

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

---

## *AGENDA OF MARCH 25, 2015*

### *REGULAR MEETING*

**TO:** Ken Humphreys, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**PREPARED BY:** Erica Sanchez, Policy Analyst

**AGENDA ITEM #7:** **CONSIDER CHANGES AND UPDATES TO THE POLICIES  
AND GUIDELINES BASED ON CHANGES IN STATE LAW**

---

#### **RECOMMENDATION**

Staff recommends that the Commission update various sections within the Commission's Policies and Guidelines based on changes in State Law. The proposed updates, listed in the table below are recommended in order to make the policies conform to current State Law.

#### **REASON FOR RECOMMENDED ACTION AND BACKGROUND**

Numerous sections within the Commission's Policies and Guidelines reference statutes within the Government Code and various other code sections which govern the LAFCO process. Although the policies have been revised many times since they were first adopted in 1988, some of the State Laws cited have been amended or repealed and are no longer applicable or relevant to the corresponding policies. Updating the policies with the appropriate code citations will bring them into conformance with recent updates to State Law. The recommended changes are primarily technical and non-substantive and do not change the intent or application of the affected policies. The proposed changes are shown in the following table. The applicable policy sections are included as Attachment A for reference.



Section	Update	Reason
3.2.21	LAFCO shall use its authority, pursuant to §56375, §56375.5, <del>§56376</del> <b>§56886.6</b> , <del>§56376.5</del> <b>§56886.7</b> , §56377 and other applicable sections of the Cortese-Knox-Hertzberg Act, to make a project self-mitigating whenever feasible ( <b>14 CCR</b> §15040, <b>14 CCR</b> §15041, <b>Public Resources Code</b> §21002).	<p>In 2011, Sections §56376 and §56376.5 were renumbered within the Government Code to §56886.6 and §56886.7, respectively.</p> <p>Unless otherwise noted, code citations within the P&amp;Gs are assumed to be from the Government Code; the references to the California Code of Regulations (CCR) and Public Resources Code are added for clarity.</p>
3.3.1(b)	<b>Plan of Service submittals are required to contain, but are not limited to, the following information and any additional information required by the commission or the executive officer:</b>	Commission Policy 3.3.1(b) is based on the Plan of Service requirements outlined in Government Code §56653(b). The addition of the proposed language in 3.3.1(b) further clarifies that additional information may be required based on the scope of the project.
3.3.1(b)(4)	<del>4. A statement of any capital improvements, or other conditions, which the local agency would impose or require within the affected territory if the requested action is approved (§56653)</del> <b><u>4. A statement of any capital improvements, or other conditions, which the local agency would impose or require within the affected territory if the requested action is approved</u></b>	Staff recommends replacing the general requirement regarding capital improvements with the more specific language contained in §56653(b)(4).
3.3.1(b)(5)	<b><u>5. Information with respect to how those services will be financed.</u></b>	§56653(b)(5) is the only requirement within Government Code 56653(b) that is not included in Policy 3.3.1(b). Information regarding how services will be financed is an important piece of information for staff to analyze and the Commission to consider; therefore, staff recommends the inclusion of this policy.

Section	Update	Reason
3.5(b)	Cause LAFCO to assume control over all or part of the operation of, or set policy for, any agency <del>§56376</del> <u>§56886.6</u> ;	§56376 was renumbered to §56886.6 in 2011.
3.5(c)	Set standards or frequency of maintenance of any existing street or road, or cause an agency to improve public facilities not owned by the agency <del>§56376.5</del> <u>§56886.7</u> ;	§56376.5 was renumbered to §56886.7 in 2011.
3.5(d)	Require service provision to areas outside of an agency’s sphere of influence unless that condition mitigates effects that are a direct result of the annexation <del>§56376</del> <u>§56886.6</u> ; or	§56376 was renumbered to §56886.6 in 2011.
3.6.2	Special studies shall include, but shall not be limited to, inventorying those agencies and determining their maximum service capabilities. In conducting those studies, the Commission may ask for land use information, studies, <u>joint powers agreements</u> , plans of cities, counties, districts, including school districts, community college districts, <u>joint powers agencies and joint powers authorities</u> , regional agencies, and state agencies and departments (§56378).	In 2014, AB 2156 added joint powers agencies and joint powers authorities to the existing list of governmental agencies LAFCO may request information from in order to conduct its studies (§56378).
4.1.1	<del>LAFCO may classify service types, where appropriate shall consider and approve or deny the exercise of new or different functions or services, pursuant to §56820.5</del> <u>§56824.10-§56824.14.</u>	§56820.5 (relating to LAFCO’s regulations controlling special districts’ latent powers) was repealed in 2001 by AB 948 and replaced by §56824.10-§56824.14 regarding procedures that allow a special district to apply to LAFCO for permission to exercise new or different functions or services.

Section	Update	Reason
6.2.3	The annexing agency must demonstrate that no parcel located within district boundaries will be deprived of its right to receive services if the annexation is approved ( <del>§56841</del> <b>56668</b> ).	§56841 was renumbered to §56668 in as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. §56668 outlines the factors to be considered in review of a proposal.
6.2.4	The annexing agency must demonstrate that levels of service for existing and potential customers within its service boundaries will not be lowered, or costs of service increased, if the annexation is approved ( <del>§56841</del> <b>56668</b> ).	

Attachment

Attachment A: Current Sections of the Commission’s Policies & Guidelines