

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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March 9, 2022

To: LAFCo Commissioners
From: Rob Bartoli, Interim Executive Officer
Subject: Adoption of CALAFCO Legislative Platform and Local LAFCo Platform

Summary

San Mateo LAFCo regularly receives reports on pending legislation affecting LAFCo and on occasion takes a position on legislation by vote of the Commission. In March of 2015, the Commission first adopted the CALAFCO legislative policies and instituted the local policy of allowing the Legislative and Policy Committee to take positions on bills if (1) a position was requested outside of the normal Commission meeting cycle, and (2) the bill was consistent with adopted legislative policies. Each year, the CALAFCO legislative committee reviews and updates the CALAFCO legislative policies. In 2018, San Mateo LAFCo adopted an updated version of CALAFCO Legislative Policies as the Commission's legislative platform.

At their November 12, 2021 meeting, the CALAFCO Board approved edits to its Legislative Policies along with a new policy relating to "climate adaptation" which recognizes sea level rise, sand erosion, and levee protection. This new policy is similar to the adopted San Mateo LAFCo policy regarding water resiliency and sea level rise and natural hazard planning.

The attached 2021 policies support legislation that enhances LAFCo authority and power to carry out the Cortese-Knox-Hertzberg Local Government Reorganization (CKH) Act based on local conditions; support coordination for orderly development; oppose legislation that gives individual agencies special status or provides for circumvention of the LAFCo process; and include legislative priorities related to water availability, housing, climate change, and flood management.

Legislative and Policy Committee Review

On February 23, 2022, the Legislative and Policy Committee met to review the CALAFCO Legislative Policies. The Committee did recommend the adoption of the CALAFCO Legislative Policies by the Commission, however, the Committee did have comments about the document and the legislative priorities of CALAFCO. Committee members stated that the policies should

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continue to focus on areas such as water and agricultural/open space issues and that additional policy statements should be included in CALAFCO Legislative Policies documents. With development pressures and populations changes, the Committee noted that there will be continued impacts to natural resources, public services, and land uses. Committee members also had specific comments regarding the wording of several policies.

LAFCo staff is committed to work with CALAFCO to review the comments from the Legislative and Policy Committee and to see how they can be incorporated in future versions of the CALAFCO Legislative Policies document.

Recommended Commission Action

By motion, adopt the 2021 CALAFCO legislative policies.

Attachments

A. 2021 CALAFCO Legislative Policies in track changes

CALAFCO 2021 Legislative Policies **DRAFT** **AMENDMENTS**



As adopted by the Board of Directors on January 22, 2021

1. LAFCo Purpose and Authority

- 1.1. Support legislation ~~which that~~ enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., ~~and oppose~~ Oppose legislation ~~which that~~ diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, ~~and oppose~~ Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities ~~which that~~ require expansion of current local funding sources. Oppose unrelated responsibilities ~~which that~~ dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies ~~which that~~ may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery, ~~and oppose~~ Oppose legislation or policies ~~which that~~ create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support ~~the independence of~~ LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a n individual LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation ~~which that~~ clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies ~~which that~~ encourage cities, counties and special districts to ~~direct discourage~~ development ~~away from on~~ all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools ~~which that~~ protect all types of agricultural lands, including prime agricultural lands and open space lands.

CALAFCO 2021 Legislative Policies

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As adopted by the Board of Directors on January 22, 2021

- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a ~~management-planning tool pertaining to provide better planning of~~ growth and development, and ~~to the preserve preservation of~~ agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the ~~sphere of influence and~~ boundaries of agencies.
- 4.4. Support communication among cities, counties, ~~and~~ special districts, ~~stakeholders and affected parties~~ through a collaborative process that resolves service, ~~infrastructure,~~ housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within ~~the a~~ city's designated sphere of influence.
- ~~4.6.~~ Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- ~~4.6.4.7.~~ Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, ~~including with a focus on~~ sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, ~~sustainable communities,~~ and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools ~~which that~~ provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support ~~the creation or reorganization of local governments in~~ a deliberative, ~~and~~ open process ~~for the creation or reorganization of local governments that which will fairly evaluates~~ the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support ~~legislation and~~ collaborative efforts among agencies and ~~LAFCos-LAFCos~~ that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services. ~~Support legislation which provides LAFCo with additional opportunities to encourage shared services.~~

2021 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that as well as to support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include including the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support policies, programs and legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which that provides LAFCo and local communities with options for local governance and service delivery to that ensures efficient, effective, and quality service delivery. Support efforts which that provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance declining levels of services, and inadequate services to disadvantaged communities.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with [State affordable housing mandates](#), regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory ~~which is~~ at risk ~~of~~ flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

~~Consistency of Expedited-expedited~~ processes for inhabited annexations ~~should be consistent~~ with LAFCo law ~~and be that include~~ fiscally viability. ~~To p~~Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation ~~which that~~ would provide [adequate](#) municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of [municipal services](#) through periodic updates ~~and reviews~~ of Municipal Service ~~reviews~~Reviews, Spheres of Influence, and ~~other related~~ studies ~~prepared by LAFCos~~.

Climate Adaptation

~~The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.~~

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