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The Local Agency Formation Commission-LAFCO

By Andrea A. Firth

As the story goes, years ago there was fire burning in a house located in an unincorporated section of Walnut Creek. The fire department was called, but upon arrival the unit determined that the house was outside of its jurisdiction, so they left. A second battalion arrived from another district, but it also determined that the house was located beyond its area of responsibility, so they left. Eventually the first fire department returned to the scene having realized that the house was within its district's coverage area. By then, the house had burned to the ground. It may be urban lore, but the story signifies the importance that boundaries-the lines that demarcate where one city, town, or special district starts and ends-serve to define the identities of local government. And the agency charged with controlling boundaries is LAFCO-the Local Agency Formation Commission.

The acronym LAFCO has been floating around Lamorinda's news over the past 18 months related to a proposal to reorganize the local fire district and more recently with respect to the sewer service for a home building project situated outside of Orinda's urban limit line. This article will focus on who and what LAFCO is and does.

LAFCO is the watchdog established by the State legislature to oversee the boundaries of cities, towns and special districts, such as fire protection, water, and sanitation districts. "It is an organization with enormous influence but guided by esoteric rules and laws which makes it difficult for people to understand," acknowledges Contra Costa County Board Supervisor Gayle Uilkema, who has served as a LAFCO Commissioner for over 25 years.

Following California's population explosion post World War II, the increased demand for government services led to rapid growth and poorly planned expansion. To address the complexities of local government boundary lines and the misuse of land resources, the State created LAFCOs. Each of the State's 58 counties has its own LAFCO; Lamorinda comes under the oversight of the Contra Costa County LAFCO (CCC LAFCO).

LAFCO has no direct land use authority, for example the Commissions can not regulate property development or subdivision design, but they do indirectly influence land use with their boundary decisions. By controlling where sewers, water service, and fire protection are available, LAFCOs influence development patterns. "LAFCO promotes orderly growth," states Uilkema. "It has to be orderly so that our communities have a sense of order and the services that they need," she adds.

While she emphasizes that LAFCO functions under State law, Uilkema says, "I think it is one of the most fascinating areas of local government." Uilkema was first elected to the CCC LAFCO when she was a Lafayette City Council member. Now in her 14th year as a Supervisor, she has been one of the County Board's LAFCO appointees all along, and in 2007, she was recognized as "the" outstanding LAFCO Commissioner in the State. LAFCOs have five or seven members with representatives from the county board, the cities, special districts, and sometimes a member of the public.

LAFCO's domain is expansive. In addition to cities, LAFCO regulates the boundaries for water, sewers, fire protection, parks, libraries, airports, hospitals, cemeteries, and pest abatement. What doesn't LAFCO regulate? The boundaries associated with schools, roads, transit, joint power authorities, and a few other special district types. The process for changing a boundary or reorganizing a special district can occur through a variety of mechanisms, e. g. annexation, incorporation, detachment, or merger. While LAFCO can initiate some boundary changes, such as consolidations, dissolutions, and mergers, for the most part the Commissions are reactive, not proactive. "Usually we react to an application that comes to us," states Lou Ann Texeira, CCC LAFCO's Executive Officer. "We tend to be more reactive. We want to see support from the residents." LAFCO's process for changing a boundary or reorganizing a district entails four to five steps, extensive review, and in some cases an election by the residents in the affected area.

Once a LAFCO decision has been made, it is essentially binding. "LAFCO decisions are not easy to overturn," acknowledges Texeira noting that there is no appeal mechanism and the only recourse is to file a lawsuit. "LAFCO decisions are essentially final unless overturned by a court," she adds.

When a community is involved in an issue that falls within LAFCO's oversight, Uilkema suggests that interested residents go to a LAFCO meeting to see how it works. "This is really important," states Uilkema. "The rules differ. LAFCO law is different in many ways."

The CCC LAFCO typically meets the second Wednesday of the month at 1:30 p.m. in the Board of Supervisors Chambers, 651 Pine Street, Martinez. For agendas and minutes go to www.contracostalafco.org.

For more information on LAFCOs, see *It's Time to Draw the Line: A Citizen's Guide to LAFCOs 2003*, www.calafco.org/docs/TimetoDrawLine.

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