

California Within Limits:

Research Notes for a History of California's Local Boundary Laws

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One history of California tells a story of boom-and-bust cycles that accelerate land speculation and then crash into slack periods of economic despair. There is also the parallel history which traces how California's state government and local agencies respond to those market excesses, intervening after the fact and adjusting to the new realities. The ways in which state, regional, and local officials react to development problems by creating new institutions and new procedures fascinated me during my nearly 40 years in public service.

Some day someone should write the history of California's local boundary laws as one explanation of these parallel histories. While I am not the person to write that sweeping history, I assembled these research notes on the 50th anniversary of the creation of local agency formation commissions (LAFCOs).ⁱ

What follows is my attempt to recognize the political events that led up to the 1963 bills and then to record the key legislative bills, court decisions, popular elections, and administrative actions that followed. Almost by definition, these research notes are incomplete.ⁱⁱ I have skipped events that others think important and I have highlighted moments that others may later ignore. My purpose, however, is to provoke a discussion about where California's local boundary laws came from and how they took their present shape.

A Framework for Understanding LAFCOs

One way to discover public policy themes is to look for policy, powers, procedures, and oversight. This approach to analysis helped me in my legislative staff career and I applied it to these notes as well.

- **Policy:** *What are the explicit (and implicit) commitments to public policy?*
- **Powers:** *What are governments' regulatory and fiscal powers?*
- **Procedures:** *How responsive are public agencies and their officials?*
- **Oversight:** *How do we know they did what we wanted them to do?*

Policies. Some statutes contain *explicit* policy statements. Specific findings and declarations of legislative intent are the most obvious ways for legislators to send signals to colleagues, constituents, and judges. A bill may enact a new section that overtly recites findings and declarations. Bill that create major programs often

place these recitations immediately after the title of the new statutory division or chapter. For lesser measures, a legislator may relegate these statements to an uncodified section. On some occasions, bills declare that they incorporate recommendations from outside reports, even citing the studies by name.

More often legislative policy is *implicit*, to be detected and interpreted from the statute's context. The ways that a law arranges procedures, defines terms, limits authority, or raises revenues are clues to the Legislature's intent. When a bill's intent is not plain from its own wording, the courts may look at secondary sources, such as committee bill analyses and reports from interim hearings.

The history of California's local boundary laws shows several deliberate attempts to declare the state's policies for decisions about city and district boundaries.

- Courts have repeatedly called LAFCOs the state's boundary "watchdogs."
- The early legislation said that among LAFCO's purposes was discouraging urban sprawl and encouraging orderly formation of local agencies.
- Legislators added the concerns for preserving open space and prime agricultural land, and efficiently providing government services.
- The 2000 Hertzberg bill overhauled the statements of legislative intent.
- Later reformers told LAFCOs to consider regional housing needs, environmental justice, water supplies, and sustainable communities strategies.
- There is an explicit policy preference for multipurpose local agencies.
- There is an implicit policy preference for city annexations over the incorporation of more new cities, shown by the petition thresholds (5% and 25%).

Powers. Responsible and effective public officials need enough --- but not too much --- power to carry out their statutory duties to implement public policies. Policies and powers must match. Government power can be both *regulatory* and *fiscal*. If the Legislature sets ambitious policies, but fails to provide sufficient power, then local officials can't deliver the results that legislators wanted. Conversely, if the Legislature doesn't explain its policies, then public officials lack guidance on how to use government powers. But Californians and their legislators distrust powerful governments. Legislators search for balance between providing governmental powers that fulfill legitimate public policies and protecting their constituents' rights.

LAFCOs are quasi-legislative agencies, operating as the Legislature's agents. Using their delegated powers, LAFCOs can do what the Legislature itself could do:

bring new cities and special districts into existence and control where and when cities and districts provide public facilities and deliver public services.

State law spells out LAFCOs' powers:

- A detailed list of 18 specific actions.
- Another detailed list of the 22 terms and conditions that LAFCOs can impose on decisions, including "any other matters necessary or incidental."
- The authority to initiate certain types of special district boundary changes.
- The power to plan for future actions, including reorganization plans, municipal service reviews, and spheres of influence.
- Independence from county government control with the appointment of independent executive officers and legal counsels, and shared funding from counties, cities, and special districts.

But it is important to note that state law also limits some of LAFCOs' powers:

- No discretion to deny city annexations within "urban service areas."
- No discretion to deny certain city annexations of unincorporated islands.
- No authority to directly regulate land use, development, or subdivisions.

Procedures. The reformist impulses of the Progressive Era and several waves of Populist movements still echo in California government and politics. Californians insist on fair access to decisions and to their decision-makers. State statutes that regulate procedures include the *Brown Act* (local officials' meetings must be open and public), the *Public Records Act* (ensuring access to government documents), and the *Political Reform Act* (requiring officials to disclose their economic interests). Plus, there is a myriad of statutory requirements for public notice, public hearings, protests, appeals, and elections.

Honoring the themes of political transparency and public accountability, the state statutes governing LAFCOs:

- Spell out detailed requirements for petitions, public notice, public hearings.
- Allow disappointed parties to openly appeal LAFCOs' decisions.
- Require LAFCOs to measure public protests before changing boundaries.
- Allow elections on boundary changes if there are significant protests.
- Set the standard of review for the courts to follow when deciding cases.
- Require disclosure of political spending on petitions and campaigns.

Oversight. Responsive government is accountable government. Initially spawned in righteous enthusiasm, some public programs outlive their usefulness, continuing

only because legislators forgot about them. Institutional inertia, changing social and political climates, and automatic budgeting can combine to allow archaic and ineffective programs to persist. One of the politically least attractive --- but potentially most powerful --- legislative duties is to oversee existing programs. Because term limits enforce legislative turnover (Proposition 140 in 1990), the legislators who originally authored new laws may not be around to monitor their implementation. Legislators can avoid creating perpetual programs by insisting that new programs contain oversight mechanisms: *regular records*, *periodic reports*, *special studies*, and *sunset clauses*.

An intricate web of public oversight web keeps tabs on LAFCOs' performance:

- Early reports by state councils and offices on how LAFCOs operated.
- Repeated legislative oversight hearings on LAFCOs' performance.
- Statutory mandates for LAFCOs to review and update their municipal service reviews and sphere of influence every five years, "as necessary."
- Court cases, especially appellate decisions, that test LAFCOs' decisions against constitutional principles and protections.

Understanding LAFCOs' History in Five Eras

The hand that draws the boundaries, draws the future of California. LAFCOs can, should, and some actually do draw California's future one boundary change at a time. How do critical observers make sense out of the first 50 years of LAFCOs' history? How can we understand the history of what the courts have called the state's watchdogs over local boundaries?

I identified the milestones in state boundary laws (see Appendix A) and then looked at other key sources (Appendix B). Based on those interpretations, we can understand LAFCOs' history in five eras:

- The creation story (1951-63).
- Making it up as you go along (1964-70).
- Looking ahead (1971-83).
- Sorting it out (1983-2000).
- Recognition, but reluctance (2001-2013).

1. The Creation Story (1951-63). Every society and institution has its own creation story; narratives that the participants tell each other to explain where they came from and why they behave the way they do. LAFCOs are no exception.

California's extensive suburban growth after World War II was itself a reaction to the lack of private investment during the Great Depression and the wartime industrialization and mobilization of military forces for the Pacific Theatre. By the early 1950s the rapid conversion of orchards and fields into subdivisions stretched local officials' ability to build public facilities and deliver public services. Beyond the fiscal and physical limitations, public institutions were not keeping pace with the suburbs. Water districts that had irrigated fields and trees now supplied tract houses and shopping centers. Cities outgrew the limited powers assigned to them by the six statutory classifications. According to one appellate court, competition over annexations was "a kind of warfare" in which suburban development was "both the prize and the battlefield."ⁱⁱⁱ Cities resented the attempts of some county governments to directly serve new developments. The Legislature created new types of special districts --- community services districts and county service areas -- to deliver facilities and services in unincorporated territories. Los Angeles County officials contrived "contract cities" to satisfy local political interests without losing the County's market share in public facilities and services.

Troubled by the problems caused by rapid urban sprawl, reformers called on newly elected Governor Pat Brown to act. When he took office, Brown promised that he would

soon announce appointment of a Governor's Commission on Metropolitan Problems. For the 85 percent of our people who live in urban communities, local government is often inefficient, costly, and confusing because the necessary services are rendered by overlapping and competing agencies. The congestion of our streets symbolizes the necessity for a new and coordinated [sic] approach to the pressing problems in our cities. Any approach to these problems must respect our tradition of community responsibility and the high quality of our local officials, but I am convinced that we should make a concerted attack on these acute and chronic problems.^{iv}

Composed of both government reformers and land use experts, the 15-member Commission gave Brown its report, *Meeting Metropolitan Problems*, in late 1960. Although the report arrived too late for the Brown Administration to propose legislation for the 1961 session, the Governor's staff sponsored four bills in 1963. After much maneuvering, the bills authored by Assemblyman John T. Knox and Senator Eugene Nisbet passed, becoming the Knox-Nisbet Act.^v

1951 Community Services District Law allows multipurpose districts.

- 1953 County Service Area Law lets counties deliver municipal services.
- 1954 Lakewood's incorporation begins the contract cities movement.
- 1955 Repeal of city classifications recognizes 20th Century realities.
- 1959 Governor Brown appoints Commission on Metropolitan Problems.
- 1960 Commission delivers its report.
- 1963 Legislature creates LAFCOs (AB 1662, Knox, 1963)

2. Making It Up As You Go Along (1963-70). Replacing the archaic county boundary commissions, the new LAFCOs struggled to establish their own identities, intergovernmental roles, and internal operations.

Because county governments were fiscally responsible for the new commissions, county employees also provided the staff support. How counties staffed the LAFCOs fixed the commissions' earliest institutional cultures, many of which remain intact. In most metropolitan counties, the LAFCO staff came from the county administrators' offices, giving their operations a distinct orientation to fiscal affairs and intergovernmental relations. The early operations of the Los Angeles, Orange, Riverside, San Bernardino, and San Diego LAFCOs all reflected those perspectives. In some counties, Tulare for example, LAFCO staff support came from the county planning departments which gave them a stronger orientation to land use planning and development decisions. In a few counties, including San Joaquin, the county clerk's office served as the LAFCO staff, emphasizing efficient procedures over substantive fiscal or policy concerns.

Many of the earliest LAFCO staffers served long tenures. Learning from each other, these early executive officers included the influential Ruth Bennell (Los Angeles), B. Sherman Coffman (San Mateo), Bob Rigney (San Bernardino), and S.M. "Skip" Schmidt (San Diego). A 1988 CALAFCO survey reported that Richard Turner had been Orange County LAFCO's executive officer for 22 years, since 1966. Several of the county supervisors and city council members appointed in 1963 had long service on LAFCOs. Remarkably, the original public members from 1963 were still serving in 1988 in four counties: San Joaquin, Shasta, Tolumne, and Yolo.^{vi}

These early years were a period of administrative experimentation as the first executive officers had to invent their own local policies, procedures, and powers to fit within the statewide Knox-Nisbet Act. Closely watched by the Assembly, the

LAFCOs gained more procedural authority over special districts' boundaries with the enactment of the 1965 District Reorganization Act. By 1970, the Legislature acknowledged the independent special districts' tentative assertions of political power by allowing them to seek LAFCO seats.^{vii} The San Diego LAFCO was the first to allow special district representation.

- 1964 Creating & staffing LAFCOs sets up institutional cultures.
- 1965 Reforms continue with District Reorganization Act (DRA).
- 1970 Legislature allows independent special district representation.

3. Looking Ahead (1971-83). Once established, new institutions search for their roles within wider contexts. In this third period, LAFCOs had to accommodate the broader changes that affected land use planning and environmental quality. They also consolidated their position in the field of intergovernmental relations.

Reacting to the nation-wide environmental movement, the Legislature responded with bills that mandated more elements in general plans, required major local land use decisions to be consistent with general plans, statutorily emphasized open space and farmland conservation, required planning to recognize known hazards, and required public officials to consider the environmental impacts of their decisions. The voters embraced similar values when they passed Proposition 20 (1972) to regulate coastal development.

Concerned that LAFCOs were making *ad hoc* decisions about boundary changes without any controlling vision, the Legislature required the commissions to adopt "spheres of influence" for cities and special districts. These policy documents are, in effect, annexation plans that show where local agencies should annex and serve in the future. A dozen years later, an appellate court explained that even without a specific statutory date, the deadline for adopting spheres of influence had already passed.

One of the biggest adjustments to LAFCOs' procedures came with the Supreme Court's 1975 *Bozung* decision which concluded that the California Environmental Quality Act (CEQA) applied to city annexations. The Court explained how boundary changes affect land use.

Early in this era, the courts struck down the opportunity for landowners to block proposed city incorporations and city annexations of inhabited territory, citing res-

idents' voting rights. Later, the Legislature continued its consolidation of boundary statutes by repealing more than a half-dozen separate city annexation procedures in favor of the unified Municipal Organization Act. MORGA would become one of the foundations for fully unifying the LAFCO statutes in 1985.

- 1971 Legislature mandates spheres of influence.
- 1972 & 74 Courts ban landowner vetoes of incorporations & city annexations.
- 1975 Court says that CEQA applies to boundary decisions (*Bozung*).
- 1977 Reforms continue with Municipal Organization Act (MORGA).
- 1983 Court says that the LAFCO law occupies the field (*Ferrini*)
 Court says sphere deadline already passed (*Resource Defense Fund*).

4. Sorting It Out (1983-2000). In this era, as the LAFCOs matured institutionally and politically, they began to bump up against competing interests. Despite many challenges, judges and legislators kept LAFCOs' authority intact.

The LAFCOs' first challenge was to comply with the 1983 *Resource Defense Fund* decision and complete their overdue spheres of influence. Implementing legislation focused attention on cities and on the special districts that provide growth-inducing facilities and services. Some commissions, notably in rural counties, lagged in meeting the extended deadlines.

The courts looked favorably on the constitutionality of LAFCOs' control over city and special district boundaries, turning back multiple challenges to the procedures for the expedited annexation of unincorporated islands to cities. Both the California and United States Supreme Courts rebuffed equal protection attacks on the provisions for city incorporation elections. Further, LAFCOs won the court's recognition that they could expand a city incorporation/reorganization to include boundary changes that the applicants had not even proposed.

The full consolidation of the LAFCO statutes in 1985 pulled together the Knox-Nisbet Act, the DRA, and MORGA into the unified Cortese-Knox Local Government Reorganization Act, establishing an stable statutory platform that has endured.

As succession feelings flared up once again in the San Fernando Valley, legislative leaders took notice of LAFCO's key role and worried that centrifugal forces could fragment the City of Los Angeles. After passing deliberately complicated procedures for "special reorganizations," the Legislature also created the Commission on Governance for the 21st Century. Performing the best evaluation of LAFCOs since their creation, the Commission traveled widely, investigated problems, listened to hours of advice, and then issued *Growth Within Bounds*.

Chaired by San Diego Mayor Susan Golding, the Commission's 66 specific recommendations became the basis for Speaker Hertzberg's reform bill which revised and renamed the Cortese-Knox-Hertzberg Local Government Reorganization Act. With more political and fiscal independence, the LAFCOs also tackled a new mandate Municipal Service Reviews as the basis for their spheres of influence.

- 1983 Legislature sets sphere deadline for 1985; growth-inducing first.
- 1984 Courts uphold the city island annexation laws.
- 1985 Reforms continue with Cortese-Knox Act (KNA + DRA + MORGA).
- 1989 Court says that LAFCO can expand applicants' proposals (*Fallbrook*).
- 1992 Both Supreme Courts turn back constitutional challenges to C-K Act.
- 1997 Hertzberg bill sets up Commission on Governance for 21st Century.
- 2000 Commission issues its report, *Growth Within Bounds*.
 Reforms continue with C-K-H Act (independent staff, MSRs).

5. Recognition and Reluctance (2000-13). Although it had taken decades, by the start of the 21st Century LAFCOs' potential to shape development patterns had the attention of builders, environmentalists, community advocates, and legislators who shared their views. Wider land use debates shifted from 1970s growth controls, to the growth management techniques of the 1980s and 1990s, to the Smart Growth movement that started in the mid-1990s, and the emerging tools of neotraditionalism and New Urbanism at the turn of the century.^{viii} Environmentalists and conservationists continued to press for development patterns that consumed less water, energy, and land (especially farms and ranches). Activists with a preference for the poor emerged as a political force to stress sprawl's discriminatory effects, calling for environmental justice.

Responding to those aroused constituencies, legislators instructed their boundary watchdogs to pay more attention to their concerns. The bills that required local officials to put water supply assessments in their CEQA documents for large-scale development projects touched LAFCOs' duties when acting as responsible agencies. Not only must LAFCOs think about the reliability of long-term water supplies, but an appellate court easily endorsed the commissions' power to control water rights when writing terms and conditions.

Some bills simply prohibited LAFCOs from approving boundary changes that would extend the jurisdiction of agencies with growth-inducing facilities and services onto protected open space and productive agricultural lands; Williamson Act land and the Delta's primary zone were literally off-limits. Legislators told LAFCOs to think about environmental justice when acting on boundary changes. Wider, regional thinking also became factors to be considered with successful bills that emphasized regional housing needs and SB 375's sustainable communities strategies.

These interest groups reminded modern legislators of the original message behind the creation of LAFCOs a half-century before: the power to control the boundaries of cities and special districts that deliver public facilities and services is, in effect, the power to determine the location, intensity, and timing of development. Without domestic water, sanitary sewers, structural fire protection, and flood control, urban and suburban development is not possible in California.

LAFCOs' power to control annexations to (and the formation of) cities and special districts that provide growth-inducing facilities and services can also be the power to control the shape and timing of future development. In this most current phase of the commissions' history, LAFCOs became a statutory template upon which vying interest groups imposed their vision of what California should become in the 21st Century.

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| 2001 | Legislature says CEQA documents need water supply assessments. |
| 2002 | Legislature bans annexations of Williamson Act contracted land. |
| 2003 | Legislature says LAFCOs must consider regional housing needs. |
| 2004 | Legislature bans annexations in the Delta's primary zone. |
| 2007 | Legislature says LAFCOs must consider environmental justice. |
| 2009 | Legislature says LAFCOs must consider RTPs & SCSs from SB 375. |

- 2011 Legislature encourages annexations of disadvantaged communities.
- 2012 Court upholds LAFCOs' terms & conditions on water rights.

Persistent Challenges

A half-century after their creation, LAFCOs continue to frustrate and sometimes confound their critics. Some say that they have not lived up to their potential to meet their four main purposes: discourage urban sprawl, encourage orderly local boundaries, preserve open space and prime agricultural land, and efficiently provide government services.^{ix}

A clear-eyed look at the future shows that six controversies remain unsettled:

- **Governance.** Who gets to sit on LAFCO and whom do the commissions really represent? Who speaks for affordable housing, job creation, environmental quality, natural resource protection? Is the mid-1960s formula for representation a political anachronism?
- **Political will.** LAFCOs have plenty of power to draw California's future, one annexation at a time. Why do public agencies still convert so much agricultural land and open space? Why are spheres of influence so big?
- **Proliferation.** LAFCOs were supposed to trim the thicket of local government. Why do ineffective cities and special districts persist? Why won't LAFCOs lead?
- **Islands.** Even with significant powers to clean-up unincorporated islands within cities, too many remain. The Legislature recently made this authority permanent, so what keeps some LAFCOs from fulfilling their potential?
- **Facilities and services.** Why do some poor neighborhoods still lack public facilities and services while greenfield development continues? Why don't more LAFCOs embrace environmental justice to help distressed communities receive basic public facilities and services?
- **Think regionally, act locally.** Linking regional transportation plans and regional housing needs was a political breakthrough in 2009. Five years later, are LAFCOs ready to implement this regional perspective?

Appendix A: Boundary Law Milestones

- 1849 Sacramento residents adopt a city charter, even before statehood.
- 1850 Governor Peter H. Burnett vetoes special incorporation bills for Los Angeles.
Governor Peter H. Burnett vetoes a special incorporation bill for Sacramento; overridden.
Sacramento incorporates as California's first city; February 27, 1850.
Legislature passes both the Cities Act and the Towns Act.
Original 27 counties formed.
- 1856 California Supreme Court says Towns Act unconstitutional; *People v. Town of Nevada*.
Legislature passes a revised Towns Act.
- 1872 Legislature enacts the first general annexation law for cities.
- 1883 Municipal Corporations Act.
- 1887 Legislature authorizes irrigation districts; Wright Act.
- 1889 Legislature enacts inhabited annexation law for cities (replaced in 1913).
- 1890 Coronado detaches from the City of San Diego & incorporates as a separate city.
- 1899 Annexation of Uninhabited Territory Act (replaced in 1939).
- 1907 U.S. Supreme Court says no right to vote on boundary changes; *Hunter v. Pittsburgh*.
Imperial County formed out of San Diego County as California's 58th county.
- 1909 Consolidation Act (city consolidations).
Legislature authorizes public cemetery districts; SB 524 (Roseberry, 1909).
- 1913 Annexation of Inhabited Territory Act of 1913 (absorbed into MORGA in 1977).
- 1915 Legislature authorizes mosquito abatement districts; AB 1565 (Assembly Health & Quarantine Committee, 1915).
- 1920 Montebello detaches from the City of Monterey Park & incorporates as a separate city.
- 1923 *California County Boundaries* authored by Owen Coy, California Historical Survey Commission.
- 1923 Legislature authorizes fire protection districts (revised in 1961 & 1987).
- 1931 Legislature authorizes recreation districts (revised in 1957 & 2001).

- 1933 District Investigation Act of 1933 (repealed in 1988).
- 1939 Uninhabited Annexation Act of 1939 (absorbed into MORGA in 1977).
- 1951 Legislature creates county boundary commissions (replaced by LAFCOs in 1963).
District Organization Act.
Legislature authorizes community services districts (revised in 1955 & 2005).
- 1952 *How the Cities Grew* authored by Richard Bigger & James D. Kitchen, UCLA Bureau of Governmental Research.
- 1953 County Service Area Law (revised in 2008); AB 1841 (Stanley, 1953).
- 1954 City of Lakewood incorporates as the first contract city.
- 1955 Legislature revises the Community Services District Law (revised again in 2005).
Legislature repeals the city classification system.
- 1957 Recreation and Park District Law (revised in 2001); AB 3968 (Bradley, 1957).
- 1959 Appellate Court says city can't be in two counties; *County of San Mateo v. City Council*.
Governor Pat Brown appoints Governor's Commission on Metropolitan Area Problems.
- 1960 *Meeting Metropolitan Problems* published by Governor's Commission on Metropolitan Area Problems.
- 1961 Fire Protection District Law (revised in 1987).
- 1963 Legislature creates local agency formation commissions; AB 1662 (Knox, 1963).
Operations of Local Agency Formation Commissions published by the Assembly Interim Committee on Municipal and County Government.
- 1964 Assembly Committee on Municipal and County Government holds extensive hearings on special districts' boundaries and LAFCOs.
- 1965 Legislature recodifies LAFCO, tombstones Knox-Nisbet Act; AB 2284 (Knox, 1965).
District Reorganization Act consolidates districts' boundary laws; AB 592 (Knox, 1965).
- 1966 *Local Agency Formation Commissions* published by Intergovernmental Council on Urban Growth.
- 1969 Appellate court first calls LAFCO the Legislature's "watchdog" over local boundaries;
City of Ceres v. City of Modesto.
- 1970 Legislature allows special district representation on LAFCOs; AB 1155 (Knox, 1970).
Legislature passes the California Environmental Quality Act (CEQA).

- 1971 Legislature requires LAFCOs to adopt spheres of influence; AB 2870 (Knox, 1971).
Local Agency Formation Commissions published by the California Council on Inter-governmental Relations.
California Association of Local Agency Formation Commissions (CALAFCO) formed.
- 1972 California Supreme Court overturns majority landowner protests that block city incorporations; *Curtis v. Board of Supervisors*.
- 1974 Legislature revises county formation, consolidation, and boundary change procedures; AB 4270, AB 4271, & AB 4271 (Knox, 1974)
Appellate court overturns majority landowner protests that block inhabited city annexations; *Levinsohn v. City of San Rafael*.
Voters pass the Political Reform Act (Proposition 9), imposing conflict-of-interest rules.
- 1975 California Supreme Court says CEQA applies to LAFCO decisions; *Bozung v. LAFCO*.
- 1976 *LAFCO Reexamined* published by the Governor's Office of Planning and Research.
Voters reject Canyon County I (Los Angeles County).
- 1977 Municipal Organization Act (MORGA) consolidates cities' boundary laws; AB 1533 (Knox, 1977).
Attorney General says deadline for LAFCOs to adopt spheres of influence has passed.
- 1978 *Choices for the Unincorporated Community* authored by Sokolow, et al., Institute for Governmental Affairs, UC Davis.
Appellate court says LAFCO is the Legislature's watchdog over local boundaries; *Timberlake Enterprises v. City of Santa Rosa*.
Voters pass Proposition 13, limiting property tax base & tax rate.
Voters reject Canyon County II (Los Angeles County).
Voters reject South Bay County (Los Angeles County).
Voters reject Peninsula County (Los Angeles County).
Voters reject Los Padres County (Santa Barbara County).
- 1979 Legislature adopts the procedures for property tax agreements after boundary changes (AB 8, L. Greene, 1979).
Legislature authorizes geologic hazard abatement districts.
- 1982 Voters reject Ponderosa County (Fresno County).
- 1983 Appellate court says that charter cities can't referend LAFCO boundary changes; *Ferrini v. City of San Luis Obispo*.
Appellate court says the deadline has passed for LAFCOs to adopt spheres of influence; *Resource Defense Fund v. LAFCO*.
Legislature sets 1985 as the statutory deadline for LAFCOs to adopt spheres of influence & requires boundary decisions to be consistent with spheres; SB 1319 (Marks, 1983).

- 1984 Appellate courts uphold island annexation statutes; *Fig Garden Park No. 2 Association v. LAFCO*, *Schaeffer v. County of Santa Clara*, *Beck v. County of San Mateo*, *Citizens Against Forced Annexation v. County of Santa Clara*.
Voters reject South Lake Tahoe County (El Dorado County).
Over the Line authored by Chris Laugenaur & Peter Detwiler, Senate Local Government Committee.
- 1985 Cortese-Knox Local Government Reorganization Act consolidates Knox-Nisbet Act, District Reorganization Act, Municipal Organization Act; AB 115 & AB 558 (Cortese, 1985).
Statutory deadline for LAFCOs to adopt spheres of influence.
Legislature eases the statutory procedures to adjust county boundaries.
- 1987 Fire Protection District Law; SB 515 (Bergeson, 1987).
- 1988 Voters reject Mojave County (San Bernardino County).
District Investigation Law of 1933 repealed.
- 1989 Appellate court says LAFCO can redefine reorganizations; *Fallbrook Sanitary District v. San Diego LAFCO*.
- 1991 *LAFCO Spheres of Influence After 20 Years* published by the Senate Local Government Committee.
- 1992 California Supreme Court upholds Cortese-Knox Act against equal protection challenge & U.S. Supreme Court declines to review; *Board of Supervisors v. LAFCO*.
Legislature requires revenue neutrality for city incorporations; SB 1559 (Maddy, 1992).
- 1993 Legislature allows LAFCOs to initiate some special district boundary changes & requires LAFCO's approval for extraterritorial services; AB 1335 (Gotch, 1993).
- 1995 Appellate Court says Cortese-Knox Act doesn't apply to geologic hazard abatement districts, except for dissolutions; *Las Tunas Beach GHAD v. Superior Court*.
- 1996 *It's Time to Draw the Line* authored by Bill Ihrke, Senate Local Government Committee.
- 1997 Legislature creates the Commission on Local Governance for the 21st Century.
Implementing AB 1335: Do LAFCOs Need a Nudge to Reorganize Special Districts? published by the Senate Local Government Committee.
- 2000 *Growth Within Bounds* published by the Commission on Local Governance for the 21st Century.
Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; AB 2838 (Hertzberg, 2000).
San Francisco LAFCO meets for the first time; finally there are 58 LAFCOs.

- 2001 Recreation and Park District Law; SB 707 (Senate Local Government Committee, 2001). Legislature requires water supply assessments in CEQA documents for large development projects; SB 610 (Costa, 2001).
- 2002 Legislature bans LAFCOs from annexing Williamson Act land to cities; AB 2370 (Thomson, 2002)
Mosquito Abatement and Vector Control District Law; SB 1588 (Senate Local Government Committee, 2003).
Taking Their Pulse published by the Senate Local Government Committee.
Voters reject detachment of San Fernando Valley and Hollywood from Los Angeles.
- 2003 Legislature tells LAFCOs to consider regional housing needs; AB 518 (Salinas, 2003). Public Cemetery District Law; SB 341 (Senate Local Government Committee, 2003). Office of Planning & Research publishes *Municipal Service Review Guidelines*. Office of Planning & Research publishes *A Guide to the LAFCO Process for Incorporations*.
It's Time to Draw the Line (2nd edition) authored by Tami Bui & Bill Ihrke, Senate Local Government Committee.
- 2004 Legislature increases size of unincorporated islands for expedited city annexations from 75 acres to 150 acres; SB 1266 (Torlakson, 2004).
Legislature bans LAFCOs from annexing land in the Delta Protection Commission's primary zone; SB 1607 (Machado, 2004).
- 2005 Community Services District Law; SB 135 (Kehoe, 2005).
- 2006 Voters reject Mission County (Santa Barbara County).
- 2007 Legislature tells LAFCOs to consider environmental justice; SB 162 (Negrete McLeod, 2007).
Statutory deadline for LAFCOs to prepare municipal service reviews; AB 1746 (Assembly Local Government Committee, 2005).
- 2008 Statutory deadline for LAFCOs to revise spheres of influence AB 1746 (Assembly Local Government Committee, 2005).
County Service Area Law; SB 1458 (Senate Local Government Committee, 2008).
- 2009 Legislature tells LAFCOs to consider regional transportation plans & sustainable communities strategies; SB 215 (Wiggins, 2009).
- 2011 Legislature encourages annexation of disadvantaged communities; SB 244 (Wolk, 2011). Legislature allows LAFCOs to get information from mutual water companies when researching municipal service review; AB 54 (Solorio, 2011) & SB 244 (Wolk, 2011). Legislature fails to disincorporate the City of Vernon; AB 46 (John A. Pérez, 2011).

- 2012 Appellate court confirms LAFCOs' power to impose conditions; *Voices for Rural Living v. El Dorado Irrigation District*.
Appellate court says that Proposition 218 tax elections are not required for annexations; *Citizens Association of Sunset Beach v. Orange County LAFCO*.
Office of Planning & Research publishes *LAFCOs, General Plans, and City Annexations*.
- 2013 Legislature makes permanent the procedures for expedited island annexations; AB 743 (Logue, 2013).

Appendix B: Key Sources

Adams, Linda S. and Peter M. Detwiler, "Municipal Organization Act of 1977: An Introduction," *OPR Journal*, Vol. 1, Sacramento: Governor's Office of Planning & Research, 1978.

Assembly Committee on Local Government, *Guide to the Cortese-Knox-Hertzberg Local Government Act of 2000*, Sacramento: November 2012.
<http://alcl.assembly.ca.gov/sites/alcl.assembly.ca.gov/files/publications/CKH%20Guide%202012%20-%20Final%20Version.pdf>

Baker, Stewart A., "Reforming California's Annexation Law," research report for the Governor's Office of Planning & Research, May 1975.

Bui, Tami and Bill Ihrke, *It's Time to Draw the Line: A Citizen's Guide to LAFCOs (Second Edition)*, Sacramento: Senate Local Government Committee, May 2003.
<http://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/LAFCOGUIDEUPDATE2003.pdf>

California Association of Local Agency Formation Commissions, *25-Year Activity Survey, 1963-1988*, San Bernardino: California Association of LAFCOs, August 29, 1988.
http://www.calafco.org/docs/25_Y_Activity_Survey_CALAFCO_1963_to_1988.pdf

Commission on Governance for the 21st Century, *Growth Within Bounds*, Sacramento, 2000. <http://opr.ca.gov/docs/79515.pdf>

Coy, Owen C., *California County Boundaries: A Study of the Division of the State into Counties and the Subsequent Changes in the Boundaries, With Maps*, Berkeley: California Historical Survey Commission, 1923.
<http://www.cagenweb.com/santaclara/books/California%20county%20boundaries.pdf>

Detwiler, Peter M., "Annexation and Boundary Issues," in *California Environmental Law & Land Use Practice* (Chapter 73), Daniel Selmi and Kenneth Manaster, eds., New York: Matthew Bender & Co., 2001.

_____, "The Challenges of 'Growth Within Bounds'," *California Environmental Law Reporter*, Vol. 2000, Issue No. 5, pp. 101-108, May 2000.

_____, "Creatures of Statute ... Children of Trade: The Legal Origins of California Cities," Appendix, *History and Perspective*, Sacramento: California Constitutional Revision Commission, 1996.

_____, "Suburban Secession: History & Context," Sacramento: Senate Committee on Housing and Land Use, September 1996.

Fulton, William and Paul Shigley, *Guide to California Planning 4th edition*, Point Arena, California: Solano Press Books, 2012.

Knox, John T., "Reflecting on LAFCo," *The Sphere*, California Association of LAFCOs, August 2013.

http://calafco.org/index.php/calafcoresources/calafco-library/cat_view/7-calafco-publications/9-the-sphere

McCormick, Pat, "A Century of California Annexation Laws: When 'Uninhabited' Meant Uninhabited," *The CALAFCO Sphere*, Winter 1996-97, pp. 5-7.

Willoughby, Thomas, "The Creation of LAFCO: Address by Thomas Willoughby to the California Association of Local Agency Formation Commissions, September 27, 1979, Stockton California."

http://www.calafco.org/files/2013%20Annual%20Conference/8-28_1400_LAFCOpast-2_Willoughby.pdf

Footnotes

ⁱ My early work on these research notes came as an informal memo, “Milestones in California’s Boundary Laws,” that I wrote in 2003 while working for the Senate Local Government Committee. I expanded my research in August 2013 for the annual CALAFCO conference. After that conference, I revised these notes for UC Davis Extension’s December 9, 2013 symposium, “Establishing Boundaries, Shaping the Future.”

ⁱⁱ I appreciate the changes suggested by Bob Braitman (Braitman & Associates), Paul Novack (Los Angeles LAFCO’s executive officer), and Chris Tooker (Sacramento LAFCO’s public member). I included their recommendations and encourage others to forward their corrections, improvements, and additions to me.

ⁱⁱⁱ *Tillie Lewis Foods, Inc. v. Pittsburg* (1975) 52 Cal.App.3d 983.

^{iv} First Inaugural Address, Governor Edmund G. “Pat” Brown, January 5, 1959.
<http://governors.library.ca.gov/addresses/32-Pbrown01.html>

^v Tom Willoughby’s talks at the CALAFCO annual conferences in 1979 and 2013 tell this story in superb detail.

^{vi} CALAFCO’s *25-Year Activity Survey, 1963-1988*, p. 64.

^{vii} The best inventory of early LAFCO bills is “Appendix E: Summaries of Local Agency Reorganization Bills Introduced Between 1963 and 1999,” pp. 173-193, in Commission on Local Governance for the 21st Century, *Growth Within Bounds*.

^{viii} Bill Fulton and Paul Shigley trace these four phases of growth control, growth management, Smart Growth, and the New Urbanism in Chapter 11 of their *Guide to California Planning*.

^{ix} Government Code §56301.