

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE: JUNE 6, 2011**

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: AGENDA ITEM #11 – EXECUTIVE OFFICERS REPORT**

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There are a few items which I believe require further direction from the Commission. They are outlined in this report as follows:

1. In January 2006 the Third Appellate Court for the State of California rendered a decision which is commonly known as the “Truckee Decision” which outlined that the determination of “principal county” applied to sphere of influence determinations as well as jurisdictional changes (copy of the decision is included as Attachment #1). This was a new interpretation and one which was not universally accepted by LAFCOs around the State. CALAFCO’s Legislative Committee put together a committee made up of Placer and Nevada County Executive Officers – the parties to the court case -- and myself. During the next couple of years interest in rewriting the applicable code sections to clarify the decision were discussed at the legislative committee level; however, the committee never met and no recommendation was ever provided.

Over the past year or so, I have again solicited my fellow EOs around the State to bring this matter forward. Unfortunately, I have only been successful in advocating for the out-of-agency service agreement determinations to be made by the County in which the service is to be provided. Other EOs do not see the concern as San Bernardino LAFCO does. Riverside and San Bernardino LAFCO have acknowledged this circumstance over the years and developed a process whereby the County with the affected territory processes any sphere of influence change. However, the service review for the northwest County area showed that this process is not universal in that actions by Kern County LAFCO for territory within San Bernardino County have not been provided to San Bernardino LAFCO.

Given the inability to interest others, I am now proposing a different approach to this issue. That approach, with the Commission's authorization, would be to proceed to review with the Executive Officers, and Commissions, of the counties which surround San Bernardino County – Inyo, Kern, Los Angeles, Orange and Riverside Counties – agreements to transfer sphere of influence jurisdiction to the County in which the territory of the sphere change lies. The process being proposed is to enter into agreements with these individual Counties as authorized under Government Code Section 56375(q) to specify that the responsibility for sphere of influence determinations will transfer to the LAFCO in the County where the territory lies as defined under the principal county statutes.

As noted above, this has been the practice for my entire tenure at San Bernardino LAFCO with Riverside LAFCO, and an agreement to solidify this practice in an adopted document is currently being pursued. At this time authorization from the Commission to work with the other four counties on such agreements is being requested. A draft agreement addressing San Bernardino/Riverside LAFCOs, which has been reviewed by Commission Counsel, is currently at Riverside LAFCO for review. A copy is provided for your information as Attachment #2. Once negotiated, each agreement will be brought back to the Commission for full review and authorization for signing.

2. Nominations for CALAFCO Awards at the Annual Conference are now due (Attachment #3). It is requested that Commissioners provide direction to staff on items which they wish to nominate for these awards.
3. The terms of office for two positions on the CALAFCO Board of Directors expire at the upcoming Annual Conference (information included as Attachment #4). Board of Supervisor member – currently filled by Chairman Mitzelfelt – and Special District Member which is filled by Jerry Gladbach from Los Angeles LAFCO. Last year, the Commission nominated Commissioner Curatalo for the Special District position. Staff is requesting direction on the nominations for the upcoming CCL discussion on the matter.

Staff will be happy to respond to any questions prior to or at the hearing.

/krm

ATTACHMENTS:

1. Copy of Court of Appeal Decision “Truckee Decision
2. Draft Memorandum of Understanding Transferring Principal County Status for Sphere of Influence Determinations
3. CALAFCO Achievement Award Nominations
4. Nominations for 2012 CALAFCO Board of Directors