

LAFCO

Santa Barbara Local Agency Formation Commission
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December 5, 2002 (Agenda)

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

City of Goleta Sphere of Influence

Dear Members of the Commission:

RECOMMENDATIONS

It is recommended the Commission consider any public testimony and direct the staff to defer presenting a proposed sphere of influence for the City of Goleta until a Municipal Service Review for the City of Goleta is prepared and considered by the Commission.

If the Commission wishes to adopt a City sphere prior to February 1, 2003 it should direct the staff to schedule a public hearing to consider a sphere that is conterminous with the existing City boundary.

DISCUSSION

Two potentially contradictory sections of the Government Code bear on the question of whether the Commission should adopt a sphere of influence for the City of Goleta prior to February 1, 2003 or should delay adoption until a Municipal Service Review is prepared.

On one hand §56426.5 directs LAFCO to determine a sphere for a newly incorporated city within a year of the effective date of incorporation. For the City of Goleta this date is February 1, 2003.

On the other hand, new section §56430 requires LAFCO to conduct a review of municipal services whenever it adopts or updates a sphere of influence. There is insufficient time to review municipal services in the Goleta area by the February 1, 2003 deadline.

The Commission's legal counsel has advised staff that the determination on a sphere for the City of Goleta can be postponed to a future time based on §56106 which states that,

Any provision in this division governing the time within which an official or the commission is to act shall in all instances, except for notice requirements and the requirements of subdivision (i) or Section 56658 [governing the time for the staff to schedule an application for hearing], be deemed directory, rather than mandatory.

Therefore, the Commission can postpone adopting the City's initial sphere until a time in the future that the Municipal Service Review has been completed.

Alternative of Adopting a Sphere Consistent with City Boundary

Despite the section regarding Municipal Service Reviews, if the Commission wishes to adopt a sphere for the City of Goleta by the February 1 deadline it can probably do so if the sphere is restricted to the current City boundaries.

The City has not adopted a general plan. It is unknown what areas, if any, will be included in the City's plan. It is the staff's view that land should not be included within a city sphere for which the city has not planned. It would be difficult for LAFCO to make written determinations that are needed to adopt a sphere without the benefit of knowing city planning goals and intentions.

Also, a sphere of influence with the City's boundaries would facilitate reuse of the same Negative Declaration that the Commission relied on in the approval of the incorporation.

Background Information

Procedures to plan and manage local government boundaries in California are contained in the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.). Some responsibilities are assigned to LAFCO; others to local agencies.

The interdependent nature of boundary changes is illustrated by the fact cities must develop and adopt general plans of land uses. LAFCOs, in turn, must develop and adopt city spheres of influences. Locations of sphere lines, in turn, affect the city's ability to carry out and implement its adopted general plan.

Given this intergovernmental framework, it is reasonable to expect differences between LAFCOs and individual cities and special districts. LAFCO exercises its responsibilities from a regional, Countywide

perspective, which may differ from positions taken by individual cities and districts. It is part of the "checks and balances" contained with the boundary change process in California.

Orderly Governmental Boundaries

Adopting and updating spheres of influence cannot be separated from the Commission's overall purposes which, as stated in Government Code §56301, are ". . . the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances."

In addition, the Legislature in §56001 declares it is State policy 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."

Requirement for LAFCO to Adopt Spheres of Influence

Section 56076 defines a sphere of influence as ". . . a plan for the probable ultimate physical boundaries and service area of a local agency, as determined by the commission."

Government Code Section 56425(a), provides that:

"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."

In determining spheres of influence LAFCO is required by Section 56425(a) to:

" . . . 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 which 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."

In addition to reviewing requests for sphere changes submitted by local agencies or individuals, §56425 (c) requires LAFCO to review and update, as necessary, adopted spheres not less than once every five years. The five year review cycle is a new legislative requirement.

LAFCO Must Conduct Municipal Service Reviews

AB 2838 (Hertzberg) became effective last year. One of the changes resulting from this law affects the preparation and adoption of spheres of influence. New adopted §56430 states that:

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.

The Section continues by stating;

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.

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

As a result it appears the legislature intends LAFCO to conduct reviews of municipal services prior to adopting or updating spheres, which supports the recommendation that the Commission defer adopting the City 's sphere until a Municipal Service Review is completed.

Summary

The issue before the Commission is whether to adopt a sphere of influence for the City of Goleta by February 1, 2003 or to defer adopting the sphere until a Municipal Service Review for local agencies in the Goleta Valley is completed.

Please contact me if you have questions regarding the foregoing staff report or recommendations.

Very truly yours,

BOB BRAITMAN
Executive Officer

cc: Fred Stouder, City Manager, City of Goleta