

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/647-7647

www.sblafco.org ♦ lafco@sblafco.org

July 5, 2007 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street, Room 403
Santa Barbara CA 93101

Amend Commissioner Handbook to Delete Rules and Regulations Affecting Functions and Services of Special Districts

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission rescind Section 12 of the Commissioner Handbook, “Rules and Regulations Affecting the Functions and Services of Special Districts.”

DISCUSSION

Prior to the current statute, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the process for LAFCOs to regulate latent powers of special districts involved (a) adoption of rules and regulations affecting the functions and services of districts and (b) expansion of the Commission by adding special district members.

The Santa Barbara LAFCO took this path in 1994. As requested by special districts it adopted “Rules and Regulations Affecting Functions and Services of Special Districts” (copy enclosed) and as a result special district members were for the first time seated on the Commission.

As a result of statutory changes all LAFCOs now regulate the functions and types of services that special districts can provide. Sections 56824.10 to 56824.14 (copy enclosed) require districts to request LAFCO’s authorization to exercise new or different functions or classes of service.

The statute makes superfluous the section of the Commissioner Handbook relative to functions and services of special districts. It is therefore recommended that the Commission rescind this section of the Handbook.

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Please contact the LAFCO office if you have any questions regarding this matter.

Very truly yours,

BOB BRAITMAN
Executive Officer

RULES AND REGULATIONS AFFECTING THE FUNCTIONS AND SERVICES OF SPECIAL DISTRICTS

A. Authorization

The Commission adopts these rules and regulations governing the functions and services of special districts (Government Code §56451) and hereby concurrently orders the membership upon the Commission of independent special districts, as provided in Government Code §56332.

These Rules and Regulations will be effective from and after the date special district members are seated on the Commission. If the Independent Special District Selection Committee removes the special district members from the Commission and does not appoint replacement members for 60 days the Rules and Regulations shall cease to be effective and shall not be effective until such time as new special district members are appointed by the Independent Special District Selection Committee.

The procedures provided by these rules and regulations shall be governed by the Act.

B. DEFINITIONS

In addition to the definitions in the Act, the following definitions shall apply to these rules and regulations:

1. "Act" means the Cortese-Knox Local Government Reorganization Act of 1985 and amendments thereto. (Government Code §5600 et seq.)
2. "Commission" means the Santa Barbara County Local Agency Formation Commission.
3. "Functions and services" means the functions and services as described in the principal act of each special district. The term is intended to be general and not limiting or exclusive, and shall include related or ancillary functions, services or activities. For example, water functions and services include activities to conserve water.
4. "Report" means a report by a district on its functions and services and any amendments thereto, provided under §§4 or 5 of these Rules and Regulations.

5. "Rules and Regulations" means these Rules and Regulations Affecting the Functions and Services of Special Districts, and any amendments hereto.
6. "Special District" means a district or special district as defined in §56036.

C. APPLICATION

These rules and regulations shall apply to all special districts in Santa Barbara County as defined in §2.F. above. A list of the types of special districts in Santa Barbara County and their principal acts is included as Appendix A.

D. DISTRICT REPORTS

1. Upon the adoption of these rules and regulations, each District shall, at the request of the Executive Officer, provide it's Report within 30 days of such request. The Report shall contain the following:
 - a. A statement of which functions and services are being provided by the District using the descriptions contained in the District's principal act.
 - b. Identification of the District's principal act by title, if any, code and beginning section number, and the section number authorizing the services set out under subsection A.1) above.
 - c. A map obtained from the County Surveyor or other County office as determined by the Executive Officer showing the boundaries of the District, the sphere of influence of the District and the location(s) where specific functions and services are being provided.
2. For purposes of these Rules and Regulations, a District shall be deemed to be providing a function or service if (1) bonds have been authorized therefore; (2) substantial sums, including costs of staff planning and study have been expended; (3) substantial financial obligations have been incurred therefore; (4) property, facilities or equipment have been acquired or constructed for such purpose; or (5) the District is actually exercising its powers to provide such function or service for the benefit of lands or inhabitants within the District.
3. Should a function or service of a District be omitted from the Report, the District may amend the Report at any time to include such omitted service or function, provided it otherwise would have qualified under these Rules and Regulations on the date of the original Report.

E. COMMISSION DETERMINATION

1. Following the receipt of the report from a District, as provided in Section 4, the Commission shall, within a reasonable time from receipt:
 - a. Accept the report or
 - b. If it is not satisfied the Report is complete and accurate, return the report to the District with a statement specifying the items the Commission believes are not complete and accurate. The Commission shall set a reasonable date for the resubmittal of a modified report, not less than 30 days.
2. If no report is received by the Commission within the 30 days provided under §4A, the Commission may make its own study and report on the functions and services being provided by a District. The Commission shall consider its report at a public hearing.

F. PROVISION OF ADDITIONAL FUNCTIONS AND SERVICES

1. Prior to providing any function or service not included in its accepted Report, a District will give written Notice of Intention to the Commission. The Notice will be in the form and include the number of copies prescribed by the Executive Officer and will contain the following:
 - a. A copy of a resolution of the governing board of the District specifying the function and service to be provided and a description of the territory where the function or service is to be provided.
 - b. A map showing the boundaries of the territory where the function or service is to be provided, prepared in accordance with uniform specification prescribed by the Executive Officer.
 - c. A statement of the reasons for providing the function or service.
 - d. The name, mailing address and telephone number of a person to contact if additional information is needed.
2. A district which is providing a function and service anywhere within its boundaries is allowed to provide that function and service everywhere within its boundaries without seeking LAFCO approval, nor shall these Rules and Regulations apply to mutual aid compacts.

3. A District that is authorized by State law to provide for the generation or distribution of electric power is not required to provide notice under these Rules and Regulations prior to exercising that specific authority.
4. Upon receiving a Notice of Intention, the Executive Officer shall, within 10 days, forward a copy to each LAFCO Commissioner and each city and special district with territory within three (3) miles of the special district making the request, along with a Notice of Right to Object stating that the city or special district may, within 45 days of the date when the Notice of Right to Object is mailed, file with the Executive Officer a written objection to the District providing the function and service.
5. At the end of the 45 day period for objections, if no objection has been received, the District may proceed to provide the function and service.
6. If an objection is received from a city or special district with territory within three (3) miles of the special district making the request, the Executive Officer will immediately notify the District which filed the Notice of Intention and set the matter for hearing within 45 days of receipt of the objection.
 - a. The Executive Officer shall cause notice of the hearing to be given in the same manner as for a change of organization or reorganization requiring public notice. Publication of notice shall be in a newspaper of general circulation within the area the provision of additional functions and/or services is proposed.
 - b. The Executive Officer shall also cause notice to be mailed at least fifteen days prior to the date of hearing to 1) each LAFCO Commissioner, 2) the District giving Notice of Intention, 3) each city or district with territory within three (3) miles of the special district making the request 4) each person who is stated in the Notice of Intention to receive notice, and 5) each person who has requested special notice.
 - c. The hearing may be continued from time to time for a period not to exceed 60 days from the original date of such hearing. Not later than 35 days after the conclusion of the hearing, the Commission shall adopt a resolution approving or disapproving the provision of the additional function and service.
 - d. The Commission may disapprove a Resolution of Intention only if it determines that:

- (1) The function and service can be provided at significantly greater advantage to the public by another public agency, and that public agency is ready, willing and able to provide the function and service; or
- (2) The territory where the function and service is to be provided is within the sphere of influence of another special district or a city, or
- (3) The proposal to provide the function or service will not, in the Commission's independent judgment, contribute to the logical and orderly provision of public services by local governmental agencies in the County. The Commission's action must be based upon evidence presented at the hearing and may take into account the factors to be considered in the review of a proposal as listed in §56841, or
- (4) The proposal is in conflict with known regional plans and programs for providing that type of public service.

G. SERVICE OUTSIDE BOUNDARIES

The extension of an authorized function and service to territory outside of a district is not considered to be a new or added function or service. This section shall be not be construed as authorizing the extension of services outside of a district without compliance with the requirements of S56133.

H. JOINT POWERS AGREEMENTS

No notice will be required under these Rules and Regulations prior to providing a function or service under a joint powers agreement if the function or service is included in a Report accepted by the Commission for one or more districts which are a party to the joint powers agreement.

I. MINOR CHANGES IN EXISTING RULES AND REGULATIONS

Minor changes in any existing rule or regulation affecting special districts may be ordered by the Commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided that the Commission makes a determination that such changes will not substantially affect the functions and services of any special district subject to such rules and

regulations and such determinations are concurred in by both special district members of the Commission.

J. PROCEDURES FOR AMENDING THESE RULES AND REGULATIONS

These rules may be amended the same procedure by which they were formed and adopted.

K. SEVERABILITY

If any section, subsection, sentence, clause or phrase of these rules, or the application thereof of any person or circumstance, is for any reason held invalid, the validity and application of the remainder of these rules will not be affected thereby.

Adopted August 4, 1994

SANTA BARBARA DISTRICTS LISTED BY ENABLING ACT

Airport Districts (Public Utilities œ22001)

Cemetery Districts (Health & Safety Code. œ8890)

Community Services Districts (Gov. Code œ61000)

County Sanitation Districts (Health & Safety Code. œ4700)

County Service Areas (Gov. Code œ25210)

County Water Districts (Water Code œ30000)

Fire Protection Districts (Health & Safety Code. œ13801)

Flood Control Districts (1955 Statutes, Chapter 1057)

Lighting Districts (Streets & Highways œ19000)

Local Hospital Districts (Health & Safety Code. œ32000)

Mosquito Abatement Districts (Health & Safety Code. œ2800)

Municipal Improvement Districts (1960 Statutes, Chapter 81)

Recreation and Park Districts (Public Resources Code œ5780)

Resource Conservation Districts (Public Resources Code œ9074)

Sanitary Districts (Health & Safety Code. œ6400)

Transit Districts (Public Utilities œ95000)

Water Conservation Districts (Water Code œ74000)