
**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM No. 9

DATE: **May 12, 2010**
TO: **Local Agency Formation Commission**
FROM: **Jeff Witte, Executive Officer**
SUBJECT: **Special District Representation on LAFCo**

Recommendation:

Appoint a two-member sub-committee to work with staff and report back to the full Commission on July 14, 2010.

Discussion:

Staff received a letter from the Fresno County Fire Protection District raising the issue of adding special district representation on Fresno's LAFCo. Special district representation would add two additional seats on LAFCo, increasing the membership from five to seven. Many of the LAFCOs in California already have special district representation on their Commission. As participating members on the LAFCo, the special districts would be responsible for funding their appropriate share of the LAFCo budget, reducing the cities' and county's share from one-half to one-third each. Compared with other counties in California, Fresno County appears to have a rather substantial number of special districts. Fresno County has 120 special districts that provide a diverse range of services to County residents. For the purpose of this discussion, special districts would not include school districts or special districts where Fresno County is not the Principal County.

The issue of including special districts on LAFCo has been previously explored; however, the loss of special district's "latent power", or the power to take on other services to assist the population the district served, was perceived to be a limitation, which may have discouraged some districts' interest in special district representatives on LAFCo. The law related to "latent powers" has since changed and special districts no longer can automatically add to their powers without first receiving approval from LAFCo.

While the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 has several required steps in the process, a short overview of the process would include the following: Upon a request by the special districts, LAFCo staff would send out a notice to the special districts notifying them that a majority of the special districts would need to adopt a resolution proposing representation on LAFCO. Included in that notice would be general information about LAFCO as, well as the cost implications for special districts. If a majority of the districts provide resolutions affirming an interest in special district representation, the Executive Officer would then adopt a resolution of intention, give notice, and then call a meeting of the independent special districts to select an Independent Special District Selection Committee. The members appointed to LAFCo would then elect or appoint special district officers (please see Exhibit "A" for a more detailed summary).

Unlike the County and the 15 cities which are more likely to have annexations, sphere revisions, or municipal service issues, some special districts are very small and operating on a limited budget and may not have reason to believe they would bring any issue before LAFCo. These small districts may be hesitant to sign a resolution requesting independence because of their obligation to help support LAFCo. Staff is proposing that the Commission form a subcommittee to help develop the initial mailing to the special districts that would reflect their budgets and level of activity. The Commission Subcommittee could then bring this information back to the Commission at the July 14, 2010, meeting for concurrence before starting the process.



FRESNO COUNTY FIRE

PROTECTION DISTRICT

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Sanger, California 93657
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www.fresnocountyfire.org

May 5, 2010

Jeff Witte, Executive Officer
Fresno LAFCo
2115 Kern Street, Suite 310
Fresno, California 93721

RE: Special Districts joining the LAFCo Board

Dear Mr. Witte:

On behalf of the Fresno County Fire Protection District, I would like to inquire into the possibility of allowing Special Districts to participate as board members on the Fresno Local Agency Formation Commission (LAFCo). I understand that there are twenty nine other Counties in California that currently have Special Districts seated at their board as fully voting members.

I understand that all of the Special Districts would be required to contribute towards the operating expenses of LAFCO. We would need to know what our share of these expenses would be and also how to calculate the fair share amount to be paid by each Special District.

We look forward to working with you on this. If you need any additional information or have any questions, please feel free to contact Battalion Chief Brian Newlin at 493-4316 (office), 903-6564 (cell) or by email at brian.newlin@fire.ca.gov.

Sincerely,

KEITH A. LARKIN
Fire Chief

gw

Seating Independent Special Districts on LAFCo

THE PROCESS

The commission may appoint two members and an alternate to represent special districts to serve on LAFCo (56325c).

All commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole: *"Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority"* (56325.1)

Section 56332.5 states: "The commission shall initiate proceedings for representation of independent special districts upon the commission if requested by independent special districts." A majority of the independent special districts need to adopt resolutions proposing representation on LAFCo. Once LAFCo receives resolutions from a majority of special districts the commission shall adopt a Resolution of Intention. The Executive Officer shall give notice and call a meeting of the independent special districts to select special district representation on the commission.

The Independent Special District Selection Committee shall consist of the presiding officer of the legislative body of each independent special district. An alternate may be appointed by the legislative body of an independent special district if the presiding officer of that independent special district is unable to attend. Districts must be wholly located within the county. Each member of the selection committee shall have one vote. A quorum shall consist of a majority of the eligible districts (56332a).

The Executive Officer shall call and give written notice of all meetings for the Selection Committee so it can select members if a vacancy occurs (56332b).

If the Executive Officer determines that a meeting of the special district selection committee is not feasible, he may conduct the business of the committee in writing. The Executive Officer may call for nominations (for special district representation on LAFCo) to be submitted in writing within 30 days. At the end of the nominating period, the Executive Officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. Email may also be used with written evidence of receipt and prior concurrence of each district. The districts have at least 30 days to return the ballots by a specified date (56332c). The ballot shall contain the names of all nominees. Terms shall be four years.

The members appointed to LAFCb shall be elected or appointed special district officers residing within the county but shall not be on the Board of Supervisors or a city council.

Independent special districts shall pay one-third of the operational cost of LAFCo unless the independent special districts, the county and the cities approve an alternate method of apportionment. A Memorandum of Understanding (MOU) will be required between the LAFCo, the Board of Supervisors, the city councils and the special districts to seat independent special districts on LAFCo if an alternate method of apportionment as recommended is enacted. District designees need to sign the MOU on behalf of the independent special districts.