE PROVIDER**

Mono LAFCO will approve an annexation and (or) detachment only if the commission determines that the annexing agency possesses the capability to provide better services for the affected population.

1. Best Combination of Service and Cost. For purposes of this standard, the best provider is the agency that provides the best combination of service cost and service level. In the case of providers with similar service costs, the provider with higher service levels normally shall be preferred. In the case of providers of similar service levels, the provider at the lowest cost normally shall be preferred. In comparing the providers of adequate but low-cost services, with high-quality, high-cost services, the commission shall make the decision based on the facts of the specific situation, compliance with other Mono LAFCO policies and the preferences of the affected population.
2. Annexation/Detachment. In the case of a city annexation and detachment from a special district, Mono LAFCO may consider the broader service issues in making the determination whether to approve the detachment and shift of services from the special district to the city. Even though when looked at in isolation, the service provided by the special district may be superior, Mono LAFCO may consider the overall efficiency and



- advantages of a single multipurpose agency and determine that these advantages justify the shift of service to the multipurpose agency or city.
3. “Affected Population” Defined. For purposes of this standard, “affected population” means any of the following:
    - a. The population, which inhabits or will inhabit the subject territory;
    - b. The population already being served by the annexing agency; or
    - c. The population of existing or potential alternative service providers.
  4. Factors to be Considered. In evaluating the capability of an annexing agency or of alternative agencies, to provide the required service, Mono LAFCO shall utilize the information from the Municipal Service Reviews applicable to the proposed annexing entity, current service providers, and potential alternative service providers. In addition, Mono LAFCO shall take into account all of the following factors:
    - a. Physical accessibility of the territory to the agency’s service provision resources. For example, is the agency the provider of sewer service whose plant can most easily gravity-feed from the subject territory?
    - b. The agency’s possession of or ability to acquire resources necessary to provide the needed service. For example, an agency may be judged unable to acquire water rights necessary to provide the water services needed by a territory proposed for annexation.
    - c. The agency’s historic service provision effectiveness and efficiency. For example, an agency may be judged an inefficient service provider if it has a previously documented history of service interruptions, accidents, safety hazards, excessive complaints, noncompliance with CEQA, illegal activities or excess costs/charges.
    - d. The appropriateness of the agency’s organizational structure to meet service needs. The legislative policy established in the Cortese-Knox-Hertzberg Act to favor consolidation of services into a single multi-service provider over allowing the proliferation of single-purpose service agencies.
    - e. The possibility of a negative effect on alternative service providers and those who use their services.
    - f. Other information supplied by the agencies and (or) developed by Mono LAFCO.
    - g. The factors listed in Government Code Section 56668.
  5. Mono LAFCO Makes Determination. Mono LAFCO shall determine the most efficient overall service provider or combination of providers, not the affected agencies.

### C. CITY ANNEXATIONS

1. Annexation of Streets. Annexations shall reflect logical allocation of streets and rights of way. Specifically:
  - a. Mono LAFCO may require inclusion of additional territory within an annexation in order to assure that the city reasonably assumes the burden of providing adequate roads to the property to be annexed. Where adjacent lands in the city will generate additional traffic, Mono LAFCO may require the city to annex the streets that serve these lands.
2. Mono LAFCO will favorably consider annexations with boundary lines located so that all streets and rights of way will be placed within the same jurisdiction as the properties that either abut thereon or use the streets and rights of way for access.
3. Urban Boundaries. Annexation boundaries shall normally be adjusted to include adjacent urbanized areas to maximize the amount of developed urban land inside the city, to minimize piecemeal annexation, and to ensure the provision of urban services to the urbanized area. As used herein, “urbanized areas” means an area developed with relatively intensive residential, commercial or industrial development of a type that normally requires municipal services such as public water and/or sewer.

4. Pre-zoning Required. The Cortese-Knox-Hertzberg Act requires the city to rezone territory to be annexed, and prohibits subsequent changes to the general plan and/or pre-zoning designations for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing consistent with the provisions of GC 56375 (e). The city's pre-zoning must take into account the likely intended development of the specific property.

In instances where Mono LAFCO amends a proposal to include additional territory, the commission's approval of the annexation will be conditional upon completion of pre-zoning of the new territory.

#### **D. DETACHMENTS FROM CITIES AND DISTRICTS**

1. General Requirements. Mono LAFCO will generally disfavor the detachment of territory from a high-quality service provider unless the following can be demonstrated:
  - a. The detachment is necessary to ensure delivery of services essential to the public health and safety;
  - b. The successor provider will be the most efficient services provider to the area as determined pursuant to Section IV.B above and the detachment will not significantly reduce the efficiency of service delivery to the remaining inhabitants of the current service provider's territory; or
  - c. The agency is not providing service to the territory and is not likely to provide service in the foreseeable future.
2. Bonded Indebtedness. Detachment from a city or special district shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness incurred previously by the city or district to provide service to the detaching property unless the following apply:
  - a. The relief from indebtedness is part of a revenue exchange agreement applying to the detachment; and
  - b. The agency is legally authorized to and agrees to assume the cost and spread it over the remaining property within the agency.

#### **E. EXTENSION OF SERVICES BY CONTRACT (GOVERNMENT CODE § 56133)**

This section applies only to contracts to extend services beyond a local agency's jurisdictional boundaries (Out-of-Agency Service Agreements), which are subject to the provisions established by Section 56133 of the Government Code.

1. General Standards.
  - a. Applicable Policies: When considering requests to extend services by contract beyond an agency's jurisdiction boundaries, Mono LAFCO will apply the same general substantive policies as for annexation requests. In addition, the application must be made in anticipation of annexation. As used in this section, the term "in anticipation of annexation" means that the agency has established to the satisfaction of Mono LAFCO a reasonable probability that the property will be annexed within a reasonable period.
  - b. Subsequent Annexation Application Required  
For all contract service extensions, the requesting agency must either:
    - File a concurrent application with Mono LAFCO for annexation of the property; or
    - Carry out both of the following:
      - 1) Place a condition in its contract with the property owner requiring submittal of an annexation application within a period not to exceed two years; and

- 2) Record a notice against title to the property specifying that in the event that the agency does not proceed with annexation, the property owner must make application to Mono LAFCO for annexation of the territory within two years of Mono LAFCO approval of the request
  - Mono LAFCO may waive the General Standards included in Section E (1) a and b above for Out-of-Area Service Agreements if it can be demonstrated that near-term annexation is not feasible and the would-be servicing district makes all reasonable efforts for annexation to move forward at the earliest time possible and landowners consent to annexation to the district providing the services.
  - Contract Request Approval does not Guarantee Annexation Approval. The requesting agency shall advise the property owner in writing that approval of a contract request does not guarantee that an application to annex the property will be approved by the commission.
  - Unapproved Contracts Null & Void. If an agency enters into a contract without Mono LAFCO approval, the contract shall be null and void. If the executive officer receives notice of a violation of these provisions, he or she shall place the item on the commission's agenda for consideration of appropriate action.
  - Urgency Approvals. In a case that conforms to the standards set forth in this section (IV E), and that also involves an imminent peril to public health and safety, applicants may submit an abbreviated application, along with the applicable deposit as specified in the Mono LAFCO fee schedule, to be considered for temporary urgency approval by the executive officer. The executive officer shall present the matter to the commission at the next available meeting for final consideration.
1. Delegation of Executive Officer to Review and Approve Out-of-Area Agreements
  - a. The commission hereby affirms, that the executive officer is empowered and authorized by these policies and procedures to perform the administrative task of reviewing and approving Out-of-Agency Service Agreements submitted by Mono LAFCO applicants consistent with these policies and Government Code §56133, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the commission documents the delegation of said authority to the executive officer by and through the adoption of these policies and procedures. In the event the applicant disagrees with the executive officer's decision he may apply for reconsideration to the commission.
  - b. The executive officer may on a case-by-case basis defer the authority to consider of an Out-of-Agency Service Agreement back to the commission.

## **VI. INCORPORATIONS, FORMATIONS, CONSOLIDATIONS, DISSOLUTIONS AND DISINCORPORATIONS.**

### **A. INCORPORATION OF CITIES**

1. Compliance with Mono LAFCO Policies Required. Mono LAFCO will approve incorporation only if it finds that the proposal complies with the general policies and standards applicable to all changes of organization or reorganization, as well as with the following specific policies for incorporation and procedures of Mono LAFCO.
2. Determination of the Need for Incorporation. Mono LAFCO will only favor a proposal for incorporation if the commission finds that there is a significant unmet need for urban services or need for improved urban services within the territory for which incorporation

is proposed. In determining whether such a need for urban services exists, the commission will base its determination on:

- a. Current levels of service in the area to be incorporated;
  - b. Whether the area proposed for incorporation is already substantially urbanized or applicable general plans, specific plans, or area plans and/or realistic population and growth projections demonstrate the need for urbanization of the affected area within the next five years;
  - c. The Spheres of Influence for the jurisdictions currently providing services to the area.
  - d. The preferences of the community proposing to incorporate; and
  - e. Whether the incorporation proposal can be structured to ensure the long-term preservation of open space or agricultural lands.
3. Better Combination of Services. Mono LAFCO will approve a proposal for incorporation only if it finds that a new city on the whole will provide the best combination of urban services to the affected population.
  4. Public Benefit Considered. Mono LAFCO will consider whether the proposed incorporation will benefit the affected population as a whole, or only a select group. Absent other considerations, Mono LAFCO will not approve an incorporation proposal that amounts to a grant of governmental powers to a special interest group.
  5. Balancing Adverse Impacts. In making its decision on the incorporation, Mono LAFCO shall weigh the benefits of the incorporation against adverse impacts of the incorporation on:
    - a. Particular communities or groups in the incorporating area or affected unincorporated area;
    - b. Other service providers within the area of the proposed incorporation, including the County; and
    - c. Prime agricultural and open-space lands and the prevention of urban sprawl.
  6. Plan for Providing Services Required. A proposal for incorporation must include a plan for providing services that addresses the items identified in Government Code Section 56653.
  7. Prime Agricultural and Open Space Land. Prime agricultural and open-space land that is not designated for urbanization within the next five years of the date of the receipt of the application shall not be included within the boundaries of a proposed city unless the commission determines that inclusion is necessary for logical boundaries and orderly growth and the proposal is structured to ensure the long-term preservation of the open space or agricultural lands
  8. Comprehensive Fiscal Analysis Required. A comprehensive fiscal analysis (CFA) of the projected fiscal condition of the new city shall be prepared as required by Government Code §56800. The applicant shall provide a draft CFA for review by Mono LAFCO staff for accuracy and content. Any such CFA shall project income and expense for a period of seven years after incorporation.
  9. Substantial Revenue Neutrality and Fiscal Solvency Required. Mono LAFCO will approve a proposal for incorporation only if the Comprehensive Fiscal Analysis required by Section 56833.1 of the Government Code demonstrates that the proposed city will be able to fund municipal services and remain financially solvent, after making adjustments to attain revenue neutrality. As used herein, the term “revenue neutrality” shall mean an exchange of revenue and service delivery costs between the new city and the various affected agencies, as more specifically established by Government Code Section 56815. In determining revenue neutrality, Mono LAFCO will consider the overall impact of all agency funds and will not necessarily require revenue neutrality in each separate fund.
  10. Financial Review Request. Any interested person or agency may request a review of the CFA by the Office of the

State Controller within 30 days of the commission's acceptance of the CFA as complete. The requesting party will be responsible for the State Controller's charges to conduct the review, and is required to deposit the estimated cost before the review will be initiated. If the requesting party fails to deposit the estimated cost and execute a payment agreement for the balance within seven days of being notified of the amount, the request will be deemed withdrawn.

11. Competing Applications Relative to the Proposed Incorporation. If Mono LAFCO receives more than one application affecting an area proposed for incorporation, and such competing application(s) is received within 30 days of the initial application for incorporation, the commission shall consider such competing application(s) before approval of the incorporation proposal pursuant to Government Code §56657.

## **B. DISTRICT FORMATION**

1. Consistency with Mono LAFCO Policies. The formation of a special district must be consistent with the general policies set forth in these Policies and Procedures, as well as specific policies for formations
2. Unmet Needs. Mono LAFCO will encourage special district formations in areas that demonstrate a need for such services and areas where no existing agency can adequately or efficiently provide such services.
3. Plan for Providing Services Required. Every proposal for formation of a new special district must include a plan for providing services that addresses the items identified in Government Code Section 56653.
4. Mono LAFCO will Establish the Service Pattern. Mono LAFCO's approval of a district formation will designate the nature, location, and extent of any functions or classes of services for the new district. This designation will be based upon the plan for providing services.
5. Consistency Required. Mono LAFCO will only approve district formation applications that foster development that is consistent with the General transportation and specific plans of all affected land use authorities.
6. Conflicts Not Allowed. Mono LAFCO will not approve district formations when the plan for providing services developed by applicants for district formations conflict with the plan for providing services of other agencies unless higher quality, more efficient service provision will occur as determined under Section IV.B above.
7. Public Benefit Considered. When considering applications for district formation, Mono LAFCO may consider whether the formation of the agency amounts to a grant of governmental powers to a special interest group. Mono LAFCO will also consider the impacts on other service providers, including the County.
8. Fiscal Solvency. The applicant for any district formation shall be required to prepare, a fiscal analysis for the proposed district that projects services to be provided, costs to service recipients, and revenue and expenses for a period of at least 5 years. Mono LAFCO will not approve an application for district formation unless the fiscal analysis demonstrates the district can provide the needed services and remain fiscally solvent. If the financing element of the plan for providing services requires voter or landowner approval (for instance, a special tax or benefit assessment), Mono LAFCO's approval of the proposal will require voter approval of the funding mechanism as a condition for completion of the formation.

## **C. PROVISION OF NEW SERVICES BY DISTRICTS**

1. Policies Applicable to New Service Proposals. Mono LAFCO will evaluate a proposal for a district to provide new services using the policies and standards applicable to the formation of a new district.

2. Plan for Providing Services Required. A proposal must include a plan for providing services that addresses the items identified in Government Code Section 56653.
3. New Services not Subsidized. Mono LAFCO will not approve a proposal for the provision of a new service where it is reasonably likely that existing ratepayers and/or taxpayers will have to subsidize the new service. The plan for providing service must include a fiscal analysis for the new service containing the elements set forth as required by Government Code §56800.

#### **D. CONSOLIDATIONS AND MERGERS OF DISTRICTS INTO CITIES**

1. Policies Applicable to Consolidations and Mergers. Mono LAFCO will approach the issues of consolidation of cities or districts in the same way as incorporation or a district formation. The merger of a district into a city will be treated as if it were an annexation of the district's territory combined with a detachment or dissolution.
2. General Requirements. Based upon a submitted plan for providing services and any other data provided, Mono LAFCO will determine whether the cities' or districts' organizations and operations can feasibly be combined. Mono LAFCO will give particular attention to the following:
  - a. The plan for providing services and safeguards to ensure uniform and consistent service quality throughout the newly consolidated or merged jurisdiction.
  - b. Staffing levels, personnel costs, and employment contracts.
  - c. Potential for cost efficiencies and economies of scale.
  - d. Potential for improved governance and accountability.
  - e. Plans for restructuring agency debt.
  - f. Provisions for combining capital reserves and improvement plans.
  - g. Provisions for establishing zones of benefit, if necessary.
3. Special Consolidation Procedures. Government Code Section 56853). If two or more local agencies file an application to consolidate that meets the standards established in Government Code Section 56853, the commission will either approve the proposal or require conditions that will ensure the proposal is consistent with Mono LAFCO policy. The commission will notify the agencies of change in the proposed conditions in the application, in accordance with the provisions established in Government Code Section 56853.
4. Procedure for Formation of Subsidiary Districts. Proposals for the merger of a district into a city or establishment of the district as a subsidiary district of the city shall follow the special procedure set forth in Government Code Sections 5686156863.

#### **E. MONO LAFCO-INITIATED CHANGES OF ORGANIZATION AND REORGANIZATION**

1. General. Mono LAFCO may initiate its own proceedings for consolidation of districts; and the dissolution, merger, or establishment of subsidiary districts; or reorganizations that include any of these changes of organization in accordance with all relevant provisions of the Cortese-Knox-Hertzberg Act §56375 (A). Such changes of organization shall hereinafter be referred to as Mono LAFCO initiated proposals for the purposes of this section.
2. Consolidation/Reorganization. Initiation of a consolidation or reorganization must be consistent with the recommendation of a consolidation study prepared pursuant to Government Code §56378 and/or §56425 or 56430 (Municipal Service Reviews), which evaluates the factors listed in Section III C. The commission will publicly consider a request from any interested person or agency to conduct such a study, or may initiate such as study on its own.

3. Procedure for Initiation of Proposals by the Commission.
  - a. The commission may initiate a proposal for any combination of change of organization or reorganization consistent with the recommendation of a study conducted pursuant to this section.
  - b. The commission shall adopt a resolution of initiating the proposal at a public meeting. The resolution shall contain all the information normally included in a Resolution of Application. The executive officer shall provide each affected agency with notice of the meeting at least 21 days in advance.
  - c. The commission may decide to refer the matter to a reorganization committee constituted pursuant to Section Government Code Section 56826.
  - d. A proposal initiated by the commission will be processed in accordance with all normal and specific procedural requirements of Cortese-Knox-Hertzberg and these policies.
4. Policy Considerations. The commission's general and applicable specific policies and standards will be used to evaluate Mono LAFCO-initiated proposals. Additionally, the commission must make specific determinations pursuant to Government Code Section 56881 if it approves a Mono LAFCO-initiated proposal:
  - a. Public service costs of the proposal are likely to be less than or substantially similar to the costs of alternative means of providing the service.
  - b. The change of organization or reorganization promotes public access and accountability for community service needs and financial resources.

## **F. DISINCORPORATION AND DISTRICT DISSOLUTIONS**

1. Grounds for Disincorporation and District Dissolutions. Mono LAFCO will approve a proposal for disincorporation/dissolution only if it determines that:
  - a. The services offered or authorized are no longer necessary; or
  - b. The services can be provided more efficiently by another agency or provider and that agency agrees to provide the services; or
  - c. The agency is insolvent and unable to provide the services.
  - d. The agency meets the conditions for non-use of corporate powers set forth in Government Code Section 56871.
2. Bonded Indebtedness. Where possible, Mono LAFCO shall condition any dissolution to provide for the repayment of any bonded indebtedness or other obligations of the dissolved agency.
3. Disposition of Remaining Funds. A disincorporated city must turn its treasury over to the County Treasurer within 30 days of disincorporation. A dissolved district shall turn over its funds to its successor as determined under Government Code §57451.

## **G. REORGANIZATIONS**

1. Evaluation Process. Mono LAFCO will independently evaluate each component organizational change that makes up a reorganization proposal following the standards of this chapter applicable to that component of the reorganization. Mono LAFCO will then balance the overall benefits against the costs and adverse impacts, in deciding on the reorganization as a whole.
2. Mitigation Requirements. The service quality, efficiency, and effectiveness available before reorganization shall constitute a benchmark for determining significant adverse effects upon an interested party. Mono LAFCO will approve a proposal for reorganization that results in significant adverse effects only if effective mitigating measures are included in the proposal.

## VII. GENERAL PROCEDURES

### A. APPLICANT RESPONSIBLE FOR COST OF SERVICE

Applicants are expected to pay all costs associated with processing a proposal through Mono LAFCO, including, without limitation, staff time at approved charge-out rates, consultant charges, county and state charges, and other expenses. Mono LAFCO's adopted fee schedule, which is attached to these Bylaws, and may, require the payment of an initial deposit and subsequent billing for staff time at an hourly rate. If the deposits or subsequent bills are not paid in a timely manner, processing of the proposal will be suspended until payment is submitted.

### B. NOTICE AND PUBLIC PARTICIPATION

1. Public Participation Encouraged. Mono LAFCO encourages participation in its decision-making process. Mono LAFCO shall endeavor to provide the widest possible dissemination of notice and shall not necessarily be limited to the minimums required by law and this operations manual. Opportunity to be heard shall be provided at Mono LAFCO meetings in accordance with the procedures set forth in the Bylaws.
2. Unnecessary Public Hearings Eliminated. Where Mono LAFCO is authorized by the Cortese-Knox-Hertzberg Act to consider a proposal without public hearing, the proposal will be considered without a public hearing, unless the executive officer or the commission determines that the matter is of sufficient public interest or controversy to warrant a public hearing.

### C. PREFERENCE FOR RESOLUTION OF APPLICATION

1. Initiation of Applications. While the Cortese-Knox-Hertzberg Act permits initiation of applications to Mono LAFCO either by resolution of an affected agency or by direct landowner/voter petition, Mono LAFCO prefers that the resolution procedure be utilized wherever feasible. Use of the resolution of application procedure is preferable because: 1) it involves the affected public agency early in the process to assure that the agency's needs are considered; and 2) it better integrates CEQA processing by the affected public agency as lead agency.
2. Petition-initiated Application. Prior to accepting a petition-initiated application, Mono LAFCO will require the proponents to demonstrate that they have attempted to initiate proceedings by a resolution of application but that the agency has refused to adopt such a resolution.

### D. APPLICATION REQUIREMENTS

1. Preapplication discussion. Mono LAFCO encourages a preapplication discussion between the proponent and Mono LAFCO staff, which can save the prospective applicant substantial time once the process has begun. Mono LAFCO staff will review procedures, information requirements, and processing fees with the applicant and provide application forms.
2. Complete Application. Applications to the commission must contain all the information and materials required by the Government Code Sections 56652 and 56653 as well as the applicable fees or deposit toward fees plus time and materials as specified by the Mono LAFCO Fee Schedule. Except when the commission is the lead agency pursuant to the California Environmental Quality Act (as defined in Public Resources Code Section 21067), an application must also contain complete documentation of the lead agency's environmental determination. No application for a change of organization or



reorganization will be deemed complete and scheduled for hearing unless the requirements of Revenue and Taxation Code Section 99 regarding tax apportionment agreements of the Revenue and Taxation Code have been satisfied.

3. Indemnification. The application shall also include an agreement to pay costs and indemnification. The agreement to pay costs for time and materials and indemnification must be signed by the applicant for the application to be deemed complete. Where the application is by resolution of application from an agency, the application and related agreements must be signed by an authorized officer of the agency.
4. Application Timeline. All applications shall be deemed complete with all written documentation required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commission procedures, or the executive officer within one year of the date of the application being submitted to Mono LAFCO. If the application is not deemed complete within one year, the applicant shall be notified that the proposal will be returned unless a request for a hearing or extension is filed within 30 days. At that time the request for hearing or extension will be placed on the next available agenda and the commission may grant the extension for up to 90 days or may agree to hear the proposal on the next available agenda. If the extension or hearing is not granted or if the proposal is not complete within the time extension the proposal shall be terminated and returned to the applicant. The applicant shall forfeit the processing fees and be responsible for any cost recovery fees associated with the proposal.

#### **E. RECONSIDERATION OF MONO LAFCO DECISIONS**

1. Request and Fees. The request for reconsideration shall be made consistent with the provisions of Government Code Section 56895, and shall be accompanied by the appropriate reconsideration fee deposit as established in the Mono LAFCO Deposit Schedule. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations.
2. Grounds for Reconsideration. Mono LAFCO will normally only change its previous determination where one or more of the following circumstances are shown to exist:
  - a. Compelling new evidence exists about the proposal, that was previously unavailable, that might alter the commission decision.
  - b. Factors significant to the commission decision were overlooked, or have changed, such as a change in an applicable federal, state, or local law that might alter the commission's decision.
  - c. A significant, prejudicial error in procedure is found.
  - d. The executive officer shall review the reconsideration request to ensure compliance with the above.

#### **F. CONDUCTING AUTHORITY PROCEEDINGS (GOVERNMENT CODE § 57000)**

1. Waiver of Conducting Authority Proceedings. The commission may waive final Conducting Authority proceedings and authorize the executive officer to file a Certificate of Completion upon approval of a change of organization or reorganization and satisfaction of all terms and conditions pursuant to Government Code Sections 56663 and 57200 and after the reconsideration period is over
2. Setting the Matter for Hearing. The commission shall include in the terms and conditions

of its approval for a proposal a stipulation of a period, not less than 21 or more than 60 days, to be allowed for the collection and filing of written protests. Within 35 days of final Mono LAFCO action, the executive officer shall set the matter for hearing according to the schedule stipulated by the commission and cause a notice thereof to be published in compliance with Government Code Section 56150 et seq.

3. Delegation of Authority to Conduct Protest Hearing. The commission shall delegate to the executive officer the authority to conduct a protest hearing unless it specifies otherwise. Such delegation may include making the finding regarding the value of written protests and appropriate order as authorized by Government Code Section 57075 et seq. Such delegation shall be stated in the terms and conditions for approval of the subject proposal.

## **VIII. ADOPTION AND AMENDMENT**

### **A. REGULAR AMENDMENTS**

Regular Amendments to these policies shall be made as follows:

1. Full Text. The full text of any proposed amendment shall be sent to all members in the same manner as agenda packets, as specified in the Mono LAFCO Bylaws.
2. Amendment Proposed. At the meeting, the proposed amendment shall be read aloud in its entirety by the Chair, unless the commission waives such reading. Discussion may occur and modifications be made to the proposed amendment, but it may not be approved at that first reading.
3. Amendment Circulation. The proposed amendment to the policies, with any commission modifications, shall then be circulated to the following entities for their review and comment prior to adoption:
  - Town of Mammoth Lakes
  - County of Mono
  - Special Districts
4. Amendment Agendized. The proposed amendment, with any modifications, shall be agendized and read a second time at the next regular meeting of the commission, unless the commission waives such reading. Any comments received from local agencies shall be presented. Further discussion, and modifications may be made to the proposed amendment and it may be adopted at this second reading. Fees, when adopted separately by public hearing, are incorporated upon that adoption without further formal amendment to the Handbook

### **B. FILING OF POLICIES**

Upon approval of these policies, and any amendments thereto, a copy shall be posted on the Mono LAFCO website.

## FEE SCHEDULE

Adopted via Resolution No. R22-04 on September 8, 2022.

Application and processing fees are based on time and materials. Deposits must be paid in full for an application to be deemed complete. Fees in excess of the deposit that accrue during permit processing are billed separately. Fees paid in excess of the actual cost of service shall be refunded at the conclusion of proceedings. All services are provided at the hourly rate for staff (currently \$99/hr).

Application Processing – \$495 deposit for the first five hours of staff time and then billed at \$99/hour:

- Annexation or Detachment
- Extension of District Powers
- Merger of Subsidiary District
- Consolidation
- Incorporation
- Formation of Special District
- Reorganization
- Sphere of Influence Amendment
- Negative Declaration & Tiered Environmental Analysis
- Environmental Impact Report
- Special Studies

Application Processing – Actual cost at \$99/hour of staff time:

- Petition check plus signature check
- Environmental Exemption
- Staff analysis of environmental reviews
- Copies of report and documents on file
- Out of Agency Service Agreements
- Other actions

No charge:

- Dissolutions of District for Inactivity

Exceptions to Required Fees: A fee will not be charged for applications submitted by the County of Mono by resolution, or for applications that result from specific conditions or recommendations made by a Commission resolution, including Spheres of Influence.

# Mono County

## Local Agency Formation Commission

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### Staff Report

April 24, 2023

To: Mono County LAFCO

From: Wendy Sugimura, Executive Officer

RE: FY 23-24 Preliminary Budget

#### **RECOMMENDATION**

Review preliminary budget and provide any desired direction to staff on draft Fiscal Year 2023-24 budget.

#### **BACKGROUND**

This is a public hearing item. After staff presentation and questions of staff by the Commission, open the public hearing and take any comments, deliberate, and provide direction to staff.

The Budget for fiscal year (FY) 2023-24 must be at least equal to the budget adopted for the previous fiscal year unless the Commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirements of the Act. The preliminary budget of \$12,294 reflects a \$150 increase to account for income from interest.

Follow through on staff time accounting has been implemented this past year, which has resulted in increased (and more accurate) staff costs. Activity has also significantly increased in the past year, resulting in increased staff costs.

#### **ALTERNATIVE APPORTIONMENT**

The Cortese-Knox-Hertzberg Act (CKH) establishes methods for apportioning LAFCO staffing and program costs among the County, Town and Special Districts. The law allows alternative apportionment methods, which Mono LAFCO has used to avoid impacting financially constrained special districts. Prior to using an alternative apportionment method, LAFCO costs were fully borne by the Town of Mammoth Lakes and Mono County. In recent years, the Commission applied an alternative apportionment method consisting of a third from Mono County; a third from the Town of Mammoth Lakes; and a third from special districts, with the special district share provided exclusively from the Southern Mono Healthcare District and the Mammoth Community Water District, rather than from all independent special districts.

The proposed preliminary budget reflects this same alternative budget apportionment method, which consists of a third (\$3,714.67) from Mono County; a third (\$3,714.67) from the Town of Mammoth Lakes; and a third (\$3,714.67) from the special districts. Instead of all independent

special districts in Mono County contributing, this alternative apportionment consists of \$1,857.33 from Southern Mono Hospital District and \$1,857.33 from the Mammoth Community Water District.

## **FY 22-23 Budget Review**

### Expenditures & Activity

While expenditures for staff salary and wages have increased this past year due to more accurate time accounting, activity has also significantly increased. A report of staff activities is provided below.

Staff responded to the following inquiries about potential annexations:

- Mammoth Lakes Fire Protection District (staff met with Madera LAFCO Executive Officer for a preliminary discussion) – annexing the Chair 13/14 area of Mammoth Mountain Ski Area, which is in Madera County.
- Bridgeport Public Utilities District – annexing the Humboldt-Toiyabe National Forest barracks parcel to provide water service for a potential housing expansion.
- Mammoth Lakes Mosquito Abatement District – annexing the Snowcreek VIII parcels as required by the approved master plan.
- Birchum Community Services District – annexing the parcel for a new fire station in Sunny Slopes.
- Rock Creek Ranch – the property owner inquired about several options for forming a new road or fire or other types of services district, with an area ranging from just the Rock Creek Ranch Specific Plan to the entire Paradise community.

Other activities this past year include the following:

- Attendance of the annual LAFCO conference
- Educational trainings, including a webinar on property taxes
- Revisions of LAFCO applications for clarity and to reflect current requirements
- Generally track CALAFCO correspondence for issues of importance

Significant staff time has also been dedicated to updating the 27 Municipal Service Reviews (MSRs) under Mono LAFCO's jurisdiction. During budget adoption, the Commission was advised that MSR updates for the unincorporated county would be funded by a grant received by the County, but staff time would be funded through the LAFCO budget. Further, the LAFCO budget would need to fund MSR updates for special districts within the incorporated Town of Mammoth Lakes. Updating the MSRs is time intensive and includes contacting districts comprised mostly of volunteers, collecting data and documents, evaluating district governance, drafting the MSRs, and reviewing them with the districts. Even with grant funding, staff costs, which include both County staff and contract staff that were engaged to ensure timely project delivery, are expected to exceed the annual revenue and require use of the fund balance. While the Mono County LAFCO was wise to maintain a fund balance for a significant project like updates to all MSRs, staff recommends that 1) a fund balance policy be developed (proposed below), and 2) MSR updates be staggered in the future to more reasonably match staff capacity and fund the cost over multiple years. A schedule will be recommended when the MSRs are brought to LAFCO for adoption consideration.

Mono County and the Mammoth Community Water District continue to work on a tax sharing agreement for the Snowcreek VIII parcels annexed into the Water District. This work is conducted by County staff, not LAFCO staff, and is not billed to the LAFCO budget.

### Revenue

At the time of budget adoption, a \$5,644 estimated rollover of unexpended funds from the previous fiscal year (21-22) was credited to the Town, County, and special district apportionments. A note was made that actual FY 21-22 expenditures would be determined, and any additional rollover funds would be credited against the apportionments. However, due to the need for increased funding for the MSR updates, it is recommended that the originally proposed \$5,644 rollover be honored, but no further reductions be granted this fiscal year to ensure completion of the MSR updates.

### Fund Balance

At the end of FY 21-22 (June 30, 2022), Mono County LAFCO's fund balance was \$21,134.20. Mono LAFCO followed best financial practices in maintaining this reserve for major projects like the updates of the MSRs; however, a more formalized policy is recommended to provide guidance and set expectations about maintaining and spending the reserve/fund balance.

The Commission should provide staff with direction for a reserve/fund balance policy, which will be brought back at the next meeting for consideration. The policy may include components such as:

- Set a maximum amount for the reserve/fund balance, such as \$15,000.
- When the reserve/fund balance is at the maximum amount, any unspent funds from the fiscal year shall be rolled over to the next fiscal year and credited to the funding members, proportionally reducing contribution amounts.
- When the reserve/fund balance is less than the maximum, any unspent funds from the fiscal year should be deposited into the reserve/fund balance.
- The reserve/fund balance may be used for the cost of updating MSRs. The Commission shall be advised of this potential use in the coming fiscal year during the annual budget process.
- Any other use of the reserve/fund balance must be approved by the Commission subject to the following findings: 1) no other revenue source is available, and 2) the Commission deems the expenditure necessary to meet LAFCO's responsibilities.

### **Proposed FY 23-24 Budget**

The proposed FY 23-24 budget is equal to the budget adopted for the previous fiscal year.

### Expenditures

The only proposed change to expenditures is to increase the Travel & Training budget. A new Executive Officer is anticipated to be appointed at the next meeting and should attend training, and some Commissioners expressed interest in attending the annual LAFCO conference.

The Contract Services budget was reduced to increase Travel & Training. Contract staff utilized for processing applications will be paid by application fee revenues, resulting in a zero sum balance, and contract staff costs for completing the MSR updates that exceed this budget will be covered by the reserve/fund balance.

### Revenue

At this time, the standard contributions are proposed for revenue and interest has included as a revenue source. Any fees collected for applications will be expended on staff or consultant costs to process the project. No unexpended revenue from FY 22-23 is expected to reduce the standard contribution amounts.

If a fund balance results at the end of FY 22-23, these funds will be deposited into the reserve/fund balance or credited to the contributing members based on the reserve policy adopted by the Commission at the next meeting.

Please contact Wendy Sugimura at 760-924-1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov) with any questions.

Attachments:

1. Proposed FY 23-24 budget, with FY 22-23 year-to-date actuals

**PRELIMINARY FY 23-24 LAFCO BUDGET**

Year-To-Date (YTD) Actuals as of 4/11/23

Fund Balance (as of 6/30/22) = \$21,134.20

<b>Revenue</b>	<b>22-23 YTD Actuals</b>	<b>FY 22-23 Budget</b>	<b>Proposed FY 23-24 Budget</b>
TOML Contribution*	-	1,833.33	3,714.67
Mono County Contribution*	-	1,833.33	3,714.67
Health District Contribution*	-	916.67	1,857.33
Water District Contribution*	-	916.67	1,857.33
Application Fees	-	1,000.00	850.00
Interest	194.87	-	150.00
Previous FY Rollover	5,644.00	5,644.00	-
<b>Total</b>	<b>\$ 5,838.87</b>	<b>\$ 12,144.00</b>	<b>\$ 12,144.00</b>
<i>*Pending Commission direction, invoices will be sent following meeting</i>			
<b>Expenditures</b>	<b>22-23 YTD Actuals</b>	<b>FY 22-23 Budget</b>	<b>Proposed FY 23-24 Budget</b>
Salary & Wages + Benefits	4,555.23	6,000.00	6,000.00
Membership Fees	-	1,200.00	1,200.00
Publications & Legal Notices	142.00	300.00	300.00
Travel & Training Expense	905.67	2,000.00	3,000.00
Contract Services		2,644.00	1,644.00
Applications	-		
MSRs**	5,811.50		
<b>Total</b>	<b>\$ 11,414.40</b>	<b>\$ 12,144.00</b>	<b>\$ 12,144.00</b>

*\*\*Using Fund Balance/Reserve*




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## AB-1753 Local government: reorganization. (2023-2024)

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Date Published: 03/02/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

### ASSEMBLY BILL

**NO. 1753**

Introduced by Committee on Local Government

March 02, 2023

An act to amend Sections 56658 and 56882 of the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1753, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified.

Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, existing law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Existing law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Existing law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified.

This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

The act requires a local agency formation commission, after a hearing on a proposed change of organization, to, within 35 days of the hearing, adopt a resolution making determinations approving or disapproving the proposal,

with or without conditions, as specified. The act requires the executive officer to mail a copy of the resolution to specified persons or entities.

This bill would recast that provision to require the executive officer to transmit a copy of the resolution to specified persons or entities, and would require the executive officer to confirm receipt by the intended recipient through electronic read receipt or other means if the executive officer transmits a copy of the resolution using email or electronic means.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 56658 of the Government Code is amended to read:

**56658.** (a) Any petitioner or legislative body desiring to initiate proceedings shall submit an application to the executive officer of the principal county.

(b) (1) Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall give mailed notice that the application has been received to each affected local agency, the county committee on school district organization, and each school superintendent whose school district overlies the affected territory. The notice shall generally describe the application and the affected territory. The executive officer shall not be required to give notice pursuant to this subdivision if a local agency has already given notice pursuant to subdivision (c) of Section 56654.

(2) It is the intent of the Legislature that an application for incorporation or disincorporation shall be processed in a timely manner. With regard to an application that includes an incorporation or disincorporation, the executive officer shall immediately notify all affected local agencies and any applicable state agencies by mail and request the affected agencies to submit the required data to the commission within a reasonable timeframe established by the executive officer. Each affected agency shall respond to the executive officer within 15 days acknowledging receipt of the request. Each affected local agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines established by the executive officer. Each affected state agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines agreed upon by the executive officer and the affected state departments.

(3) If a special district is, or as a result of a proposal will be, located in more than one county, the executive officer of the principal county shall immediately give the executive officer of each other affected county mailed notice that the application has been received. The notice shall generally describe the proposal and the affected territory.

(c) Except when a commission is the lead agency pursuant to Section 21067 of the Public Resources Code, the executive officer shall determine within 30 days of receiving an application whether the application is complete and acceptable for filing or whether the application is incomplete.

(d) *(1) If applicable, the executive officer shall not accept for filing an application for a change of organization or reorganization and issue a certificate of filing pursuant to subdivision (f) and an application shall not be deemed accepted for filing pursuant to subdivision (e) if an agreement for the exchange of property tax revenues has not been adopted pursuant to paragraph (6) of subdivision (b) or subdivision (d) of Section 99 of the Revenue and Taxation Code.*

*(2) The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice required by subdivision (b). The executive officer shall not be required to comply with this subdivision in the case of an application which meets the requirements of Section 56662 or in the case of an application for which a local agency has already given notice pursuant to subdivision (c) of Section 56654.*

(e) If the appropriate fees have been paid, an application shall be deemed accepted for filing if no determination has been made by the executive officer within the 30-day period. An executive officer shall accept for filing, and file, any application submitted in the form prescribed by the commission and containing all of the information and data required pursuant to Section 56652.

(f) When an application is accepted for filing, the executive officer shall immediately issue a certificate of filing to the applicant. A certificate of filing shall be in the form prescribed by the executive officer and shall specify the

date upon which the proposal shall be heard by the commission. From the date of issuance of a certificate of filing, or the date upon which an application is deemed to have been accepted, whichever is earlier, an application shall be deemed filed pursuant to this division.

(g) If an application is determined not to be complete, the executive officer shall immediately transmit that determination to the applicant specifying those parts of the application which are incomplete and the manner in which they can be made complete.

(h) Following the issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice thereof as provided in this part. The date of the hearing shall be not more than 90 days after issuance of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier. Notwithstanding Section 56106, the date for conducting the hearing, as determined pursuant to this subdivision, is mandatory.

**SEC. 2.** Section 56882 of the Government Code is amended to read:

**56882.** (a) The executive officer shall ~~mail~~ *transmit* a copy of the resolution adopted by the commission making determinations addressed to each of the following persons or entities:

~~(a)~~

(1) The proponents, if any, where the proceedings for change of organization were initiated by petition.

~~(b)~~

(2) Each affected local agency whose boundaries would be changed by the proposal.

*(b) If the executive officer transmits a copy of the resolution using email or electronic means, the executive officer shall confirm receipt by the intended recipient through electronic read receipt or other means.*

## Mono County Local Agency Formation Commission

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April 5, 2023

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
1021 O St.  
Ste. 6350  
Sacramento, CA 95814

RE: SUPPORT of AB 1753, Local Government: Reorganization Omnibus Bill

Dear Chair Aguiar-Curry:

The Mono County Local Agency Formation Commission (LAFCo) is pleased to support the Assembly Local Government Committee Bill AB 1753, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1753 currently makes minor technical corrections to language used in the Act. The Mono County LAFCo is grateful to your Committee, staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps ensure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCos.

Yours sincerely,

*Wendy Sugimura*

Wendy Sugimura  
Mono County LAFCo Executive Officer

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
René LaRoche, Executive Director, CALAFCO






# AB 1753\_LOS\_CALAFCO\_06.05.23

Final Audit Report

2023-04-07

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