

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #7 – DISCUSSION OF ISLAND ANNEXATION POLICY
 RELATED TO OUTREACH REQUIREMENTS**

RECOMMENDATION:

Staff recommends that the Commission modify Policy #29, Item #3 to read as follows:

“The Commission directs that a City that proposes an island annexation proposal as such is defined in Government Code Section 56375.3 shall be required to have conducted a public relations/education effort within the affected area prior to the placement of the item on a Commission agenda for consideration. Such outreach/education efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the staff report presented for consideration by the Commission.”

BACKGROUND:

At the September 20th hearing staff was directed to return with a discussion regarding Policy #29 – Island Annexation Pursuant To Government Code Section 56375.3, Item #3. The language of this portion of the Commission’s policy adopted on March 31, 2005, reads as follows:

- “3. The Commission directs that a City proposing to initiate an island annexation proposal shall have conducted a public relations effort within the area prior to the adoption of its resolution of initiation. Such efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the application submitted for consideration by the Commission.”

Commissioner Nuaimi’s concern expressed at that hearing related to the language in the first sentence which indicates that the outreach program shall be conducted “prior to the adoption of its resolution of initiation”. As he indicated, most Cities wish to determine that they will move

forward with these proposals, which are highly unpopular, prior to conducting the outreach program, which is in direct conflict with the adopted policy. It was his position that verification that the outreach has been conducted prior to Commission consideration would be a more appropriate timeline for these efforts.

LAFCO staff, when processing the most recent set of island proposals, has not required strict adherence to the specific timing issue within the policy when addressing the various islands. This staff determination was based upon the then impending sunset provisions to Government Code Section 56375.3. LAFCO staff has, however, required that the outreach program be conducted prior to placement on the Commission's agenda for consideration and we have provided copies of the materials as a part of the staff report.

With the signing of AB 2223 extending the sunset of these provisions to January 1, 2014, clarification of the policy is appropriate. Staff has reviewed the minutes of the discussion at the March 31, 2005 Workshop on Island Annexations (copy included as Attachment #2). It is the staff's interpretation that the desire of the Commission was that an educational process be undertaken with island residents and landowners to, in essence, dispel the common myths about annexation. The timing of that discussion is the question posed at this hearing.

Having participated in a number of outreach meetings with City staff members, staff supports a modification in the policy language to clarify that the education/outreach program be undertaken prior to placement of the item on a Commission agenda for consideration. In this way, it would allow for the flexibility to address the issue through either a pre-zone hearing if the City needs to take that action, through survey response and outreach meetings if the sphere territory has existing pre-zone designations, or other means determined by the affected cities.

Therefore, staff recommends that the Commission modify the language of Policy #29 to reflect a change in timing for the conduct of outreach programs as outlined on page 1 of this report.

KRM/

Attachments:

- 1 -- [Proposed Amended Language for Policy #29](#)
- 2 -- [Minutes from March 31, 2005](#), Workshop Discussion of Island Annexation Policies