

LAFCO

Local Agency Formation Commission For The County Of Los Angeles

COMMISSION
MEMBERS:

JERRY GLADBACH
CHAIRMAN

DONALD L. DEAR
FIRST VICE CHAIR

HENRI F. PELLISSIER
SECOND VICE CHAIR

RICHARD H. CLOSE
MARGARET FINLAY
TOM LABONGE
GLORIA MOLINA
DAVID SPENCE
ZEV YAROSLAVSKY

ALTERNATE
COMMISSION MEMBERS:

LORI BROGIN
LILLIAN KAWASAKI
DON KNABE
PAUL KREKORIAN
JUDITH MITCHELL

STAFF:

PAULA A. NOVAK
EXECUTIVE OFFICER

JUNE D. SAVALA
DEPUTY
EXECUTIVE OFFICER

AMBER DE LA TORRE
TAMOA DONLOW
DOUG DORADO
ALISHA O'BRIEN-CONNER
SERA WIRTH

LOCAL AGENCY FORMATION COMMISSION MEETING AGENDA

Wednesday, October 12, 2011
9:00 a.m.

Room 381B
Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles 90012

A person with a disability may contact the LAFCO office at (818) 254-2454 at least 72 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

The entire agenda package and any meeting related writings or documents provided to a majority of the Commissioners after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are available at the LAFCO office and at www.lalafco.org.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN GLADBACH.**
3. **PROTEST HEARING**

- a. Santa Clarita Valley Sanitation District of Los Angeles County –
Annexation No. 1005.

4. **CONSENT ITEMS**

All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.

- a. Los Angeles County Sanitation District No. 15 – Annexation No. 286.
- b. Los Angeles County Sanitation District No. 21 – Annexation No. 728.
- c. Los Angeles County Sanitation District No. 21 – Annexation No. 729.
- d. Los Angeles County Sanitation District No. 22 – Annexation No. 386.

- e. Los Angeles County Sanitation District No. 22 – Annexation No. 387.
- f. Approve Minutes of August 24, 2011 (Special Meeting).
- g. Approve Minutes of September 14, 2011 (Regular Meeting).
- h. Operating Account and Check Register for the month of September 2011.
- i. Receive and file update on pending applications.

5. **OTHER ITEMS**

- a. Municipal Service Reviews – Round Two.
 - 1. Consideration of Award of Consultant Contract for Preparation of a Municipal Service Review of the City of Santa Clarita
 - 2. Consideration of Award of Consultant Contract for Preparation of a Municipal Service Review of Huntington Municipal Water District, Palmdale Water District, and Sativa Water District.
- b. East Los Angeles Incorporation Status Report.
- c. Proposed Memorandum of Understanding with San Bernardino LAFCO.

6. **COMMISSIONER’S REPORT**

Commissioners’ questions for staff, announcements of upcoming events and opportunity for Commissioners to briefly report on their LAFCO-related activities since last meeting.

7. **EXECUTIVE OFFICER’S REPORT**

Executive Officer’s announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

8. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

9. **FUTURE MEETINGS**

November 9, 2011
December 14, 2011
January 11, 2012
February 8, 2012

10. **FUTURE AGENDA ITEMS**

Items not on the posted agenda which, if requested, will be referred to staff or placed on a future agenda for discussion and action by the Commission, or matters requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Commission subsequent to the posting of the agenda.

11. **ADJOURNMENT MOTION**

Staff Report

October 12, 2011

Agenda Item No. 3.a.

Protest Hearing on Annexation No. 1005 to The Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD)

On August 10, 2011 your Commission approved a request initiated by the Santa Clarita Valley Sanitation District of Los Angeles County to annex 3.759± acres of uninhabited territory into the boundaries of the SCVSD. The Protest Hearing before you today will satisfy the requirements of Government Code section 57000, *et seq.*

The annexation proposal is summarized as follows:

Proposal Area: The annexation consists of a gas station with a car wash within a commercial area.

Location: The affected territory is located on Magic Mountain Parkway approximately 300 feet southwest from its intersection with The Old Road, all within unincorporated Santa Clarita Valley.

Population: The current population is 0.

Registered Voters/Landowners: As of July 5, 2011 the County Registrar Recorder – County Clerk certified that there were 0 registered voters residing within the affected territory. There is 1 landowner.

Topography, Natural Boundaries and Drainage Basins: The topography is hillside.

Zoning, Present and Future Land Use: The current zoning is [C-2] Office Professional. The present and proposed land use is Commercial.

Surrounding Land Use: The land use in the surrounding territory is commercial and industrial on all sides.

Assessed Value: The total assessed value is \$1,913,811.

Governmental Services and Control, Availability and Adequacy: The subject territory is not currently being serviced by the District. However, the area was included in the future service area that might be served by the SCVSD and the SCVSD's future wastewater management needs were addressed in the 2015 Santa Clarita Valley Joint Sewerage Facilities Plan and EIR. The wastewater generated by the proposed project will be treated by the Santa Clarita Valley Joint Sewerage System, which is comprised of the Saugus and Valencia Water reclamation plants. The SCVSD will have adequate capacity to collect, treat, and dispose of the wastewater generated by the affected territory.

Effects on agricultural or open-space lands: The proposal will not have an effect on agricultural or open space lands.

Boundaries and Lines of Assessment: The boundary of the proposed annexation conforms to the recorded lines of assessment.

Sphere of Influence: The affected territory is within the sphere of influence of SCVSD.

Tax Resolution: All affected agencies have adopted a negotiated tax exchange resolution.

CEQA: The Commission determined that the mitigated negative declaration adopted by the Los Angeles County Department of Regional Planning was adequate for consideration of this proposal.

Correspondence: No correspondence has been received.

Recommended Action:

1. Open the protest hearing and receive written protests.
2. Close the protest hearing.
3. Instruct the Executive Officer, pursuant to Government Code Section 57075, to determine the value of protests filed and not withdrawn and report back to the Commission with the results.
4. Based upon the results of the protest hearing either adopt a resolution terminating the annexation proceedings if a majority protest exists, or ordering Annexation No. 1005 to the Santa Clarita Valley Sanitation District of Los Angeles County directly if there is no majority protest.

**RESOLUTION NO. 2011-00PR
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS ORDERING
"ANNEXATION NO. 1005 TO THE
SANTA CLARITA VALLEY SANITATION DISTRICT
OF LOS ANGELES COUNTY (SCVSD)"**

WHEREAS, the SCVSD filed an application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory to the SCVSD; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for an existing gas station and a car wash; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 3.759± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 1005 to the Santa Clarita Valley Sanitation District of Los Angeles County"; and

WHEREAS, on August 10, 2011, the Commission approved Annexation No. 1005 to the SCVSD; and

WHEREAS, pursuant to Government Code Section 57002, the Executive Officer of the Commission has set October 12, 2011 as the date for the protest hearing and has given notice thereof; and

WHEREAS, at the time and place fixed in the notice, the hearing was held, and any

and all oral or written protests, objections and evidence were received and considered; and

WHEREAS, the Commission, acting as the conducting authority, has the ministerial duty of tabulating the value of protests filed and not withdrawn and either terminating these proceedings if a majority protest exists or ordering the annexation directly if there is no majority protest.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission finds that the number of property owners is 1 and the total assessed value of land within the affected territory is 1,913,811.
2. The Commission finds that the number of written protests filed in opposition to Annexation No. 1005 to the SCVSD and not withdrawn is ___, which, even if valid, represents owners of land who own less than 50 percent of the assessed value of land within the affected territory.
3. The Commission hereby orders the annexation of the territory described in Exhibits "A" and "B" hereto, to the SCVSD.
4. Pursuant to Government Code section 56886, the annexation shall be subject to the following terms and conditions:
 - a. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as the SCVSD may legally impose.
 - b. The regular County assessment roll shall be utilized by the SCVSD.
 - c. The affected territory will be taxed for existing bonded indebtedness, if any, of the SCVSD.

- d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.
5. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5, and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57000, *et seq.*

PASSED AND ADOPTED this 12th day of October 2011.

Ayes:

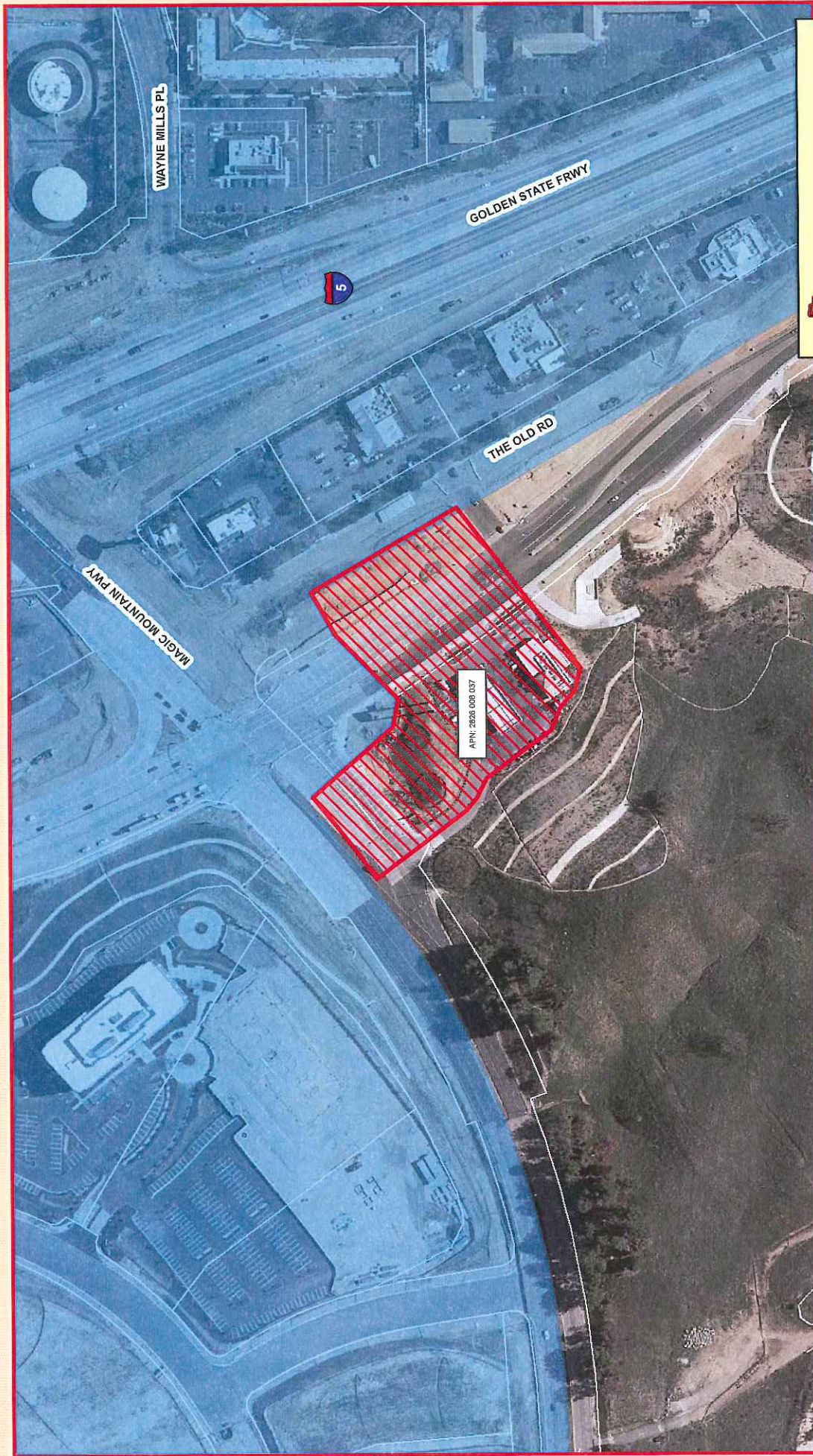
Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

PAUL A. NOVAK, Executive Officer

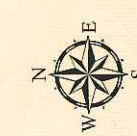


Santa Clarita Valley Sanitation District
of Los Angeles County

Unincorporated County
Territory

CSD Annexation SCV-1005

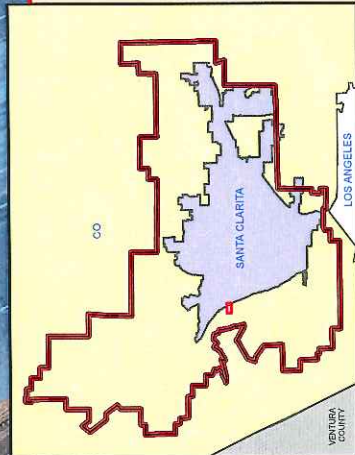
Sphere of Influence, CSD SCV



LAFCO
Local Agency Formation Commission
for the County of Los Angeles

Annexation No. 1005

Santa Clarita Valley County Sanitation District of Los Angeles County



October 12, 2011

C:\gdm\doc\scv-1005.mxd

Staff Report

October 12, 2011

Agenda Item No. 4.a.

Annexation No. 286 to County Sanitation District No. 15

The following item is a proposal requesting annexation of approximately 2.292± acres of uninhabited territory to Los Angeles County Sanitation District No. 15. The District, as the applicant of record, adopted a resolution initiating proceedings on February 24, 2010.

Related Jurisdictional Changes: There are no related jurisdictional changes.

Purpose/Background: All the owners of real property within the territory have requested, in writing, that the District provide off-site sewage disposal service.

Proposal Area: The annexation consists of three existing single-family homes, located within a residential area. The Territory is being developed to include one proposed guest house.

Location: The affected territory has three Parcels. Parcel 1 is located at the corner of 7th Avenue and Orange Grove Avenue. Parcel 2 is located on Orange Grove Avenue approximately 400 feet east of 7th Street and Parcel 3 is located on Orange Grove Avenue approximately 300 feet northwest of Turnbull Canyon Road, all within the unincorporated area of Los Angeles County.

Factors of Consideration Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 10. The estimated future population is 10.
2. ***Registered Voters/Landowners:*** Garfield Family Trust.
3. ***Topography:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is – Single-Family Residential Agricultural; the present and proposed land use is residential.
5. ***Surrounding Land Use:*** The land use in the surrounding territory is residential.
6. ***Pre-zoning and Conformance with the General Plan:*** Pre-zoning is not a requirement for a special district proposal.
7. ***Assessed Value, Tax Transfer:*** The total assessed value of land for Assessor Roll Year 2011 is \$968,291. The affected agencies have adopted a negotiated tax exchange resolution.

8. ***Governmental Services and Control, Availability and Adequacy:*** A portion of the subject territory is already being serviced by the District. The entire subject territory was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Joint Outfall System (JOS) 2010 Master Facilities Plan. The wastewater generated by the annexation will be treated by the JOS, which is comprised of 6 upstream water reclamation plants and the Joint Water Pollution Control Plant. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
9. ***Effects on Agricultural and Open-Spaced Lands:*** The annexation territory will not have an effect on agricultural or open space lands.
10. ***Boundaries and Lines of Assessment:*** The boundaries of this territory have been clearly defined and correspond to lines of assessment or ownership. This proposal does not create any new islands of unincorporated territory.
11. ***Effects of the Proposal on Adjacent Areas and the County:*** No effects on adjacent areas and the County.
12. ***Sphere of Influence:*** The affected territory is within the sphere of influence of District No. 15.
13. ***Timely Availability of Water Supplies:*** There are no issues regarding water supply or delivery.
14. ***Regional Housing Needs:*** This proposal has no adverse affect on the Regional Housing Needs Allocation for the County since it is a special district proposal.
15. ***Environmental Justice:*** The proposal will have no adverse effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.
16. ***Comments from Affected Agencies:*** There were no comments from affected agencies.
17. ***Correspondence:*** Staff has received no correspondence regarding this proposal.

CEQA: The proposed annexation of the three existing single-family homes is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319(a), because it is an annexation containing existing structures developed to the density allowed by the current zoning. The proposed annexation of the parcel proposed to be developed with a guest house is categorically exempt from the provisions of the CEQA pursuant to CEQA Guidelines Section 15319(b) because it consists of construction within a residential zone exempted by CEQA Guidelines Section 15303.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Proceedings: Pursuant to Government Code Section 56663(c), all owners of land within the affected territory have consented to the change of organization, and to date, no subject agency has submitted written opposition to waiver of the protest proceedings. Based thereon, the Commission may waive protest proceedings.

Conclusion: Staff recommends approval of this annexation request. The annexation is a logical and reasonable extension of the Los Angeles County Sanitation District No. 15 boundary.

Recommended Action:

- 1) Adopt the Resolution Making Determinations Approving and Ordering Annexation No. 286 to County Sanitation District No. 15.

RESOLUTION NO. 2011-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 286 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 15"

WHEREAS, the County Sanitation District No. 15 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located within the unincorporated area of Los Angeles County; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for three existing single-family homes and a proposed guest house; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 2.292± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 286 to County Sanitation District No. 15"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on October 12, 2011, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. All the owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a) and 15319 (b).
3. Annexation No. 286 to the County Sanitation District No. 15 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
 - d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to County Sanitation District No. 15.
6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED 12th day of October 2011.

Ayes:

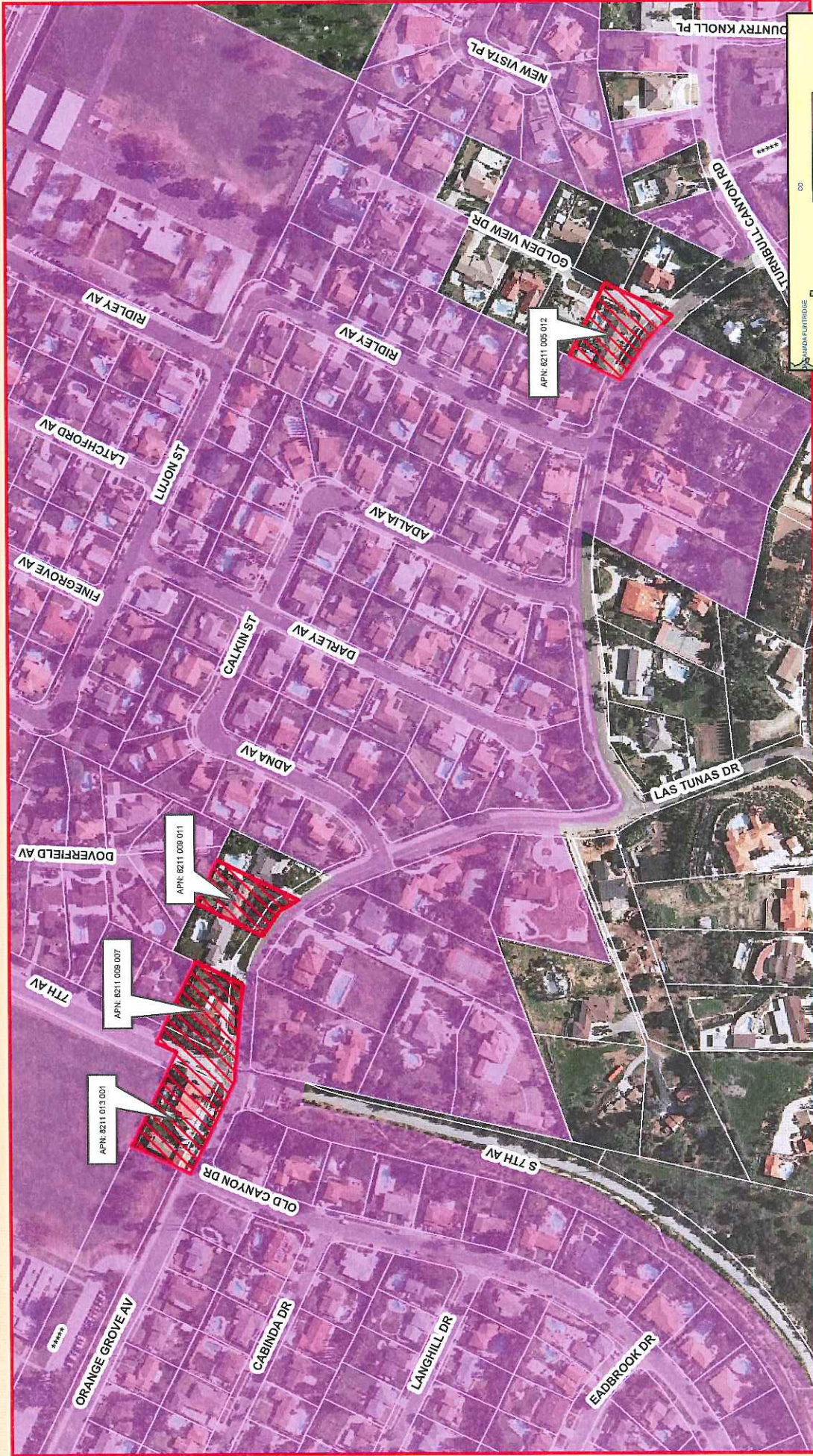
Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

PAUL A. NOVAK, Executive Officer



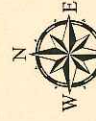
Los Angeles County
Sanitation District No. 15

Unincorporated County Territory

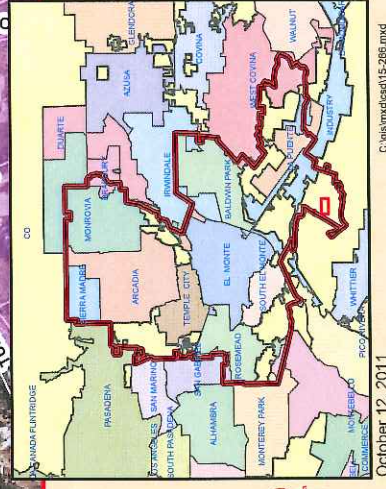
CSD Annexation 15-286

Sphere of Influence, CSD 15

Annexation No. 286 County Sanitation District No. 15



LAFCO
Local Agency Formation Commission
For The County of Los Angeles



October 12, 2011

C:\gis\mxd\15-286.mxd

Staff Report

October 12, 2011

Agenda Item No. 4.b.

Annexation No. 728 to County Sanitation District No. 21

The following item is a proposal requesting annexation of approximately 1.080± acres of uninhabited territory to Los Angeles County Sanitation District No. 21. The District, as the applicant of record, adopted a resolution initiating proceedings on November 19, 2009.

Related Jurisdictional Changes: There are no related jurisdictional changes.

Purpose/Background: The owner of real property within the territory has requested, in writing, that the District provide off-site sewage disposal service.

Proposal Area: The annexation consists of an existing single-family home, located within a residential area.

Location: The affected territory is located on Alamosa Drive approximately 500 feet east of Padua Avenue, all within the City of Claremont.

Factors of Consideration Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 2. The estimated future population is 2.
2. ***Registered Voters/Landowners:*** Garfield Family Trust.
3. ***Topography:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is [RR-35,000]- Rural Residential; the present and proposed land use is residential.
5. ***Surrounding Land Use:*** The land use in the surrounding territory is residential.
6. ***Pre-zoning and Conformance with the General Plan:*** Pre-zoning is not a requirement for a special district proposal.
7. ***Assessed Value, Tax Transfer:*** The total assessed value of land for Assessor Roll Year 2011 is \$643,335. The affected agencies have adopted a negotiated tax exchange resolution.

8. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the District. The area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Joint Outfall System (JOS) 2010 Master Facilities Plan. The wastewater generated by the annexation is being treated by the JOS, which is comprised of 6 upstream water reclamation plants and the Joint Water Pollution Control Plant. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
9. ***Effects on Agricultural and Open-Spaced Lands:*** The annexation territory will not have an effect on agricultural or open space lands.
10. ***Boundaries and Lines of Assessment:*** The boundaries of this territory have been clearly defined and correspond to lines of assessment or ownership. This proposal does not create any new islands of unincorporated territory.
11. ***Effects of the Proposal on Adjacent Areas and the County:*** No effects on adjacent areas and the County.
12. ***Sphere of Influence:*** The affected territory is within the sphere of influence of District No. 21.
13. ***Timely Availability of Water Supplies:*** There are no issues regarding water supply or delivery.
14. ***Regional Housing Needs:*** This proposal has no adverse affect on the Regional Housing Needs Allocation for the County or City since it is a special district proposal.
15. ***Environmental Justice:*** The proposal will have no adverse effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.
16. ***Comments from Affected Agencies:*** There were no comments from affected agencies.
17. ***Correspondence:*** Staff has received no correspondence regarding this proposal.

CEQA: The proposed annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a), because it is an annexation containing an existing structure developed to the density allowed by the current zoning.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Proceedings: Pursuant to Government Code Section 56663(c), all owners of land within the affected territory have consented to the change of organization, and to date, no subject agency has submitted written opposition to waiver of the protest proceedings. Based thereon, the Commission may waive protest proceedings.

Conclusion: Staff recommends approval of this annexation request. The annexation is a logical and reasonable extension of the Los Angeles County Sanitation District No. 21 boundary.

Recommended Action:

- 1) Adopt the Resolution Making Determinations Approving and Ordering Annexation No. 728 to County Sanitation District No. 21.

RESOLUTION NO. 2011-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 728 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 21"

WHEREAS, the County Sanitation District No. 21 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located within the City of Claremont; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for an existing single-family home; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 1.080± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 728 to County Sanitation District No. 21"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on October 12, 2011, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. The owner of land within the affected territory has given their written consent to the change of organization; and
 - b. No subject agency has submitted a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a).
3. Annexation No. 728 to the County Sanitation District No. 21 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
 - d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. The owner of land within the affected territory has given their written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to County Sanitation District No. 21.
6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED 12th day of October 2011.

Ayes:

Noes:





Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

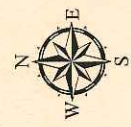
PAUL A. NOVAK, Executive Officer



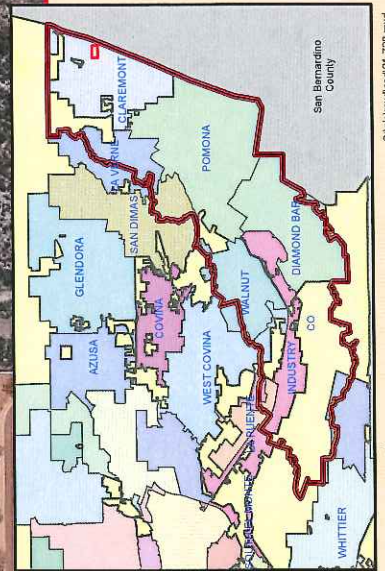
-  Los Angeles County Sanitation District No. 21
-  City of Claremont
-  CSD Annexation 21-728
-  Sphere of Influence, CSD 21

Annexation No. 728

County Sanitation District No. 21



LAFCO
 Local Agency Formation Commission
 For The County of Los Angeles



October 12, 2011
 C:\gis\mxd\01-728.mxd

Staff Report

October 12, 2011

Agenda Item No. 4.c.

Annexation No. 729 to County Sanitation District No. 21

The following item is a proposal requesting annexation of approximately 5.810± acres of uninhabited territory to Los Angeles County Sanitation District No. 21. The District, as the applicant of record, adopted a resolution initiating proceedings on April 28, 2010.

Related Jurisdictional Changes: There are no related jurisdictional changes.

Purpose/Background: The owner of real property within the territory has requested, in writing, that the District provide off-site sewage disposal service.

Proposal Area: The annexation consists of vacant land and is located within a vacant residential area. The territory is being developed to include five proposed single-family homes.

Location: The affected territory is located on Brea Canyon Cutoff Road approximately 200 feet west of its intersection with Pathfinder Road, all within unincorporated area of Los Angeles County.

Factors of Consideration Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 0. The estimated future population is 20.
2. ***Registered Voters/Landowners:*** Harmony Family Limited Partnership.
3. ***Topography:*** The topography has an average slope of 13% northwest to southwest.
4. ***Zoning, Present and Future Land Use:*** The current zoning is [A1-10000]- Light Agricultural Zone; the present and proposed land use is residential.
5. ***Surrounding Land Use:*** The land use in the surrounding territory is residential.
6. ***Pre-zoning and Conformance with the General Plan:*** Pre-zoning is not a requirement for a special district proposal.
7. ***Assessed Value, Tax Transfer:*** The total assessed value of land for Assessor Roll Year 2011 is \$1,405,864. The affected agencies have adopted a negotiated tax exchange resolution.

8. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is not currently being serviced by the District. However, the area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Joint Outfall System (JOS) 2010 Master Facilities Plan. The wastewater generated by the proposed project will be treated by the JOS, which is comprised of 6 upstream water reclamation plants and the Joint Water Pollution Control Plant. The District will have adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
9. ***Effects on Agricultural and Open-Spaced Lands:*** The annexation territory will not have an effect on agricultural or open space lands.
10. ***Boundaries and Lines of Assessment:*** The boundaries of this territory have been clearly defined and correspond to lines of assessment or ownership. This proposal does not create any new islands of unincorporated territory.
11. ***Effects of the Proposal on Adjacent Areas and the County:*** No effects on adjacent areas and the County.
12. ***Sphere of Influence:*** The affected territory is within the sphere of influence of District No. 21.
13. ***Timely Availability of Water Supplies:*** There are no issues regarding water supply or delivery.
14. ***Regional Housing Needs:*** This proposal has no adverse affect on the Regional Housing Needs Allocation for the County since it is a special district proposal.
15. ***Environmental Justice:*** The proposal will have no adverse effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.
16. ***Comments from Affected Agencies:*** There were no comments from affected agencies.
17. ***Correspondence:*** Staff has received no correspondence regarding this proposal.

CEQA: The Mitigated Negative Declaration adopted by the Los Angeles County Department of Regional Planning is adequate for your consideration of this proposal.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Proceedings: Pursuant to Government Code Section 56663(c), all owners of land within the affected territory have consented to the change of organization, and to date, no subject agency has submitted written opposition to waiver of the protest proceedings. Based thereon, the Commission may waive protest proceedings.

Conclusion: Staff recommends approval of this annexation request. The annexation is a logical and reasonable extension of the Los Angeles County Sanitation District No. 21 boundary.

Recommended Action:

- 1) Adopt the Resolution Making Determinations Approving and Ordering Annexation No. 729 to County Sanitation District No. 21.

**RESOLUTION NO. 2011-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 729 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 21"**

WHEREAS, the County Sanitation District No. 21 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located within the unincorporated area of Los Angeles County; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for five proposed single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 5.810± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 729 to County Sanitation District No. 21"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on October 12, 2011, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. The owner of land within the affected territory has given their written consent to the change of organization; and
 - b. No subject agency has submitted a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. Acting in its role as a responsible agency with the respect to Annexation No. 729, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the mitigated negative declaration adopted by the Los Angeles County Department of Regional Planning for approval of Project 03-338-(4), and has determined that the document adequately addresses the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency in connection with its approval of the project.
3. Annexation No. 729 to the County Sanitation District No. 21 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.

- c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
 - d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.
- 4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. The owner of land within the affected territory has given their written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

- 5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to County Sanitation District No. 21.

6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED 12th day of October 2011.

Ayes:

Noes:





Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

PAUL A. NOVAK, Executive Officer



-  Los Angeles County Sanitation District No. 21
-  Unincorporated County Territory
-  CSD Annexation 21-729
-  Sphere of Influence, CSD 21

Annexation No. 729

County Sanitation District No. 21



LAFCO
Local Agency Formation Commission
for the County of Los Angeles



October 12, 2011

C:\planning\ad01729.mxd

Staff Report

October 12, 2011

Agenda Item No. 4.d.

Annexation No. 386 to County Sanitation District No. 22

The following item is a proposal requesting annexation of approximately 61.409± acres of uninhabited territory to Los Angeles County Sanitation District No. 22. The District, as the applicant of record, adopted a resolution initiating proceedings on May 23, 2007.

Related Jurisdictional Changes: There are no related jurisdictional changes.

Purpose/Background: All the owners of real property within the territory have requested, in writing, that the District provide off-site sewage disposal service.

Proposal Area: The annexation consists of an existing single-family home, located within a residential area.

Location: The affected territory is located approximately 1 mile northwest from the intersection of Glendora Mountain Road and East Sierra Madre Avenue, all within the City of Glendora.

Factors of Consideration Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 5. The estimated future population is 5.
2. ***Registered Voters/Landowners:*** Dany Daher & City of Glendora.
3. ***Topography:*** The topography is sloping hillside.
4. ***Zoning, Present and Future Land Use:*** The current zoning is [RHR]- Rural Hillside Residential; the present and proposed land use is residential.
5. ***Surrounding Land Use:*** The land use in the surrounding territory is vacant and residential.
6. ***Pre-zoning and Conformance with the General Plan:*** Pre-zoning is not a requirement for a special district proposal.
7. ***Assessed Value, Tax Transfer:*** The total assessed value of land for Assessor Roll Year 2011 is \$993,365. The affected agencies have adopted a negotiated tax exchange resolution.

8. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the District. The area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Joint Outfall System (JOS) 2010 Master Facilities Plan. The wastewater generated by the annexation is being treated by the JOS, which is comprised of 6 upstream water reclamation plants and the Joint Water Pollution Control Plant. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
9. ***Effects on Agricultural and Open-Spaced Lands:*** The annexation territory will not have an effect on agricultural or open space lands.
10. ***Boundaries and Lines of Assessment:*** The boundaries of this territory have been clearly defined and correspond to lines of assessment or ownership. This proposal does not create any new islands of unincorporated territory.
11. ***Effects of the Proposal on Adjacent Areas and the County:*** No effects on adjacent areas and the County.
12. ***Sphere of Influence:*** The affected territory is within the sphere of influence of District No. 22.
13. ***Timely Availability of Water Supplies:*** There are no issues regarding water supply or delivery.
14. ***Regional Housing Needs:*** This proposal has no adverse affect on the Regional Housing Needs Allocation for the County or City since it is a special district proposal.
15. ***Environmental Justice:*** The proposal will have no adverse effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.
16. ***Comments from Affected Agencies:*** There were no comments from affected agencies.
17. ***Correspondence:*** Staff has received no correspondence regarding this proposal.

CEQA: The proposed annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a), because it is an annexation containing an existing structure developed to the density allowed by the current zoning.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Proceedings: Pursuant to Government Code Section 56663(c), all owners of land within the affected territory have consented to the change of organization, and to date, no subject agency has submitted written opposition to waiver of the protest proceedings. Based thereon, the Commission may waive protest proceedings.

Conclusion: Staff recommends approval of this annexation request. The annexation is a logical and reasonable extension of the Los Angeles County Sanitation District No. 22 boundary.

Recommended Action:

- 1) Adopt the Resolution Making Determinations Approving and Ordering Annexation No. 386 to County Sanitation District No. 22.

RESOLUTION NO. 2011-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 386 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 22"

WHEREAS, the County Sanitation District No. 22 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located within the City of Glendora; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for an existing single-family home; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 61.409± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 386 to County Sanitation District No. 22"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on October 12, 2011, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a).
3. Annexation No. 386 to the County Sanitation District No. 22 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
 - d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to County Sanitation District No. 22.
6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED 12th day of October 2011.

Ayes:

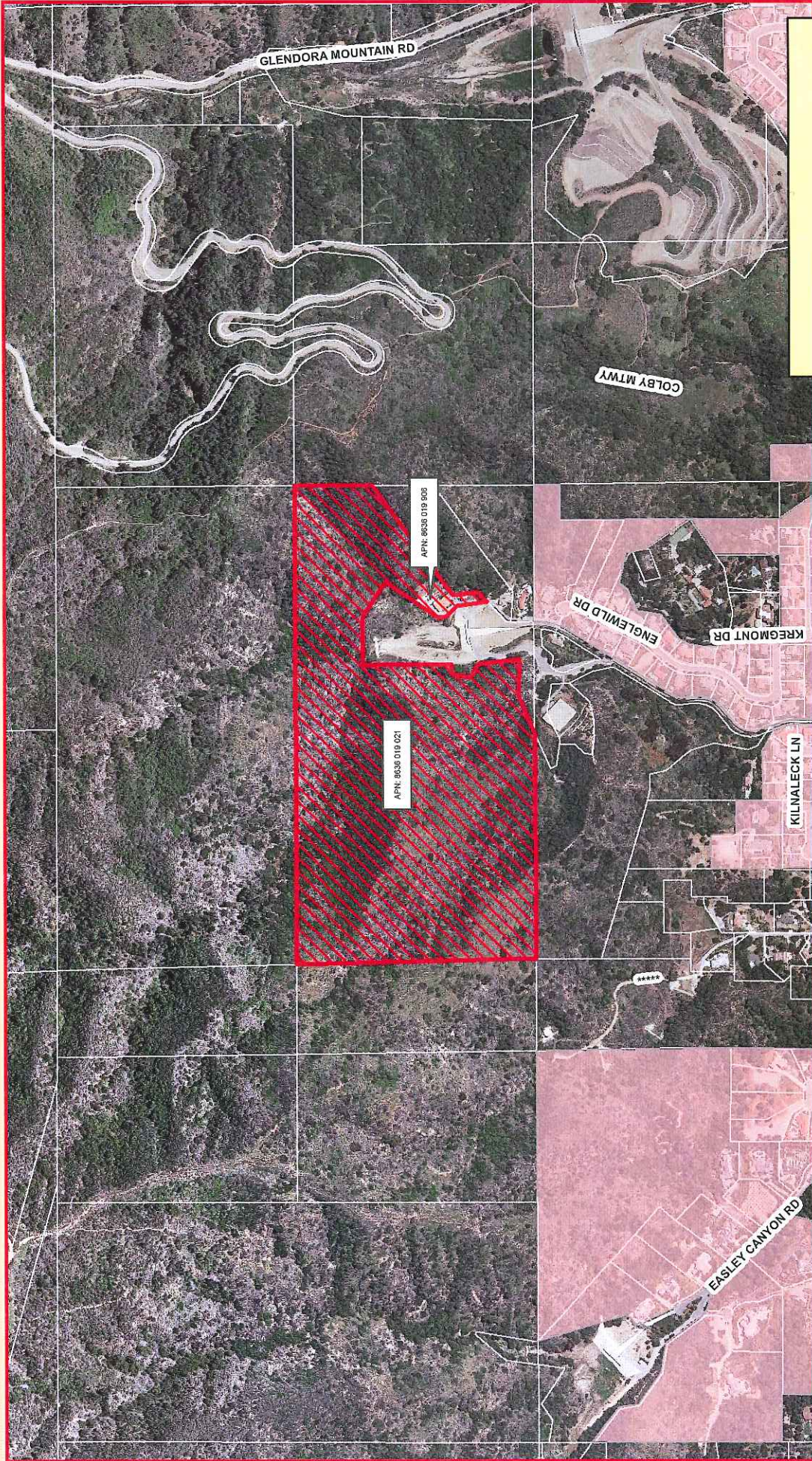
Noes:

Absent:

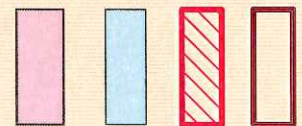
Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

PAUL A. NOVAK, Executive Officer



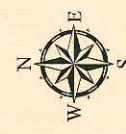
- Los Angeles County
Sanitation District No. 22
- City of Glendora
- CSD Annexation 22-386
- Sphere of Influence, CSD 22



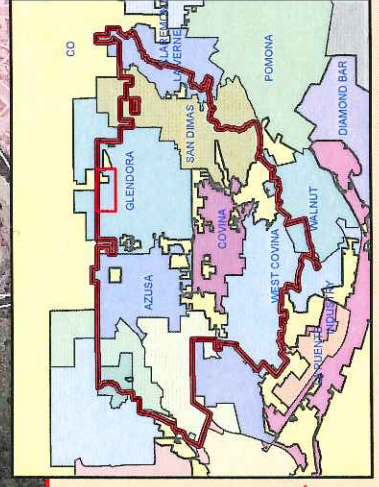
Annexation No. 386

County Sanitation

District No. 22



LAFCO
Local Agency Formation Commission
For The County of Los Angeles



October 12, 2011

C:\glamxd\cat22-386.mxd

Staff Report

October 12, 2011

Agenda Item No. 4.e.

Annexation No. 387 to County Sanitation District No. 22

The following item is a proposal requesting annexation of approximately 0.592± acres of uninhabited territory to Los Angeles County Sanitation District No. 22. The District, as the applicant of record, adopted a resolution initiating proceedings on March 28, 2007.

Related Jurisdictional Changes: There are no related jurisdictional changes.

Purpose/Background: The owner of real property within the territory has requested, in writing, that the District provide off-site sewage disposal service.

Proposal Area: The annexation consists of an existing warehouse, located within an industrial area.

Location: The affected territory is located on Walker Street approximately 320 feet south of its intersection with Palomares Avenue, all within the City of La Verne.

Factors of Consideration Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 0. The estimated future population is 0.
2. ***Registered Voters/Landowners:*** Koy Builders, Inc.
3. ***Topography:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is [Industrial-20,000]- Arrow Corridor Specific Plan Area-84-12; the present and proposed land use is industrial.
5. ***Surrounding Land Use:*** The land use in the surrounding territory is commercial.
6. ***Pre-zoning and Conformance with the General Plan:*** Pre-zoning is not a requirement for a special district proposal.
7. ***Assessed Value, Tax Transfer:*** The total assessed value of land for Assessor Roll Year 2011 is \$2,189,124. The affected agencies have adopted a negotiated tax exchange resolution.

8. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the District. The area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Joint Outfall System (JOS) 2010 Master Facilities Plan. The wastewater generated by the annexation is being treated by the JOS, which is comprised of 6 upstream water reclamation plants and the Joint Water Pollution Control Plant. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
9. ***Effects on Agricultural and Open-Spaced Lands:*** The annexation territory will not have an effect on agricultural or open space lands.
10. ***Boundaries and Lines of Assessment:*** The boundaries of this territory have been clearly defined and correspond to lines of assessment or ownership. This proposal does not create any new islands of unincorporated territory.
11. ***Effects of the Proposal on Adjacent Areas and the County:*** No effects on adjacent areas and the County.
12. ***Sphere of Influence:*** The affected territory is within the sphere of influence of District No. 22.
13. ***Timely Availability of Water Supplies:*** There are no issues regarding water supply or delivery.
14. ***Regional Housing Needs:*** This proposal has no adverse affect on the Regional Housing Needs Allocation for the County or City since it is a special district proposal.
15. ***Environmental Justice:*** The proposal will have no adverse effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.
16. ***Comments from Affected Agencies:*** There were no comments from affected agencies.
17. ***Correspondence:*** Staff has received no correspondence regarding this proposal.

CEQA: The proposed annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a), because it is an annexation containing an existing structure developed to the density allowed by the current zoning.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Proceedings: Pursuant to Government Code Section 56663(c), all owners of land within the affected territory have consented to the change of organization, and to date, no subject agency has submitted written opposition to waiver of the protest proceedings. Based thereon, the Commission may waive protest proceedings.

Conclusion: Staff recommends approval of this annexation request. The annexation is a logical and reasonable extension of the Los Angeles County Sanitation District No. 22 boundary.

Recommended Action:

- 1) Adopt the Resolution Making Determinations Approving and Ordering Annexation No. 387 to County Sanitation District No. 22.

RESOLUTION NO. 2011-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 387 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 22"

WHEREAS, the County Sanitation District No. 22 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission") pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located within the City of La Verne; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for an existing warehouse; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 0.592± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 387 to County Sanitation District No. 22"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on September 14, 2011, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. The owner of land within the affected territory has given its written consent to the change of organization; and
 - b. No subject agency has submitted a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a).
3. Annexation No. 387 to the County Sanitation District No. 22 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
 - d. Except to the extent in conflict with a through c, above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. The owner of land within the affected territory has given its written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to County Sanitation District No. 22.
6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED 12th day of October 2011.

Ayes:

Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

PAUL A. NOVAK, Executive Officer

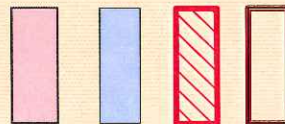


Los Angeles County
Sanitation District No. 22

City of La Verne

CSD Annexation 22-387

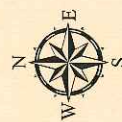
Sphere of Influence, CSD 22



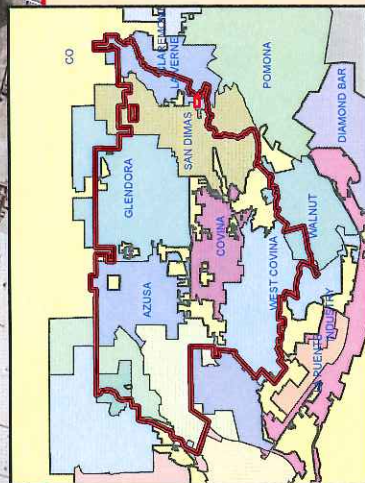
Annexation No. 387

County Sanitation

District No. 22



LAFCO
Local Agency Formation Commission
For The County of Los Angeles



October 12, 2011

C:\gdm\lca\022-387.mxd

Staff Report

October 12, 2011

Agenda Item No. 5.a.1

Consideration of Award of Consultant Contract for Preparation of a Municipal Service Review of the City of Santa Clarita

Agenda Item No. 5.a.1 is a request to award a contract to GST Consulting for the preparation of a municipal service review for the City of Santa Clarita.

Background: As previously reported to the Commission, staff is working on the preparation of several municipal service reviews (MSR) for Round 2 of LAFCO's MSR processing. Staff determined that an MSR would be needed in order for the Commission to make a determination on several annexation requests on file. Several of the proposals are requests for annexation of large amounts of territory outside of the City's current sphere of influence.

Government Code Section 56425 speaks to LAFCO's role in promoting logical and orderly development of areas within a sphere. Government Code Section 56430 states that in order to update the sphere of influence of an agency in accordance with Section 56425; the Commission shall conduct a service review of municipal services provided in the area designated.

Several months ago staff met with representatives from the City of Santa Clarita. LAFCO staff informed the City that a service review would be required before the Commission could take action on any of the annexation requests submitted. The City offered to assist in paying for the service review, in the interest of expediting preparation of the MSR.

Request for Proposal (RFP): On July 28, 2011, LAFCO issued an RFP to over twenty qualified consulting firms throughout California. It was also posted on our website. Each firm was required to demonstrate experience with preparing service reviews as well as demonstrating experience with the Cortese-Knox-Hertzberg Local Government Act of 2000. Four firms responded to the RFP: Barraco & Associates, GST Consulting, Management Partners Inc., and RSG Consulting. The submitted bids ranged from \$36,000 to \$149,000 for preparation of the municipal service review.

Evaluation Criteria: The proposals were evaluated based upon their response to the following provisions of the RFP:

1) **EXPERIENCE AND ORGANIZATIONAL RESOURCES**

- Firm experience with municipal finance / budget analysis
- Firm experience with governmental organization analysis and methods
- Experience / qualifications of key project personnel / resumes
- Knowledge of Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Act/role and function of LAFCO
- Experience with conducting municipal service reviews or similar projects within last ten years
- Experience with presentations to the public / stakeholders, public relations capability
- Firm resources
- References

2) APPROACH TO CONTRACT REQUIREMENTS

- Willingness to agree to standard contractual provisions
- Demonstrated understanding of tasks
- Approach to project / Scope of Work / Work Plan
- Allocation of costs / firm resources amongst tasks
- Support to LAFCO for meetings / public hearings
- Overall project schedule
- Understanding of role of consultant in assisting the Executive Officer in recommending boundary determinations
- Number of hours allocated in producing municipal service review report
- Time spent by key personnel on the project as compared to time spent by other consultant personnel on the project
- Sufficiency of resources dedicated to project in comparison to price

3) PRICE

Review Panel: A review panel consisting of the Executive Officer, the Deputy Executive Officer, and the Senior Government Analyst, was formed to evaluate the proposals. Each panel member independently evaluated all four bidders using the stated criteria. Each category was assigned a maximum number of points that could be awarded: Experience and Organizational Resources was assigned a maximum of 300 points (30%); Approach to Contract Requirements was assigned a maximum of 200 points (20%); and Price was assigned the highest point value of 500 points (50%). Staff met subsequently with Legal Counsel to discuss the results of the independent reviews. Based upon the criteria outlined in the RFP, GST Consulting was unanimously selected by all three panel members.

Qualifications of Consulting Firm: The GST Consulting team has expertise in the field of municipal finance, preparation of municipal service reviews, and public services. The team includes Gary Thompson, Bob Aldrich, former Assistant Executive Officer of Orange County LAFCO, and Harry Ehrlich.

Recommended Action:

- 1) Award Contract to GST Consulting for preparation of a municipal service review of the City of Santa Clarita.
- 2) Authorize the Executive Officer to execute a contract with GST Consulting, after approval as to form by Legal Counsel, for the preparation of a municipal service review of the City of Santa Clarita at the not-to-exceed rate of \$46,950.

Staff Report

October 12, 2011

Agenda Item No. 5.a.2

Consideration of Award of Consultant Contract for Preparation of a Municipal Service Review of Huntington Municipal Water District, Palmdale Water District, and Sativa Water District

Agenda Item No. 5.a.2 is a request to award a contract to GEI Consultants, Inc. for the preparation of a municipal service review of the Huntington Municipal Water District, Palmdale Water District, and Sativa Water District.

Background: Staff is working on the preparation of several municipal service reviews (MSR) for Round 2 of LAFCO's MSR processing. Staff determined that a service review would be needed for these water agencies as part of Round 2.

Several months ago staff met with representatives from Palmdale Water District. District staff offered to assist in paying for the service review.

Request for Proposal (RFP): On July 21, 2011, LAFCO issued an RFP to over twenty qualified consulting firms throughout California. It was also posted on our website. Each firm was required to demonstrate experience with preparing service reviews as well as demonstrating experience with the Cortese-Knox-Hertzberg Local Government Act of 2000. Two firms responded to the RFP: GEI Consultants, Inc. and Stetson Engineering. The submitted bids were \$95,870 and \$111,282 for preparation of the municipal service review.

Evaluation Criteria: The proposals were evaluated based upon their response to the following provisions of the RFP:

1) EXPERIENCE AND ORGANIZATIONAL RESOURCES

- Firm experience with municipal finance / budget analysis
- Firm experience with governmental organization analysis and methods
- Experience / qualifications of key project personnel / resumes
- Knowledge of Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Act/role and function of LAFCO
- Experience with conducting municipal service reviews or similar projects within last ten years
- Experience with presentations to the public / stakeholders, public relations capability
- Firm resources
- References

2) APPROACH TO CONTRACT REQUIREMENTS

- Willingness to agree to standard contractual provisions
- Demonstrated understanding of tasks
- Approach to project / Scope of Work / Work Plan
- Allocation of costs / firm resources amongst tasks
- Support to LAFCO for meetings / public hearings
- Overall project schedule
- Understanding of role of consultant in assisting the Executive Officer in recommending boundary determinations
- Number of hours allocated in producing municipal service review report
- Time spent by key personnel on the project as compared to time spent by other consultant personnel on the project
- Sufficiency of resources dedicated to project in comparison to price

3) PRICE

Review Panel: A review panel consisting of the Executive Officer, the Deputy Executive Officer, and the Senior Government Analyst, was formed to evaluate the proposals. Each panel member independently evaluated both bidders using the stated criteria. Each category was assigned a maximum number of points that could be awarded: Experience and Organizational Resources was assigned a maximum of 300 points (30%); Approach to Contract Requirements was assigned a maximum of 200 points (20%); and Price was assigned the highest point value of 500 points (50%). Staff met subsequently to discuss the results of the independent reviews and based upon the criteria outlined in the RFP, GEI Consultants, Inc. was unanimously selected by all three panel members.

Qualifications of Consulting Firm: GEI has expertise in financial analysis, benchmarking, governance, rate making, infrastructure improvement, and long term planning of water agencies. GEI previously worked with LAFCO in the preparation of the *Comprehensive Feasibility Study of Water/Wastewater for the Crescenta Valley Water District*.

Recommended Action:

- 1) Award Contract to GEI Consultants Incorporation for preparation of a municipal service review of the Huntington Municipal Water District, Palmdale Water District, and Sativa Water District.
- 2) Authorize the Executive Officer to execute a contract with GEI Consultants, Inc., after approval as to form by Legal Counsel, for the preparation of a municipal service review of Huntington Municipal Water District, Palmdale Water District, and Sativa Water District at the not-to-exceed rate of \$95,870.

Staff Report

October 12, 2011

Agenda Item No. 5.b.

East Los Angeles Incorporation Status Report

No action is required. This report is for informational purposes only.

LAFCO released the Public Hearing Comprehensive Fiscal Analysis (CFA) at the Commission meeting of September 14, 2011. The release of the CFA starts a 30-day time period during which any interested party can submit a request to LAFCO for the State Controller to review the CFA.

The deadline in which to file a request with LAFCO for State Controller review is 5:00 p.m., Monday, October 17, 2011. As of the writing of this staff report, LAFCO has not received a request for State Controller review.

The date for the Commission's public hearing on the proposed incorporation is November 9, 2011 (if LAFCO does not receive a request for State Controller review), or January 11, 2012 (if LAFCO does State Controller review).

Pursuant to Section 56658(i) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, staff issued the Certificate of Filing ("COF") for the proposed incorporation of East Los Angeles on September 29, 2011.

Staff Report

October 12, 2011

Agenda Item No. 5.c.

Proposed Memorandum of Understanding with San Bernardino LAFCO

Under current law, it is the LAFCO for the so-called “principal county” of a special district which processes all requests to amend a Sphere of Influence (SOI) or annex territory. Section 56066 defines “principal county” as the county which has “all or the greater portion of the entire assessed value . . . of all taxable property within a district.” Previously thought to apply only to annexations, a 2006 court case (the “Truckee Decision”) determined that the “principal county” provision of State law applies to SOI determinations as well as annexations.

A good example of the “principal county” issue is the Antelope Valley East Kern Water Agency (“AVEK”), a water wholesaler based in northern Los Angeles County. While the majority of territory in AVEK is located in Los Angeles County, AVEK’s territory and customers are also located in Kern, San Bernardino, and Ventura counties. Under the law, if AVEK wanted to amend its Sphere of Influence and annex territory into its boundaries, and even if the affected territory is located in another county, LA LAFCO would process the SOI amendment and annexation application. Additionally, LA LAFCO is not required to notice the LAFCO of the County in which the territory is located.

In short, under existing law the LAFCO for a “principal county” could expand the SOI and territory of a special district into Los Angeles County, without any knowledge by Los Angeles County or LA LAFCO. Staff is concerned about this possibility and is supportive of an approach where the responsibility for such applications is shared between the two involved LAFCOs.

To address this issue, San Bernardino LAFCO has transmitted a proposed Memorandum of Understanding (“MOU”) with all counties that adjoin San Bernardino County (Inyo, Kern, Los Angeles, and Riverside). For applications where the affected territory is not located within the principal county, the MOU “transfers” the authority to process the SOI amendment to the LAFCO in which the affected territory is located. The “principal county” LAFCO retains the authority to process the annexation request.

A copy of the proposed MOU, and the accompanying letter from the Executive Officer of San Bernardino LAFCO, is attached.

As explained in the correspondence from San Bernardino LAFCO, this approach “is based on the position that the LAFCO for the County in which the territory lies will have the [better and more complete] understanding of the local service delivery philosophies, land use goals and policies, and what the other overlaying special districts within the area are to alleviate any potential duplication of service.” Your staff concurs with this assessment that the LAFCO in which the territory is located is best suited to determine whether it is appropriate to expand services into that territory, and not the LAFCO of another county. Further, staff is concerned that a special district operating primarily in another county could expand service into Los Angeles County without the knowledge of LA

LAFCO as well as other jurisdictions that could be impacted (the County of Los Angeles, involved cities, and special districts currently providing service in the area).

Pursuant to Section 56375(q) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCOs are empowered to “enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.”

San Bernardino LAFCO and Riverside LAFCO have already approved a similar MOU.

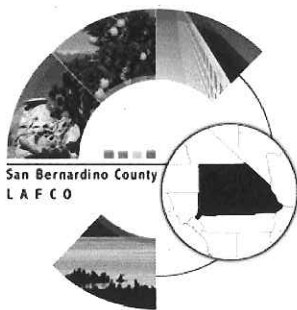
Orange County LAFCO expects to consider a similar MOU at its October meeting, and Inyo County LAFCO at its next regularly-scheduled meeting.

San Bernardino LAFCO has already adopted the proposed MOU with LA LAFCO.

County Counsel has reviewed the proposed MOU and approved it as to form.

Recommended Action:

1. Authorize the Chair to sign the proposed Memorandum of Understanding with San Bernardino LAFCO



LOCAL AGENCY FORMATION COMMISSION

215 North "D" Street, Suite 204 • San Bernardino, CA 92415-0490

(909) 383-9900 • Fax (909) 383-9901

E-mail: lafco@lafco.sbcounty.gov • www.sbclafco.org

Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

August 25, 2011

COMMISSIONERS

JIM BAGLEY
Public Member

GINGER COLEMAN
City Member

KIMBERLY COX
Special District

JAMES V. CURATALO, Vice Chair
Special District

LARRY McCALLON
City Member

BRAD MITZELFELT, Chair
Board of Supervisors

JANICE RUTHERFORD
Board of Supervisors

ALTERNATES

BOB COLVEN
Public Member

NEIL DERRY
Board of Supervisors

ROBERT W. SMITH
Special District

DIANE WILLIAMS
City Member

STAFF

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

SAMUEL MARTINEZ
Senior LAFCO Analyst

MICHAEL TUERPE
LAFCO Analyst

Vacant
Clerk to the Commission

ANGELA M. SCHELL
Deputy Clerk to the Commission

REBECCA LOWERY
Deputy Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

Mr. Josh Hart, Executive Officer, Inyo LAFCO
Ms. Rebecca Moore, Executive Officer, Kern LAFCO
Mr. Paul Novak, Executive Officer, Los Angeles LAFCO
Ms. Joyce Crosthwaite, Executive Officer, Orange LAFCO

RE: Proposed Memorandum Of Understanding to Exchange Principal
County Status for Sphere of Influence Changes for Multi-County
Special Districts

As many of you are aware, in January 2006 the Third Appellate Court rendered a decision, commonly known as the "Truckee Decision", which outlined that the determination of "principal county" applied to sphere of influence determinations as well as jurisdictional changes. I have included a copy of this decision for your information. This was a new interpretation of the statute and was not universally supported by LAFCOs around the State. In response to questions and concerns expressed, the CALAFCO Legislative Committee put together a subcommittee made up of Placer and Nevada County Executive Officers – the parties to the court case -- and myself, representing a LAFCO which did not support the interpretation instead believing that the LAFCO where the territory lies should decide a sphere of influence. Over the next couple of years, the Subcommittee did not meet; therefore, no recommendation of legislative change was submitted to the CALAFCO Leg Committee.

Over the last year or so, I have again solicited my fellow EOs around the State to bring forward a discussion of possible legislative change to address and clarify the situation, to no avail. My interest is that Riverside and San Bernardino LAFCO have had a longstanding practice to have the sphere of influence determined by the County in which the territory lies for multi-county districts. This is based on the position that the LAFCO for the County in which the territory lies will have the understanding of the local service delivery philosophies, land use goals and policies, and what the other overlaying special districts within the area are to alleviate any potential duplication of service.

REQUEST FOR MOU CONSIDERATION
PRINCIPAL COUNTY STATUS FOR SPHERES
AUGUST 25, 2011

Given my inability to interest others in achieving a legislative fix, the San Bernardino LAFCO has authorized me to pursue a different approach to this concern. That approach is to propose a Memorandum of Understanding (MOU) with the LAFCOs of the counties surrounding San Bernardino which would transfer sphere of influence jurisdiction for multi-county districts to the County in which the territory of the sphere change lies. The process being proposed is to enter into an agreement with each of your Commission's and San Bernardino LAFCO under Government Code Section 56375(q) which allows LAFCOs to make agreements with the adjoining commissions for the consideration of proposals where the affected agency crosses the county line.

Riverside and San Bernardino LAFCOs are currently reviewing such a MOU to memorialize our longstanding practice. I have attached a draft MOU which we believe will allow for the transfer of principal county status as defined under Government Code Sections 56123 and 56124 with your individual LAFCOs. This letter is to request your Commission's consideration of also entering into this MOU for future sphere of influence determinations.

Should you have any questions or wish to review the request in more detail, please do not hesitate to contact me at (909) 383-9900 or by e-mail at kmcdonald@lafco.sbcounty.gov.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

/krm

ATTACHMENTS



1 of 100 DOCUMENTS



Positive

As of: Sep 14, 2009

**PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION, Plaintiff
and Appellant, v. NEVADA COUNTY LOCAL AGENCY FORMATION
COMMISSION, Defendant and Respondent; NORTHSTAR COMMUNITY
SERVICES DISTRICT, Intervener and Appellant; TRUCKEE SANITARY
DISTRICT, Intervener and Respondent.**

C047697

COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT

*135 Cal. App. 4th 793; 37 Cal. Rptr. 3d 729; 2006 Cal. App. LEXIS 35; 2006 Cal. Daily
Op. Service 410; 2006 Daily Journal DAR 626*

January 13, 2006, Filed

PRIOR-HISTORY: Superior Court of Placer County, No. SCV14653, William W. Pangman, Judge. (Judge of the Sierra Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.)

COUNSEL: Law Offices of William M. Wright, William M. Wright; and Scott H. Finley for Plaintiff and Appellant.

Law Office of Neil A. Eskind and Neil A. Eskind for Intervener and Appellant.

Law Offices of P. Scott Browne and P. Scott Browne for Defendant and Respondent.

Meyers, Nave, Riback, Silver & Wilson, Joseph M. Quinn, K. Scott Dickey and Ruthann G. Ziegler for Intervener and Respondent.

JUDGES: Sims, Acting P. J., with Davis and Hull, JJ., concurring.

OPINION BY: Sims

OPINION

SIMS, Acting P. J.--This case is a turf battle between neighboring local agency formation commissions (LAFCO's) under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (*Gov. Code, § 56000 et seq. (the Act)*).¹

¹ Undesignated statutory references are to the Government Code.

"[LAFCO's] oversee local agency boundary changes, including the incorporation and disincorporation of cities, the formation and dissolution of most special districts, and the consolidation, merger, annexation, and reorganization of cities and special districts. Each county in California has a LAFCO. In California, 58 LAFCOs are working with nearly 4,000 government agencies in 58 counties, 477 incorporated cities, and 3,000-plus special districts.

"LAFCOs have been described as watchdogs,

guarding 'against the wasteful duplication of services that results from indiscriminate formation of new local agencies or haphazard annexation of territory to existing local agencies.' [Citation.] The primary objectives of LAFCOs are as follows: (1) to facilitate orderly growth and development by determining logical local agency boundaries; (2) to preserve prime agricultural lands by guiding development away from presently undeveloped prime agricultural preserves; and (3) to discourage urban sprawl and encourage the preservation of open space by promoting development of vacant land within cities before annexation of vacant land adjacent to cities. ...

"LAFCOs review proposals for the formation of new local government agencies as well as boundary changes for existing agencies. Given the extraordinary number of government agencies, cities, and special districts in the state, it is no surprise that agency boundaries often do not logically relate to one another, resulting in an overlap of service responsibilities and inefficiencies in service provision. The overarching goal of LAFCOs is to encourage the orderly formation and extension of government agencies, while balancing the competing needs in California for affordable housing, economic opportunities, and the preservation of natural resources.

"When making determinations, LAFCOs must consider the effect that any proposal will have on prime agricultural lands and open space. Specifically, LAFCOs seek to protect these resources by encouraging development away from these preserves and towards vacant urban sites.

"Moreover, LAFCOs work to discourage the irregular and chaotic growth referred to as urban sprawl, which often results in inefficient service delivery and the unnecessary loss of prime agricultural lands and open space." (Curtin & Talbert, *Curtin's Cal. Land Use and Planning Law* (24th ed. 2004) pp. 381-382, fn. omitted.)

The precise issue in this case is: When two counties receive services from a multicounty service district, which county's LAFCO has jurisdiction over planning matters--"spheres of influence" (§ 56076) ² and "service reviews" (§ 56430) ³--concerning that district's work within an individual county. The trial court determined the "principal county" ⁴ LAFCO, rather than the local LAFCO of affected territory, is vested with the exclusive jurisdiction to establish the sphere of influence and conduct service reviews for a multicounty district within the boundaries of the local LAFCO's county. Plaintiff

Placer County LAFCO (Placer LAFCO) appeals from the judgment entered in favor of defendant Nevada County LAFCO (Nevada LAFCO), following the submission of a stipulated set of facts, trial briefs, and oral argument to the trial court. Intervener Northstar Community Services District (Northstar), which aligns itself with Placer LAFCO, also filed an appeal from the judgment. Since the interests of plaintiff and Northstar are aligned, our reference to "plaintiff" or "Placer LAFCO" encompasses Northstar's position unless otherwise indicated. Intervener Truckee Sanitary District (TSD) has filed appellate briefs taking the same position as Nevada LAFCO.

2 *Section 56076* provides: " 'Sphere of influence' means a plan for the probable physical boundaries and service area of a local agency, as determined by the commission."

"Local agency" means "a city, county, or district." (§ 56054.)

3 Some refer to service reviews as "MSR's," meaning "municipal service reviews." *Section 56430* provides in part: "(a) In order to prepare and to update spheres of influence ... , the commission shall conduct a service review of the municipal services provided in the county"

4 *Section 56066* provides: " 'Principal county' means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization is proposed."

We shall affirm the judgment. ⁵

5 We deny as unnecessary TSD's request (dated Mar. 25, 2005) for judicial notice of the Senate's 1994 amendment to Assembly Bill No. 3350.

FACTUAL AND PROCEDURAL BACKGROUND

On October 15, 2002, Placer LAFCO filed a complaint for declaratory relief, asking the trial court to construe the Act and determine (1) whether, for a multicounty district, the principal county LAFCO or the local LAFCO of affected territory is the appropriate agency to determine the sphere of influence for the portion of the district in the local LAFCO's county, and (2) which agency--Placer LAFCO or Nevada

LAFCO--has jurisdiction to prepare the municipal service review for sewer services within Placer County and the sphere of influence plan for TSD within the boundaries of Placer County.

The stipulated facts, as summarized in the statement of decision, included the following:

Placer LAFCO and Nevada LAFCO are public agencies organized and existing pursuant to the Act, which establishes a local agency formation commission for each of California's 58 counties.

Intervener TSD is a special district formed under the Sanitary District Act of 1923. (*Health & Saf. Code, § 6400 et seq.*) TSD is an example of a multicounty district. TSD provides wastewater collection service to territory within both Placer County and Nevada County. Because a greater portion of the assessed value of the TSD's taxable property lies within the boundaries of Nevada County, Nevada LAFCO is the "principal county" for TSD under the Act. (See fn. 4, *ante*.)

Intervener Northstar is a special district formed under the Community Services District Law. (*§ 61000 et seq.*) Northstar is an example of a single county district and is located solely within the boundaries of Placer County. In addition to wastewater collection service, Northstar also provides fire protection/emergency services, potable water, snow removal, road maintenance, street lighting, and solid waste disposal to the territory within its boundaries.

There are nine multicounty districts that provide services in both Placer and Nevada Counties. Placer LAFCO is the principal county for three of these districts--Tahoe Forest Hospital District, Tahoe Truckee Sanitation Agency, and Truckee Tahoe Airport District. Nevada LAFCO is the principal county for the other six districts--Donner Summit Public Utility District, Nevada Irrigation District, Truckee Donner Public Utility District, Truckee Donner Recreation and Park District, Truckee Fire Protection District, and TSD.

In 1993, Placer LAFCO and Nevada LAFCO entered into a joint powers agreement (JPA) whereby the two commissions adopted a joint meeting procedure to insure greater cooperation between the two commissions in actions that could have effects in both counties. The two commissions adopted an update of the sphere of influence for Donner Summit Public Utility District on June 21,

1999, and adopted an update of the sphere of influence for Truckee Fire Protection District on December 13, 1999. The JPA was terminated by Placer LAFCO in 2002 due to concern about its legality.

TSD's current sphere of influence was adopted by (principal county) Nevada LAFCO in 1983 and updated by Nevada LAFCO for territory within Nevada County in 1998.

Placer LAFCO says in its appellate brief that there is presently no conflict within Placer County between TSD's sphere of influence as adopted by Nevada LAFCO and Northstar's sphere of influence as adopted by Placer LAFCO, but TSD has proposed that its sphere in Placer County be expanded to include territory to the east of Northstar's physical boundaries, overlaying a substantial portion of Northstar's existing sphere of influence.

As described in the complaint:

"Placer LAFCo [we use the abbreviation "LAFCO" while the parties use "LAFCo," with a small case "o"] is informed and believes and thereupon alleges that TSD has submitted a request to Nevada LAFCo to review, update and modify its sphere of influence plan for its territory in Placer County and that Nevada LAFCo may act upon the request in the near future. In conjunction with such request, Nevada LAFCo is preparing a municipal service review of wastewater services within the current and prospective service area of TSD as provided by *Section 56430* of the Act. A dispute has arisen between Placer LAFCo and Nevada LAFCo with respect to acting on these requests. Nevada LAFCo claims that it is the appropriate agency to conduct the municipal service review for wastewater services in order to determine the sphere of influence plan for the entirety of TSD both in Nevada County and Placer County, pursuant to its role as the principal county under *Sections 56123* and *56387* of the Act. Placer LAFCo, on the other hand, disputes this interpretation of the statutes and contends that the principal county concept only applies to changes of organization or reorganization. Placer LAFCo further contends that it is the appropriate agency to prepare a separate municipal service review for sewer services and sphere of influence plan for TSD within the boundaries of Placer County pursuant to *Section 56425* and *56430* of the Act. The parties agree that the issue regarding which agency is the appropriate agency to develop municipal service reviews and sphere of influence plans will arise again at such time as the

existing sphere of influence plan is reviewed and modified for each of the other multi-county districts listed [in the complaint]."

The complaint alleged Northstar's sphere of influence plan would be affected by the establishment of TSD's sphere of influence plan.

The complaint asked the trial court to declare which entity was the appropriate entity to adopt the municipal service review for service provided within Placer County and the sphere of influence plan for multicounty districts (including TSD) shared by the two counties. The complaint alleged the declaration was urgently needed because the Act (§ 56425, *subd. (f)*) required updating of spheres of influence not less than once every five years, which would come due on January 1, 2006, and service reviews must be completed before the spheres of influence can be updated (§ 56430).⁶

6 When the complaint was filed, former section 56425, subdivision (f), stated the commission "shall review and update, as necessary, the adopted sphere not less than once every five years." (Stats. 2001, ch. 667, § 2.) Effective January 1, 2006, the statute was amended to read: "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." (§ 56425, *subd. (g)*, as amended by Stats. 2005, ch. 347, § 5.) This appeal does not require us to determine whether the amendment made any substantive change.

The trial court's statement of decision, issued on June 7, 2004, concluded the principal county LAFCO (Nevada LAFCO) had jurisdiction to determine the sphere of influence and service review of TSD services, including services within Placer County. The court also endorsed plaintiff's position that the exclusive jurisdiction to conduct municipal service reviews did not preclude an affected LAFCO from conducting its own municipal service review for (unicounty) districts that provide the same or similar services as those of multicounty districts under the jurisdiction of a principal county LAFCO. Such municipal service review may of necessity include a review of the municipal service capability of the multicounty districts within the affected county. The exclusive jurisdiction of the principal county LAFCO extended to conducting municipal service reviews of its own multicounty districts for the purposes of exercising

its exclusive jurisdiction to establish spheres of influence of those districts.

The trial court also concluded, however, that the principal county's exclusive jurisdiction with respect to multicounty districts did not preclude an affected LAFCO from conducting its own service reviews for districts that provide the same or similar service as the multicounty districts, and such review may of necessity include a review of the municipal service capability of the multicounty districts within the affected county. The court said the exclusive jurisdiction of the principal county LAFCO extended to conducting service reviews of its own multicounty district for the purpose of exercising its exclusive jurisdiction to establish such district's sphere of influence. A local LAFCO retained jurisdiction potentially to establish spheres of influence that overlapped the multicounty district's sphere of influence.

The trial court entered judgment in favor of Nevada LAFCO, concluding:

1. The Act places the exclusive authority in the principal county LAFCO to establish the sphere of influence for a multicounty district, both within the principal county and in all other counties where the multicounty district has territory.

2. While the principal county LAFCO must conduct the municipal service review pursuant to *section 56840* for each multicounty district under the principal county LAFCO's jurisdiction, that jurisdiction does not preclude an affected LAFCO from conducting its own municipal service reviews for the districts that provide the same or similar services as those of multicounty districts under the jurisdiction of the principal county LAFCO.

3. Nevada LAFCO has exclusive jurisdiction to prepare the sphere of influence plan for TSD within Nevada and Placer Counties.

Placer LAFCO and intervenor Northstar appeal.

DISCUSSION

I. Standard of Review

Although LAFCO decisions are generally reviewable under a substantial evidence standard (§ 56107), this case, presented to the trial court on stipulated facts and arguments by competing LAFCO's concerning statutory

interpretation, presents only questions of law on appeal. Accordingly, our review is de novo. (*Ghirardo v. Antonioli* (1994) 8 Cal.4th 791, 799 [35 Cal. Rptr. 2d 418, 883 P.2d 960]; *Chatsky & Associates v. Superior Court* (2004) 117 Cal.App.4th 873, 876 [12 Cal. Rptr. 3d 154].)

"Where, as here, the issue presented is one of statutory construction, our fundamental task is 'to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute.' [Citations.] We begin by examining the statutory language because it generally is the most reliable indicator of legislative intent. [Citation.] We give the language its usual and ordinary meaning, and '[i]f there is no ambiguity, then we presume the lawmakers meant what they said, and the plain meaning of the language governs.' [Citation.] If, however, the statutory language is ambiguous, 'we may resort to extrinsic sources, including the ostensible objects to be achieved and the legislative history.' [Citation.] Ultimately we choose the construction that comports most closely with the apparent intent of the lawmakers, with a view to promoting rather than defeating the general purpose of the statute. [Citation.]" (*Allen v. Sully-Miller Contracting Co.* (2002) 28 Cal.4th 222, 227 [120 Cal. Rptr. 2d 795, 47 P.3d 639].)

II. The Issues

Placer LAFCO says the issue on appeal is whether Placer LAFCO or Nevada LAFCO determines the "sphere of influence" and performs the "service reviews" for a multicounty district within Placer County. Placer LAFCO admits Nevada LAFCO, as the "principal county" (§ 56066, fn. 4, *ante*) with respect to TSD, has jurisdiction over "changes of organization"⁷ such as an annexation to TSD affecting Placer County. Placer LAFCO's position is that a "principal county" has jurisdiction *only* over "changes of organization" affecting other counties, *not* over "spheres of influence" (which are planning tools⁸) or "service reviews," because section 56066 defines "principal county" with reference to districts "for which a change of organization or reorganization is proposed." Placer LAFCO notes a LAFCO, as a creation of statute, has only such powers as are bestowed on it by the Legislature. (*Timberidge Enterprises, Inc. v. City of Santa Rosa* (1978) 86 Cal. App. 3d 873, 883-884 [150 Cal. Rptr. 606].)

⁷ The Act refers to "change of organization or reorganization" (§ 56066), but since

reorganization is defined as two or more changes of organization in a single proposal (§ 56073), for ease of reference our use of the term "change of organization" in this opinion will encompass reorganization unless otherwise indicated.

⁸ Although Placer LAFCO's brief says, "a sphere of influence is the actual service boundary adopted by formal action of the LAFCO," by definition, it is a "plan" for a "probable" boundary. (§ 56076.)

A. Statutory Framework

The legislative intent of the Act is expressed in section 56001, which provides:

"The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. The Legislature also recognizes that providing housing for persons and families of all incomes is an important factor in promoting orderly development. Therefore, the Legislature further finds and declares that this policy should be effected by the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

"The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community

services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services."

Section 56301 provides: "Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities."

Under the Act, when a service district (such as TSD) provides services in multiple counties, the Act designates as "principal county" the county having most of the assessed value of the district's taxable property. ⁹ (§ 56066.)

9 As indicated, Placer LAFCO's argument is that the statute defining principal county (§ 56066, fn. 4, *ante*), by referring to changes of organization, limits the principal county's jurisdiction to changes of organization.

The principal county has jurisdiction over changes of organization. (§ 56123.) "Change of organization" means a city incorporation/disincorporation; a district formation/dissolution; an annexation to, or detachment from, a city or district; a consolidation of cities or special districts; or a merger or establishment of a subsidiary district. (§ 56021.) "Reorganization" means two or more changes of organization initiated in a single proposal. (§ 56073.) *Section 56387* provides: "Except as otherwise provided in *Section 56388* [LAFCO's may agree to

transfer of jurisdiction], if any district is, or as a result of a proposed change of organization or reorganization would be, located in more than one county, the commission of the principal county shall have exclusive jurisdiction over the matters authorized and required by this part [part 2 of the Act]." (§ 56387.) Part 2 of the Act includes determination of spheres of influence (§ 56425) 10 and service reviews (§ 56430.) ¹¹

10 *Section 56425* provides in part: "(a) In order to carry out its purposes and responsibilities 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, the commission shall develop and determine the sphere of influence of each local governmental agency *within the county* and enact policies designed to promote the logical and orderly development of areas within the sphere. [¶] ... [¶] (e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following: [¶] (1) The present and planned land uses in the area, including agricultural and open-space lands. [¶] (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 that the agency provides or is authorized to provide. [¶] (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency." (Italics added.)

11 *Section 56430* provides in part: "(a) In order to prepare and to update spheres of influence in accordance with *Section 56425*, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following: [¶] (1) Infrastructure needs or deficiencies. [¶] (2) Growth and population projections for the

affected area. [¶] (3) Financing constraints and opportunities. [¶] (4) Cost avoidance opportunities. [¶] (5) Opportunities for rate restructuring. [¶] (6) Opportunities for shared facilities. [¶] (7) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers. [¶] (8) Evaluation of management efficiencies. [¶] (9) Local accountability and governance. [¶] (b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. [¶] (c) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425."

A sphere of influence is defined as "a plan for the probable physical boundaries and service area of a local agency." (§ 56076, fn. 2, *ante*; see also § 56425, fn. 10, *ante* [determination of spheres of influence for orderly development and coordination of local agencies].) "Service reviews" are conducted in order to prepare and update spheres of influence. (§ 56430.) "Service" means "a class established within, and as a part of, a single function, as provided by regulations adopted by the commission pursuant to Chapter 5 (commencing with Section 56820) of Part 3." (§ 56074.)

"A sphere of influence is a flexible planning and study tool to be reviewed and amended periodically as appropriate." (*City of Agoura Hills v. Local Agency Formation Com.* (1988) 198 Cal. App. 3d 480, 490 [243 Cal. Rptr. 740].) Upon determination of a sphere of influence, the commission shall adopt that sphere, and shall review and update, as necessary, the adopted sphere every five years. (§ 56425, *subds. (f), (g)*.) The sphere of influence is one of the factors to be considered in reviewing a proposal for a change of organization. (§ 56668, *subd. (h)*.) Determinations about changes of organization shall be consistent with the spheres of influence of the local agencies affected. (§ 56375.5.)¹²

12 Section 56375.5 provides: "Every determination made by a commission regarding the matters provided for by subdivisions (a), (m),

and (n) of Section 56375 [approval/disapproval of changes of organization and waiver of restrictions] and by subdivision (a) of Section 56375.3 [annexation of islands] shall be consistent with the spheres of influence of the local agencies affected by those determinations."

B. Analysis

As indicated, Placer LAFCO says the issue is whether Placer LAFCO or Nevada LAFCO should set the sphere of influence and conduct the service reviews for a multicounty district insofar as it affects Placer County. We shall conclude, as did the trial court, that the Act (§ 56387) gives the principal county (here, Nevada LAFCO) jurisdiction over spheres of influence and service reviews of multicounty districts within neighboring counties, and this conclusion does not conflict with *section 56066*, which defines principal county with reference to changes of organization.

Placer LAFCO admits Nevada LAFCO, as the "principal county" (§ 56066, fn. 4, *ante*) with respect to TSD, would have jurisdiction over *changes of organization* such as an annexation to TSD affecting Placer County. Placer LAFCO's position is that a "principal county" has jurisdiction *only* over "changes of organization" affecting other counties, *not* over "spheres of influence" or "service reviews" in the other counties, because *section 56066* defines "principal county" with reference to districts "for which a change of organization or reorganization is proposed." We shall reject this argument and conclude *sections 56066* (defining principal county with reference to taxable property within a district for which a change of organization is proposed) and *56387* (giving principal counties jurisdiction over authorized matters that include matters other than changes of organization) can be read together harmoniously. "A court does not determine the meaning of a statute from a single word or sentence but in context; provisions relating to the same subject must be harmonized to the extent possible. [Citations.]" (*People v. Anderson* (2002) 28 Cal.4th 767, 776 [122 Cal. Rptr. 2d 587, 50 P.3d 368].)

As indicated, "change of organization" means a city incorporation/disincorporation; a district formation/dissolution; an annexation to, or detachment from, a city or district; a consolidation of cities or special districts; or a merger or establishment of a subsidiary district. (§ 56021.)

In contrast to "change of organization," a sphere of influence is "a plan for the probable physical boundaries and service area of a local agency." (§ 56076, fn. 2, *ante*; see also § 56425 [determination of sphere of influence].) "A sphere of influence is a flexible planning and study tool to be reviewed and amended periodically as appropriate." (*City of Agoura Hills v. Local Agency Formation Com.*, *supra*, 198 Cal. App. 3d at p. 490; see also, § 56425, *subds.* (f), (g) [sphere of influence should be reviewed and updated as necessary every five years].) The sphere of influence is a factor to be considered in reviewing proposals for changes of organization. (§ 56668, *subd.* (h).) However, determinations regarding approval or disapproval of changes of organization shall be consistent with the spheres of influence of the local agencies affected by those determinations. (§ 56375.5, fn. 12, *ante*.)

"Service reviews" are conducted in order to prepare and update spheres of influence. (§ 56430.)

Where a district provides services to multiple counties (a multicounty district), the sphere of influence and service review will necessarily implicate multiple counties. As we shall see, nothing in the Act calls for each county in a multicounty district to set its own sphere of influence for that district.

Contrary to Placer LAFCO's position, the Act goes beyond changes of organization and gives principal counties exclusive jurisdiction over spheres of influence and service reviews of a multicounty district within other counties serviced by the district. Thus, as indicated, *section 56387* provides, "Except as otherwise provided in *Section 56388*,^[13] if any district is, or as a result of a proposed change of organization or reorganization would be, located in more than one county, the commission of the principal county shall have exclusive jurisdiction over the matters authorized and required by this part." (Italics added.) "This part" is part 2--Local Agency Formation Commission, *sections 56300 to 56434*--and includes the determination of spheres of influence (§ 56425, fn. 10, *ante*) and the conduct of service reviews (§ 56430, fn. 11, *ante*).

13 *Section 56388* provides: "If any proposal involves a district which is, or as a result of a proposed change of organization or reorganization would be, located in more than one county, exclusive jurisdiction for that proposal over the matters authorized and required by this part may

be vested in the commission of a county, other than the principal county, in which territory of the district is located or is proposed to be located if all of the following occur: [¶] (a) The commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county. [¶] (b) The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction. [¶] (c) The commission of the county so designated agrees to assume exclusive jurisdiction."

Thus, *section 56387* unambiguously gives principal counties jurisdiction over spheres of influence and service reviews of multicounty districts.

Placer LAFCO argues the phrase "matters authorized and required by this part," as used in *section 56387*, does not apply to spheres of influence or service reviews but refers only to things such as notices, proceedings, and orders, because a different provision of the Act (§ 56123) 14 uses the "authorized and required" language in connection with notices, proceedings, and orders. Nothing in the language of *section 56387* sanctions this view, and we reject it.

14 *Section 56123* provides: "Except as otherwise provided in *Section 56124* [transfer of jurisdiction by agreement], if a proposed change of organization or a reorganization applies to two or more affected counties, for the purpose of this division, exclusive jurisdiction shall be vested in the commission of the principal county. Any notices, proceedings, orders, or any other acts *authorized or required* to be given, taken, or made by the commission, board of supervisors, clerk of a county, or any other county official, shall be given, taken, or made by the persons holding those offices in the principal county." (Italics added.)

Placer LAFCO argues *section 56387* cannot give principal counties jurisdiction over spheres of influence and service reviews, because *section 56066* (fn. 4, *ante*), defines principal counties as counties having most of the assessed value of taxable property within "a district or districts *for which a change of organization or reorganization is proposed*." (Italics added.) Placer LAFCO argues *section 56066* thus limits principal counties' jurisdiction to matters concerning changes of

organization or reorganization. In the same vein, Northstar characterizes *section 56066* as establishing a "condition precedent" to the definition of principal county. We disagree.

Thus, *section 56066* is a definitional statute that defines "principal county." A definitional statute will not operate to abrogate another provision of the Act, because *section 56010* says the statutory definitions govern "[u]nless the provision or context otherwise requires" We believe *section 56066* (which defines principal county with reference to changes of organization) and *section 56387* (which gives principal counties jurisdiction over authorized matters) can be harmonized.

Thus, change of organization is what the Act is all about. It is why *all* LAFCO's exist, whether or not they are the LAFCO's of principal counties. Additionally, it is obvious that a "change of organization" is a prerequisite for a "principal county" to come into being, because in order for a principal county to exist, there must be a multicounty "district," and formation of a district constitutes a "change of organization" (§ 56021.) Once the principal county comes into being, we see no impediment to the Legislature giving the principal county jurisdiction over additional matters beyond changes of organization--matters such as sphere of influence and service reviews. We note a different statute expressly gives principal counties jurisdiction over proposed changes of organization (§ 56123, fn. 14, *ante*); and therefore principal counties do not depend on the definitional statute of *section 56066* as the source of their jurisdiction over changes of organization.

Thus, principal counties unambiguously have jurisdiction over spheres of influence and service reviews pursuant to *section 56387*.

Placer LAFCO argues this reading of *section 56387* must be wrong, because *section 56387* gives jurisdiction to the principal county "[e]xcept as otherwise provided in *Section 56388*," and *section 56388* (fn. 13, *ante*) limits itself to a "proposal," which is defined in the Act as a request for a change of organization (§ 56069).¹⁵ Placer LAFCO argues that, since *section 56388* is limited to changes of organization, *section 56387* must also be so limited. Placer LAFCO argues the trial court erroneously construed *section 56388* as allowing transfer of jurisdiction for any matter, not just for changes of organization. Nevada County also questions the ruling on this point and states there is nothing that requires *sections*

56387 and *56388* to have the same scope.

15 *Section 56069* provides: " 'Proposal' means a request or statement of intention made by petition or by resolution of application of a legislative body ... proposing proceedings for the change of organization or reorganization described in the request or statement of intention."

We need not decide the meaning of *section 56388*, because that statute is not at issue in this case. Placer LAFCO seeks to use *section 56388* to limit the scope of *section 56387*, arguing (without citation of authority) that the two statutes must have the same scope. However, even assuming for the sake of argument that Placer LAFCO's interpretation of *section 56388* is correct (that *section 56388* allows transfer of jurisdiction only with respect to changes of organization), we see nothing wrong with one statute conferring jurisdiction over multiple matters and another statute authorizing transfer of jurisdiction over some but not all of those matters. Indeed, we agree with Nevada LAFCO that Placer LAFCO's position (that any limitation in *section 56388* must be imported into *section 56387*) would operate as a partial repeal of *section 56387*. There is a presumption against such repeals by implication. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal. App. 2d 41, 54 [69 Cal. Rptr. 480].)

We conclude *section 56387* gives principal counties jurisdiction over spheres of influence and service reviews of multicounty districts within neighboring counties.

We reject other miscellaneous attacks on this construction of the Act.

Thus, Placer LAFCO argues the overall objectives of the Act are to discourage urban sprawl and provide for orderly development of service agencies, and a local LAFCO is best able to determine the pattern of growth within its own county. However, having a neighboring county (as opposed to the state) determine a sphere of influence for a multicounty district does keep the matter local, and having one county determine the sphere of influence for a multicounty district (as opposed to multiple counties within the district each determining their own sphere of influence for the district) is consistent with the objectives of planned growth and discouragement of urban sprawl.

Placer LAFCO argues that, because *section 56425*

(fn. 10, *ante*) says the commission shall determine the sphere of influence of each local agency "within the county" to provide for needs "of the county," this statute does not authorize principal counties to set spheres of influence in adjacent counties. However, *section 56387* does so authorize, as we have seen. We disagree with Placer LAFCO's view of *section 56425* as mandating control by the local county rather than the principal county.

Placer LAFCO argues the responsibility to assure orderly growth lies with the LAFCO in the county where the development will occur, and if several different LAFCO's are responsible for preparing spheres of influence for various agencies within a county, the spheres of the various agencies with the potential to serve an area may conflict and the efficiency declared in the statute will give way to jurisdictional fights and conflicts. However, a similar defect could be identified in Placer LAFCO's position, i.e., if each county LAFCO in a multicounty district determines its own sphere of influence for its own little corner of that district, the spheres of the various counties within a single district may conflict.

Placer LAFCO argues an example of a potential conflict is shown by this case, as follows: Northstar lies entirely within Placer County and provides a range of services--wastewater collection, fire protection, emergency services, potable water, snow removal, road maintenance, street lighting, and solid waste disposal. TSD provides a single service--wastewater collection--within both Placer County and Nevada County. TSD's current sphere of influence was adopted by Nevada LAFCO. There is presently no conflict between TSD's sphere as adopted by Nevada LAFCO and Northstar's sphere as adopted by Placer LAFCO. However, in July 2002, TSD approved a "Placer County Sphere of Influence 2020," proposed to expand its sphere in Placer County to include land that overlays a substantial portion of Northstar's existing sphere. Placer LAFCO argues that, if Nevada LAFCO has exclusive authority to determine TSD's sphere within Placer County, then Placer LAFCO would have no role in determining whether there is a need for TSD to provide services to an area within the existing sphere of Northstar. Once the sphere is established, any request to annex territory is made directly to Nevada LAFCO, and Placer LAFCO would have no authority to determine whether it is appropriate for the territory to be served by

TSD or Northstar. Placer LAFCO complains it and local planning agencies will have no participation in decisions affecting them. Placer LAFCO says that, under its proposal, principal counties will continue to retain jurisdiction over annexations to a multicounty district that occur in an adjacent county, but the appropriateness of that annexation and its impact on service and development issues in Placer County already will have been considered by Placer County. Placer LAFCO argues that if principal counties have jurisdiction over spheres of influence in neighboring counties, then a LAFCO would have the authority to extend the boundaries of a district that is located solely within the boundaries of that county into an adjacent county, claim principal county status, and set a sphere for such district that conflicts with the planning and community attitudes of the adjacent county, a scenario in direct conflict with the express wording and purpose of the Act.

Nevada LAFCO responds overlapping spheres would not be the end of the world, but in any event, Placer LAFCO's arguments are an exaggeration, because the Act has safeguards to insure input of each local county. For example, before adoption or revision of a sphere of influence, a public hearing must be held, and each affected county and local agency must receive notice of the hearing and an opportunity to be heard. (§ 56427.)¹⁶ Additionally, contrary to Placer LAFCO's unsupported suggestion that commissioners are local officials accountable only to residents of that county, *section 56325.1* directs commissioners to "exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole" and "represent the interests of the public as a whole and not solely the interests of the appointing authority." The Act also has safeguards against arbitrary action by a "foreign" LAFCO with respect to decisions on changes of organization, because dissatisfied citizens can force the matter to a vote and override the decision. (§§ 57075, 57176.)

¹⁶ *Section 56427* says, "The commission shall adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose. At least 21 days prior to the date of that hearing, the executive officer shall give mailed notice of the hearing to *each affected local agency or affected county* ... [¶] At any hearing called and held pursuant to this section, the commission shall hear and consider oral or written testimony

presented by *any affected local agency or affected county ...* (Italics added.) "Affected county" means "each county which contains, or would contain, any territory for which a change of organization or reorganization is proposed or ordered or which contains all or any part of a district for which a change of organization or reorganization is proposed or ordered with respect to territory outside that county." (§ 56012.)

As an example of potential conflict, Placer LAFCO hypothesizes that it and all of its five neighboring counties are principal counties to multicounty districts that provide a variety of services in these counties and asks questions such as: Do six different LAFCO's have exclusive jurisdiction to determine potentially conflicting spheres of influence for agencies serving one county; and could a small county's larger neighbors allow the expansion of multicounty districts into the smaller county over the smaller county's objection? However, the last question is disingenuous, because it involves expansion, which is a "change of organization," and Placer LAFCO does not dispute that the principal county LAFCO has exclusive jurisdiction over changes of organization. Thus, as conceded by Placer LAFCO, different LAFCO's may be responsible for *changes of organization* within a county under the Act, because Placer LAFCO has jurisdiction for changes in districts covering only Placer County, while whatever county is the "principal county" has jurisdiction for changes in multicounty districts that include but are not limited to Placer County. As to potentially conflicting spheres of influence, Placer LAFCO's position that a single multicounty district should have multiple simultaneous spheres of influence also creates a potential for conflicts.

Thus, Placer LAFCO fails to prove its assertion that: "As long as each LAFCO is held to retain the jurisdiction to establish spheres of influence affecting territory within its own county, there can be no conflict."

To the contrary, Nevada LAFCO does identify potential conflicts that might arise from Placer LAFCO's position. Thus, Nevada LAFCO argues Placer LAFCO's interpretation of the Act would split responsibility for the planning process (spheres of influence and service reviews) from the day-to-day decisionmaking. It would have the LAFCO of each affected county adopting a service review and sphere of influence plan for each multicounty district within the county. Then the principal

county LAFCO would have to use the affected county's sphere plan and service review to base its decisions within the affected county. Nevada LAFCO says this might not present a problem if the planning documents were simple and uniform, but that is not the case. The Legislature has not enacted a uniform planning process, and each LAFCO adopts its own policies and procedures. (E.g., § 56300, *subd. (a)* [each commission shall establish written policies and procedures].) Thus, Nevada LAFCO will follow its own policies even if it were to use Placer LAFCO's sphere plans and service reviews. Sphere plans and service reviews may vary from LAFCO to LAFCO. Nevada County directs our attention to the written policies of Placer LAFCO and Nevada LAFCO, submitted to this court by a "[s]tipulation to [a] judgment [r]ecord," which we granted. Nevada LAFCO's policies include six pages of requirements for spheres of influence. Placer LAFCO's policies include only a page and a half on spheres of influence. Since decisions with respect to changes of organization must be consistent with spheres of influence, Nevada LAFCO as principal county with exclusive jurisdiction over changes of organization may find itself required to base its decision on information that Placer LAFCO did not require or include in its sphere plan.

Nevada LAFCO also argues Placer LAFCO's position balkanizes the planning process between counties, because there would be a separate sphere of influence and service review in each county in which a multicounty district provided service, potentially subjecting the principal county LAFCO to varying requirements for each LAFCO. Nevada LAFCO further argues such balkanization would discourage analysis of issues on a regional basis. Nevada LAFCO cites as an example the Truckee-Martis Valley area, but Nevada LAFCO gives no citation to anything in the record to support its factual assertions about this area (and respondents cite only to the statement of decision, which cited a trial brief), and we therefore will not consider it as a factual matter. We can, however, consider the point as a hypothetical in which integrated facilities of a multicounty district serve an area that is essentially a single community but that crosses a county line. Each county's LAFCO could decide, based on a limited study of that county only, that there is adequate capacity to double the service demands for that county. Neither county LAFCO would have considered the combined impact of their decisions, and it could result in overtaxing the system's capacity.

Thus, Placer LAFCO's theory of the case will not result in an absence of conflicts.

Placer LAFCO argues the considerations that go into determining spheres of influence, as required by *section 56425, subdivision (e)* (fn. 10, *ante*), e.g., planned land uses in the area, need for services, etc., are the types of considerations that can only be made by a local LAFCO, not a neighboring principal county LAFCO. The subdivision refers to matters such as present and planned land uses, need for and present capacity of public facilities, and existence of any social or economic communities of interest in the area if determined relevant by the commission. Placer LAFCO fails to show why these determinations can be made *only* by the local LAFCO. We need not address points in appellate briefs that are unsupported by adequate factual or legal analysis. (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785 [79 Cal. Rptr. 2d 273]; *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979 [21 Cal. Rptr. 2d 834]; *In re Marriage of Nichols* (1994) 27 Cal.App.4th 661, 672-673, fn. 3 [33 Cal. Rptr. 2d 13].)

Placer LAFCO cites *section 56301*, which in describing the purposes of "a commission" says, "One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities." We disagree that this statute preserves jurisdiction in Placer LAFCO over multicounty districts for which Placer LAFCO is not the principal county. This statute, which describes the objects of "the commission" applies equally to Nevada LAFCO, which is also a "commission."

Placer LAFCO argues the statutory definition of "principal county" in *section 56066* was amended in 1994 to add the language about changes of organization, *after* enactment of *section 56387*. However, Placer LAFCO fails to support this point with adequate authority, instead referring us to an entire trial brief of another party. We need not address this unsupported and undeveloped argument, and it is improper simply to incorporate by reference papers filed in the trial court. (*Badie v. Bank of America*, *supra*, 67 Cal.App.4th at pp. 784-785; *Kim v. Sumitomo Bank*, *supra*, 17 Cal.App.4th at p. 979; *In re Marriage of Nichols*, *supra*, 27 Cal.App.4th at pp.

672-673, fn. 3; *Garrick Dev. Co. v. Hayward Unified School Dist.* (1992) 3 Cal.App.4th 320, 334 [4 Cal. Rptr. 2d 897].) Additionally, we observe that even before 1994, *section 56066* contained the language about changes of organization. (Stats. 1985, ch. 541, § 3, pp. 1928-1929.) This observation illustrates the importance of the requirement that appellate briefs provide an adequate factual and legal analysis.

Placer LAFCO argues that, because there is a statutory definition for "affected county" as a county with territory for which a change of organization is proposed (§ 56012), and this definition corresponds with the "principal county" definition, and there is no statutory definition for a LAFCO which establishes a sphere of influence in another county, then "principal county" must be restricted to situations involving a change of organization. We disagree.

Under a separate heading about "service reviews," Placer LAFCO argues in its opening brief that the trial court erroneously determined that a principal county LAFCO was vested with exclusive authority to conduct service reviews for multicounty districts.¹⁷

17 Placer LAFCO's reply brief says, "Neighboring counties such as Nevada County may be an appropriate entity to prepare [municipal service reviews] in Placer County under ... *Section 56430* [fn. omitted], but they do not and cannot have exclusive jurisdiction to prepare [municipal service reviews]." Placer LAFCO thus concedes the Act gives Nevada LAFCO authority to prepare service reviews in Placer County in connection with TSD.

Placer LAFCO cites *section 56430*, which provides in part that "the commission shall conduct a service review of the municipal services provided *in the county or other appropriate area designated by the commission.*" (Italics added.) We reject the argument that this language means only Placer LAFCO can conduct a service review of services in Placer County.

Placer LAFCO claims the question of whether principal counties have exclusive jurisdiction over service reviews was considered and rejected by the Office of Planning and Research (OPR) in the Local Agency Formation Commission Municipal Service Review Guidelines and Appendices (OPR Guidelines). These guidelines were statutorily mandated. (§ 56430, *subd. (d)*)

[OPR, "in consultation with commissions, the California Association of Local Agency Formation Commissions, and other local governments, shall prepare guidelines for the service reviews to be conducted by commissions pursuant to this section"].)

Placer LAFCO cites authority that courts generally give deference to administrative interpretation of statutes of administrative agencies charged with carrying out the statutes. (E.g., *MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 219 [130 Cal. Rptr. 2d 564].)

Placer LAFCO cites from the OPR Guidelines, appendix M as follows:

"D. Determining the Lead LAFCO

"If LAFCOs decide to proceed with a joint review, or agreement to conduct a joint review, they will need to determine which LAFCO should lead the municipal service review. [The Act] (§ 56066 and § 56388) currently contains guidance for determining which LAFCO should assume the principal role for an organization or reorganization. While this section does not specifically apply to municipal service reviews, it does include guidance for determining which LAFCO could serve as the Lead LAFCO for a municipal service review.

"[Section] 56066 defines the term, 'Principal County,' as 'the county having all or the greatest portion of the entire assessed value ... of all taxable property within a district or districts for which a change of organization or reorganization is proposed.'

"[The Act] also provides a means for delegating the lead role when a change of organization or reorganization is proposed. [Section] 56388 provides that the commission of the principal county can vest jurisdiction in another LAFCO subject to the agreement of the LAFCO assuming jurisdiction. For municipal service reviews, LAFCOs may choose their own options based on experience, desire to lead or other factors. Options for determining roles should be included in the joint powers agreement where applicable." (Italics added.)

Placer LAFCO argues these OPR Guidelines conclude that exclusive jurisdiction is not granted to a principal county to conduct service reviews even though section 56430 is included in part 2 of the Act. However,

the cited OPR Guidelines make no reference to part 2. As noted by Nevada LAFCO, the portion of the OPR Guidelines relied upon by Placer LAFCO relates to the delegation of the lead agency role where LAFCOs have determined to proceed with a joint review. This guidance by the OPR does not consider or reject the plain meaning of the Act where LAFCOs have not determined to conduct a joint review or otherwise agreed to delegate jurisdiction to the affected county LAFCO.

Both sides argue, but fail to prove, that their position is supported by the legislative intent of the Act, as expressed in a Report of the Commission on Local Governance for the 21st Century. The current Act was "intended to implement the recommendations of the Commission on Local Governance for the 21st Century" (Stats. 2000, ch. 761, § 286.) These recommendations appear, along with historical background, in *Growth Within Bounds: Planning California Governance For The 21st Century* (Growth Within Bounds), which was published in January 2000 as a Report of the Commission on Local Governance for the 21st Century. The parties agree this report provides the best evidence of legislative intent of the Act (though neither side points to anything directly addressing the issue in this appeal).

LAFCO's were created in 1963 to review and approve or disapprove proposals for incorporation, creation of special districts, and annexations. In 1965, these statutes, with technical changes, were redesignated the Knox-Nisbet Act, and a separate district reorganization act (DRA) was passed, establishing the procedure for change of organization of special districts. Under the DRA, LAFCO was nevertheless authorized to review and approve or disapprove of these proposals. In 1977, the Municipal Organization Act (MORGA) was adopted, consolidating procedures governing annexation, detachment, incorporation, disincorporation, and consolidation of cities into one Act. MORGA declared the state policy of orderly growth and the finding that a single government agency is better able to respond to community service needs. In 1985, the Knox-Nisbet Act, DRA, and MORGA were consolidated into the Cortese-Knox Local Government Reorganization Act of 1985. Legislation in 1993 authorized LAFCO's to initiate proposals for the consolidation of special districts or formation/dissolution of subsidiary districts. Growth Within Bounds noted other changes but concluded the basic powers and duties of a LAFCO had changed little since the original enabling legislation in 1963.

Regarding multicounty districts, Growth Within Bounds said in part: "The Cortese-Knox Act envisions the existence of multi-county districts and makes provision for decision-making precedence. Each special district has a designated 'principal county' of service. The principal county is defined in [§ 56066 ¹⁸] as the county having all or the greater portion of the entire assessed value of all taxable property within the district. Moreover, the LAFCO for the principal county has exclusive jurisdiction over any proposed change of organization or reorganization involving the district, even if the change affects only the portion of the district located in another county." The Commission on Local Governance recommended statutory amendments (1) to give express authorization for LAFCO's to enter agreements with neighboring LAFCO's concerning multicounty districts, and (2) to give notice of proposed changes to all affected jurisdictions.

18 Current *section 56066*, with its "change of organization" language (fn. 4, *ante*), reads the same now as it did at the time Growth Within Bounds was written.

We disagree with Placer LAFCO's construction of the foregoing quotation from the Report as a statement that principal county jurisdiction is *limited* to changes of organization. Rather, the Report's reference to "decision-making precedence" appears to place responsibility for spheres of influence and service reviews in the "principal county."

Growth Within Bounds also discussed spheres of influence and service reviews, without directly addressing them in the context of principal counties, but referring to a "regional" approach, e.g., "A service review would encompass a comprehensive study of each identifiable public service provided by counties, special districts, and cities in the region." Spheres of influence were added by legislation in 1971 but were not routinely performed until 1984 legislation set a mandatory deadline.

We disagree with Placer LAFCO's position that the report's failure to discuss expressly principal county jurisdiction over spheres of influence means there is no such jurisdiction.

Placer LAFCO argues there is an inconsistency in the judgment because the trial court said that, despite Nevada LAFCO's "exclusive jurisdiction" to conduct the service review, Placer LAFCO retained jurisdiction to conduct its own service reviews for services within its borders, which may of necessity include a review of the service capabilities of multicounty districts that operate partly within Placer County borders. The trial court said the principal county's exclusive jurisdiction extended to service reviews of its multicounty districts for the purposes of exercising exclusive jurisdiction over spheres of influence, while the local LAFCO retained jurisdiction potentially to establish spheres of influence that overlap the multicounty district's sphere of influence. We see no problem with the judgment. We see nothing wrong with Placer County studying or reviewing services within its borders. Its reviews simply do not constitute the "service reviews" that will be used to establish and update spheres of influence under the Act for multicounty districts for which Placer County is not the principal county. We therefore need not further address the parties' arguments on this point.

We conclude Placer LAFCO and Northstar have failed to show grounds for reversal of the judgment.

DISPOSITION

The judgment is affirmed. The parties shall bear their own costs on appeal. ¹⁹ (*Cal. Rules of Court*, rule 27(a)(4).)

19 The judgment says the parties agreed to bear their own costs. We assume this applies to the appeal.

Davis, J., and Hull, J., concurred.

**MEMORANDUM OF UNDERSTANDING
FOR EXCHANGE OF PRINCIPAL COUNTY
STATUS FOR SPHERE OF INFLUENCE CHANGES
LOCAL AGENCY FORMATION COMMISSION FOR SAN
BERNARDINO COUNTY
AND
_____ LOCAL AGENCY FORMATION COMMISSION**

THIS **MEMORANDUM OF UNDERSTANDING** (MOU) IS MADE THIS ____
DAY OF _____, 20__ BY AND BETWEEN THE LOCAL AGENCY FORMATION
COMMISSION FOR SAN BERNARDINO COUNTY (hereinafter **SBLAFCO**) and
_____ LOCAL AGENCY FORMATION COMMISSION (hereinafter
_____ **LAFCO**).

RECITALS

The following recitals are a substantive part of this MOU:

1. In January 2006 in the Third Appellate District of the Court of Appeal for the State of California a decision was rendered, identified commonly as the "Truckee Decision", which applied the California Government Code Section 56066 definition of "principal county" to determinations for spheres of influence under the provision of Government Code Section 56425 et seq.
2. Principal County is defined in the California Government Code at Section 56066 which reads as follows: "Principal County" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization is proposed".
3. Government Code Section 56123 and 56124 allow for the transfer of exclusive jurisdiction from the principal county to the affected county LAFCO if all of the following determinations are made:
 - a. The Commission of the principal county approves of having exclusive jurisdiction vested in another affected county;
 - b. The commission of the principal county designates the affected county to assume exclusive jurisdiction; and,
 - c. The commission of the affected county so designated agrees to assume exclusive jurisdiction.

4. The SBLAFCO and __LAFCO have numerous entities which abut, and in several instances cross over county boundary lines. It has been the practice of SBLAFCO and __LAFCO that the county within which the territory is situated would be the county determining the sphere of influence, having the knowledge of underlying service providers, affected agencies within and surrounding the entity within the affected county, and understanding the development standards and vision within the affected county. This memorandum of understanding is intended to set forth these prior understandings in a formal manner and to identify that as allowed by Government Code Section 56375(q) the LAFCOs have agreed to transfer authority for processing of sphere of influence applications.

5. This MOU between SBLAFCO and __LAFCO is to establish the terms and conditions for the vesting of exclusive jurisdiction in the matters of sphere of influence determinations to the Commission of the affected county from the Commission of the principal county.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS, CONDITIONS AND PROMISES CONTAINED HEREIN, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Sphere of influence Transfer Determinations:
 - a. When a proposal is contemplated to extend a special district's sphere of influence into the adjacent county, the SBLAFCO or __LAFCO acting as principal County does hereby approve the transfer of exclusive jurisdiction for those determinations to the affected county;
 - b. This MOU identifies that the transfers shall be to the affected county within which the territory considered for sphere of influence expansion or reduction lies; and,
 - c. Acting as the affected County, the SBLAFCO or __LAFCO agree to assume the exclusive jurisdiction for sphere of influence determinations within their respective county territory.

2. Term of MOU

The term of this MOU shall commence upon execution of this agreement by both LAFCOs and shall remain in effect until specific action is taken to rescind it in its entirety or to modify the MOU. This MOU constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof and is executed without reliance upon any representations or promises not contained herein.

3. Responsibilities for complying with transfer of exclusive jurisdiction:

Each LAFCO shall advise applicant(s) seeking the expansion of a sphere of influence in the adjacent county of a special district for which they are designated "principal county" that the applicant(s) shall submit said request to the affected county LAFCO. The application requirements, including fees and processing costs, of the LAFCO vested with exclusive jurisdiction shall apply. The LAFCO with exclusive jurisdiction shall include the principal county LAFCO in all notices, provision of staff reports and resolutions related to the sphere of influence consideration process. Nothing in this MOU shall be construed to limit in any way the provision of State Law governing the consideration process for a sphere of influence change.

4. Compliance with Government Code Section 56430

The policies and procedures of the LAFCO vested with exclusive jurisdiction for by this MOU shall apply to the processing of any sphere of influence change with regard to Government Code Section 56430. Nothing in this section would preclude the LAFCO vested with jurisdiction from using the service review data and/or determinations prepared by the principal LAFCO for the affected agency.

5. Modification

This MOU constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This MOU may be modified only by subsequent mutual written agreement executed by SBLAFCO and __LAFCO and will not be effective until signed by all parties.

6. Termination

This MOU may be terminated by either party by giving a 60-day notice in writing following action of the requesting Commission.

7. California Law

This MOU shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the Superior Court of the affected County. The MOU shall be construed as though jointly drafted by the Parties with the assistance of independent legal counsel.

8. Indemnification

SBLAFCO or __LAFCO each agree to indemnify, defend at their own expense, including attorneys fees, and hold each other harmless from and against all claims, costs, penalties, causes of action, demands, losses and liability of any nature, whatsoever, including but not limited to liability for bodily injury, sickness, disease or death, property damage (including loss of use) or violation of law, caused by or arising out of or related to any negligent act or willful misconduct of that party, its officers or employees or any other agent acting pursuant to its control and performing under this agreement.

9. Notices

All notices shall be personally delivered or mailed, via first-class mail to the below listed addresses:

- (a) Local Agency Formation Commission for San Bernardino
County
215 North D Street, Suite 204
San Bernardino, CA 92415-0490
Attn: Executive Officer
Kathleen Rollings-McDonald
- (b) _____ Local Agency Formation Commission

9. Preservation of Agreement

Should a provision of this MOU be found invalid or unenforceable, the decision shall effect only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown above.

APPROVED AS TO FORM:

LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY:

General Counsel
Local Agency Formation
Commission For San Bernardino
County

By: _____
BRAD MITZELFELT
CHAIRMAN

APPROVED AS TO FORM:

LOCAL AGENCY FORMATION
COMMISSION:

Legal Counsel,

Local Agency
Formation Commission

By: _____
CHAIRMAN

DRAFT